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133rd General Assembly

Bill Analysis

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Version: As Reported by House Health

Primary Sponsor: Rep. Carfagna

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SUMMARY

Chiropractic Loan Repayment Program

- Creates the Chiropractic Loan Repayment Program under which the Department of Health may repay a chiropractor's student loan if the chiropractor agrees to provide services for a specified period in a chiropractic health resource shortage area.
- Establishes the Chiropractic Loan Repayment Advisory Board and requires the Department to administer the program in cooperation with the Board.
- Establishes the Chiropractic Loan Repayment Fund and requires \$25 from each chiropractic license renewal fee to be credited to the fund.

Animal chiropractic

- Authorizes a chiropractor who is an animal chiropractic practitioner to practice animal chiropractic without supervision from a licensed veterinarian.
- Defines the scope of animal chiropractic, including limitations and duties.
- Requires animal chiropractic practitioners to register with the State Chiropractic Board.

State Chiropractic Board

- Revises certain other laws governing the Chiropractic Board, including provisions regarding Board meetings and the election of certain officers.

* This analysis was prepared before the report of the House Health Committee appeared in the House Journal. Note that the legislative history may be incomplete.

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DETAILED ANALYSIS

Chiropractic Loan Repayment Program

The bill creates the Chiropractic Loan Repayment Program. Under the program, the Ohio Department of Health (ODH) may repay all or part of an educational loan taken by a chiropractor in exchange for the chiropractor providing services in a chiropractic health resource shortage area.¹ ODH is to administer the program in cooperation with the Chiropractic Loan Repayment Advisory Board, which the bill creates.

At present, ODH administers loan repayment programs for physicians, dentists, and dental hygienists providing services in health or dental resource shortage areas.²

Eligibility

To be eligible to participate in the program, an individual must be either of the following:

- A student enrolled in the final year of chiropractic school or college;
- A chiropractor licensed by the State Chiropractic Board.

In addition, the individual must not have received other student loan repayment assistance.³

Educational expenses

Under the program, a chiropractor may seek reimbursement for the following educational expenses: tuition, room and board, and other expenses, including fees, books, and laboratory costs. With respect to room and board and other expenses, the amount of those expenses must be determined reasonable by the ODH Director.⁴

Repayment amounts

The bill requires the Chiropractic Loan Repayment Advisory Board to determine the amounts that will be paid as loan repayments on behalf of program participants. No repayment may exceed \$10,000 in any year and the total repayment cannot exceed \$30,000. In the event a repayment amount results in an increase in a participating chiropractor's tax liability, the chiropractor may request reimbursement for the increase.⁵

¹ R.C. 3702.98 to 3702.9810.

² R.C. 3702.75, 3702.85, and 3702.96.

³ R.C. 3702.984(A).

⁴ R.C. 3702.98.

⁵ R.C. 3702.988.

Failure to complete service obligation

Under the bill, if a chiropractor fails to complete service during the first two years of the service obligation, the chiropractor must pay ODH 1.5 times the total repayment amount. For a failure to complete service after the first two years of the service obligation, the chiropractor must pay ODH 1.5 times any amount that still remains to be repaid by ODH.⁶

Application

An individual seeking to participate in the program must apply to the ODH Director and submit all of the following information:

- The applicant's name, address, and telephone number;
- The chiropractic school or college the applicant is attending or attended, the dates of attendance, and verification of attendance;
- A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program;
- If applicable, verification of the applicant's license to practice in Ohio;
- Verification of the applicant's U.S. citizenship or legal alien status.⁷

Priorities

The bill requires the ODH Director to establish, by rule, priorities for use in determining eligibility among applicants. The priorities may include consideration of an applicant's background and career goals, the length of time the applicant is willing to provide services in a chiropractic health resource shortage area, and the amount of educational expenses for which reimbursement is being sought.⁸

Approval of an application

The ODH Director is required to approve an application for participation if all of the following are the case:

- The Director finds that the applicant is eligible and is needed in a chiropractic health resource shortage area;
- Funds are available in the Chiropractic Loan Repayment Fund and the General Assembly has appropriated funds for the program.⁹

After approving the application, the ODH Director must notify the applicant of the decision and enter into discussions with the applicant. The purpose of the discussions is to

⁶ R.C. 3702.986(B)(4).

⁷ R.C. 3702.984(B).

⁸ R.C. 3702.983.

