

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 151

Representative Carfagna

**Cosponsors: Representatives Carruthers, Edwards, Ginter, Hood, LaTourette,
Lipps, Manning, D., O'Brien, Plummer, Roemer, Schaffer, West**

A BILL

To amend sections 4734.04, 4734.05, 4734.25, and 1
4734.283 and to enact sections 3702.98, 2
3702.981, 3702.982, 3702.983, 3702.984, 3
3702.985, 3702.986, 3702.987, 3702.988, 4
3702.989, 3702.9810, and 4734.251 of the Revised 5
Code to create the Chiropractic Loan Repayment 6
Program and to revise certain laws administered 7
by the State Chiropractic Board. 8

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

Section 1. That sections 4734.04, 4734.05, 4734.25, and 9
4734.283 be amended and sections 3702.98, 3702.981, 3702.982, 10
3702.983, 3702.984, 3702.985, 3702.986, 3702.987, 3702.988, 11
3702.989, 3702.9810, and 4734.251 of the Revised Code be enacted 12
to read as follows: 13

Sec. 3702.98. There is hereby created the chiropractic 14
loan repayment program, which shall be administered by the 15
department of health in cooperation with the chiropractic loan 16
repayment advisory board. The program shall provide loan 17
repayment on behalf of individuals who agree to provide 18

chiropractic services in areas designated as chiropractic health 19
resource shortage areas by the director of health pursuant to 20
section 3702.982 of the Revised Code. 21

Under the program, the department of health, by means of a 22
contract entered into under section 3702.986 of the Revised 23
Code, may agree to repay all or part of the principal and 24
interest of a government or other educational loan taken by an 25
individual for the following expenses incurred while the 26
individual was enrolled in an accredited chiropractic school or 27
college: 28

(A) Tuition; 29

(B) Other educational expenses, such as fees, books, and 30
laboratory expenses that are for purposes and in amounts 31
determined reasonable by the director of health; 32

(C) Room and board, in an amount determined reasonable by 33
the director of health. 34

Sec. 3702.981. The director of health, in accordance with 35
Chapter 119. of the Revised Code, shall adopt rules as necessary 36
to implement and administer sections 3702.98 to 3702.9810 of the 37
Revised Code. In preparing rules, the director shall consult 38
with the chiropractic loan repayment advisory board. 39

Sec. 3702.982. (A) The director of health shall designate, 40
as chiropractic health resource shortage areas, areas in this 41
state that experience special chiropractic health problems and 42
chiropractor practice patterns that limit access to chiropractic 43
care. Except as provided in division (B) of this section, the 44
designations shall be made by rule. The designations may apply 45
to a geographic area, one or more facilities within a particular 46
area, or a population group within a particular area. The 47

director shall consider for designation as a chiropractic health 48
resource shortage area any area in this state that has been 49
designated by the United States secretary of health and human 50
services as a health professional shortage area under section 51
332 of the "Public Health Service Act," 42 U.S.C. 254e. 52

(B) As used in this division, "free clinic" has the same 53
meaning as in section 3701.071 of the Revised Code. 54

The director shall designate each free clinic as a 55
chiropractic health resource shortage area, regardless of 56
whether the clinic is located in a geographic area that is 57
designated as a chiropractic health resource shortage area. 58

Sec. 3702.983. The director of health, by rule, shall 59
establish priorities among chiropractic health resource shortage 60
areas for use in recruiting chiropractors to sites within 61
particular areas under the chiropractic loan repayment program. 62
In establishing priorities, the director shall consider the 63
ratio of chiropractors to the population in the chiropractic 64
health resource shortage area, the distance to chiropractors 65
outside the area, health status indicators of the target 66
population in the area, presence of health care provider sites 67
in the area with vacancies for chiropractors, availability of an 68
eligible candidate interested in being recruited to a particular 69
site within an area, and the distribution of chiropractic health 70
care provider sites in urban and rural regions. The director 71
shall give greatest priority to chiropractic health resource 72
shortage areas having a high ratio of population to 73
chiropractors. 74

The director, by rule, shall establish priorities for use 75
in determining eligibility among applicants for participation in 76
the chiropractic loan repayment program. The priorities may 77

include consideration of an applicant's background and career 78
goals, the length of time the applicant is willing to provide 79
chiropractic services in a chiropractic health resource shortage 80
area, and the amount of the educational expenses for which 81
reimbursement is being sought through the program. 82

