

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Chiropractic Board

Regulation/Package Title: 2014 Rules

Rule Number(s): 4734-5-02; 4734-5-03; 4734-5-04; 4734-5-06; 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

Date: xxxxx, 2014

Rule Type:

New 4734-8-01

Amended 4734-6-01

5-Year Review

4734-5-02; 4734-5-03; 4734-5-04;
4734-5-06; 4734-6-02; 4734-6-04;
4734-6-08; 4734-8-01; 4734-8-04;
4734-8-07; 4734-9-02; 4734-9-07

Rescinded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.

This package of rules can be grouped into three themes of topics: Rules 4734-5-02, 5-03, 5-04 and 5-06 (Chapter 5 Rules) address doctor of chiropractic degree programs; Rules 4734-6-

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01, 6-02, 6-04 and 6-08 (Chapter 6 Rules) address licensure matters and pre-chiropractic college prerequisites and Rules 4734-8-01, 8-04, 8-07, 9-02 and 9-07 (Chapters 8 & 9 Rules) address practice related issues.

The proposed amendments to Chapter 5 Rules modernize terminology and reduce the financial impact to programs that require a site visitation.

The proposed amendments to Chapter 6 Rules modernize terminology and make language and requirements more concise and clear for ease of compliance.

The proposed amendments to Chapters 8 & 9 provide more defined guidance and consistency to licensees for ease of compliance.

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

4734.20; 4734.21; 4734.23; 4734.27 and 4734.31

3. 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.

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

N/A

5. 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)?

Clear and consistent requirements for education programs, licensure processes, and practices create confidence, fair treatment and consistent standards for the public.

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

Clear, concise and plain language will provide consistent processes for those affected.

Development of the Regulation

7. 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.

For all rules in this package with the exception of 4734-6-01, notification seeking stakeholder input was posted on the front page of the Board's website and an electronic notification was

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sent on June 13, 2013 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).

Notification regarding the opportunity to provide stakeholder input regarding Rule 4734-6-01 was posted on the Board's website and an email was sent on September 3, 2013 to all Board-approved chiropractic colleges and the SACA.

Additionally, a meeting was held on November 21, 2013 to further gather stakeholder input on Rule 4734-9-02.

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

Stakeholders suggested updating outdated language and terminology and making provisions broader and clearer which the Board incorporated into many of the rules in this package.

9. 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.

10. 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?

The Board considered requiring recording telemarketing calls. Based upon feedback from stakeholders, the Board determined this alternative was not feasible to implement.

11. 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 the rules in this package.

12. 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.

13. 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

14. 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;

The proposed amendments to Chapter 5 Rules impact doctor of chiropractic degree programs.

The proposed amendments to Chapter 6 Rules impact individuals applying for licensure and the preceptors who supervise interns.

The proposed amendments to Chapters 8 & 9 impact the Board's licensees in regard to compliance and directly affect public health, safety and welfare due to the subject matter.

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

The nature of the adverse impact for the proposed amendments to Chapter 5 Rules impact doctor of chiropractic degree programs since the rules address site visitations which could incur team per diem, travel and report preparation and presentation.

The nature of the adverse impact for the proposed amendments to Chapter 6 Rules impact individuals applying for licensure since the rules require application fees and, in instances of initial licensure, fees for fingerprint background checks.

The nature of the adverse impact for the proposed amendments to Chapters 8 & 9 impact the Board's licensees in regard to compliance and directly affect public health, safety and welfare due to the subject matter. Non-compliance with the rules in this package could result in warning or violation letters or disciplinary action.

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?

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The expected monetary adverse impact for the proposed amendments to Chapter 5 Rules is site visitation team per diem, travel, and report preparation and presentation and would vary depending on the location of the program. Additionally, for those programs applying for initial approval, time to complete self-study documentation is necessary. Site visitations are at the Board's discretion and are not mandatory.

Source: Board Rules 4734-5-03 -5-04 and -5-06.

The expected monetary adverse impact for the proposed amendments to Chapter 6 Rules is a \$250 application fee for initial licensure; \$500 for initial licensure via reciprocity, both of which require a fingerprint background check that is typically \$46, and \$75 for a temporary preceptorship license. Source: ORC 4734.20; 4734.202; 4734.23 and 4734.27.

The proposed amendments to Chapters 8 & 9 ensure consistent, ethical and safe treatment of patients receiving chiropractic care. The rules establish certain standards of practice in order to protect those that are receiving chiropractic services and to maintain professional and ethical standards so that all licensees are treated consistently and equally.

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

Chapter 5 Rules: Consistent requirements for doctor of chiropractic degree programs ensure consistent educational standards.

Chapter 6 Rules: Consistent requirements for applicants for licensure ensure consistent standards and processes for licensure.

Chapters 8 & 9: Consistent standards directly protect public health, safety and welfare.

Regulatory Flexibility

16. 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 rules.

17. 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 rules package.

18. 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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