



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Liz Moore, Ohio Chiropractic Board

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: April 24, 2019

RE: CSI Review – 2019 Five Year Rule Review (4734-5-02; 4734-5-03; 4734-6-01; 4734-6-02; 4734-6-04; 4734-6-08; 4734-8-01; 4734-8-04; 4734-8-07; 4734-9-02; 4734-9-07; 4734-11-01)

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 Agency as provided for in ORC 107.54.

Analysis

This Ohio Chiropractic Board (Board) rule package consists of 12 rules (7 no change, 5 amended) submitted as part of the statutory five-year review process. The rule was submitted to the CSI Office on March 21, 2019 and the public comment period was open through April 5, 2019.

The proposed rule package covers general chiropractic issues including degree programs, licensure requirements, practice issues, licenses of military and military spouses, the Council on Chiropractic Education, site visitation procedures, patient dismissal, documentation of patient care, notification to patients, advertising, and billing. Changes to rules in this package include general language updates, alignment with online license applications, a reduction in the burden placed on licensure applicants during the application process, and the removal of a notification requirements to any patient that exhibits unruly behavior.

During the period of early stakeholder outreach, the Board sent an electronic notification to all

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licensees, all Board-approved colleges, the Ohio State Chiropractic Association (OSCA), and the Council on Chiropractic Education (CCE). Numerous comments were received from these stakeholders. Comments included such topics as requests for a reduction in notification requirements to recent patients of six months; regarding billing practices, a definition for time of service discounts, a permission for write offs for co-pays or deductible balances from \$5 to \$10, and removal of the promotional item limit; requests to amend and not to amend rule 4734-9-02, Regarding advertising and solicitation, and a change in requirements that relate to telemarketing. Following these comments, rule 4734-9-02 remained unchanged, the notification requirement was reduced to six months, and no changes were made to rules regarding billing practices. During the CSI public comment period, there were no additional comments.

Potential business impacts from this rule package fall on chiropractic education programs, licensees, and potential licensees. Potential impacts are the time associated with rule compliance regarding site visitations and per diem, meals, travel, and presentation expenses. Licensure applicants are required to pay application fees (\$250/ \$75 for a temporary license for military personnel and spouses), and background check fees (22\$ fee for Bureau of Criminal Investigation and Identification, and 24\$ fee for FBI background check). Established licensees are required to comply with these rules for the sake of public health and welfare and may incur administrative costs as a result.

The Board justifies these rules as necessary for consistent standards of education, consistency in the licensure process, and consistency in standard to improve public health and welfare.

Recommendations

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

Conclusion

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