Sec. 3702.984. (A) An individual who has not received 83
other student loan repayment assistance and meets either of the 84
following requirements may apply for participation in the 85
chiropractic loan repayment program: 86

(1) The individual is a chiropractic student enrolled in 87
the final year of chiropractic school or college. 88

(2) The individual holds a current, valid license to 89
practice chiropractic issued under Chapter 4734. of the Revised 90
Code. 91

(B) An application for participation in the chiropractic 92
loan repayment program shall be submitted to the director of 93
health on a form that the director shall prescribe. The 94
information required to be submitted with an application 95
includes the following: 96

(1) The applicant's name, permanent address or address at 97
which the applicant is currently residing if different from the 98
permanent address, and telephone number; 99

(2) The chiropractic school or college the applicant is 100
attending or attended, the dates of attendance, and verification 101
of attendance; 102

(3) A summary and verification of the educational expenses 103
for which the applicant seeks reimbursement under the program; 104

(4) If applicable, verification of the applicant's 105

current, valid license to practice chiropractic issued by the 106
state chiropractic board under Chapter 4734. of the Revised 107
Code; 108

(5) Verification of the applicant's United States 109
citizenship or status as a legal alien. 110

Sec. 3702.985. If funds are available in the chiropractic 111
loan repayment fund created under section 3702.9810 of the 112
Revised Code and the general assembly has appropriated the funds 113
for the program, the director of health shall approve an 114
applicant for participation in the program on finding in 115
accordance with the priorities established under section 116
3702.983 of the Revised Code that the applicant is eligible for 117
participation and is needed in a chiropractic health resource 118
shortage area. 119

On approving an application, the director shall notify and 120
enter into discussions with the applicant. The object of the 121
discussions is to facilitate recruitment of the applicant to a 122
site within a chiropractic health resource shortage area at 123
which, according to the priorities established under section 124
3702.983 of the Revised Code, the applicant is needed. 125

The director may refer the applicant to the Ohio state 126
chiropractic association, or its successor organization, for 127
assistance with the applicant's recruitment and placement. 128

If the director and applicant agree on the applicant's 129
placement at a particular site within a chiropractic health 130
resource shortage area, the applicant shall sign and deliver to 131
the director a letter of intent agreeing to that placement. 132

Sec. 3702.986. (A) An individual who has signed a letter 133
of intent under section 3702.985 of the Revised Code and the 134

director of health may enter into a contract for the applicant's 135
participation in the chiropractic loan repayment program. A 136
lending institution may also be a party to the contract. 137

(B) The contract shall include all of the following 138
obligations: 139

(1) The individual agrees to provide chiropractic services 140
in the chiropractic health resource shortage area identified in 141
the letter of intent for at least two years; 142

(2) When providing chiropractic services in the 143
chiropractic health resource shortage area, the individual 144
agrees to do all of the following: 145

(a) Provide chiropractic services for a minimum of twenty 146
hours per week; 147

(b) Provide chiropractic services without regard to a 148
patient's ability to pay; 149

(c) Meet the requirements for a medicaid provider 150
agreement and enter into the agreement with the department of 151
medicaid to provide chiropractic services to medicaid 152
recipients. 153

(3) The department of health agrees, as provided in 154
section 3702.98 of the Revised Code, to repay all or part of the 155
principal and interest of a government or other educational loan 156
taken by the individual for expenses described in section 157
3702.98 of the Revised Code so long as both of the following are 158
the case: 159

(a) The individual performs the service obligation agreed 160
to under division (B)(1) of this section. 161

(b) The repayment amount does not exceed those described 162

in section 3702.988 of the Revised Code. 163

(4) The individual agrees to pay the department of health 164
the following amount if the individual fails to complete the 165
service obligation agreed to under division (B)(1) of this 166
section: 167

(a) For a failure to complete service occurring during the 168
first two years of the service obligation, three times the total 169
repayment amount agreed to by the department under division (B) 170
(3) of this section; 171

(b) For a failure to complete service occurring after the 172
first two years of the service obligation, three times any 173
amount that still remains to be repaid by the department under 174
division (B)(3) of this section. 175

(C) The contract may include any other term as agreed upon 176
by the parties, including a term in which the department assumes 177
the individual's duty to pay the principal and interest of a 178
government or other educational loan taken by the individual for 179
expenses described in section 3702.98 of the Revised Code. If 180
the department assumes that duty, the contract shall specify the 181
total amount of the principal and interest to be paid, an 182
amortization schedule, and the amount of each payment to be made 183
under the schedule. 184