⁹ R.C. 3702.985.

facilitate the chiropractor's recruitment to a site within a chiropractic health resource shortage area where the chiropractor's services are needed. The Director may refer the applicant to the Ohio State Chiropractic Association for assistance with recruitment and placement.¹⁰

Letter of intent

If the ODH Director and applicant agree on the applicant's placement at a particular site within a chiropractic health resource shortage area, the applicant then signs and delivers to the Director a letter of intent agreeing to the placement.¹¹

Participation contract

On the signing of a letter of intent, the chiropractor and ODH Director may enter into a contract for the chiropractor's participation in the program. A lending institution may also be a party to the contract.

The contract must include all of the following obligations:

- That the chiropractor agrees to provide chiropractic services in the chiropractic health resource shortage area identified in the letter of intent for at least two years;
- That the chiropractor agrees to provide chiropractic services for a minimum of 20 hours per week and without regard to a patient's ability to pay;
- That the chiropractor meets the requirements for a Medicaid provider agreement and enters into an agreement with the Department of Medicaid to provide chiropractic services to Medicaid recipients;
- That ODH agrees to repay all or part of the principal and interest of a government or other educational loan so long as the chiropractor performs the service obligation and the repayment amount does not exceed the limits established under the bill;
- That the chiropractor agrees to pay ODH if the chiropractor fails to complete the service obligation.¹²

The contract may include any other term as agreed upon by the parties, including a term in which ODH assumes the chiropractor's duty to pay the principal and interest of the chiropractor's educational loan. If ODH assumes that duty, the contract must specify the total amount of the principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule.

Statements

The bill requires ODH, not later than January 31 of each year, to send by ordinary mail to each chiropractor participating in the program a statement listing the amount of the principal

¹⁰ R.C. 3702.985.

¹¹ R.C. 3702.985.

¹² R.C. 3702.986.

and interest that has been repaid by ODH in the previous year. Each chiropractor must notify ODH of any address change not later than 30 days after the change.¹³

Chiropractic health resource shortage areas

Under the bill, the ODH Director must designate as chiropractic health resource shortage areas those areas in Ohio that experience special chiropractic health problems and chiropractor practice patterns that limit access to chiropractic care.¹⁴ 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 ODH Director must consider for designation as a shortage area any area in Ohio that has been designated by the U.S. Secretary of Health and Human Services as a health professional shortage area.

In the case of free clinics, the bill requires the Director to designate each clinic as a chiropractic health resource shortage area, regardless of where it is located. Comparable provisions regarding free clinics are included in the existing loan repayment programs for physicians and dentists.¹⁵

Priorities among shortage areas

The bill requires the ODH Director, by rule, to establish priorities among chiropractic health resource shortage areas for use in recruiting chiropractors to sites within shortage areas.¹⁶ The Director must consider all of the following:

- The ratio of chiropractors to the population in the shortage area;
- The distance to chiropractors outside the area;
- Health status indicators of the target population in the area;
- The presence of health care provider sites in the area with vacancies for chiropractors;
- The availability of an eligible candidate interested in being recruited to a particular site within an area;
- The distribution of chiropractic health care provider sites in urban and rural regions.

The bill requires the ODH Director to give greatest priority to chiropractic health resource shortage areas having a high ratio of population to chiropractors.

Rulemaking

The bill requires the ODH Director to adopt rules as necessary to implement and administer the program. In preparing rules, the Director must consult with the Chiropractic

¹³ R.C. 3702.986(D).

¹⁴ R.C. 3702.982.

¹⁵ R.C. 3702.76 and 3702.87, not in the bill.

¹⁶ R.C. 3702.983.

Loan Repayment Advisory Board.¹⁷ The rules must be adopted in accordance with the Administrative Procedure Act.¹⁸

Chiropractic Loan Repayment Advisory Board

The bill establishes a Chiropractic Loan Repayment Advisory Board consisting of the following members:

- One member of the House of Representatives, appointed by the Speaker of the House;
- One member of the Senate, appointed by the Senate President;
- A representative of the Department of Higher Education, appointed by the Chancellor;
- The ODH Director or Director's designee;
- Three representatives of the chiropractic profession, appointed by the Governor.¹⁹

Appointments

Initial appointments must be made not later than 90 days after the bill's effective date. Initial members serve staggered terms of one or two years; thereafter, terms of office are for two years.

Terms of office and compensation

Each member holds office from the date of appointment until the end of the term for which the member was appointed, except that a legislative member ceases to be an Advisory Board member when the legislative member ceases to be a member of the General Assembly. The bill prohibits a person from serving more than two consecutive terms on the Advisory Board. Members are to serve without compensation.

