



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Liz Moore, Ohio State Chiropractic Board

FROM: Joseph Baker, Business Advocate

DATE: October 6, 2021

RE: **CSI Review – Renewal; CE Standards; Inactive Acupuncture Certificate Restoration (OAC 4734-7-01, 4734-7-2, and 4734-10-06)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

Analysis

This rule package consists of three amended rules proposed by the Ohio State Chiropractic Board (Board). This rule package was submitted to the CSI Office on April 28, 2021, and the public comment period was held open through May 12, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 28, 2021.

The rules in this package address renewal requirements for chiropractic licenses and acupuncture certificates, requirements for chiropractic continuing education courses, and the process for restoring an inactive acupuncture certificate.

OAC 4734-7-01 outlines renewal requirements for chiropractic licenses and acupuncture certificates, including specifying continuing education requirements, defining notification responsibilities of the Board, permitting the Board to audit renewal applications, requiring payment of a renewal fee, and outlining possible methods of completing continuing education hours. The continuing education requirements for renewal of a chiropractic license include 34

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hours of instruction in various components of chiropractic practice, as well as 2 hours of Board-mandated instruction in boundaries or trauma-informed care, human trafficking, or laws and rules. Chiropractic licensees renewing acupuncture certificates must meet the same requirements, except that 12 of the 34 hours of continuing education must be related to the practice of acupuncture. The rule is amended to make several technical changes.

OAC 4734-7-02 sets forth the requirements for continuing education courses, including that a course must have significant intellectual or practical content designed to improve the licensee's professional experience, consist of topics of clinical benefit, and be based on scientific evidence. Online continuing education courses must additionally have a mechanism sufficient to ensure that the participant has earned all the time required. The rule also permits individuals who possess a current chiropractic license in another state and who meet other basic requirements to instruct a chiropractic continuing education course without obtaining a temporary license. The rule has been amended to permit animal chiropractic and risk management as possible continuing education topics, to replace ethics and professionalism with boundaries and trauma-informed care as mandated continuing education topics, and to modify requirements for online continuing education courses.

Lastly, OAC 4734-10-06 sets forth the process for restoration of an inactive acupuncture certificate. Specifically, an applicant must pay a fee of \$50-\$100, complete 6-12 hours of related continuing education and submit an application to the Board providing certain information depending on when the application is submitted. The Board is required by rule to consider the length of inactivity, character, and activities of the applicant during the inactive period and may impose terms and conditions for restoration of the certificate as it deems necessary. The rule has been amended for purposes of clarification.

During early stakeholder outreach, the Board sent the proposed rules to all licensed chiropractors. No feedback was received. During the CSI public comment period, one comment was received pertaining to a proposal to increase the chiropractic license renewal fee from \$500 to \$550 on a biennial basis. After the CSI public comment period, the Board modified the rule to remove its proposed fee increase and submitted the updated rule to CSI on October 5, 2021.

The business community impacted by the rules includes all Ohio chiropractors. According to the BIA, the adverse impacts created by the rules include administrative effort necessary to complete the online renewal application, time to complete and costs of the continuing education requirements (34 hours of licensee-selected topical instruction, 2 hours of Board-mandated instruction), payment of a renewal fee for chiropractic licenses (\$500), payment of a potential reinstatement fee (\$50-100), time to complete and costs of the continuing education requirements

for reinstatement (6-12 hours of acupuncture-related instruction), and time to complete the online application for reinstatement. The Board states in the BIA that the adverse impact to business is justified to ensure licensee competency and skills remain within the prevailing standard of care and that renewal fees ensure the Board can fulfill its statutory mandates.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio State Chiropractic Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.