(D) Not later than the thirty-first day of January of each 185
year, the department of health shall send by ordinary mail to 186
each individual participating in the chiropractic loan repayment 187
program a statement listing the amount of the principal and 188
interest that has been repaid by the department in the previous 189
year. Each participating individual shall notify the department 190
of any change of address and shall do so not later than thirty 191

days after the change of address. 192

Sec. 3702.987. (A) There is hereby created the 193
chiropractic loan repayment advisory board. The board shall 194
consist of the following members: 195

(1) One member of the house of representatives, appointed 196
by the speaker of the house of representatives; 197

(2) One member of the senate, appointed by the president 198
of the senate; 199

(3) A representative of the department of higher 200
education, appointed by the chancellor; 201

(4) The director of health or an employee of the 202
department of health designated by the director; 203

(5) Three representatives of the chiropractic profession, 204
appointed by the governor from persons nominated by the 205
executive director of the Ohio state chiropractic association, 206
or its successor organization. 207

(B) Initial appointments shall be made not later than 208
ninety days after the effective date of this section. Of the 209
initial appointments made by the governor, two members shall 210
serve a term of one year and one member shall serve a term of 211
two years. The member initially appointed by the speaker of the 212
house of representatives shall serve a term of one year. The 213
member initially appointed by the senate president shall serve a 214
term of two years. Thereafter, terms of office of all appointed 215
members shall be two years. Each member shall hold office from 216
the date of appointment until the end of the term for which the 217
member was appointed, except that a legislative member ceases to 218
be a member of the board on ceasing to be a member of the 219
general assembly. No person shall be appointed to the board for 220

more than two consecutive terms. 221

Vacancies shall be filled in the manner prescribed for the 222
original appointment. A member appointed to fill a vacancy 223
occurring prior to the expiration of the term for which the 224
member's predecessor was appointed shall hold office for the 225
remainder of that term. A member shall continue in office 226
subsequent to the expiration of the member's term until a 227
successor takes office or until sixty days have elapsed, 228
whichever occurs first. 229

The governor, speaker, or president may remove a member 230
for whom the governor, speaker, or president was the appointing 231
authority, for misfeasance, malfeasance, or willful neglect of 232
duty. 233

The board shall designate a member to serve as chairperson 234
of the board. 235

The board shall meet at least once annually. The 236
chairperson shall call special meetings as needed or upon the 237
request of four members. 238

Four members of the board constitute a quorum to transact 239
and vote on all business coming before the board. 240

Members of the board shall serve without compensation. 241

The department of health shall provide the board with 242
staff assistance as requested by the board. 243

Sec. 3702.988. The chiropractic loan repayment advisory 244
board shall determine the amounts that will be paid as loan 245
repayments on behalf of participants in the chiropractic loan 246
repayment program. No repayment shall exceed ten thousand 247
dollars in any year, except that if a repayment results in an 248

increase in the participant's federal, state, or local income 249
tax liability, the department of health, at the participant's 250
request and with the approval of the director of health, may 251
reimburse the participant for the increased tax liability, 252
regardless of the amount of the repayment in that year. Total 253
repayment on behalf of a participant shall not exceed thirty 254
thousand dollars over the time of participation in the program. 255

Sec. 3702.989. The chiropractic loan repayment advisory 256
board, annually on or before the first day of March, shall 257
submit a report to the governor and general assembly describing 258
the operations of the chiropractic loan repayment program during 259
the previous calendar year. The report shall include information 260
about all of the following: 261

(A) The number of requests received by the director of 262
health that a particular area be designated as a chiropractic 263
health resource shortage area; 264

(B) The areas that have been designated as chiropractic 265
health resource shortage areas and the priorities that have been 266
assigned to them; 267

(C) The number of applicants for participation in the 268
chiropractic loan repayment program; 269

(D) The number of chiropractors assigned to chiropractic 270
health resource shortage areas and the payments made on behalf 271
of those chiropractors under the chiropractic loan repayment 272
program; 273

(E) The chiropractic health resource shortage areas that 274
have not been matched with all of the chiropractors they need; 275

(F) The number of chiropractors failing to complete their 276
service obligations, the amount of damages owed, and the amount 277

of damages collected. 278

Sec. 3702.9810. The director of health may accept gifts of 279
money from any source for the implementation and administration 280
of sections 3702.98 to 3702.9810 of the Revised Code. 281