Vacancies and removal

Under the bill, vacancies are filled in the same manner as original appointments. A member appointed to fill a vacancy that occurs prior to the expiration of the predecessor's term must hold office for the remainder of that term. A member must continue in office subsequent to the expiration of the member's own term until a successor takes office or 60 days have elapsed, whichever occurs first.

The Governor, Speaker, or Senate President may remove a member that he or she appointed for misfeasance, malfeasance, or willful neglect of duty.

Chairperson, meetings, and quorum

The Advisory Board must designate one of its members to serve as the Board's chairperson. The bill requires the Board to meet at least once annually. The chairperson must

¹⁷ R.C. 3702.981.

¹⁸ R.C. Chapter 119, not in the bill.

¹⁹ R.C. 3702.987.

call special meetings on the request of four members or as needed. Four members constitute a quorum.

Assistance

The bill requires ODH to provide the Advisory Board with staff assistance as requested.

Advisory Board report

The bill requires the Advisory Board, annually on or before March 1, to submit to the Governor and General Assembly a report describing the operations of the program during the previous year.²⁰ The report must include information about all of the following:

- The number of requests received by the ODH Director that a particular area be designated as a chiropractic health resource shortage area;
- The areas that have been designated as chiropractic health resource shortage areas and the priorities that have been assigned to them;
- The number of applicants for participation in the program;
- The number of chiropractors assigned to shortage areas and the payments made on their behalf under the program;
- The shortage areas that have not been matched with all of the chiropractors they need;
- The number of chiropractors failing to complete their service obligations, the amount of damages owed, and the amount of damages collected.

Funds in the state treasury

The bill creates the following funds in the state treasury: the Chiropractic Health Resource Shortage Area Fund and Chiropractic Loan Repayment Fund.²¹ The funds must be used to implement and administer the program.

Gifts; damages from default

The bill authorizes the ODH Director to accept gifts of money from any source for the implementation and administration of the program. All gifts must be paid into the treasury to the credit of the Chiropractic Health Resource Shortage Area Fund. All damages collected from program participants who fail to fulfill their service obligations must be paid in the treasury to the credit of the Chiropractic Loan Repayment Fund.

License renewal fee

The State Chiropractic Board must deposit \$25 of each license renewal fee that the Board collects into the treasury to the credit of the Chiropractic Loan Repayment Fund.²² Under

²⁰ R.C. 3702.989.

²¹ R.C. 3702.9810.

²² R.C. 4734.25.

current law, to renew a license to practice chiropractic, a chiropractor must pay a biennial renewal fee of \$500.²³

Animal chiropractic

The bill authorizes a chiropractor who is an animal chiropractic practitioner to practice animal chiropractic²⁴ without supervision from a licensed veterinarian.²⁵ Animal chiropractic is defined by the bill as the evaluation and treatment of an animal's vertebral or extremity joint dysfunction through spinal, joint, or musculo-skeletal manipulative therapy or soft tissue therapy. It does not include selling, distributing, recommending, or providing advice regarding vitamins, minerals, and related substances, over-the-counter drugs, or durable and nondurable medical goods and devices.²⁶

In order to be an animal chiropractic practitioner, a licensed chiropractor must hold a current, valid certification from one of the following:

1. The American Veterinary Chiropractic Association;
2. The International Veterinary Chiropractic Association;
3. The College of Animal Chiropractors;
4. Any other credentialing organization specified in rules.²⁷

The bill specifies that the State Chiropractic Board may add or remove credentialing organizations through rules, in consultation with the State Veterinary Medical Licensing Board (see "**Rulemaking**," below).

Prohibition against unauthorized practice

The bill generally prohibits a chiropractor who is not an animal chiropractic practitioner from (1) practicing animal chiropractic and (2) representing that the chiropractor is, or holding the chiropractor's self out to the public as, an animal chiropractic practitioner.²⁸ However, chiropractors who are not animal chiropractic practitioners may assist licensed veterinarians under continuing law not modified by the bill, so long as the chiropractor acts under direct veterinary supervision and other conditions in current law are met.²⁹

²³ Ohio Administrative Code (O.A.C.) 4734-7-01(B).

²⁴ R.C. 4734.15(C).

²⁵ R.C. 4734.151(C)(1)(c).

²⁶ R.C. 4734.151(A)(2).

²⁷ R.C. 4734.151(A)(3).

²⁸ R.C. 4734.151(B).

²⁹ R.C. 4734.151(C)(2) and 4741.19(F), not in the bill.

