

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Chiropractic Board

Regulation/Package Title: Scope of Practice

Rule Number(s): 4734-1-15

Date: May 15, 2015

Rule Type:

New

5-Year Review

Amended

Rescinded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.

Rule 4734-1-15 amplifies the Board's statutory scope of practice. The rule is being proposed for amendment rather than rescission at the request of stakeholders in order to maintain language in paragraph B.

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

4734.10

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2. **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.

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

N/A

4. **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)?**

Maintaining paragraph B of the rule provides clear guidance to licensees as to what the practice of chiropractic permits.

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

Success will be measured by reduced inquiries as to what is and what is not included in the practice of chiropractic.

Development of the Regulation

5. **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 October 27, 2014 for 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).

A BIA was issued January 9, 2015 to the above referenced stakeholders seeking comment and input on proposed rescission of this rule. One comment was received and reviewed by CSI. CSI made no recommendations on the rule and concluded the Board should proceed with filing the rule with JCARR. The Board filed the rule with JCARR for rescission on March 4, 2015.

A Hearing Notice was issued on March 10, 2015 to the above referenced stakeholders advising of the Board's filing the rule for rescission with JCARR and that a public hearing

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would be held April 9, 2015. Based upon input received from stakeholders, the Board withdrew the rule.

The Board reviewed stakeholder concerns at its April 9, 2015 meeting and determined to amend the rule.

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

The majority of stakeholder input requested that paragraph B not be rescinded and this affected the Board's initial determination to rescind the rule.

6. 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?

Scientific data was not used to develop the rules as the rules are not data driven.

7. 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?

There is no alternative to the chiropractic scope since it is defined by statute.

8. 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.*

Performance based outcomes don't apply to this rule.

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

There is no other agency that regulates the practice of chiropractic in Ohio.

10. 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.

Staff training is conducted for all rules changes to ensure regulations are applied consistently and predictably.

The Board uses its website, email notifications and newsletters to educate and update stakeholders on its rules. Stakeholder organizations also ensure that new rules and rules changes are provided to their members through communications and CE opportunities.

Adverse Impact to Business

11. 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;

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Chiropractic licensees.

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

The rule does not impact the business community in regard to fees, fines, or employer time.

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.

How long does it take to complete the application, how much?

The rule does not impact the business community in terms of dollars, hours to comply, etc.

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

The rule does not adversely impact the Board’s licensees since the scope of practice will remain unchanged.

Regulatory Flexibility

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

There are no specific exemptions or alternative means of compliance outlined in the rule.

14. 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 this rule.

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

The Board’s website provides comprehensive information 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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