The director shall pay all gifts accepted under this 282
section into the state treasury, to the credit of the 283
chiropractic health resource shortage area fund, which is hereby 284
created, and all damages collected under division (B) (4) of 285
section 3702.986 of the Revised Code, into the state treasury, 286
to the credit of the chiropractic loan repayment fund, which is 287
hereby created. 288

The director shall use the chiropractic health resource 289
shortage area and chiropractic loan repayment funds for the 290
implementation and administration of sections 3702.98 to 291
3702.9810 of the Revised Code. 292

Sec. 4734.04. (A) ~~The state chiropractic board shall hold~~ 293
~~its annual meeting in this state in September of each year and~~ 294
~~shall hold other meetings at the times and places that a~~ 295
majority of the board directs. A special meeting shall be held 296
at the call of the board's president or at the request of two or 297
more board members, in which case the meeting shall be called by 298
the board's executive director. 299

A majority of the board constitutes a quorum for the 300
transaction of business. Except when action is taken on behalf 301
of the board by the board's president under division (A) of 302
section 4734.05 of the Revised Code, the board may not take any 303
action without the concurrence of three members. The board shall 304
make rules as necessary to govern its internal management. 305

(B) The board shall keep a record of its meetings and 306

other official actions, including a register of all applicants 307
for licensure to practice chiropractic. The register shall show 308
whether an applicant for licensure was rejected or was granted a 309
license. The board's records and register shall be prima-facie 310
evidence of all matters recorded in them. The board shall adopt 311
a common seal, which may be used to authenticate its official 312
documents. 313

Sec. 4734.05. (A) The state chiropractic board shall 314
organize by electing from its members a president. The president 315
shall hold office for two years and until the president's 316
successor is elected and takes office. Elections for board 317
president shall be held at ~~every other annual~~ the first meeting 318
of the board held in ~~this state in September~~ each odd-numbered 319
year. 320

The president, subject to the board's approval, may 321
designate another member of the board to serve as vice-president 322
to fulfill the president's duties in the event that the 323
president is absent or incapacitated. The vice-president may 324
perform any action that the president is authorized to perform. 325

The president may make decisions on behalf of the board as 326
follows: 327

(1) A decision regarding board activities may be made by 328
the president if the president considers the decision to be 329
minor and determines that making the decision will facilitate 330
the responsiveness and effectiveness of the board; 331

(2) A decision involving a situation that requires 332
immediate board attention may be made by the president if the 333
circumstances surrounding the situation make holding a board 334
meeting impractical. At the earliest time possible, the 335

president shall report the decision to the members of the board 336
and the board shall meet to ratify or nullify the decision. 337

(B) The board shall appoint an executive director who 338
shall serve as the board's secretary and shall perform all other 339
duties prescribed by the board or this chapter. While serving as 340
executive director, the individual appointed shall reside in 341
this state and may not serve as a member of the board. 342

The executive director shall be in the unclassified 343
service of this state. The board shall fix the executive 344
director's compensation and reimburse the executive director for 345
necessary expenses incurred in the performance of official 346
duties. Prior to entering into the official duties of office, 347
the executive director shall take and subscribe an oath of 348
office and shall give to the treasurer of state a bond in the 349
penal sum of fifty thousand dollars with sufficient sureties to 350
be approved by the governor for the faithful discharge of the 351
duties. 352

The executive director is the board's appointing 353
authority, as defined in section 124.01 of the Revised Code. 354
With the board's approval, the executive director may appoint 355
any employees necessary to carry out the board's functions, 356
including investigative personnel and other employees to perform 357
professional, clerical, and special work, and may establish 358
standards for the conduct of and the authority to be granted to 359
the board's employees. 360

Sec. 4734.25. A license to practice chiropractic from the 361
state chiropractic board expires biennially in accordance with 362
~~the a schedule established~~ the board establishes in rules 363
adopted under this section ~~and~~. The license may be renewed. The 364
renewal process shall be conducted in accordance with the 365

standard renewal procedures of Chapter 4745. of the Revised 366
Code, except that the board's executive director shall notify 367
each license holder of the license renewal requirements of this 368
section not later than sixty days prior to the license's 369
expiration date. ~~When~~ 370

