

# Fiscal Note & Local Impact Statement

127<sup>th</sup> General Assembly of Ohio

Ohio Legislative Service Commission  
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BILL: **Sub. S.B. 33** DATE: **March 20, 2007**

STATUS: **As Reported by Senate Health, Human Services, and Aging** SPONSOR: **Sen. Schuring**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal Cost**

CONTENTS: **To permit a chiropractor who obtains a certificate to practice acupuncture from the State Chiropractic Board to practice acupuncture and to authorize a chiropractor to supervise the performance of acupuncture by acupuncturists registered by the State Medical Board of Ohio**

## State Fiscal Highlights

STATE FUND	FY 2007	FY 2008	FUTURE YEARS
<b>General Revenue Fund</b>			
Revenues	- 0 -	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
<b>Fund 402 (Victims of Crime/Reparations Fund)</b>			
Revenues	- 0 -	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	- 0 -	- 0 -
<b>Fund 4K9 (Occupational Licensing and Regulatory Fund)</b>			
Revenues	Potential gain due to additional licensing fees	Potential gain due to additional licensing fees	Potential gain due to additional licensing fees
Expenditures	Potential increase due to increased costs associated with issuing licenses	Potential increase due to increased costs associated with issuing licenses	Potential increase due to increased costs associated with issuing licenses

Note: The state fiscal year is July 1 through June 30. For example, FY 2007 is July 1, 2006 – June 30, 2007.

- **Incarceration Expenditures.** As a result of violations of the bill's prohibitions, there could potentially be a very small number of additional offenders sentenced to prison. Such an outcome would, theoretically at least, increase the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures, with the size of any such increase likely to be no more than minimal annually.
- **Court Cost Revenues.** The bill may produce a negligible revenue gain to the GRF and the Victims of Crime/Reparations Fund (Fund 402) in state court costs collected from offenders who violate the new felony offense. Given the expectation that there would likely be a relatively small number of new cases per year in which individuals are charged with a violation of the prohibitions, the additional state revenue will likely be negligible.



- **Licensing Fees.** The bill may also produce a gain in revenue for the Chiropractors Examiners Board due to the additional fee that will be assessed for the acupuncture certificate. The Board will determine the fee. The Board may also see an increase in expenditures due to the costs associated with issuing licenses. However, a representative from the Board states that meeting times will not increase due to the increased number of applications, therefore, that is not factored into the potential expenditure increase.

### ***Local Fiscal Highlights***

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
<b>County criminal justice system</b>			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- County criminal justice system expenditures may increase. However, because of the likelihood that the commission of such acts as prohibited by the bill will continue to be relatively rare in Ohio, any increase in expenditures is likely to be minimal. Any gains in revenue will also be minimal for the same reason as stated above.

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## ***Detailed Fiscal Analysis***

### **Current Law**

Under current law, a person may be licensed as a Doctor of Chiropractic if the person: is at least 21 years old; is a high school graduate (or equivalent); has completed at least two years of undergraduate coursework; and is a graduate of a chiropractic college approved by the Chiropractic Examiners Board. In addition, the person must pass a series of examinations that are administered by the National Board of Chiropractic Examiners. These examinations are comprised of four written tests and a practical exam. Finally, after the Chiropractic Examiners Board reviews the person's initial application, a copy of the Board's laws and rules is sent for review prior to the required state-constructed jurisprudence examination.

Once licensed, a Doctor of Chiropractic: is authorized to examine, diagnose, and assume responsibility for the care of patients; may not treat infectious, contagious or venereal disease, perform surgery or acupuncture, nor prescribe or administer drugs for treatment; may use x rays for diagnostic purposes only; may not perform abortions; is permitted to use the title "Doctor," "Doctor of Chiropractic," "Chiropractic Physician," or "Chiropractic." In order to renew a license, a Chiropractor must complete at least 24 hours of continuing education each year, with at least 12 hours earned in a seminar setting, and pay a license renewal fee as established by the Chiropractic Examiners Board.

