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Representative Carfagna

Cosponsors: Representatives Carruthers, Edwards, Ginter, Hood, LaTourette, Lipps, Manning, D., O'Brien, Plummer, Roemer, Schaffer, West, Baldrige, Blair, Crossman, Dean, DeVitis, Fraizer, Grendell, Hambley, Hicks-Hudson, Hillyer, Hoops, Keller, Lepore-Hagan, Lightbody, Manning, G., Miller, J., Oelslager, Patterson, Perales, Reineke, Riedel, Rogers, Romanchuk, Russo, Seitz, Sobecki, Stein, Swearingen, Sweeney, Weinstein, Wiggam

A BILL

To amend sections 4734.04, 4734.05, 4734.15, 1
4734.25, 4734.283, 4734.285, and 4734.31 and to 2
enact sections 3702.98, 3702.981, 3702.982, 3
3702.983, 3702.984, 3702.985, 3702.986, 4
3702.987, 3702.988, 3702.989, 3702.9810, and 5
4734.151 of the Revised Code to create the 6
Chiropractic Loan Repayment Program and to 7
revise certain laws administered by the State 8
Chiropractic Board. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4734.04, 4734.05, 4734.15, 10
4734.25, 4734.283, 4734.285, and 4734.31 be amended and sections 11
3702.98, 3702.981, 3702.982, 3702.983, 3702.984, 3702.985, 12
3702.986, 3702.987, 3702.988, 3702.989, 3702.9810, and 4734.151 13
of the Revised Code be enacted to read as follows: 14

Sec. 3702.98. There is hereby created the chiropractic 15

loan repayment program, which shall be administered by the 16
department of health in cooperation with the chiropractic loan 17
repayment advisory board. The program shall provide loan 18
repayment on behalf of individuals who agree to provide 19
chiropractic services in areas designated as chiropractic health 20
resource shortage areas by the director of health pursuant to 21
section 3702.982 of the Revised Code. 22

Under the program, the department of health, by means of a 23
contract entered into under section 3702.986 of the Revised 24
Code, may agree to repay all or part of the principal and 25
interest of a government or other educational loan taken by an 26
individual for the following expenses incurred while the 27
individual was enrolled in an accredited chiropractic school or 28
college: 29

(A) Tuition; 30

(B) Other educational expenses, such as fees, books, and 31
laboratory expenses that are for purposes and in amounts 32
determined reasonable by the director of health; 33

(C) Room and board, in an amount determined reasonable by 34
the director of health. 35

Sec. 3702.981. The director of health, in accordance with 36
Chapter 119. of the Revised Code, shall adopt rules as necessary 37
to implement and administer sections 3702.98 to 3702.9810 of the 38
Revised Code. In preparing rules, the director shall consult 39
with the chiropractic loan repayment advisory board. 40

Sec. 3702.982. (A) The director of health shall designate, 41
as chiropractic health resource shortage areas, areas in this 42
state that experience special chiropractic health problems and 43
chiropractor practice patterns that limit access to chiropractic 44

care. Except as provided in division (B) of this section, the
designations shall be made by rule. The designations may apply
to a geographic area, one or more facilities within a particular
area, or a population group within a particular area. The
director shall consider for designation as a chiropractic health
resource shortage area any area in this state that has been
designated by the United States secretary of health and human
services as a health professional shortage area under section
332 of the "Public Health Service Act," 42 U.S.C. 254e.

(B) As used in this division, "free clinic" has the same
meaning as in section 3701.071 of the Revised Code.

The director shall designate each free clinic as a
chiropractic health resource shortage area, regardless of
whether the clinic is located in a geographic area that is
designated as a chiropractic health resource shortage area.

Sec. 3702.983. The director of health, by rule, shall
establish priorities among chiropractic health resource shortage
areas for use in recruiting chiropractors to sites within
particular areas under the chiropractic loan repayment program.
In establishing priorities, the director shall consider the
ratio of chiropractors to the population in the chiropractic
health resource shortage area, the distance to chiropractors
outside the area, health status indicators of the target
population in the area, presence of health care provider sites
in the area with vacancies for chiropractors, availability of an
eligible candidate interested in being recruited to a particular
site within an area, and the distribution of chiropractic health
care provider sites in urban and rural regions. The director
shall give greatest priority to chiropractic health resource
shortage areas having a high ratio of population to

chiropractors.

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The director, by rule, shall establish priorities for use
in determining eligibility among applicants for participation in
the chiropractic loan repayment program. The priorities may
include consideration of an applicant's background and career
goals, the length of time the applicant is willing to provide
chiropractic services in a chiropractic health resource shortage
area, and the amount of the educational expenses for which
reimbursement is being sought through the program.

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Sec. 3702.984. (A) An individual who has not received
other student loan repayment assistance and meets either of the
following requirements may apply for participation in the
chiropractic loan repayment program:

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(1) The individual is a chiropractic student enrolled in
the final year of chiropractic school or college.

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(2) The individual holds a current, valid license to
practice chiropractic issued under Chapter 4734. of the Revised
Code.