When an application for license renewal is submitted, the 371
applicant shall provide the information necessary to process the 372
application, provide evidence satisfactory to the board of 373
meeting the continuing education requirements of section 374
4734.251 of the Revised Code, and pay a renewal fee in an amount 375
the board specifies in rules adopted under this section. The 376
board shall deposit twenty-five dollars of each renewal fee 377
collected into the state treasury to the credit of the 378
chiropractic loan repayment fund created by section 3702.9810 of 379
the Revised Code. 380

~~Before a renewal of license is issued by the board, the 381~~
~~licensee shall furnish the board with satisfactory evidence that 382~~
~~the licensee has completed during the current licensing period 383~~
~~not less than the number of hours of continuing education that 384~~
~~the board requires in rules adopted under this section. For an 385~~
~~activity to be applied toward the continuing education 386~~
~~requirement, the activity must meet the board's approval as a 387~~
~~continuing education activity, as specified in rules adopted 388~~
~~under this section. Any exception from the continuing education 389~~
~~requirement must be approved by the board. 390~~

Failure of a licensee to comply with this section shall 391
operate as an automatic forfeiture of the right of the licensee 392
to practice chiropractic in this state. A forfeited license may 393
be reinstated by the board upon payment of all fees due and a 394
penalty fee in an amount the board specifies in rules adopted 395

under this section for reinstatement, in addition to satisfying 396
the board of having complied with the continuing education 397
requirements of ~~this~~ section 4734.251 of the Revised Code. If an 398
individual's license has been forfeited for two or more years, 399
the board may also require as a condition of reinstatement that 400
the individual complete training or testing as specified by the 401
board. 402

The board shall adopt the rules required by this section 403
and may adopt any other rules it considers necessary to 404
implement this section, ~~including standards for approval of~~ 405
~~continuing education in the practice of chiropractic~~. All rules 406
adopted under this section shall be adopted in accordance with 407
Chapter 119. of the Revised Code. 408

Sec. 4734.251. (A) (1) Except as provided in division (A) 409
(2) of this section, to be eligible for renewal of license to 410
practice chiropractic, an applicant shall complete not less than 411
the number of hours of continuing education the state 412
chiropractic board requires in rules adopted under this section. 413
The continuing education activities must be completed during the 414
twenty-four months immediately preceding the license's 415
expiration date. For an activity to be applied toward the 416
continuing education requirement, the activity must be approved 417
as described in division (B) of this section. 418

(2) The board may waive all or part of the continuing 419
education requirement for an applicant for any reason the board 420
considers appropriate. 421

(B) The board shall enter into a contract with the Ohio 422
state chiropractic association under which the association is 423
responsible for approving continuing education activities. The 424
terms of the contract shall include provisions that do all of 425

the following: 426

(1) Require the association to approve a continuing education activity only if the activity meets the standards for approval established by the board in rules adopted under this section; 427
428
429
430

(2) Authorize the association to approve a continuing education activity that has been approved by an agency in another jurisdiction that regulates the practice of chiropractic if the standards for approval in the other jurisdiction are equivalent to the standards established in rules adopted under this section; 431
432
433
434
435
436

(3) Require the association to use the procedures for approval that are established by the board in rules adopted under this section; 437
438
439

(4) Require the association, if it denies approval, to give the entity seeking approval of the continuing education activity a written notice that includes an explanation of the reason for denial. 440
441
442
443

(C) The board shall adopt the rules required by this section and may adopt any other rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 444
445
446
447
448

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~~ 449
450
451
452
453

A certificate shall expire annually to practice 454

acupuncture expires biennially in accordance with a schedule the 455
board shall establish. ~~It~~The certificate may be renewed in 456
accordance with section 4734.284 of the Revised Code. 457

Section 2. That existing sections 4734.04, 4734.05, 458
4734.25, and 4734.283 of the Revised Code are hereby repealed. 459

Section 3. The State Chiropractic Board may take any 460
action it considers necessary for purposes of the following: 461

(A) Accepting continuing education activities for renewal 462
of licenses to practice chiropractic issued under Chapter 4734. 463
of the Revised Code until the contract described in section 464
4734.251 of the Revised Code, as enacted by this act, has been 465
entered into and the Ohio State Chiropractic Association has 466
fully implemented its approval of continuing education 467
activities; 468

(B) Converting certificates to practice acupuncture issued 469
under Chapter 4734. of the Revised Code from expiring on an 470
annual basis to a biennial basis in accordance with section 471
4734.283 of the Revised Code, as amended by this act. 472