



September 29, 2009

## **NOTICE OF PUBLIC RULES HEARING**

**The Ohio State Chiropractic Board hereby announces that a public hearing will be held on November 2, 2009 at 2:00 p.m. in the Vern Riffe Center for Government and the Arts, 77 South High Street; 19<sup>th</sup> Floor, Room 1952, Columbus, Ohio for the purpose of amending certain existing administrative rules. The hearing will be recorded at the expense of the Board.**

In accordance with Ohio Administrative Code Section 4734-2-01, any person affected by the new proposed rule or any proposed rule amendment may:

- Appear and be heard in person, by the person's attorney, or both at the hearing on December 11, 2008;
- Present their positions, arguments, or contentions, orally or in writing;
- Offer and examine witnesses;
- Present evidence tending to show that the proposed rule or amendments, if adopted or effectuated, would be unreasonable or unlawful.

The Board will also permit persons affected by the proposed rule or rules amendments to present their positions, arguments, or contentions in writing. Written testimony must be received in the Board office by November 2, 2009 at 12:00 p.m. to be included in the hearing record. You are not required to appear at the hearing if you choose to present your position, arguments or contentions in writing.

Upon closure of the hearing record, the Board will thoroughly review and consider all testimony. The Board may make changes to a rule based on testimony received. If the Board refiles a rule, a second public hearing notice is not required unless the change in the rule makes the rule inconsistent with the public hearing notice provided with the original rule filing.

Prior to the effective date of a rule or amendment, the Board shall make a reasonable effort to inform those affected by the rule or amendment. Any person or his or her attorney who provided evidence, oral testimony, and/or a written statement which were made part of the record of the public hearing will also receive said notification.

### **Proposed Rules Amendments**

#### **4734-7-01 Chiropractic license renewal requirements**

- (A) Each chiropractic physician who receives a license to practice chiropractic shall thereafter apply to the board for renewal of such license on ~~an annual~~ a biennial basis and pay a non-refundable ~~two five~~ two hundred ~~fifty~~ five dollar renewal fee made payable to the treasurer, state of Ohio on or before the first day of ~~January~~ April of each ~~succeeding even~~ numbered year. Such renewal shall be made on forms prescribed by the board.
- (B) Each licensee shall attest on the ~~annual~~ application for license renewal to having achieved twenty-four hours of continuing education within the current renewal period. Each licensee shall have completed a minimum of twelve hours in category 1 and/or 2. All of the twenty-four hours of required continuing education credit may be earned in category 1 and/or 2. A maximum of twelve hours of continuing education credit may be earned in category 3. All continuing education credit earned shall be in accordance with rule 4734-7-02 of the Administrative Code. Each licensee shall be responsible for ascertaining from the continuing education sponsor or cosponsor the categorization of a program.
- (C) At least sixty days prior to the ~~annual~~ expiration of a chiropractic license, the executive director shall send notice and application for renewal via ordinary mail to every licensee for whom a license was issued or renewed during the current license year. Such notice and application shall be mailed to the business or residence address of record as reported by the licensee.

- (D) It is the licensee's responsibility to contact the board to obtain a license renewal application if the licensee fails to receive a renewal application from the board due to a change of address, incorrect address, loss of mail by the United States Postal Service, or any other reason. Failure to receive or obtain a license renewal application shall not exonerate the licensee from the board's license renewal requirements.
- (E) The licensee shall complete the license renewal application and supply all information necessary to process the application. Such application and non-refundable ~~two five~~ hundred ~~fifty~~-dollar renewal fee made payable to the treasurer, state of Ohio shall be filed with the board postmarked no later than ~~January~~ April first of each even numbered year.
- (F) Any incomplete renewal will be returned to the licensee with a statement from the board indicating the reason for such return. If such renewal is not received postmarked by ~~January~~ April first of the even numbered year, the license shall be considered forfeited. The license may be restored upon receipt of the ~~two five~~ hundred ~~and fifty~~-dollar renewal fee and a one hundred fifty-dollar penalty fee made payable to the treasurer, state of Ohio.
- (G) If a check for license renewal is returned for insufficient funds, the board shall notify the licensee promptly. The licensee must submit a certified check or money order in the amount of ~~two five~~ hundred ~~and fifty~~ dollars within ten days of the date of notification from the board. If such payment is not received postmarked by ~~January~~ April first of the even numbered year, the license shall be considered forfeited. The license may be restored upon receipt of the ~~two five~~ hundred ~~and fifty~~-dollar renewal fee and a one hundred fifty-dollar penalty fee.
- (H) Failure to renew a license results in the forfeiture of the licensee's right to practice chiropractic in the state of Ohio as outlined in section 4734.25 of the Revised Code.