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(B) An application for participation in the chiropractic
loan repayment program shall be submitted to the director of
health on a form that the director shall prescribe. The
information required to be submitted with an application
includes the following:

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(1) The applicant's name, permanent address or address at
which the applicant is currently residing if different from the
permanent address, and telephone number;

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(2) The chiropractic school or college the applicant is
attending or attended, the dates of attendance, and verification
of attendance;

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(3) A summary and verification of the educational expenses 104
for which the applicant seeks reimbursement under the program; 105

(4) If applicable, verification of the applicant's 106
current, valid license to practice chiropractic issued by the 107
state chiropractic board under Chapter 4734. of the Revised 108
Code; 109

(5) Verification of the applicant's United States 110
citizenship or status as a legal alien. 111

Sec. 3702.985. If funds are available in the chiropractic 112
loan repayment fund created under section 3702.9810 of the 113
Revised Code and the general assembly has appropriated the funds 114
for the program, the director of health shall approve an 115
applicant for participation in the program on finding in 116
accordance with the priorities established under section 117
3702.983 of the Revised Code that the applicant is eligible for 118
participation and is needed in a chiropractic health resource 119
shortage area. 120

On approving an application, the director shall notify and 121
enter into discussions with the applicant. The object of the 122
discussions is to facilitate recruitment of the applicant to a 123
site within a chiropractic health resource shortage area at 124
which, according to the priorities established under section 125
3702.983 of the Revised Code, the applicant is needed. 126

The director may refer the applicant to the Ohio state 127
chiropractic association, or its successor organization, for 128
assistance with the applicant's recruitment and placement. 129

If the director and applicant agree on the applicant's 130
placement at a particular site within a chiropractic health 131
resource shortage area, the applicant shall sign and deliver to 132

the director a letter of intent agreeing to that placement. 133

Sec. 3702.986. (A) An individual who has signed a letter 134
of intent under section 3702.985 of the Revised Code and the 135
director of health may enter into a contract for the applicant's 136
participation in the chiropractic loan repayment program. A 137
lending institution may also be a party to the contract. 138

(B) The contract shall include all of the following 139
obligations: 140

(1) The individual agrees to provide chiropractic services 141
in the chiropractic health resource shortage area identified in 142
the letter of intent for at least two years; 143

(2) When providing chiropractic services in the 144
chiropractic health resource shortage area, the individual 145
agrees to do all of the following: 146

(a) Provide chiropractic services for a minimum of twenty 147
hours per week; 148

(b) Provide chiropractic services without regard to a 149
patient's ability to pay; 150

(c) Meet the requirements for a medicaid provider 151
agreement and enter into the agreement with the department of 152
medicaid to provide chiropractic services to medicaid 153
recipients. 154

(3) The department of health agrees, as provided in 155
section 3702.98 of the Revised Code, to repay all or part of the 156
principal and interest of a government or other educational loan 157
taken by the individual for expenses described in section 158
3702.98 of the Revised Code so long as both of the following are 159
the case: 160

(a) The individual performs the service obligation agreed 161
to under division (B) (1) of this section. 162

(b) The repayment amount does not exceed those described 163
in section 3702.988 of the Revised Code. 164

(4) The individual agrees to pay the department of health 165
the following amount if the individual fails to complete the 166
service obligation agreed to under division (B) (1) of this 167
section: 168

(a) For a failure to complete service occurring during the 169
first two years of the service obligation, one and one-half 170
times the total repayment amount agreed to by the department 171
under division (B) (3) of this section; 172

(b) For a failure to complete service occurring after the 173
first two years of the service obligation, one and one-half 174
times any amount that still remains to be repaid by the 175
department under division (B) (3) of this section. 176

(C) The contract may include any other term as agreed upon 177
by the parties, including a term in which the department assumes 178
the individual's duty to pay the principal and interest of a 179
government or other educational loan taken by the individual for 180
expenses described in section 3702.98 of the Revised Code. If 181
the department assumes that duty, the contract shall specify the 182
total amount of the principal and interest to be paid, an 183
amortization schedule, and the amount of each payment to be made 184
under the schedule. 185

(D) Not later than the thirty-first day of January of each 186
year, the department of health shall send by ordinary mail to 187
each individual participating in the chiropractic loan repayment 188
program a statement listing the amount of the principal and 189

interest that has been repaid by the department in the previous 190
year. Each participating individual shall notify the department 191
of any change of address and shall do so not later than thirty 192
days after the change of address. 193

Sec. 3702.987. (A) There is hereby created the 194
chiropractic loan repayment advisory board. The board shall 195
consist of the following members: 196

(1) One member of the house of representatives, appointed 197
by the speaker of the house of representatives; 198

(2) One member of the senate, appointed by the president 199
of the senate; 200

(3) A representative of the department of higher 201
education, appointed by the chancellor; 202

(4) The director of health or an employee of the 203
department of health designated by the director; 204

(5) Three representatives of the chiropractic profession, 205
appointed by the governor. 206

(B) Initial appointments shall be made not later than 207
ninety days after the effective date of this section. Of the 208
initial appointments made by the governor, two members shall 209
serve a term of one year and one member shall serve a term of 210
two years. The member initially appointed by the speaker of the 211
house of representatives shall serve a term of one year. The 212
member initially appointed by the senate president shall serve a 213
term of two years. Thereafter, terms of office of all appointed 214
members shall be two years. Each member shall hold office from 215
the date of appointment until the end of the term for which the 216
member was appointed, except that a legislative member ceases to 217
be a member of the board on ceasing to be a member of the 218

general assembly. No person shall be appointed to the board for 219
more than two consecutive terms. 220

