

The Ohio State Chiropractic Board

Guide to Public Participation In the Rule Making Process



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INTRODUCTION

The Ohio State Chiropractic Board is a state agency established by the legislature in 1975 to protect the public health, safety and welfare by regulating the practice of chiropractic. The Board is responsible for examining and licensing chiropractic physicians and enforcing the provisions of Chapter 4734 of the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) adopted by the Board.

MISSION

As servants to the public, our purpose is to protect public health, safety and welfare. Our mission is to proactively protect the health and welfare of Ohio's citizens and to regulate the chiropractic profession with vision by setting high standards for licensure and by fairly and consistently enforcing those standards through examination of new doctors, annual license renewal, clinic inspections, and timely investigation and disciplinary action when indicated.

This guide is published to educate and assist members of the public who participate, or who may wish to participate, in the Board's rule-making process.

RULE MAKING AUTHORITY

Per ORC § 4734.03, the Board must formulate rules to govern its actions and, consistent with ORC § 4734.091, shall adopt rules governing the practice of chiropractic. Rules adopted under chapter 4734 shall be according to the procedures of Chapter 119 of the ORC.

PUBLIC NOTICE OF BOARD MEETINGS

Per OAC 4734-1-05, any person may request to obtain advance notification of the time, place and purpose of all meetings of the Board. Requests to enter into discussion with the Board during a meeting should be made in writing in advance to the secretary and should state the nature of the business to be discussed. The scheduling of such discussion will be at the discretion of the Board President. At the Board's annual meeting held each September, any interested person who is affected by the business of the Board may enter into discussion with the Board without such prior approval. All proposed rules and/or rules changes, amendments, or rescissions are discussed in open session at regularly scheduled Board meetings. All meetings of the Board are open to the public. All correspondence addressed to the Board is reviewed at its next regularly scheduled meeting.

METHOD OF PUBLIC NOTICE OF PROPOSED ADOPTION, AMENDMENT OR RESCISSION OF A RULE

In accordance with OAC § 4734-1-01 and pursuant to Chapter 119 of the Revised Code, prior to adopting, amending, or rescinding any rule of the Board, the secretary must give public notice of the date set for public hearing on such rules. The notice must be in accordance with Chapter 119 of the Revised Code, and will be by advertising one time in one newspaper of general circulation in the city of Columbus at least thirty days prior to the date set for public hearing.

The Board must also file any proposed rule adoption, amendment, or rescission with the Joint Committee on Agency Rule Review, the Secretary of State and the Legislative Service Commission.

The Board must make necessary, reasonable effort to ensure notice is given to all persons who are subject to, or affected by, the proposed rule, amendment, or rescission. The proposed rule, amendment, or rescission must be available for at least thirty days prior to the date of the hearing in printed or other legible form without charge to any person affected by the proposed rule.

Public notice of adoption, amendment, or rescission of any rule must include:

- A statement of the Board's intention to consider adopting, amending, or rescinding a rule,
- A synopsis of the proposed rule, amendment or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates,
- A statement of the reason or purpose for adopting, amending, or rescinding the rule,
- The date, time and place of a hearing on the proposed action.

PUBLIC RULES HEARING

On the date, and at the time and place designated in the notice, the Board will conduct a public hearing at which any person affected by the proposed action of the Board may appear and be heard in person, by the person's attorney, or both, and may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule, amendment, or rescission, if adopted or effectuated, will be unreasonable or unlawful. The testimony at the hearing must be recorded at the expense of the Board. The Board may permit persons affected by the proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, for a reasonable period before, after, or both before and after the hearing. A person who presents a position or arguments or contentions in writing before or after the hearing is not required to appear at the hearing.

REVIEW OF RULES TESTIMONY

Once the hearing record is closed, the Board will thoroughly review and consider all the testimony at its next regularly scheduled meeting. The Board may make changes to the rule based on testimony received. The Board is not required to conduct another public hearing when the rule is refiled.

JOINT COMMITTEE ON AGENCY RULE REVIEW (JCARR)

All rules filed with JCARR are reviewed by JCARR staff to ensure that the following criteria are met:

- The rule does not exceed the scope of the rule-making agency's statutory authority.
- The rule does not conflict with a rule of that rule-making agency or a different rule-making agency.
- The rule is consistent with the intent of the General Assembly in enacting the statute under which the rule-making agency proposed the rule.
- The rule-making agency has prepared a complete and accurate "Rule Summary and Fiscal Analysis" of the proposed rule.

JCARR holds a meeting to review the rules under consideration. This meeting is the final opportunity for the public to provide comments about the rules. The comments before JCARR can only address the four issues that are within JCARR's jurisdiction.

RULES ADOPTION

After complying with the filing provisions of ORC Chapter 119, and when the time for legislative review and invalidation has expired, the Board may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the Board must designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form.

RULES NOTIFICATION

Prior to the effective date of a rule, amendment, or rescission, the Board shall make a reasonable effort to inform those affected by the rule, amendment, or rescission and to have available for distribution the full text of the rule as adopted or as amended.

FIVE YEAR RULE REVIEW

Pursuant to Sub. H.B. 473 of the 121st General Assembly, every five years state agencies are required to fully review each of their rules and determine whether to maintain without change, amend, or rescind their rules. Review dates are assigned so that approximately one-fifth of the agencies rules are scheduled for review during each calendar year.

CONCLUSION

The Board relies upon public input to guide its rule making activities and encourages feedback and comments on its rules. If you would like to be placed on the Board's mailing list to receive notice of all meetings of the Board, please contact the Board office.

If you have any questions regarding the information in this pamphlet, or would like more detailed information on the rule making process, please contact the Board office.

The Board's current laws and rules and Chapter 119 of the Ohio Revised Code can be accessed via the state of Ohio's website at www.state.oh.us/ohio/ohiolaws.htm. A copy of the Board's laws and rules can also be mailed upon request.

