



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

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Business Impact Analysis

Agency, Board, or Commission Name: Ohio State Chiropractic Board

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Renewal; CE Standards; Inactive Acupuncture Certificate Restoration

Rule Number(s): 4734-7-01; 4734-7-2; 4734-10-06

Date of Submission for CSI Review: _____

Public Comment Period End Date: _____

Rule Type/Number of Rules:

New/____ rules

No Change/____ rules (FYR? ____)

Amended/ 3 rules (FYR? Yes)

Rescinded/____ rules (FYR? __)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

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

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

4734-7-01 Renewal Requirements

The rule describes chiropractic license renewal and renewal requirements.

4734-7-2 Standards and Requirements for Continuing Education

The rule describes the standards and requirements for CE used for license renewal purposes.

1. Adds animal chiropractic and risk management as CE topics.
2. Removes ethics and professionalism as a mandated CE topic.
3. Adds boundaries and/or trauma informed care as a mandated CE topic.
4. Amends online learning program requirements for better ease of compliance.

4734-10-06 Inactive Acupuncture Certificate; Restoration of Acupuncture Certificate

The rule describes how to restore inactive acupuncture certificates.

1. Minor changes proposed to make the rule clearer.

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- 3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

4734-7-01 = ORC 4734.10 and 4734.25

4734-7-02 = ORC 4734.10 and 4734.25

4734-10-06 = ORC 4734.10 and 4734.286

- 4. 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?**

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

No.

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

N/A

- 6. 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)?**

4734-7-01: provides guidance to licensees on how to renew their license and the CE hours required to do so.

4734-7-02: provides guidance to licensees to assist them in determining what CE programs meet the Boards requirements for license renewal purposes.

4734-10-06: provides guidance to acupuncture certificate holders on how to restore inactive acupuncture certificates.

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

Clear and consistent rules and requirements create fair treatment and consistent standards for our licensees.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

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

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If applicable, please include the date and medium by which the stakeholders were initially contacted.

Notice of the Board's intention to review the rules in this package was posted on the Board's website and an email was sent to all licensed chiropractors regarding same on March 30, 2021.

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

No input was received.

11. 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?

Scientific data was not used to develop the rules in this package.

12. 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?

None. The Board is required to set renewal and CE standards per ORC Section 4734.25. Rule 4734-10-06 provides detailed guidance licensees need to apply the statute.

13. 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.*

Performance based outcomes do not apply to this rules package.

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

There is no other State agency that regulate the practice of chiropractic in Ohio.

15. 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.

Staff training is conducted for all rules changes to ensure regulations are applied consistently and predictably. The Board uses its website and newsletters to the profession to educate and update stakeholders on the rules. Stakeholder organizations also ensure that new rules and rules changes are provided to their members through communications and CE opportunities.

Adverse Impact to Business

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

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- a. **Identify the scope of the impacted business community; and**
Chiropractors.
- b. **Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and**
4734-7-01: Biennial chiropractic renewal fee; biennial acupuncture certificate renewal fee; time for completing online renewal application; time and fees to earn required continuing education.
4734-7-02: No adverse impact, this rule provides guidance to licensees regarding acceptable continuing education.
4734-10-06: Reinstatement fee; time for completing online renewal application; time and fees to earn required continuing education
- 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.
4734-7-01: \$500 Biennial chiropractic renewal fee; \$100 biennial acupuncture certificate renewal fee; fees to earn required continuing education range from free to several hundred dollars.
4734-10-06: \$100 or \$50 (fee is prorated based upon time of application); fees to earn required continuing education range from free to several hundred dollars..

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

Continuing education ensures licensee competency and skills remain within the prevailing standard of care.

Renewal fees fund the Board so that it can fulfill its statutory mandates.

Regulatory Flexibility

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

4734-7-01: The Board provides certain exceptions for earning continuing education.

4734-7-02: Not applicable.

4734-10-06: Continuing education exemptions or alternative means of compliance is outlined in rule 4734-7-01.

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19. 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?

Renewal fees are a collection of revenue in accordance with ORC Section 119.14 (C)(4) for which a late renewal penalty fee may be imposed.

20. What resources are available to assist small businesses with compliance of the regulation?

The Board's website provides comprehensive information and newsletters are published to provide information and updates to our licensees. Staff of the Board personally reply to all inquiries seeking assistance.

Contact Information

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