



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 541 of the 132nd G.A.

**Status:** As Reported by Senate Health, Human Services, & Medicaid

**Sponsor:** Reps. Patterson and LaTourette

**Local Impact Statement Procedure Required:** No

**Subject:** Authorizes out-of-state health professionals to provide volunteer health services during charitable events

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### State Fiscal Highlights

- Impacted occupational licensing boards could experience an increase in costs to conduct any investigations and take disciplinary action against an out-of-state practitioner for actions taken during a charitable event.
- The State Medical Board may realize a negligible loss in special activity certificate revenue if the number of physicians applying for such a certificate is reduced as a result of the bill. There would also be a corresponding negligible decrease in administrative costs for issuing fewer certificates.
- The bill modifies an earmark for kinship care under the Ohio Department of Job and Family Services contained in the budget bill. The bill specifies how remaining funds are to be allocated. However, the amount of the earmark remains unchanged.

### Detailed Fiscal Analysis

The bill authorizes a health care professional who is licensed in good standing in another state to practice as a volunteer without remuneration in Ohio during a charitable event that lasts not more than seven days. The bill requires the person or the event's organizer to notify the relevant board of the person's intent to practice at the event at least seven days before the start of the event. The bill applies to physicians, nurses, physician assistants, chiropractors, dentists, hygienists, optometrists, and dispensing opticians.

The bill provides that the relevant Ohio licensing board may take disciplinary action against an out-of-state practitioner for actions taken during a charitable event. However, with regards to the Nursing Board, under current law, the Board is already authorized to take disciplinary action on a nurse for violations of the nursing law. In the case of a physician and a physician assistant, discipline may include the imposition of a civil penalty up to \$20,000. The Ohio State Medical Board, the Board of Nursing, the State Chiropractic Board, the State Dental Board, and the State Vision Professionals

Board could experience an increase in costs to conduct any necessary investigations and take disciplinary action. The State Medical Board may impose a civil penalty in certain instances. Any fine revenues collected would be deposited into the State Medical Board Operating Fund (Fund 5C60).

Current law, unchanged by the bill, allows a physician licensed in another state to obtain a special activity certificate from the State Medical Board that authorizes the physician to practice in conjunction with an Ohio activity, event, or program in the public interest. An applicant for a certificate must demonstrate that the applicant holds an unrestricted license in another state and pay a \$125 fee for the certificate, which is valid for 30 days. The provisions of the bill may affect the number of physicians applying for special activity certificates. As such, the Board could experience a loss in revenue from the special activity certificate fee and a decrease in administrative costs related to issuance of the certificate. The Board issued five of these certificates in FY 2017 and 17 in FY 2016 so any impact would be negligible.

### **Kinship care program**

The bill makes changes to an earmark established in H.B. 49 of the 132nd General Assembly under the Ohio Department of Job and Family Services (ODJFS). H.B. 49 included a \$15.0 million appropriation in each fiscal year to support a program to provide child care to kinship caregivers. The bill specifies that the remaining portion of the \$15.0 million earmark in FY 2019 be used to provide funds to the county departments of job and family services according to the following formula: 12% divided equally among the counties, 48% divided in the ratio of the number of residents under the age of 18 bears to the total number of such persons in the state, and 40% divided in the ratio of the number of residents with incomes under the federal poverty level bears to the total number of such persons in the state. In addition, the bill states that individuals currently receiving services prior to the amendment's effective date will continue to remain enrolled.

The bill further specifies that the Kinship Caregiver Support Program be incorporated into each county's prevention, retention, and contingency programs and be used to provide reasonable and necessary relief of child caring functions so that kinship caregivers can provide for a child in place of a child's parents.

Since the bill modifies how an existing appropriation is used, it poses no additional costs to the state. However, ODJFS may experience an administrative cost if it needs to promulgate rules. The bill states that if program funding is no longer available, county departments of job and family services are not to be held responsible for services. As a result, the bill poses no additional costs to political subdivisions.

### **State Board of Pharmacy**

The bill (1) revises regulations under which pharmacists and pharmacy interns are permitted to administer certain immunizations harmonizing the regulations with regulations for the administration of drugs by pharmacists, and (2) revises requirements

for the State Board of Pharmacy to license and regulate home medical equipment service providers, aligning them with ongoing Board practices. These provisions are not expected to create any discernible ongoing licensing and regulatory costs for the Board.

### **Podiatrist supervision of hyperbaric oxygen therapy**

The bill revises the law governing podiatrist supervision of hyperbaric oxygen therapy and physician consultations. It specifies that a physician is considered to be readily available for consultation if the physician is able to communicate with the podiatrist in a timely fashion either in person or by oral, written, or electronic means. The bill specifies that the physician is not required to be physically present at the facility in which the hyperbaric oxygen room or chamber is located. These provisions should not have a significant fiscal impact.