



Ohio Administrative Code

Rule 4734-6-09 Character and fitness standards.

Effective: August 12, 2002

(A) The applicant for licensure has the burden to prove by clear and convincing evidence that the he or she possesses the requisite character, fitness, and moral qualifications for licensure for the practice of chiropractic. An applicant's failure to provide requested information, or otherwise cooperate in licensure proceedings before the board, may be grounds for refusal of the application.

(B) The board shall determine an applicant's character, fitness, and moral qualifications in accordance with:

(1) The provisions of Chapter 4734. of the Revised Code;

(2) The provisions of agency-level 4734 of the Administrative Code;

(3) Any code of ethics established or adopted by the board in accordance with section 4734.16 of the Revised Code.

(C) An applicant may be approved for licensure if the applicant's record of conduct justifies the trust of patients, other healthcare colleagues and the public with respect to the professional duties owed to them and demonstrates that the applicant satisfies the essential eligibility requirements for the practice of chiropractic as defined by the board. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence, or reliability of an applicant may constitute a basis for refusal of the applicant. Factors to be considered carefully by the board concerning an applicant's good moral character and fitness to practice shall include, but are not limited to:

(1) Commission or conviction of a crime;

(2) Evidence of an existing and untreated chemical (drug or alcohol) dependency;

(3) Commission of an act constituting the unlicensed practice of chiropractic or other health care



discipline requiring licensure;

(4) Violation of the rules of the applicant's chiropractic educational institution or any other academic misconduct;

(5) Evidence of a mental, emotional or psychological disorder that in any way affects or, if untreated, could affect the applicant's ability to practice chiropractic in a competent and professional manner;

(6) A pattern of disregard of the laws of this state, another state, or the United States;

(7) Failure to provide complete and accurate information concerning the applicant's past;

(8) False statements, including omissions;

(9) Acts involving dishonesty, fraud, deceit, or misrepresentation;

(10) Abuse of the health care system;

(11) Neglect of financial responsibilities;

(12) Neglect of professional obligations;

(13) Violation of an order of a court or licensing authority;

(14) Denial of licensure in another jurisdiction on character and fitness grounds;

(15) Disciplinary action by a chiropractic disciplinary agency or other professional disciplinary agency of any jurisdiction; and

(16) Any other grounds specified in section 4734.31 of the Revised Code.

(D) The board shall determine whether the present character, fitness, and moral qualifications of an applicant qualify the applicant for licensure for the practice of chiropractic. In making this



determination, the following factors shall be considered in assigning weight and significance to the applicant's prior conduct:

- (1) Age of the applicant at the time of the conduct;
- (2) Recency of the conduct;
- (3) Reliability of the information concerning the conduct;
- (4) Seriousness of the conduct;
- (5) Factors underlying the conduct;
- (6) Cumulative effect of the conduct;
- (7) Evidence of rehabilitation;
- (8) Positive social contributions of the applicant since the conduct;
- (9) Candor of the applicant in the licensure process;
- (10) Materiality of any omissions or misrepresentations;
- (11) Public confidence in the chiropractic profession if the applicant is licensed.

(E) In determining an applicant's character, fitness, and moral qualifications for the practice of chiropractic, the board shall not consider factors which do not directly bear a reasonable relationship to the practice of chiropractic, including but not limited to the following impermissible factors:

- (1) Age, gender, race, color, national origin, or religion of the applicant; or
- (2) Disability of the applicant, provided that the applicant, though disabled, is able to satisfy the essential eligibility requirements for the practice of chiropractic.