Vacancies shall be filled in the manner prescribed for the 221
original appointment. A member appointed to fill a vacancy 222
occurring prior to the expiration of the term for which the 223
member's predecessor was appointed shall hold office for the 224
remainder of that term. A member shall continue in office 225
subsequent to the expiration of the member's term until a 226
successor takes office or until sixty days have elapsed, 227
whichever occurs first. 228

The governor, speaker, or president may remove a member 229
for whom the governor, speaker, or president was the appointing 230
authority, for misfeasance, malfeasance, or willful neglect of 231
duty. 232

The board shall designate a member to serve as chairperson 233
of the board. 234

The board shall meet at least once annually. The 235
chairperson shall call special meetings as needed or upon the 236
request of four members. 237

Four members of the board constitute a quorum to transact 238
and vote on all business coming before the board. 239

Members of the board shall serve without compensation. 240

The department of health shall provide the board with 241
staff assistance as requested by the board. 242

Sec. 3702.988. The chiropractic loan repayment advisory 243
board shall determine the amounts that will be paid as loan 244
repayments on behalf of participants in the chiropractic loan 245
repayment program. No repayment shall exceed ten thousand 246

dollars in any year, except that if a repayment results in an 247
increase in the participant's federal, state, or local income 248
tax liability, the department of health, at the participant's 249
request and with the approval of the director of health, may 250
reimburse the participant for the increased tax liability, 251
regardless of the amount of the repayment in that year. Total 252
repayment on behalf of a participant shall not exceed thirty 253
thousand dollars over the time of participation in the program. 254

Sec. 3702.989. The chiropractic loan repayment advisory 255
board, annually on or before the first day of March, shall 256
submit a report to the governor and general assembly describing 257
the operations of the chiropractic loan repayment program during 258
the previous calendar year. The report shall include information 259
about all of the following: 260

(A) The number of requests received by the director of 261
health that a particular area be designated as a chiropractic 262
health resource shortage area; 263

(B) The areas that have been designated as chiropractic 264
health resource shortage areas and the priorities that have been 265
assigned to them; 266

(C) The number of applicants for participation in the 267
chiropractic loan repayment program; 268

(D) The number of chiropractors assigned to chiropractic 269
health resource shortage areas and the payments made on behalf 270
of those chiropractors under the chiropractic loan repayment 271
program; 272

(E) The chiropractic health resource shortage areas that 273
have not been matched with all of the chiropractors they need; 274

(F) The number of chiropractors failing to complete their 275

service obligations, the amount of damages owed, and the amount 276
of damages collected. 277

Sec. 3702.9810. The director of health may accept gifts of 278
money from any source for the implementation and administration 279
of sections 3702.98 to 3702.9810 of the Revised Code. 280

The director shall pay all gifts accepted under this 281
section into the state treasury, to the credit of the 282
chiropractic health resource shortage area fund, which is hereby 283
created, and all damages collected under division (B) (4) of 284
section 3702.986 of the Revised Code, into the state treasury, 285
to the credit of the chiropractic loan repayment fund, which is 286
hereby created. 287

The director shall use the chiropractic health resource 288
shortage area and chiropractic loan repayment funds for the 289
implementation and administration of sections 3702.98 to 290
3702.9810 of the Revised Code. 291

Sec. 4734.04. (A) The state chiropractic board shall hold 292
~~its annual meeting in this state in September of each year and~~ 293
~~shall hold other meetings~~ at the times and places that a 294
majority of the board directs. A special meeting shall be held 295
at the call of the board's president or at the request of two or 296
more board members, in which case the meeting shall be called by 297
the board's executive director. 298

A majority of the board constitutes a quorum for the 299
transaction of business. Except when action is taken on behalf 300
of the board by the board's president under division (A) of 301
section 4734.05 of the Revised Code, the board may not take any 302
action without the concurrence of three members. The board shall 303
make rules as necessary to govern its internal management. 304

(B) The board shall keep a record of its meetings and 305
other official actions, including a register of all applicants 306
for licensure to practice chiropractic. The register shall show 307
whether an applicant for licensure was rejected or was granted a 308
license. The board's records and register shall be prima-facie 309
evidence of all matters recorded in them. The board shall adopt 310
a common seal, which may be used to authenticate its official 311
documents. 312

Sec. 4734.05. (A) The state chiropractic board shall 313
organize by electing from its members a president. The president 314
shall hold office for two years and until the president's 315
successor is elected and takes office. Elections for board 316
president shall be held at ~~every other annual~~ the first meeting 317
of the board held in ~~this state in September~~ each odd-numbered 318
year. 319

The president, subject to the board's approval, may 320
designate another member of the board to serve as vice-president 321
to fulfill the president's duties in the event that the 322
president is absent or incapacitated. The vice-president may 323
perform any action that the president is authorized to perform. 324

The president may make decisions on behalf of the board as 325
follows: 326

(1) A decision regarding board activities may be made by 327
the president if the president considers the decision to be 328
minor and determines that making the decision will facilitate 329
the responsiveness and effectiveness of the board; 330

(2) A decision involving a situation that requires 331
immediate board attention may be made by the president if the 332
circumstances surrounding the situation make holding a board 333

meeting impractical. At the earliest time possible, the 334
president shall report the decision to the members of the board 335
and the board shall meet to ratify or nullify the decision. 336