#### **4734-7-03 Continuing Education**

- (A) Written verification issued by the sponsoring entity of earned continuing education credit from categories 1 and/or 2 must be retained for no less than three full years. Such written verification shall include the licensee's name, license number, program name, program instructor, program sponsor, dates, and hours completed.
- (B) The board shall select applications for audit to verify that all continuing education requirements have been met. Licensees whose applications are selected for audit shall submit documentation of compliance with the required continuing education hours within thirty days from the date of the board's notification.
- (C) Licensees shall not destroy, alter, or otherwise make unavailable documentation of continuing education and shall produce such documentation upon demand.
- (D) Failure to maintain continuing education records rebuts the presumption that the required continuing education hours were met.
- (E) Licensees who received their initial license to practice chiropractic in Ohio ~~the same year they~~ and were awarded their doctor of chiropractic degree on or after January 1, 2009 are not required to ~~meet the~~earn chiropractic continuing education requirements to renew said license on or before April 1, 2010. ~~for the remainder of that calendar year.~~ Such licensees shall be required to meet all other aspects of the license renewal process in accordance with section 4734.25 of the Revised Code.
- (F) Licensees acting as associate examiners for the "National Board of Chiropractic Examiners" may receive a maximum of twenty-four hours per year of chiropractic continuing education credit in category 2.
- (G) Licensees teaching board-approved continuing education programs may be granted the number of hours in the category they taught. Such requests for approval shall be submitted to the board in writing no less than thirty days prior to the date of the program. Subsequent years' license renewal requirements shall not be met in whole or in part by instruction of the same course.
- (H) Licensees holding a current Ohio license, but not residing or practicing in Ohio, may achieve all of their continuing education credit outside of the state of Ohio. All continuing education credit achieved must comply with the requirements outlined in this chapter.

- (I) A waiver, extension, or reduction of continuing education hours may be granted to those licensees who establish that an illness, disability, or other good cause shown, affected a reasonable opportunity that precluded them from participating in continuing education activities. All requests for a waiver, extension, or reduction of continuing education hours must be made to the board in writing no less than thirty days prior to the expiration of the license.
- (J) Upon receipt of the renewal fee and acceptance of the renewal application, proof of renewal shall be mailed to the licensee no later than thirty days after acceptance. A request for duplicate or replacement proof of renewal shall be made to the board in writing.
- (K) If the board proposes to refuse to renew a chiropractic license and/or acupuncture certificate for the licensee's failure to meet the renewal requirements, the licensee shall be entitled to a hearing on the question of such proposed denial. Notice and hearing requirements incident to such proposed denial shall be in compliance with the provisions of Chapter 119. of the Revised Code and Chapter 4734-4 of the Administrative Code.
- (L) If after an audit is conducted, the board proposes to discipline a licensee for failure to meet the renewal requirements outlined in paragraph (A) of rule 4734-7-03 of the Administrative Code the licensee shall be entitled to a hearing on the question of such proposed discipline. Notice and hearing requirements incident to such proposed denial shall be in compliance with the provisions of Chapter 119. of the Revised Code and Chapter 4734-4 of the Administrative Code.