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S.B. 88
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Maharath

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Summary

- Repeals provisions that require state health care professional licensing boards to consider race and gender-based disparities in health care treatment decisions and to provide information to licensees on training and continuing education opportunities in cultural competency.
- Requires, instead, that certain health care professionals obtain instruction or continuing education in cultural competency in order to receive or renew a professional license.
- Requires the pertinent licensing boards to adopt rules establishing the number of hours of cultural competency instruction to be completed and the criteria to be used in waiving that requirement.
- Requires the boards, in developing the rules, to consider race and gender-based disparities in health care and to consult with outside professional organizations.

Detailed Analysis

Cultural competency for health care professionals

Overview

The bill repeals provisions enacted by Sub. S.B. 332 of the 131st General Assembly, which enacted recommendations of the Commission on Infant Mortality, concerning cultural competency for health care professionals. Specifically, the provisions require specified state health care professional licensing boards to make certain considerations and provide information to their licensees and certificate holders on continuing education and training opportunities in cultural competency. The bill replaces those provisions with requirements that certain health care professionals obtain instruction or continuing education in cultural competency to receive or renew a professional license.

Cultural competency requirement for licensure

The bill generally requires applicants for and holders of certain health care professional licenses, certificates, or registrations to obtain instruction or continuing education in cultural competency to receive or renew their authority to practice.¹ The individuals subject to the bill's requirements are those seeking to practice, or those seeking to renew the authority to practice, as dentists, registered nurses, licensed practical nurses, optometrists, pharmacists, physicians, podiatrists, psychologists, independent social workers, social workers, and social work assistants.²

Current law does not require health care professionals to complete certain amounts of training, instruction, or continuing education in cultural competency. Rather, law that took effect April 6, 2017, required that each board regulating the professionals specified above consider the problems of race and gender-based disparities in health care treatment decisions. When doing so, each board was required to consult with the Commission on Minority Health and one or more professionally relevant and nationally recognized organizations or similar entities that review the curricula and experiential learning opportunities offered by applicable health care professional schools, colleges, and other educational institutions. The law required this to occur not later than August 4, 2017. In addition, each board must annually provide its licensees or certificate holders with a list of continuing education courses and experiential learning opportunities addressing cultural competency in health care treatment. If a board determines that a sufficient number of courses or experiential learning opportunities do not exist, the board must collaborate with the organizations or similar entities described above to create the courses or opportunities.³ The bill repeals these requirements.

Waiver

The bill provides that its requirements for instruction or continuing education in cultural competency do not apply to an applicant or health care professional if the licensing board has waived those requirements.⁴ In adopting rules under the bill, each board must establish the criteria it will consider in deciding whether to grant a waiver. The criteria must include demonstration to the board's satisfaction that the person has attained experience that is substantially equivalent to the required number of hours of instruction or continuing education in cultural competency.⁵

Board rules for cultural competency

The bill requires the licensing boards that oversee each of the professions subject to the bill to adopt rules regarding the number of hours of instruction or continuing education in cultural competency each applicant or professional must complete to receive or renew the authority to practice. This rule-making requirement applies to the State Dental Board, the

¹ R.C. 4743.08(B).

² R.C. 4743.08(A)(1) and (2).

³ R.C. 4743.08(B).

⁴ R.C. 4743.08(C).

⁵ R.C. 4743.08(D)(3).

Board of Nursing, the State Board of Optometry, the State Board of Pharmacy, the State Medical Board, the State Board of Psychology, and the Counselor, Social Worker, and Marriage and Family Therapist Board.⁶ In developing the rules, the boards must consider race and gender-based disparities in health care. The boards must consult with at least one professionally relevant and nationally recognized organization that reviews the curricula offered by educational institutions. Each board must adopt the rules in accordance with the Administrative Procedure Act (R.C. Chapter 119.).⁷

Approval of continuing education courses

Not later than 90 days after the bill's effective date, each licensing board must approve one or more continuing education courses that address cultural competency in health care. To be approved, a course must include instruction in addressing race and gender-based disparities in health care. The bill authorizes the boards to approve courses that are included within continuing education programs certified by professional associations or similar entities.⁸

History

Action	Date
Introduced	03-06-19

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⁶ R.C. 4743.08(D)(1) and (2).

⁷ R.C. 4743.08(E).

⁸ R.C. 4743.08(F).