(B) The board shall appoint an executive director who 337
shall serve as the board's secretary and shall perform all other 338
duties prescribed by the board or this chapter. While serving as 339
executive director, the individual appointed shall reside in 340
this state and may not serve as a member of the board. 341

The executive director shall be in the unclassified 342
service of this state. The board shall fix the executive 343
director's compensation and reimburse the executive director for 344
necessary expenses incurred in the performance of official 345
duties. Prior to entering into the official duties of office, 346
the executive director shall take and subscribe an oath of 347
office and shall give to the treasurer of state a bond in the 348
penal sum of fifty thousand dollars with sufficient sureties to 349
be approved by the governor for the faithful discharge of the 350
duties. 351

The executive director is the board's appointing 352
authority, as defined in section 124.01 of the Revised Code. 353
With the board's approval, the executive director may appoint 354
any employees necessary to carry out the board's functions, 355
including investigative personnel and other employees to perform 356
professional, clerical, and special work, and may establish 357
standards for the conduct of and the authority to be granted to 358
the board's employees. 359

Sec. 4734.15. (A) The license provided for in this chapter 360
shall entitle the holder thereof to practice chiropractic in 361
this state. All of the following apply to the practice of 362
chiropractic in this state: 363

(1) A chiropractor is authorized to examine, diagnose, and 364
assume responsibility for the care of patients, any or all of 365
which is included in the practice of chiropractic. 366

(2) (a) Subject to division (A) (2) (b) of this section, a 367
chiropractor may administer, sell, distribute, recommend, or 368
provide advice regarding any of the following to restore or 369
maintain the health of the chiropractor's patients: vitamins, 370
minerals, phytonutrients, antioxidants, enzymes, glandular 371
extracts, botanical substances, herbal therapies, homeopathic 372
remedies, drugs that are available without a prescription, or 373
durable and nondurable medical goods and devices other than home 374
medical equipment, as defined in section 4752.01 of the Revised 375
Code. 376

(b) A chiropractor may engage in the activities described 377
in division (A) (2) (a) of this section only if the product is 378
prepackaged for use by consumers and labeled in accordance with 379
state and federal law. 380

(c) A chiropractor shall not delegate any of the 381
activities described in division (A) (2) (a) of this section to an 382
individual who is not licensed or otherwise specifically 383
authorized by the Revised Code to engage in the activity. 384

(d) The authority of a chiropractor to engage in the 385
activities described in division (A) (2) (a) of this section does 386
not affect the authority of any other health care professional, 387
including a dietitian licensed under Chapter 4759. of the 388
Revised Code, to engage in any of the same activities. 389

(3) The practice of chiropractic does not permit a 390
chiropractor to do any of the following: 391

(a) Treat infectious, contagious, or venereal disease; 392

(b) Perform surgery;	393
(c) Prescribe drugs, as defined in section 4729.01 of the Revised Code;	394 395
(d) Administer any drug not described in division (A) (2) (a) of this section, including a dangerous drug, as defined in section 4729.01 of the Revised Code.	396 397 398
(4) Except as provided in division (B) of this section, the practice of chiropractic does not permit a chiropractor to perform acupuncture.	399 400 401
(5) A chiropractor may use roentgen rays only for diagnostic purposes.	402 403
(6) The practice of chiropractic does not include the performance of abortions.	404 405
(B) A chiropractor who holds a valid certificate to practice acupuncture issued under section 4734.283 of the Revised Code is authorized to perform acupuncture.	406 407 408
(C) <u>A chiropractor who is an animal chiropractic practitioner, as defined in section 4734.151 of the Revised Code, may practice animal chiropractic in accordance with that section.</u>	409 410 411 412
(D) <u>An individual holding a valid, current license to practice chiropractic is entitled to use the title "doctor," "doctor of chiropractic," "chiropractic physician," or "chiropractor" and is a "physician" for the purposes of Chapter 4123. of the Revised Code.</u>	413 414 415 416 417
<u>Sec. 4734.151. (A) As used in this section:</u>	418
<u>(1) "Animal" means any living animal other than a human</u>	419

being. 420

(2) "Animal chiropractic" means the evaluation and 421
treatment of an animal's vertebral or extremity joint 422
dysfunction through spinal, joint, or musculo-skeletal 423
manipulative therapy or soft tissue therapy. 424

Animal chiropractic does not include administering, 425
selling, distributing, recommending, or providing advice 426
regarding any of the following to restore or maintain the health 427
of an animal: vitamins, minerals, phytonutrients, antioxidants, 428
enzymes, glandular extracts, botanical substances, herbal 429
therapies, homeopathic remedies, drugs that are available 430
without a prescription, or durable and nondurable medical goods 431
and devices. 432

(3) "Animal chiropractic practitioner" means a 433
chiropractor licensed under this chapter who holds a current, 434
valid certification from any of the following: 435

(a) The American veterinary chiropractic association, 436
unless otherwise specified in rule; 437

(b) The international veterinary chiropractic association, 438
unless otherwise specified in rule; 439

(c) The college of animal chiropractors, unless otherwise 440
specified in rule; 441

(d) Any other credentialing organization that the state 442
chiropractic board specifies in rules adopted under this 443
section. 444

