



January 18, 2006

NOTICE OF PUBLIC RULES HEARING

The Ohio State Chiropractic Board hereby announces that a public hearing will be held on February 22, 2007 at 1:30 p.m. in the Vern Riffe Center for Government and the Arts, 77 South High Street; 19th Floor, Room 1932, Columbus, Ohio for the purpose of adopting a new administrative rule and amending certain existing administrative rules. The hearing will be recorded at the expense of the Board.

In accordance with Ohio Administrative Code Section 4734-2-01, any person affected by the new proposed rule or any proposed rule amendment may:

- Appear and be heard in person, by the person's attorney, or both at the hearing on February 22, 2007;
- Present their positions, arguments, or contentions, orally or in writing;
- Offer and examine witnesses;
- Present evidence tending to show that the proposed rule or amendments, if adopted or effectuated, would be unreasonable or unlawful.

The board will also permit persons affected by the proposed rule or rules amendments to present their positions, arguments, or contentions in writing. Written testimony must be received in the Board office by February 22, 2007 at 1:30 p.m. to be included in the hearing record. You are not required to appear at the hearing if you choose to present your position, arguments or contentions in writing.

Upon closure of the hearing record, the board will thoroughly review and consider all testimony. The board may make changes to a rule based on testimony received. If the board refiles a rule, a second public hearing notice is not required unless the change in the rule makes the rule inconsistent with the public hearing notice provided with the original rule filing.

Prior to the effective date of a rule or amendment, the board shall make a reasonable effort to inform those affected by the rule or amendment. The method of notification will include posting the full text of the rules as adopted or amended on the board's web site and by sending notification to all current licensees via regular mail. Any person or his or her attorney who provided evidence, oral testimony, and/or a written statement which were made part of the record of the public hearing will also receive notification by regular mail.

A synopsis of the proposed rule and rules amendments are listed as follows. For detailed information on all changes and amendments, the full text of each rule is posted on the Board's website at www.chirobd.ohio.gov. Click on the link "Proposed New Rule and Rules Amendments." You may also contact the Board office for a full copy of the proposed new rule and rules amendments.

Proposed New Rule

4734-8-02 Unlicensed Supportive Personnel

Defines unlicensed supportive personnel and the duties such personnel may and may not perform.

Proposed Rule Amendments

4734-1-02 Public Notice of Meetings

Removes the annual \$10 fee for receiving advance notification of meetings of the Board.

4734-1-09 Organizational Memberships

Amends how voting delegates for the Federation of Chiropractic Licensing Boards and the National Board of Chiropractic Examiners are selected; and requires the voting delegate to vote according to a majority of the Board.

4734-1-15 Scope of Practice

Defines chiropractic physicians as primary health care providers trained to examine diagnose and assume responsibility for the care of patients in both health and disease qualified to consult with, refer to and/or receive referrals from other health care providers; includes and permits the practice of chiropractic to include rehabilitative procedures; and removes the prohibition of advertising and practicing as homeopathic physicians.

4734-5-01 Board-Approved Chiropractic Educational Institutions and Programs

Defines that graduate doctors of chiropractic shall be qualified to consult with, refer to and/or receive referrals from other health care providers; and defines the minimum curriculum subjects of Board-approved chiropractic colleges.

4734-6-03 Temporary Licenses
Correction only in paragraph (A). Change 4734.09 to 4734.27.

4734-6-04 Preceptorships
Changes the number of years in practice requirement for Ohio licensees serving as preceptors from five years to seven years.

4734-6-08 Pre-Chiropractic Educational Requirements
Corrects reference from foreign applicants to foreign educated applicants; and requires that effective January 1, 2010 all applicants for licensure must possess a minimum of a bachelor's degree.

4734-7-02 Application and Requirements for Approval of Continuing Education Programs
More clearly defines the requirements for approval of continuing education programs; requires programs to be sponsored by a board-approved chiropractic college, a non-profit chiropractic association registered with the state of Ohio Secretary of State, or an accredited academic health institution or hospital; requires instructors who intend to practice chiropractic as part of their program to obtain a temporary license; reduces the application deadline from 60 to 45 days prior to the date of the program; requires instructors to complete an application for approval; adds topics to list of subjects; removes the prohibition of cancellation of a program in the last quarter of the year to December only; removes hearing requirement for denial of CE programs.

4734-7-03 Continuing Education
Removes requirement for formal Board member approval for CE teaching credit; permits the Board to extend the CE deadline for illness, disability or other good cause shown.

4734-8-03 Quality Intervention Program
Changes to the rule are to more clearly define the QIP; reduces the number of panel members from five to three; outlines requirements for participation agreement.

4734-8-04 Documentation and Record Keeping
Changes title of rule from record keeping to include documentation; requires all services ordered by a chiropractic physician to be documented in the patient's file; requires a chiropractic physician to complete a report for each diagnostic procedure performed; requires the release of patient records in accordance with ORC Section 3701.74

4734-8-05 Examination and Prescription Protocols
Adds language that evaluation and management be conducted as needed, based on each patient's condition, in accordance with prevailing standards of care; removes incorrect reference to OAC Section 4734-8-01.

4734-9-02 Advertising and Solicitation
Requires all advertisements and solicitations to contain the first and last name of a designated chiropractic physician who has reviewed and approved the content of the advertisement or solicitation; deems said designated chiropractic physician responsible for solicitations made by others on his or her behalf; requires all advertisements and solicitations in connection with the practice of chiropractic to clearly reveal that the advertisement or solicitation is being made on behalf of a chiropractic physician(s); requires one of these terms to be included in all advertisements and solicitations: chiropractic, chiropractor, doctor of chiropractic or chiropractic physician and the initials D.C. with a chiropractic physicians name; requires a record of the names and telephone numbers of individuals solicited via phone; requires each telephone solicitation to be recorded; requires chiropractic physicians to maintain a copy of the exact solicitation script and a record of the names and telephone numbers of individuals contacted via a telecommunication device for one year from last date of use; requires chiropractic physicians who solicit via any written medium to maintain a copy of the written solicitation and a record of the names, addresses, electronic mail address or other location where the solicitation was sent for one year from the date of last use; requires chiropractic physicians who solicit via in-person to maintain a record of the names of the individuals contacted, including their address and telephone number, and that any verbal communication and/or written document disseminated to the individual comply with the Board's advertising and solicitation rule and be maintained for one year from date of last use; deems failure to maintain the required solicitation records for one year a violation of the rule; requires the chiropractic physician or individual soliciting on behalf of a chiropractic physician to disclose the chiropractic physician's name and practice on whose behalf the solicitation is made

4734-9-03 Signage and Display of License
Changes title from signage to also include display of license; requires the display of chiropractic license.

4737-9-07 Billing Practices
Requires chiropractic physicians to release copies of billing records upon written request.

4737-9-08 Professional Ethics
Changes title of rule from professional conduct to professional ethics; prohibits discrimination; requires consultation with other health care professionals when beneficial to patient or when requested by patient; requires licensees to report violation of the Board's laws and rules; prohibits remuneration for the referral of a patient to a clinic, laboratory or other health service entity; outlines procedures for discontinuing care; prohibits guarantees and taking advantage of a patient; requires release of records.