A BILL

To amend sections 4734.04, 4734.05, 4734.25, and 4734.283 and to enact sections 3702.98, 3702.981, 3702.982, 3702.983, 3702.984, 3702.985, 3702.986, 3702.987, 3702.988, 3702.989, 3702.9810, and 4734.151 of the Revised Code to create the Chiropractic Loan Repayment Program and to revise certain laws administered by the State Chiropractic Board.

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

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

Sec. 3702.98. There is hereby created the chiropractic loan repayment program, which shall be administered by the department of health in cooperation with the chiropractic loan repayment advisory board. The program shall provide loan repayment on behalf of individuals who agree to provide
chiropractic services in areas designated as chiropractic health resource shortage areas by the director of health pursuant to section 3702.982 of the Revised Code.

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

(A) Tuition;

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

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

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

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

(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.

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.

**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:

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

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

(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:

(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;

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

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

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

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

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

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

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

If the director and applicant agree on the applicant's placement at a particular site within a chiropractic health resource shortage area, the applicant shall sign and deliver to the director a letter of intent agreeing to that placement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) The contract may include any other term as agreed upon by the parties, including a term in which the department assumes the individual's duty to pay the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.98 of the Revised Code. If the department assumes that duty, the contract shall 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.

(D) Not later than the thirty-first day of January of each year, the department of health shall send by ordinary mail to each individual participating in the chiropractic loan repayment program a statement listing the amount of the principal and interest that has been repaid by the department in the previous year. Each participating individual shall notify the department of any change of address and shall do so not later than thirty
days after the change of address.

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

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

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

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

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

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

(B) Initial appointments shall be made not later than ninety days after the effective date of this section. Of the initial appointments made by the governor, two members shall serve a term of one year and one member shall serve a term of two years. The member initially appointed by the speaker of the house of representatives shall serve a term of one year. The member initially appointed by the senate president shall serve a term of two years. Thereafter, terms of office of all appointed members shall be two years. Each member shall hold 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 a member of the board on ceasing to be a member of the general assembly. No person shall be appointed to the board for more than two consecutive terms.
Vacancies shall be filled in the manner prescribed for the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration of the member's term until a successor takes office or until sixty days have elapsed, whichever occurs first.

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

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

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

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

Members of the board shall serve without compensation.

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

Sec. 3702.988. The chiropractic loan repayment advisory board shall determine the amounts that will be paid as loan repayments on behalf of participants in the chiropractic loan repayment program. No repayment shall exceed ten thousand dollars in any year, except that if a repayment results in an increase in the participant's federal, state, or local income tax liability, the department of health, at the participant's
request and with the approval of the director of health, may reimburse the participant for the increased tax liability, regardless of the amount of the repayment in that year. Total repayment on behalf of a participant shall not exceed thirty thousand dollars over the time of participation in the program.

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

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

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

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

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

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

(F) The number of chiropractors failing to complete their service obligations, the amount of damages owed, and the amount of damages collected.
Sec. 3702.9810. The director of health may accept gifts of money from any source for the implementation and administration of sections 3702.98 to 3702.9810 of the Revised Code.

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

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

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

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

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

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

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

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

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

(2) A decision involving a situation that requires immediate board attention may be made by the president if the circumstances surrounding the situation make holding a board meeting impractical. At the earliest time possible, the president shall report the decision to the members of the board.
and the board shall meet to ratify or nullify the decision.

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

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

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

Sec. 4734.151. (A) As used in this section:

(1) "Animal" means any living animal other than a human being.

(2) "Animal chiropractic" means 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.

(3) "Animal chiropractic practitioner" means a chiropractor licensed under this chapter who holds a current, valid certification from the American veterinary chiropractic association or the international veterinary chiropractic association.

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

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

(1) Practice animal chiropractic;

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

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

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

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

(c) The chiropractor is not required to be supervised by a licensed veterinarian when providing animal chiropractic;

(d) The animal's veterinarian is not liable for any actions or omissions of the chiropractor in providing animal
chiropractic;

(e) The chiropractor shall maintain for at least three years a medical record for each animal evaluated or treated and on request shall provide the medical record to the animal's veterinarian in a timely fashion.

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

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

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

Sec. 4734.25. A license to practice chiropractic from the state chiropractic board expires biennially in accordance with the schedule established by the board establishes in rules adopted under this section and . The license may be renewed. The renewal process shall be conducted in accordance with the standard renewal procedures of Chapter 4745. of the Revised Code, except that the board's executive director shall notify each license holder of the license renewal requirements of this section not later than sixty days prior to the license's expiration date. When

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

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

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

The board shall adopt any rules it considers necessary to implement this section, including standards for approval of continuing education in the practice of chiropractic. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.
Sec. 4734.283. If the state chiropractic board determines under section 4734.282 of the Revised Code that an applicant meets the requirements for a certificate to practice acupuncture, the executive director of the board shall issue to the applicant a certificate to practice acupuncture. The certificate shall expire annually to practice acupuncture expires biennially in accordance with a schedule the board shall establish. The certificate may be renewed in accordance with section 4734.284 of the Revised Code.

Section 2. That existing sections 4734.04, 4734.05, 4734.25, and 4734.283 of the Revised Code are hereby repealed.

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