(4) "Licensed veterinarian" means an individual licensed 445
by the state veterinary medical licensing board to practice 446
veterinary medicine. 447

(B) Except as provided in division (C) (2) of this section, 448
no chiropractor who is not an animal chiropractic practitioner 449
shall do either of the following: 450

(1) Practice animal chiropractic; 451

(2) Represent that the person is, or hold the person's 452
self out to the public as, an animal chiropractic practitioner. 453

(C) (1) All of the following apply regarding a chiropractor 454
who is an animal chiropractic practitioner: 455

(a) The chiropractor shall register with the state 456
chiropractic board in a manner specified by the board; 457

(b) The chiropractor may provide animal chiropractic only 458
to types of animals on which the chiropractor has received 459
training; 460

(c) The chiropractor may provide animal chiropractic 461
without supervision by a licensed veterinarian; 462

(d) The chiropractor shall require completion of an 463
application for care form in accordance with division (D) of 464
this section; 465

(e) The chiropractor shall maintain for at least three 466
years a medical record, including the application for care form, 467
for each animal evaluated or treated and on request shall 468
provide the medical record to the animal's veterinarian in a 469
timely fashion. 470

(2) A chiropractor who is not an animal chiropractic 471
practitioner may practice animal chiropractic only in accordance 472
with division (F) of section 4741.19 of the Revised Code. 473

(D) Prior to providing animal chiropractic in accordance 474

with this section, an animal chiropractic practitioner shall 475
require the animal's owner, owner's agent, or another person 476
responsible for the animal to complete and sign an application 477
for care form that contains at least the following: 478

(1) A statement that the chiropractor is not a licensed 479
veterinarian and cannot maintain primary responsibility for the 480
animal's care; 481

(2) A statement that animal chiropractic is not intended 482
to replace traditional veterinary care and is considered an 483
alternative therapy to be used concurrently and in conjunction 484
with traditional veterinary care by a licensed veterinarian; 485

(3) A question as to whether the animal has been seen by a 486
licensed veterinarian within the past twelve months; 487

(4) A question as to whether a licensed veterinarian has 488
provided a diagnosis of the medical condition of the animal for 489
which animal chiropractic is sought, and if so, a request to 490
specify the diagnosis; 491

(5) A statement authorizing the chiropractor to provide 492
animal chiropractic to the animal. 493

(E) The board shall maintain and make available to the 494
public a list of animal chiropractic practitioners who are 495
registered with the board pursuant to this section. 496

(F) This section does not restrict a licensed veterinarian 497
from engaging in the practice of veterinary medicine, as defined 498
in Chapter 4741. of the Revised Code, or prevent any other 499
individual from lawfully acting in a manner authorized under 500
that chapter. 501

An animal's veterinarian is not liable for any actions or 502

omissions of an animal chiropractic practitioner who provides 503
animal chiropractic in accordance with this section. 504

(G) (1) In accordance with Chapter 119. of the Revised 505
Code, the board may adopt any rules it considers necessary to 506
implement this section. The following rules, if adopted, shall 507
be adopted in consultation with the state veterinary medical 508
licensing board in accordance with division (G) (2) of this 509
section: 510

(a) Any rule regarding standards of medicine or care for 511
an animal; 512

(b) Any rule to remove or specify additional credentialing 513
organizations for purposes of division (A) (3) (d) of this 514
section. 515

(2) (a) Prior to filing a rule identified in division (G) 516
(1) (a) or (b) of this section with the joint committee on agency 517
rule review, the board shall in a timely fashion provide the 518
full text of the proposed rule, amendment, or rule to be 519
rescinded to the state veterinary medical licensing board. The 520
state veterinary medical licensing board shall informally vote 521
on the proposed rule, amendment, or rule to be rescinded at its 522
next regularly scheduled meeting. Regardless of whether the vote 523
is affirmative or not, the state chiropractic board may proceed 524
in accordance with Chapter 119. of the Revised Code. 525

Sec. 4734.25. A license to practice chiropractic from the 526
state chiropractic board expires biennially in accordance with 527
~~the a schedule established~~ the board establishes in rules 528
adopted under this section ~~and~~. The license may be renewed. The 529
renewal process shall be conducted in accordance with the 530
standard renewal procedures of Chapter 4745. of the Revised 531

Code, except that the board's executive director shall notify 532
each license holder of the license renewal requirements of this 533
section not later than sixty days prior to the license's 534
expiration date. ~~When~~ 535

When an application for license renewal is submitted, the 536
applicant shall provide the information necessary to process the 537
application and pay a renewal fee in an amount the board 538
specifies in rules adopted under this section. The board shall 539
deposit twenty-five dollars of each renewal fee collected into 540
the state treasury to the credit of the chiropractic loan 541
repayment fund created by section 3702.9810 of the Revised Code. 542

Before a renewal of license is issued by the board, the 543
licensee shall furnish the board with satisfactory evidence that 544
the licensee has completed during the current licensing period 545
not less than the number of hours of continuing education that 546
the board requires in rules adopted under this section. For an 547
activity to be applied toward the continuing education 548
requirement, the activity must meet the board's approval as a 549
continuing education activity, as specified in rules adopted 550
under this section. Any exception from the continuing education 551
requirement must be approved by the board. 552

