



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Elizabeth Moore, Ohio State Chiropractic Board

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: November 13, 2020

RE: CSI Review – Military Considerations (OAC 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 Board as provided for in ORC 107.54.

Analysis

This Ohio State Chiropractic Board (Board) rule package consists of one new rule and one rescinded rule. It was submitted to the CSI Office on February 21, 2020, and the public comment period was open through March 6, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on February 21, 2020.

The proposed rule outlines considerations for licensure given to members of the military and their spouses, to comply with requirements of Am. Sub. Senate Bill 7 (133rd General Assembly). The bill requires the Board to issue a temporary or regular chiropractic license to applicants that hold a valid license in another state that is in good standing, the applicant provides proof that they or their spouse is on military duty in Ohio, and the applicant complies with a criminal records check. OAC 4734-11-01 is proposed to be rescinded with a new version adopted to comply with the statutory requirements.

During the period of early stakeholder outreach, the Board posted the proposed rules on its website and notified all licensees, the Ohio State Chiropractic Association, and all other individuals that

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

requested to be notified. No input was received during the early stakeholder outreach period. One comment was received during the CSI public comment period that was not directly related to the content of the proposed rules.

Impacted communities include military members, spouses of military members, and veterans. Adverse impacts of the rule include the time and costs necessary to submit an application, credentials, and application fees, and to comply with a background check.

The Board states that the proposed rule is necessary to ensure consistent requirements, standards, and processes for the licensure and license renewal of military personnel, their spouses, and veterans. Additionally, the rule serves to satisfy requirements of Am. Sub. Senate Bill 7.

Recommendations

Amended Substitute Senate Bill 7 (133rd General Assembly) provides military members and their spouses with better employment opportunities by simplifying the process to transfer their occupational licenses to Ohio. The bill mandates that state licensing agencies issue licenses or certificates to military members and spouses who already hold a valid license to practice a trade or profession in another state, in a timely manner and at no cost.

The bill ensures that the State of Ohio has procedures in place to provide exceptional customer service and support to our military members and their families. Therefore, CSI makes the following recommendations to the Board.

1. License Type - Fees

CSI recommends that the Board clearly identify if the license being issued is a temporary or regular license throughout the rule.

ORC 4743.041(G) requires a licensing office to waive all fees associated with the issuance of a temporary license or certificate. Therefore, CSI recommends the Board also consider clarifying the fee language.

2. Qualifications

The proposed rule states that the Board may allow an applicant for licensure who is a military member or spouse to take the jurisprudence exam and be issued a license pending the results, and that the member may meet pre-educational

requirements by showing evidence of completed military training. Additionally, paragraphs (K) and (L) discuss fulfillment of continuing education requirements.

In doing so, while the Board may not intend for those provisions to apply to applicants applying under ORC 4743.041, they would require the applicant to meet more qualifications than required by Am. Sub. S.B. 7. ORC 4743.041(B) only requires an individual to hold a valid license or certificate to practice the trade or profession in another state or jurisdiction, be in good standing in the state or jurisdiction of licensure or certification, present adequate proof that the applicant or the applicant's spouse is on military duty in Ohio, and comply with criminal records check requirements.

Therefore, CSI recommends that the Board clearly identify the requirements applicable to military members and their spouses with an out-of-state license and refer to the statutory requirements in ORC 4743.041 for out-of-state licensure recognition for those applicants rather than the more complicated requirements it is proposing in the draft rule.

3. Track, Prioritize, and Expedite

ORC 5903.04, as amended by Am. Sub. S.B. 7, requires boards to establish and implement processes by rule for 1) obtaining documentation to determine military status, 2) recording, tracking, and monitoring applications from military members and their spouses, and 3) prioritizing and expediting licensing for military members and their spouses, including any appropriate special accommodations.

The proposed rules do not provide any more information than what is already required in statute, and do not address how the Board will obtain documentation, record, track, monitor, prioritize, and expedite licensing.

Therefore, CSI recommends that the Board more clearly define how it will meet its statutory obligations regarding these processes.

Conclusion

Based on its review, the CSI Office recommends that the Board should review its proposed rule based on the recommendations above prior to filing it with the Joint Committee on Agency Rule Review.

