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Office

H.B. 673
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 673's Bill Analysis](#)

Version: As Passed by the House

Primary Sponsor: Rep. Roemer

Local Impact Statement Procedure Required: No

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Highlights

- State institutions of higher education that have educator preparation programs may incur increased costs to develop and implement a plan to provide students with alternative experiences, assignments, or instruction in FY 2021 to make up for time missed due to COVID-19 (the Department of Higher Education issued guidance providing flexibility in this regard for the programs for the spring and summer 2020 terms). Ultimately, any additional cost will depend on implementation decisions made by the institutions.
- Extending the period the Board of Nursing must issue temporary registered nurse and licensed practical nurse licenses could result in additional administrative costs for the Board and additional fee revenue, which would be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).
- Boards and agencies that issue occupational licenses may experience costs to determine if an applicant or licensee is exempt from continuing education requirements and to address any potential questions.
- The bill prohibits the State Cosmetology and Barber Board from requiring a licensee to obtain an additional license or permit to provide services at limited events so long as the services are provided incidentally to the licensee's regular practice in a salon or barber shop. As a result, the Board may see a loss of revenue averaging \$800 or less per year.
- The bill requires the State Cosmetology and Barber Board to issue temporary pre-examination work permits to practice barbering. Under the bill, fees for this permit may not exceed \$15.

Detailed Analysis

Overview

The bill specifies a number of provisions across a wide spectrum of subject areas, mostly related to the COVID-19 emergency. Provisions involve alternative instruction in educator preparation programs at higher education institutions, temporary registered nurse (RN) and licensed practical nurse (LPN) licenses, continuing education requirements for certain occupational licenses, barbering and cosmetology services, and authorization for pharmacists to administer COVID-19-related immunizations and tests. These provisions are discussed below in more detail.

Alternative instruction in educator preparation programs

The bill requires educator preparation programs (except for barber schools and schools of cosmetology, which may offer instructor training programs) to develop and implement a plan to provide students with alternative experiences, assignments, or instruction in FY 2021 to make up for any hours or weeks of clinical experiences missed due to COVID-19. Alternative experiences may include virtual learning, designing lessons and units of instruction, and other appropriate activities that allow students to demonstrate mastery of the expected outcomes of clinical experiences. The Department of Higher Education (DHE) issued guidance for the spring and summer 2020 terms to educator preparation programs in March 2020 regarding students who were at risk of not meeting clinical experience requirements due to efforts to curb the spread of COVID-19. The guidance provides flexibility regarding the number of field experience hours or weeks that candidates must complete in order to be eligible for an education license or endorsement. It also specifies that the programs may provide students with alternative experiences, assignments, or instruction to allow students to demonstrate mastery of expected outcomes as an alternative to traditional experiences.

Presumably, institutions that have complied with DHE's guidance for the 2020 spring and summer terms will likely extend those options into FY 2021 to comply with the bill. An institution may incur some additional costs to extend alternative experiences into or, if the alternatives have yet to be established, to develop and implement them in FY 2021. Any additional costs likely depend on actions already taken and implementation decisions made by the institution.

Board of Nursing

The bill extends the period the Board of Nursing must issue temporary RN and LPN licenses, and the period in which they are valid, to July 1, 2021. Current law requires the Board to issue temporary licenses to RN and LPN applicants that meet all other requirements except for passing their licensure exam, and provides they will be valid until the earlier of 90 days after the duration of the COVID-19 emergency or December 1, 2020. Extending the time period could result in additional administrative costs to issue these licenses but also subsequent fee revenue, which would be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). The bill excludes applicants from receiving a temporary license and invalidates an existing temporary license if the applicant failed the licensure exam, committed a felony, or failed a drug test. This provision may minimally reduce the number of RNs and LPNs working under a temporary license. The bill also requires the Board to recognize any clinical experience that an RN or LPN practicing under a temporary license receives and count it towards any outstanding experience needed

before being eligible to take their licensure exam. Applicants for the exam must provide evidence of completing requirements, so this provision should pose no additional cost to the Board.

Occupational license continuing education requirements

The bill suspends the requirement that a person complete continuing education requirements to maintain or renew an occupational license from the bill's effective date until December 1, 2020, except when distance learning is allowed. Boards and agencies that issue occupational licenses may experience administrative costs to determine if the applicant or licensee is exempt from these requirements and to address questions.

State Cosmetology and Barber Board

Temporary event salon licenses

The bill may result in a slight loss of license revenue collected by the State Cosmetology and Barber Board. Under rules adopted by the Board, an individual wishing to practice cosmetology or barbering at a temporary location must obtain a \$10 temporary event salon license (TESL) from the Board. Between FY 2017 and May 2020, TESLs provided the Board with a total of \$3,190, an average of just under \$800 per year. Notwithstanding any statute or rule to the contrary, the bill prohibits the Board from requiring a TESL for individuals that hold a license issued by the Board to practice cosmetology or barbering at a limited event so long as the provision of services are incidental to the licensee's practice in a salon or barber shop. Under the bill, a limited event includes but is not limited to (1) a charity event, (2) on-location wedding or event preparation, (3) a bridal or hair show, (4) an on-location spa event, (5) an on-location event at a location such as a nursing home, hospital, or other care facility that lacks an on-site salon or barber shop, and (6) an on-location event at the private residence of an individual who is unable to visit a fixed-location salon or barber shop. The bill's prohibition on issuing TESLs for limited events would result in a loss of some or all of the Board's annual TESL revenue. License and permit revenue collected by the Board is deposited to the Occupational Licensing and Regulatory Fund (Fund 4K90).

Temporary pre-examination work permits to practice barbering

Revenue lost from the prohibition on TESLs discussed above could be at least partially offset through fees for temporary pre-examination work permits to practice barbering which are created by the bill. The bill requires the Board to establish a fee for these permits of not more than \$15. Under the bill, the Board is required to issue the permits to individuals who apply for and are eligible to take the examination required to obtain a barber license and that satisfy conditions established by the Board and that have not previously failed a barber licensing examination.

COVID-19 immunizations and testing

The bill allows: (1) a licensed pharmacist or intern to administer immunizations for COVID-19, (2) a pharmacist to order and administer diagnostic tests and antibody tests for COVID-19, and (3) a pharmacy intern or certified pharmacy technician to administer diagnostic tests and antibody tests for COVID-19 when under the direct supervision of a pharmacist.

Under continuing law, a pharmacist or pharmacy intern who administers immunizations must do so according to rules established by the State Board of Pharmacy and the Board is

required to adopt rules including provisions specifying any immunizations that may be administered.

A pharmacist, pharmacy intern, or certified pharmacy technician is subject to the Board's disciplinary procedures. The disciplinary actions include revoking, suspending, or limiting the pharmacist's or intern's identification card or technician's registration; placing the pharmacist's or intern's identification card or the technician on probation; refusing to grant or renew the pharmacist's or intern's identification card or technician's registration; or imposing a monetary penalty or forfeiture not to exceed \$500. Any money collected is credited to Fund 4K90, the Occupational Licensing and Regulatory Fund. These rulemaking and enforcement duties are not expected to create any discernible ongoing costs for the Board.