### **The Bill**

The bill requires the Chiropractic Board, in consultation with the Medical Board, to approve a course of study in acupuncture that is offered by: a school or college of chiropractic approved by a national entity; an institution with an acupuncture program that is accredited by the Accreditation Commission for Acupuncture and Oriental Medicine; a school or college of medicine, osteopathic medicine, or podiatric medicine; a hospital; an institution that holds a certificate of authorization from the Board of Regents; or an institution that holds program authorization from the State Board of Career College and School. After course approval is made, a licensed chiropractor seeking certification to practice acupuncture must submit a written application to the State Chiropractic Board including: evidence that the applicant is in good standing with a valid license; evidence that the applicant has completed an approved course of study; and a non-refundable fee that will be determined by the Board at a later date. An affirmative vote of at least three members of the Board is needed to determine that an applicant meets the requirements for certification. If an affirmative vote is received, the Director of the State Chiropractic Board will issue a certificate to practice acupuncture to the applicant that must be renewed annually. The meeting must take place no more than 60 days from the receipt of the completed application.

To renew a certificate to perform acupuncture, the applicant must: complete at least six hours of continuing education in acupuncture in the 12 months immediately preceding the date of the renewal request; certify that he or she remains in good standing with a valid license; and pay a renewal fee in an amount to be determined by the State Chiropractic Board.

### **Fiscal Impact**

The majority of the fiscal impact of this bill will be related to the revenues and expenditures associated with issuing the certificates to practice acupuncture. The Chiropractic Examiners Board may experience a gain in revenue due to the additional fee that will be assessed for the acupuncture certificate. The fee will be determined by the Board. There will also be a potential increase in expenditures due to the costs associated with issuing licenses. However, a representative from the Board states that meeting times will not increase due to the increased number of applications, therefore, that is not factored into the potential expenditure increase.

The state will experience an additional, minimal fiscal impact as a result of violations of the bill's prohibitions. The state may also collect additional revenue, in the form of state court costs, which would be collected locally and forwarded for deposit in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402). The state court costs for a felony offense total \$45, of which the GRF receives \$15 and Fund 402 receives \$30. Given the expectation that there would likely be a relatively small number of new cases, the additional state revenue will likely be negligible.

In addition, even though there is a presumption against prison for felonies of the fourth and fifth degrees, there could potentially be a very small number of additional offenders sentenced to prison. Such an outcome would, theoretically at least, increase the Department of Rehabilitation and Correction's GRF-funded incarceration expenditures, with the size of any such increase likely to be no more than minimal annually.

As noted, it appears unlikely that the bill will create many, if any, new cases for county criminal justice systems to process. That said, any new criminal case that is created as a result of violating the bill's prohibitions, theoretically at least, carries the potential to increase related county criminal justice system costs. For example, expenses related to investigating, prosecuting, adjudicating, and sanctioning the offender. Any resulting increase in a county's criminal justice system expenditures is likely to be no more than minimal annually because of the likelihood that the commission of such acts as prohibited by the bill will continue to be relatively rare in Ohio.

Furthermore, the bill could increase the amount of court cost and fine revenues collected by counties from offenders. Given the number of cases in which a violation of the bill's prohibition might apply appears likely to be relatively small, the amount of additional court cost and fine revenues that counties may actually collect annually is likely to be no more than negligible. The table below shows the potential prison terms and fines for a fourth and fifth degree felony. As stated above, it is highly unlikely that anyone found guilty of violating the bill's prohibitions will be sentenced to a prison term. Therefore, the majority of the penalties will involve fines only.

<b>Degree of Felony</b>	<b>Prison Term</b>	<b>Fine</b>
Fourth	6 to 18 months	Up to \$5,000
Fifth	6 to 12 months	Up to \$2,500

*LSC fiscal staff: Stephanie Suer, Budget Analyst*