Failure of a licensee to comply with this section shall 553
operate as an automatic forfeiture of the right of the licensee 554
to practice chiropractic in this state. A forfeited license may 555
be reinstated by the board upon payment of all fees due and a 556
penalty fee in an amount the board specifies in rules adopted 557
under this section for reinstatement, in addition to satisfying 558
the board of having complied with the continuing education 559
requirements of this section. If an individual's license has 560
been forfeited for two or more years, the board may also require 561

as a condition of reinstatement that the individual complete 562
training or testing as specified by the board. 563

The board shall adopt any rules it considers necessary to 564
implement this section, including standards for approval of 565
continuing education in the practice of chiropractic. All rules 566
adopted under this section shall be adopted in accordance with 567
Chapter 119. of the Revised Code. 568

Sec. 4734.283. If the state chiropractic board determines 569
under section 4734.282 of the Revised Code that an applicant 570
meets the requirements for a certificate to practice 571
acupuncture, the executive director of the board shall issue to 572
the applicant a certificate to practice acupuncture. ~~The~~ 573

A certificate shall expire annually to practice 574
acupuncture expires biennially in accordance with a schedule the 575
board shall establish. It ~~The certificate~~ may be renewed in 576
accordance with section 4734.284 of the Revised Code. 577

Sec. 4734.285. A chiropractor who holds a certificate to 578
practice acupuncture issued under this chapter may represent or 579
advertise the chiropractor to be a "chiropractor certified by 580
the state chiropractic board to practice acupuncture." Unless 581
the chiropractor holds a license issued under section 4762.04 of 582
the Revised Code, the chiropractor shall not represent or 583
advertise the chiropractor as holding any of the titles listed 584
in section 4762.08 of the Revised Code. 585

This section does not prohibit a chiropractor from using 586
any of the titles listed in division ~~(C)~~ (D) of section 4734.15 587
of the Revised Code. 588

Sec. 4734.31. (A) The state chiropractic board may take 589
any of the actions specified in division (B) of this section 590

against an individual who has applied for or holds a license to 591
practice chiropractic in this state if any of the reasons 592
specified in division (C) of this section for taking action 593
against an individual are applicable. Except as provided in 594
division (D) of this section, actions taken against an 595
individual shall be taken in accordance with Chapter 119. of the 596
Revised Code. The board may specify that any action it takes is 597
a permanent action. The board's authority to take action against 598
an individual is not removed or limited by the individual's 599
failure to renew a license. 600

(B) In its imposition of sanctions against an individual, 601
the board may do any of the following: 602

(1) Refuse to issue, renew, restore, or reinstate a 603
license to practice chiropractic or a certificate to practice 604
acupuncture; 605

(2) Reprimand or censure a license holder; 606

(3) Place limits, restrictions, or probationary conditions 607
on a license holder's practice; 608

(4) Impose a civil fine of not more than five thousand 609
dollars according to a schedule of fines specified in rules that 610
the board shall adopt in accordance with Chapter 119. of the 611
Revised Code. 612

(5) Suspend a license to practice chiropractic or a 613
certificate to practice acupuncture for a limited or indefinite 614
period; 615

(6) Revoke a license to practice chiropractic or a 616
certificate to practice acupuncture. 617

(C) The board may take the actions specified in division 618

(B) of this section for any of the following reasons: 619

(1) A plea of guilty to, a judicial finding of guilt of, 620
or a judicial finding of eligibility for intervention in lieu of 621
conviction for, a felony in any jurisdiction, in which case a 622
certified copy of the court record shall be conclusive evidence 623
of the conviction; 624

(2) Commission of an act that constitutes a felony in this 625
state, regardless of the jurisdiction in which the act was 626
committed; 627

(3) A plea of guilty to, a judicial finding of guilt of, 628
or a judicial finding of eligibility for intervention in lieu of 629
conviction for, a misdemeanor involving moral turpitude, as 630
determined by the board, in which case a certified copy of the 631
court record shall be conclusive evidence of the matter; 632

(4) Commission of an act involving moral turpitude that 633
constitutes a misdemeanor in this state, regardless of the 634
jurisdiction in which the act was committed; 635

(5) A plea of guilty to, a judicial finding of guilt of, 636
or a judicial finding of eligibility for intervention in lieu of 637
conviction for, a misdemeanor committed in the course of 638
practice, in which case a certified copy of the court record 639
shall be conclusive evidence of the matter; 640

(6) Commission of an act in the course of practice that 641
constitutes a misdemeanor in this state, regardless of the 642
jurisdiction in which the act was committed; 643

(7) A violation or attempted violation of this chapter or 644
the rules adopted under it governing the practice of 645
~~chiropractic and the practice of~~, animal chiropractic, or 646
acupuncture by a chiropractor licensed under this chapter; 647

(8) Failure to cooperate in an investigation conducted by 648
the board, including failure to comply with a subpoena or order 649
issued by the board or failure to answer truthfully a question 650
presented by the board at a deposition or in written 651
interrogatories, except that failure to cooperate with an 652
investigation shall not constitute grounds for discipline under 653
this section if the board or a court of competent jurisdiction 654
has issued an order that either quashes a subpoena or permits 655
the individual to withhold the testimony or evidence in issue; 656

(9) Engaging in an ongoing professional relationship with 657
a person or entity that violates any provision of this chapter 658
or the rules adopted under it, unless the chiropractor makes a 659
good faith effort to have the person or entity comply with the 660
provisions; 661

