



August 20, 2007

NOTICE OF PUBLIC RULES HEARING

The Ohio State Chiropractic Board hereby announces that a public hearing will be held on September 20, 2007 at 12:30 p.m. in the Vern Riffe Center for Government and the Arts, 77 South High Street; 19th Floor, Room 1918, Columbus, Ohio for the purpose of adopting new administrative rules and amending and rescinding certain existing administrative rules.

Any person affected by the new proposed rules or any proposed rule amendment or rescission may:

- Appear and be heard in person, by the person's attorney, or both at the hearing on September 20, 2007;
- Present their positions, arguments, or contentions, orally or in writing;
- Offer and examine witnesses;
- Present evidence tending to show that the proposed rules, amendments or rescissions, if adopted or effectuated, would be unreasonable or unlawful.

The board will also permit persons affected by the proposed rules or rules amendments and rescissions to present their positions, arguments, or contentions in writing. Written testimony must be received in the Board office by September 20, 2007 at 12:30 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, amendment or rescission, the board shall make a reasonable effort to inform those affected. The method of notification will include posting the full text of the rules as adopted on the board's web site and by sending notification to all current licensees via regular mail. Any person who provided evidence, oral testimony, and/or a written statement which was made part of the record of the public hearing will also receive notification by regular mail.

A **synopsis** of the proposed rules, amendments and rescissions are listed as follows. For detailed information, the **full text of each rule is posted on the Board's website at www.chirobd.ohio.gov**. Click on the link "Proposed Rules." You may also contact the Board office to request copies by fax or mail.

Proposed New Rules

4734-6-07 Addresses of Licensees (rescinded and drafted as new)

To require licensees who possess an acupuncture certificate to abide by the same address reporting requirements as chiropractic physicians and to prohibit licensees from providing a post office box as a home and/or business address without also disclosing the physical location of the home and/or business.

4734-8-07 Terminating Patient Relationship

Outlines formal procedures for terminating the doctor-patient relationship and the required procedures for retiring from, leaving, selling or closing an office; defines procedure for when patient initiates termination of the doctor patient relationship and disposition of records upon death of a chiropractic physician.

4734-8-08 Universal Precautions

Outlines the procedures, requirements and precautions required when performing invasive procedures involving needles.

4734-9-06 Sexual Misconduct - (Original Rule will be rescinded and replaced with new 4734-9-06)

Defines "patient," "doctor-patient relationship" and "sexual misconduct" and conduct that constitutes sexual misconduct.

4734-10-1 Maintaining a Certificate to Practice Acupuncture

Requires licensees to maintain an active chiropractic license in order to possess an acupuncture certificate; requires when a

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chiropractic license is suspended, revoked, placed inactive or forfeited, that the certificate to practice acupuncture shall likewise be suspended, revoked, placed inactive or forfeited. Prohibits a chiropractic physician from holding an active acupuncture certificate without an active chiropractic license.

4734-10-2 Acupuncture Course of Study Approval

Outlines the requirements for acupuncture courses of study and procedures for applying for Board-approval.

4734-10-3 Application for Acupuncture Certificate

Outlines the procedures and requirements for applying for a certificate to practice acupuncture in the state of Ohio.

4734-10-4 Acupuncture Certificate Renewal Requirements

Outlines the procedures and requirements for renewing an acupuncture certificate.

4734-10-5 Acupuncture Referral

A chiropractic physician may refer a patient to an individual who holds a valid Medical Board certificate of registration to practice acupuncture. The chiropractic physician must comply with all applicable sections of Chapter 4762 in regard to supervision of the acupuncturist.

Proposed Rule Amendments

4734-6-08 Pre-Chiropractic Educational Requirements

Effective June 30, 2010 all applicants for chiropractic licensure must possess a bachelor's, masters' or doctorate degree prior to making application for an Ohio license.

4734-7-01 Chiropractic License Renewal Requirements

Change title of rule and require chiropractic licensees to attest on their renewal application to achieving 24 hours of CE.

4734-7-02 Application and Requirements for Approval of Continuing Education Programs

Changes made to include application and requirements for approval of acupuncture continuing education programs.

4734-7-03 Continuing Education

Delete Para. A (moved to Para. B of 4734-7-01). Changes made to distinguish between chiropractic and acupuncture CE.

4734-7-04 Inactive License; Restoration of License

Outlines procedures and requirements for inactivating and restoring chiropractic licenses and acupuncture certificates; requires chiropractic licensees to place their acupuncture certificate on inactive status when inactivating their chiropractic license; outlines how to inactivate and restore chiropractic licenses and acupuncture certificates; outlines procedure for the Board to refuse or deny restoration of an inactive chiropractic license or acupuncture certificate.

4734-8-03 Quality Intervention Program

Changes made to incorporate acupuncture into the QIP.

4734-9-02 Advertising and Solicitation

Requires those licensees who practice acupuncture to abide by the same advertising and soliciting requirements as currently required for chiropractic; deletes the requirement that licensees place the initials D.C. after their name on all advertisements and solicitations; and prohibits acupuncture certificate holders from advertising or representing that they practice oriental medicine or from utilizing any title, initials, or abbreviations prohibited by ORC Section 4762.08.

4734-9-03 Signage and Display of License

Requires public and prominent display of acupuncture certificate and prohibits acupuncture certificate holders from utilizing any title, initials, or abbreviations prohibited by Ohio Revised Code Section 4762.08 on any sign.

4734-9-08 Professional Ethics

Delete paragraph (M) regarding discontinuation of care.

4734-9-10 Conduct Following Action Against a License

Changes made to incorporate acupuncture in conduct following disciplinary action.