



# Common Sense Initiative

Mike DeWine, Governor  
Jon Husted, Lt. Governor

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## Business Impact Analysis

Agency, Board, or Commission Name: Ohio State Chiropractic Board

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Military Considerations

Rule Number(s): 4734-11-01

Date of Submission for CSI Review: March 6, 2020

Public Comment Period End Date: March 6, 2020

Rule Type/Number of Rules:

New/ 1 rules

No Change/      rules (FYR?     )

Amended/      rules (FYR?     )

Rescinded/ 1 rules (FYR? No)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a.  Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b.  Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c.  Requires specific expenditures or the report of information as a condition of compliance.
- d.  Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

The rule outlines considerations given to military and spouses and veterans and is being rescinded and drafted as new to incorporate the requirements enacted in SB 7 (133<sup>rd</sup> GA).

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

4734.10; 4743.04 and .041 and 5903.01, .03, .04, .10, .12, and .121.

4. 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.

5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement. n/a

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**6. 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)?**

ORC Sections 4743.04 and .041 and ORC Sections 5903.01, .03, .04, .10, .12, and .121. require the Board to grant specific considerations to military and spouses and veterans.

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

Clear and consistent requirements create fair treatment and consistent standards for military and spouses and veterans.

**8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

No.

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

**Development of the Regulation**

**9. 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 Board's website and an electronic notification was sent on January 28, 2020 to all licensees, the Ohio State Chiropractic Association (OSCA); and to individuals who have requested to be included as stakeholders.

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

No input on the rule was received.

**11. 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.

**12. 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?**

None were considered. The Board is enacting what is required by ORC Sections 4743.04 and .041 and ORC Sections 5903.01, .03, .04, .10, .12, and .121.

**13. Did the Agency specifically consider a performance-based regulation? Please explain.**

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*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.

**14. 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.

**15. 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 also uses its website and newsletters to educate and update stakeholders on 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**

**16. 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; and**  
Military and spouses and veterans.

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

Submission of applications, credentials, certain application and renewal fees and fees for fingerprint background checks for licensure applicants.

**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.*

Time to complete online applications, fingerprint background check fees, application fees, renewal fees.

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

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The Board is enacting the requirements of ORC Sections 4743.04 and .041 and ORC Sections 5903.01, .03, .04, .10, .12, and .121. Consistent requirements for military personnel and/or military spouses ensure consistent standards and processes for licensure, renewal and reinstatement for this population.

### **Regulatory Flexibility**

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

Yes, the purpose of the rule is to provide exemptions and alternative means of compliance for military and spouses and veterans. Certain fees and paperwork are waived or reduced.

**19. 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 the rule.

**20. 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. Staff of the Board personally answer and respond to each phone call, email, correspondence, etc.

**Contact Information:**

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