(10) Retaliating against a chiropractor for the 662
chiropractor's reporting to the board or any other agency with 663
jurisdiction any violation of the law or for cooperating with 664
the board of another agency in the investigation of any 665
violation of the law; 666

(11) Aiding, abetting, assisting, counseling, or 667
conspiring with any person in that person's violation of any 668
provision of this chapter or the rules adopted under it, 669
including the practice of chiropractic without a license, the 670
practice of animal chiropractic in violation of section 4734.151 671
of the Revised Code, the practice of acupuncture without a 672
certificate, or aiding, abetting, assisting, counseling, or 673
conspiring with any person in that person's unlicensed practice 674
of any other health care profession that has licensing 675
requirements; 676

(12) With respect to a report or record that is made, 677

filed, or signed in connection with the practice of chiropractic 678
~~or, animal chiropractic, or acupuncture,~~ knowingly making or 679
filing a report or record that is false, intentionally or 680
negligently failing to file a report or record required by 681
federal, state, or local law or willfully impeding or 682
obstructing the required filing, or inducing another person to 683
engage in any such acts; 684

(13) Making a false, fraudulent, or deceitful statement to 685
the board or any agent of the board during any investigation or 686
other official proceeding conducted by the board under this 687
chapter or in any filing that must be submitted to the board; 688

(14) Attempting to secure a license to practice 689
chiropractic, authorization to practice animal chiropractic, or 690
a certificate to practice acupuncture, or to corrupt the outcome 691
of an official board proceeding, through bribery or any other 692
improper means; 693

(15) Willfully obstructing or hindering the board or any 694
agent of the board in the discharge of the board's duties; 695

(16) Habitually using drugs or intoxicants to the extent 696
that the person is rendered unfit for the practice of 697
chiropractic, animal chiropractic, or acupuncture; 698

(17) Inability to practice chiropractic, animal 699
chiropractic, or acupuncture according to acceptable and 700
prevailing standards of care by reason of chemical dependency, 701
mental illness, or physical illness, including conditions in 702
which physical deterioration has adversely affected the person's 703
cognitive, motor, or perceptive skills and conditions in which a 704
chiropractor's continued practice may pose a danger to the 705
chiropractor or the public; 706

- (18) Any act constituting gross immorality relative to the 707
person's practice of chiropractic, animal chiropractic, or 708
acupuncture, including acts involving sexual abuse, sexual 709
misconduct, or sexual exploitation; 710
- (19) Exploiting a patient for personal or financial gain; 711
- (20) Failing to maintain proper, accurate, and legible 712
records in the English language documenting each patient's care, 713
including, as appropriate, records of the following: dates of 714
treatment, services rendered, examinations, tests, x-ray 715
reports, referrals, and the diagnosis or clinical impression and 716
clinical treatment plan provided to the patient; 717
- (21) Except as otherwise required by the board or by law, 718
disclosing patient information gained during the chiropractor's 719
professional relationship with a patient without obtaining the 720
patient's authorization for the disclosure; 721
- (22) Commission of willful or gross malpractice, or 722
willful or gross neglect, in the practice of chiropractic, 723
animal chiropractic, or acupuncture; 724
- (23) Failing to perform or negligently performing an act 725
recognized by the board as a general duty or the exercise of due 726
care in the practice of chiropractic, animal chiropractic, or 727
acupuncture, regardless of whether injury results to a patient 728
from the failure to perform or negligent performance of the act; 729
- (24) Engaging in any conduct or practice that impairs or 730
may impair the ability to practice chiropractic, animal 731
chiropractic, or acupuncture safely and skillfully; 732
- (25) Practicing, or claiming to be capable of practicing, 733
beyond the scope of the practice of chiropractic, animal 734
chiropractic, or acupuncture as established under this chapter 735

and the rules adopted under this chapter; 736

(26) Accepting and performing professional 737
responsibilities as a chiropractor~~or, animal chiropractic~~ 738
practitioner, or chiropractor with a certificate to practice 739
acupuncture when not qualified to perform those 740
responsibilities, if the person knew or had reason to know that 741
the person was not qualified to perform them; 742

(27) Delegating any of the professional responsibilities 743
of a chiropractor, animal chiropractic practitioner, or 744
chiropractor with a certificate to practice acupuncture to an 745
employee or other individual when the delegating chiropractor 746
knows or had reason to know that the employee or other 747
individual is not qualified by training, experience, or 748
professional licensure to perform the responsibilities; 749

(28) Delegating any of the professional responsibilities 750
of a chiropractor, animal chiropractic practitioner, or 751
chiropractor with a certificate to practice acupuncture to an 752
employee or other individual in a negligent manner or failing to 753
provide proper supervision of the employee or other individual 754
to whom the responsibilities are delegated; 755

(29) Failing to refer a patient to another health care 756
practitioner for consultation or treatment when the chiropractor 757
knows or has reason to know that the referral is in the best 758
interest of the patient; 759

(30) Obtaining or attempting to obtain any fee or other 760
advantage by fraud or misrepresentation; 761

(31) Making misleading, deceptive, false, or fraudulent 762
representations in the practice of chiropractic, animal 763
chiropractic, or acupuncture; 764

