

**MEMORANDUM**

TO: Kelly Caudill, Ohio State Chiropractic Board

FROM: Sophia Papadimos, Regulatory Policy Advocate

DATE: August 20, 2015

RE: **CSI Review – Preceptorships, Continuing Education, and Concussion Management (OAC 4734-6-04, 4734-7-01, 4734-7-02, 4734-7-03, 4734-7-04, 4734-7-05, 4734-8-09, 4734-10-04 and 4734-10-06)**

On behalf of Lt. Governor Mary Taylor, 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 Agency as provided for in ORC 107.54.

Analysis

This rule package consists of nine rules being proposed by the Ohio State Chiropractic Board. One new rule is being proposed, two rules are being proposed for rescission, and six rules are being proposed with amendments.¹ The rule package was submitted to the CSI Office on July 6, 2015 and the comment period was held open until July 21, 2015. Eleven comments were received during this time.

The proposed rules pertain to preceptorships, continuing education, inactive licenses, forfeited licenses, and concussion management. A preceptor was previously required to have seven years of experience, which is being changed to five years in this rule package. The Board is also removing the requirement that a college which is already approved must also apply for approval of its preceptorship program.

¹ OAC 4734-7-01 and 4734-7-02 are being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that the rules be rescinded and replaced as new rules with the same rule numbers.

For continuing education (CE), the Board is proposing to increase the number of out-of-state and online hours that can be applied toward CE requirements. The draft rules outline the CE subjects that do and do not count toward fulfilling the requirements. A proposed amendment to OAC 4734-7-02 would specifically state that authoring an article or research paper is a prohibited form of continuing education. In general, the CSI Office supports providing more CE options for licensees rather than fewer, and activities such as researching and publishing articles are legitimate ways to achieve the goals of continuing education. Subsequent conversations with the Board revealed that while articles or research papers are rarely submitted by licensees, the Board will amend the language to accept articles or research papers that are published in accredited journals.

OAC 4734-8-09 is a new rule being proposed in response to House Bill 487 of the 130th General Assembly that pertains to concussion management. The proposed rule outlines youth concussion assessment and clearance guidelines recommended by the Ohio Youth Sports Concussion & Head Injury Return to Play Guidelines Committee. The Committee was made up of professional licensees with expertise in treating youth sports concussions and head injuries. The Committee also relied upon and directed licensees to meet the “Zurich Guidelines” which is the international consensus statement on concussions in sports. The rule states licensees shall maintain a level of continuing education related to concussion management. Licensees’ assessments must be in collaboration with a physician, unless the licensee is a diplomate in chiropractic neurology recognized by the American Chiropractic Neurology Board, a diplomate in chiropractic sports medicine recognized by the American Chiropractic Board of Sports Physicians, or a certified chiropractic sports physician recognized by the American Chiropractic Board of Sports Physicians and listed on the American Chiropractic Board of Sports Physicians’ National Concussion Registry. The draft rule originally allowed chiropractors to also collaborate with one of the specific licensees previously mentioned, instead of a physician. However, the Board changed the rule during the CSI process to only allow for collaborative work with a physician.

The Board explains in the BIA, in detail, the adverse impacts created by the rules. The comments received largely pertained to the new concussion management rule. Some chiropractors expressed concerns with having three specific categories of chiropractors that do not have to collaborate with a physician. However, the Committee’s report specifically outlines the three categories of approved chiropractors. Other commenters requested clarification regarding the continuing education requirements, which the Board provided.

After reviewing the proposed rules and associated BIA, the CSI Office has determined that purpose of the rules is justified.

Recommendations

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.