

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Chiropractic Board

Regulation/Package Title: Chiropractic and Acupuncture Renewal Requirements; Continuing Education Held Within and Outside of the State of Ohio and via Electronic Learning; Inactive and Forfeited Chiropractic License Restoration

Rule Number(s): 4734-7-01; 4734-7-02; 4734-7-03; 4734-7-04; 4734-7-05; 4734-10-04

Date: 5/1/12

Rule Type:

☐ New

☒ Amended

☐ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

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4734-7-01 Chiropractic License Renewal Requirements

This rule addresses the chiropractic license renewal process, fee, and deadline as well as the requirements and exceptions for chiropractic continuing education. The proposed amendments are being made to provide clearer guidance on CE requirements for licensees, add additional acceptable CE topics, and eliminate the need for licensees to seek preapproval when earning CE via teaching or via college credit.

4734-7-02 Standards for Board-Approved Continuing Education Sponsors; Continuing Education Held Within the State of Ohio

This rule addresses standards and requirements for CE held in Ohio sponsored by Board-approved CE sponsors. The proposed amendments are being made to provide clearer guidance for CE sponsors; to require that CE sponsors notify registrants of program changes or cancellations; and eliminate submission of attendance rosters to the Board.

4734-7-03 Continuing Education Offered Outside of the State of Ohio and Via Electronic Learning

This rule addresses standards and requirements for CE held outside of the state of Ohio or via electronic learning. The proposed amendments will add CE topics and require certificates of completion to be provided to program participants.

4734-7-04 Inactive Chiropractic License; Restoration of Chiropractic License

This rule addresses the process for restoring an inactive chiropractic license. The proposed amendment will eliminate the necessity of a notarized affidavit to restore a license.

4734-7-05 Forfeiture of Chiropractic License; Restoration of Chiropractic License

This rule addresses the process for reinstating a forfeited chiropractic license. The proposed amendment will eliminate the necessity of a notarized affidavit to reinstate a license.

4734-10-04 Acupuncture Certificate Renewal Requirements

This rule addresses the acupuncture certificate renewal process, fee and deadline as well as the requirements and exceptions for chiropractic continuing education. The proposed amendments are being made to provide clearer guidance on CE requirements for licensees and eliminate the requirements regarding where and how CE is earned.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

4734-7-01, 7-02, 7-03 and 7-05 = 4734.25

4734-7-04 = 4734.26

4734-10-04 = 4734.284

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

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If yes, please briefly explain the source and substance of the federal requirement.

These rules do not implement a federal requirement.

- 4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Federal requirements do not apply to these rules.

- 5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The Board is statutorily required to renew licenses and require continuing education and is statutorily required to inactivate and forfeit licenses and restore said inactive and forfeited licenses.

- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

One form from the Board's reinstatement application will be eliminated. The elimination of CE rosters will eliminate 150-200 rosters per year. Requests for CE waivers for earning acupuncture CE or CE via teaching or college credit earned will eliminate approximately 20 waivers per biennium.

Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

All Board approved CE sponsors; professional chiropractic organizations; all Board-approved chiropractic colleges, and all licensees for whom an email address is on file.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

The Board received input suggesting additional CE topics; reducing the number of CE hours; removing instate CE earning requirement and allowing CE hours to transfer over bienniums. The Board considered this input and incorporated most of it in the draft proposed rules.

- 9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

We did not use scientific data to develop the rules as the rules are not data driven. CE is required by all chiropractic licensing jurisdictions in the country.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Board considered changing the requirement regarding where CE is earned and determined that maintaining the requirement that those who treat Ohio consumers should earn 24 hours of CE in Ohio from programs specifically approved by the Board should remain in effect. The alternative was to let those who live in Ohio but don't practice here to earn their hours out of state which is proposed in the draft rule. Allowing licensees who do not practice in Ohio flexibility in earning CE allows them to meet their home state CE requirements.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

The primary purpose of the rules is to ensure competency and skills are maintained and kept up to date. The Board did not see an application for them to be performance based.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

There are no other regulations in Ohio that require chiropractic license or chiropractic acupuncture certificate renewal.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules will be posted on the Board's website and webpages devoted to the specific topic will be amended to provide comprehensive guidance to those regulated. The Board will also provide information and guidance in its communications and annual newsletters to the profession.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The rules affect all licensees and all CE providers who wish to offer CE to Ohio licensees.

- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

License fees, CE costs, penalties and time for compliance.

- c. Quantify the expected adverse impact from the regulation.**

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

The regulations institute a chiropractic license renewal fee of \$500 and acupuncture certificate renewal fee of \$100 and CE costs average \$0 to \$299 per 12 hour course. CE is offered on the weekends and online and can be earned during non-working hours.

- 15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

Requiring CE ensures licensee competency and skills are maintained and kept up to date. All chiropractic licensing jurisdictions in the country requires CE, with more than half requiring 36 hours or more over a two year period. Renewal fees are necessary for the regulatory Board to fulfill its statutory mandates and have remained unchanged since 1997.

Regulatory Flexibility

- 16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The rules provide for a waiver of CE for first initial renewal for new licensees; allows for waivers, extensions or reduction of CE for good cause and permits alternative methods of earning CE such as teaching or education earned through college courses.

- 17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

License/certificate renewal is a collection of revenue in accordance with ORC § 119.14 (C)(4) for which the late renewal penalty fee may be imposed.

- 18. What resources are available to assist small businesses with compliance of the regulation?**

The Board’s website provides comprehensive information pertaining to renewal, restoration/reinstatement and continuing education. All forms are posted on the Board’s

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website and a list of in state approved CE is maintained and posted on the Board's website. The staff of the Board also personally answers and responds to each phone call, email, correspondence, etc.

Contact Information:

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