(32) Being guilty of false, fraudulent, deceptive, or 765
misleading advertising or other solicitations for patients or 766
knowingly having professional connection with any person that 767
advertises or solicits for patients in such a manner; 768

(33) Violation of a provision of any code of ethics 769
established or adopted by the board under section 4734.16 of the 770
Revised Code; 771

(34) Failing to meet the examination requirements for 772
receipt of a license specified under section 4734.20 of the 773
Revised Code; 774

(35) Actions taken for any reason, other than nonpayment 775
of fees, by the chiropractic or acupuncture licensing authority 776
of another state or country; 777

(36) Failing to maintain clean and sanitary conditions at 778
the clinic, office, or other place in which chiropractic 779
services, animal chiropractic services, or acupuncture services 780
are provided; 781

(37) Except as provided in division (G) of this section: 782

(a) Waiving the payment of all or any part of a deductible 783
or copayment that a patient, pursuant to a health insurance or 784
health care policy, contract, or plan that covers the 785
chiropractor's services, otherwise would be required to pay if 786
the waiver is used as an enticement to a patient or group of 787
patients to receive health care services from that chiropractor; 788

(b) Advertising that the chiropractor will waive the 789
payment of all or any part of a deductible or copayment that a 790
patient, pursuant to a health insurance or health care policy, 791
contract, or plan that covers the chiropractor's services, 792
otherwise would be required to pay. 793

(38) Failure to supervise an oriental medicine 794
practitioner performing acupuncture or an acupuncturist in 795
accordance with the provisions of section 4762.11 of the Revised 796
Code that are applicable to a supervising chiropractor. 797

(D) The adjudication requirements of Chapter 119. of the 798
Revised Code apply to the board when taking actions against an 799
individual under this section, except as follows: 800

(1) An applicant is not entitled to an adjudication for 801
failing to meet the conditions specified under section 4734.20 802
of the Revised Code for receipt of a license that involve the 803
board's examination on jurisprudence or the examinations of the 804
national board of chiropractic examiners. 805

(2) A person is not entitled to an adjudication if the 806
person fails to make a timely request for a hearing, in 807
accordance with Chapter 119. of the Revised Code. 808

(3) In lieu of an adjudication, the board may accept the 809
surrender of a license to practice chiropractic or certificate 810
to practice acupuncture from a chiropractor. 811

(4) In lieu of an adjudication, the board may enter into a 812
consent agreement with an individual to resolve an allegation of 813
a violation of this chapter or any rule adopted under it. A 814
consent agreement, when ratified by the board, shall constitute 815
the findings and order of the board with respect to the matter 816
addressed in the agreement. If the board refuses to ratify a 817
consent agreement, the admissions and findings contained in the 818
consent agreement shall be of no force or effect. 819

(E) (1) This section does not require the board to hire, 820
contract with, or retain the services of an expert witness when 821
the board takes action against a chiropractor concerning 822

compliance with acceptable and prevailing standards of care in 823
the practice of chiropractic or acupuncture. As part of an 824
action taken concerning compliance with acceptable and 825
prevailing standards of care, the board may rely on the 826
knowledge of its members for purposes of making a determination 827
of compliance, notwithstanding any expert testimony presented by 828
the chiropractor that contradicts the knowledge and opinions of 829
the members of the board. 830

(2) If the board conducts a review or investigation or 831
takes action against a chiropractor concerning an allegation of 832
harm to an animal from the practice of animal chiropractic, the 833
board shall retain as an expert witness a licensed veterinarian 834
who holds a current, valid certification from a credentialing 835
organization specified in division (A)(3) of section 4734.151 of 836
the Revised Code. 837

(F) The sealing of conviction records by a court shall 838
have no effect on a prior board order entered under this section 839
or on the board's jurisdiction to take action under this section 840
if, based on a plea of guilty, a judicial finding of guilt, or a 841
judicial finding of eligibility for intervention in lieu of 842
conviction, the board issued a notice of opportunity for a 843
hearing prior to the court's order to seal the records. The 844
board shall not be required to seal, destroy, redact, or 845
otherwise modify its records to reflect the court's sealing of 846
conviction records. 847

(G) Actions shall not be taken pursuant to division (C) 848
(37) of this section against any chiropractor who waives 849
deductibles and copayments as follows: 850

(1) In compliance with the health benefit plan that 851
expressly allows a practice of that nature. Waiver of the 852

deductibles or copayments shall be made only with the full 853
knowledge and consent of the plan purchaser, payer, and third- 854
party administrator. Documentation of the consent shall be made 855
available to the board upon request. 856

(2) For professional services rendered to any other person 857
licensed pursuant to this chapter, to the extent allowed by this 858
chapter and the rules of the board. 859

(H) As used in this section, "animal chiropractic" and 860
"animal chiropractic practitioner" have the same meanings as in 861
section 4734.151 of the Revised Code. 862

Section 2. That existing sections 4734.04, 4734.05, 863
4734.15, 4734.25, 4734.283, 4734.285, and 4734.31 of the Revised 864
Code are hereby repealed. 865

Section 3. The State Chiropractic Board may take any 866
action it considers necessary for purposes of converting 867
certificates to practice acupuncture issued under Chapter 4734. 868
of the Revised Code from expiring on an annual basis to a 869
biennial basis in accordance with section 4734.283 of the 870
Revised Code, as amended by this act. 871