

**MEMORANDUM**

TO: Kelly Caudill, Ohio State Chiropractic Board

FROM: Emily Kaylor, Director of Regulatory Policy

DATE: June 22, 2017

RE: CSI Review – 2017 Five-Year Review and House Bill 290 Changes (OAC 4734-6-06, 4734-7-03, 4734-7-04, 4734-7-05, 4734-10-01, and 4734-10-02)

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 one new, one no-change, and four amended rules being proposed by the Ohio State Chiropractic Board. The rule package was submitted to the CSI Office on May 18, 2017 and the comment period was held open until June 2. One comment was received during this time.

The no-change and amended rules are submitted for their statutorily-required five-year review. These rules cover the passing score for the Board's exam, restoration of inactive and forfeited licenses, and acupuncture certificates and programs. The amendments remove duplicative and necessary language and clarify the requirements for educational providers to seek Board approval of an acupuncture course of study. The new rule complies with House Bill 290 of the 131st General Assembly which requires healthcare licensing entities to allow licensees to earn up to one-third of their continuing education credits by volunteering their healthcare services to indigent and uninsured individuals.

The Board reached out to their licensees and stakeholder list for feedback on the rules. During this

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117
CSIOhio@governor.ohio.gov

early stakeholder outreach, one comment was received suggesting an increase in the passing score for the Board's exam. However, the Board maintained the 75% requirement as they found it high enough to maintain the profession's understanding of Ohio's laws and rules. One comment was received during the CSI public comment period that seemed to misinterpret the statutory requirements for the indigent and uninsured volunteer services. The Board is preparing a response to the commenter and will work to ensure there is no misunderstanding.

The rules impact applicants for licensure, current licensees, and inactive licensees. Additionally, those holding an acupuncture certificate are covered in these rules. There are time and administrative costs in addition to applicable fees associated with reinstatement and renewal. A chiropractic license costs \$500 every two years to renew. The Board states the rules are necessary to comply with statute and uphold the integrity of the chiropractic profession.

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.