

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Chiropractic Board

Regulation/Package Title: Military Considerations

Rule Number(s): 4734-11-01

Date: _____

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☐ Rescinded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.

The proposed new rule outlines considerations to be given to military personnel, veterans, and spouses in regard to licensure, renewal and continuing education.

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

ORC Sections 4743.04; 5903.03; 5903.10; 5903.12 and 5903.121.

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- 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?**

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

No. The regulation is not related to federal requirements, laws or programs.

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

Not applicable.

- 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 proposed rule provides licensure, renewal and continuing education exceptions, extensions and/or waivers to facilitate increased employment opportunities among Ohioans currently serving, or who have served in the military, and their spouses in certain circumstances.

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

The Board is tracking the number of veterans and their spouses who apply for licensure, renewal or continuing education exceptions, extensions and waivers and will determine the expediency to which service is received in comparison with non-veteran applicants. The expectation for success of this regulation is reduced processing time for applications, renewals and continuing education matters for military personnel, veterans, and their spouses when applicable.

Development of the Regulation

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

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

Notification seeking stakeholder input was posted on the front page of the Board's website and an electronic notification was sent to those licensees with an email address on file with the Board. Electronic notification was also sent to all Board-approved chiropractic colleges; Board-approved CE sponsors; the Ohio State Chiropractic Association (OSCA); the Council on Chiropractic Education (CCE); the Council on Chiropractic Education-International (CCE-I); the Student American Chiropractic Association (SACA); the American Chiropractic Association (ACA).

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The Board Director also consulted with the Governor's Office of Workforce Transformation and the Ohio Department of Veterans Services to draft the proposed rule.

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

Only 5 general comments were received. No specific input was provided.

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?

Not applicable.

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?

No alternative regulations were considered since the Ohio Revised Code is prescriptive regarding this matter.

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 Board did not consider a performance based regulation since the statutes are prescriptive in what is required and since rules related to licensure, renewal and continuing education, in general, are not conducive to a performance based approach to regulation.

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

The Board is solely responsible for the licensure, renewal and continuing education of Ohio licensed chiropractic physicians that the proposed rule administers.

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 Board has implemented a tracking system to log military personnel, veterans, and spouses for licensing, renewal and continuing education purposes. All staff is aware of the Board's draft rule and the current statutes regarding military personnel and have been directed to ensure the provisions are applied consistently and predictable for military personnel, veterans, and spouses. The Board's website has specific webpages for applicants and licensees that address the military considerations the Board may grant.

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;

Ohio military personnel, veterans, and applicable spouses, who are potential chiropractic licensees.

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

The nature of the adverse impact is the time and effort required to complete an application as well as any application fees. It is important to note the proposed rule allows for temporary licensure for a fee of \$75 instead of the usual \$250 application fee for spouses who wish to practice in Ohio up to two years. The proposed rule also permits an extension of the CE reporting period; permits the Board to consider relevant education, training or service completed in determining whether the licensee fulfilled the CE required to renew a license or certificate; allows for a waiver of the acupuncture certificate application fee; and, permits reinstatement of a forfeited license without paying the \$150 penalty fee. In addition, the proposed rule permits the Board to recognize equivalent education and experience gained in the military which may offset some of the pre-chiropractic college educational requirements.

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 specific changes being proposed in this rule filing are intended to reduce the impact of normal licensure, renewal and continuing education for military personnel, veterans, and spouses when applicable.

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

Executive Order 2013-05K and recently-enacted House Bill 98 both recognize the contributions and qualifications of Ohio veterans and encourage streamlining of the licensure, renewal and continuing education process. The regulatory intent is further justified because the Board recognizes that the experiences of our military are valuable, translatable in certain circumstances, and should be considered in the licensing process wherever possible to facilitate economic opportunities for veterans returning to civilian service in a professional field.

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Regulatory Flexibility

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

Not applicable.

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?

Paperwork violations are not applicable to the proposed rule.

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

The Board's website provides comprehensive information, (and will be updated with further information once the rule is enacted) and newsletters are published to provide information and updates. The Board also publishes informative articles in the professional magazine of the Ohio State Chiropractic Association, the largest chiropractic association in Ohio. Staff of the Board personally answer and respond to each phone call, email, correspondence, etc.

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