Registration with Chiropractic Board

The bill requires animal chiropractic practitioners to register with the State Chiropractic Board in a manner specified by the Board.³⁰ The Board is required to maintain and make public a list of registered animal chiropractic practitioners.³¹

Limitations and duties

The bill limits the practice of animal chiropractic to only types of animals on which a chiropractor has received training.³²

Prior to providing animal chiropractic, an animal chiropractic practitioner is required to require the animal's owner or agent to complete and sign an application for care form. The form must contain at least the following:

1. A statement that the chiropractor is not a licensed veterinarian and cannot maintain primary responsibility for the animal's care;
2. A statement that animal chiropractic is not intended to replace traditional veterinary care and is to be used concurrently and in conjunction with traditional veterinary care by a licensed veterinarian;
3. Questions related to whether the animal has been seen by a veterinarian within the past year and whether a veterinarian has provided a diagnosis of the animal;
4. A statement authorizing the chiropractor to provide animal chiropractic to the animal.³³

An animal chiropractic practitioner is required to maintain the form, as well as other medical records related to the evaluation or treatment of an animal, for at least three years. The chiropractor must provide the medical records to an animal's veterinarian on request.³⁴

Chiropractor discipline

The bill authorizes the Chiropractic Board to take disciplinary action against an animal chiropractic practitioner related to the practice of animal chiropractic in a manner similar to existing law related to the practice of chiropractic.³⁵

When the Chiropractic Board is conducting an investigation or taking action against a chiropractor related to the practice of animal chiropractic, the bill requires the Board to retain as an expert witness a licensed veterinarian who is certified by an approved animal chiropractic credentialing organization. Current law maintained by the bill specifies that when taking action

³⁰ R.C. 4734.151(C)(1)(a).

³¹ R.C. 4734.151(E).

³² R.C. 4734.151(C)(1)(b).

³³ R.C. 4734.151(C)(1)(d) and (D).

³⁴ R.C. 4734.151(C)(1)(e).

³⁵ R.C. 4734.31(C).

against a chiropractor related to compliance with acceptable and prevailing standards of care in the practice of chiropractic or acupuncture, the Board is not required to retain an expert witness.³⁶

Veterinarian practice and liability

The bill provides that it does not restrict a licensed veterinarian from practicing veterinary medicine, nor does it restrict any other individual from acting as authorized under the law governing veterinarians. An animal's veterinarian is not liable for the actions of an animal chiropractic practitioner.³⁷

Rulemaking

The bill authorizes the State Chiropractic Board to adopt rules in accordance with the Administrative Procedure Act. The following rules must be adopted in consultation with the State Veterinary Medical Licensing Board:

1. Rules regarding standards of medicine or care for an animal;
2. Rules to remove or add credentialing organizations, as discussed above.

In consulting with the Veterinary Medical Board, the Chiropractic Board must provide a copy of the rule to the Veterinary Medical Board before the rule is filed with the Joint Committee on Agency Rule Review. The Veterinary Medical Board must informally vote on the rule at its next meeting. Regardless of the outcome of the vote, the Chiropractic Board may proceed in accordance with the Administrative Procedure Act.³⁸

State Chiropractic Board

The bill revises certain laws governing the State Chiropractic Board and its regulation of chiropractors.

Acupuncture certificates

Existing law authorizes the State Chiropractic Board to issue to chiropractors licensed by the Board certificates to practice acupuncture.³⁹ Each certificate expires annually and may be renewed.⁴⁰ The bill extends the length of time that a certificate is valid from one year to two and requires the Board to establish a schedule for the biennial expiration of certificates.⁴¹

³⁶ R.C. 4734.31(E).

³⁷ R.C. 4734.151(F).

³⁸ R.C. 4734.151(G).

³⁹ R.C. 4734.281, not in the bill, and 4734.283.

⁴⁰ R.C. 4734.283 and 4734.284, not in the bill.

⁴¹ R.C. 4734.283.

The bill also authorizes the Board to take any action it considers necessary for the purpose of converting to a biennial expiration schedule.⁴²

Annual meetings and elections

The bill eliminates the requirement that the Board hold an annual meeting in Ohio in September of each year.⁴³ It also requires elections for Board President to be held at the first Board meeting held in each odd-numbered year, rather than at every annual September as under current law.⁴⁴

HISTORY

Action	Date
Introduced	03-20-19
Reported, H. Health	---

H0151-RH-133/ks

⁴² Section 3.

⁴³ R.C. 4734.04.

⁴⁴ R.C. 4734.05.