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H.B. 673
133rd General Assembly

Bill Analysis

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Version: As Passed by the House

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SUMMARY

Educator preparation program make up hours and weeks

- Requires each educator preparation program to develop and implement a plan to provide its students with alternative experiences in the 2020-2021 academic year to make up hours or weeks of clinical experiences missed due to school closure or limited hours because of COVID-19.
- Requires the Department of Higher Education and Department of Education to consider a student who successfully completes make-up hours or weeks in the 2020-2021 academic year using alternative experiences eligible for licensure and endorsement recommendations in the same manner as a student who completes clinical experiences.

Temporary pre-examination work permit to practice barbering

- Requires the State Cosmetology and Barber Board to issue a temporary pre-examination work permit to practice barbering to an individual who applies for and is eligible to take the examination required for a barber license if the individual meets certain conditions.
- Requires the Board to charge a fee of not more than \$15 for the permit.

Location of cosmetology and barber services

- Allows an individual who is licensed to provide services under the Cosmetology Law or Barber Law to provide those services on premises other than a licensed salon or a licensed barber shop, as applicable, for limited events only if the services provided are incidental to the licensee's practice in a salon or barber shop.
- Prohibits the State Cosmetology and Barber Board from requiring an individual provides incidental services as described above to obtain an additional license or permit to provide those.

- Eliminates a prohibition against using any room or place for barbering that is also used for residential or other business purposes, unless it is separated by a substantial ceiling-high partition.

Temporary nursing licenses without examination

- Continues until July 1, 2021, the suspension of the requirement that an applicant pass a licensure examination to receive a license to practice as a registered nurse or licensed practical nurse and adds eligibility limitations.
- Specifies that a nursing license issued without examination is valid until July 1, 2021, unless the licensee fails the licensing examination, is convicted of a felony, or fails a drug test.
- Requires the Nursing Board to count hours worked under a temporary license issued without examination towards any clinical experience that must be completed before a nurse is eligible to take the licensure examination (when the temporary license expires).

Pharmacist administration of COVID-19 immunization and tests

- Authorizes a pharmacist or pharmacy intern to administer immunizations for COVID-19 to individuals seven and older.
- Authorizes a pharmacist to order and administer diagnostic tests for COVID-19 and COVID-19 antibodies.
- Authorizes a pharmacy intern or certified pharmacy technician to administer diagnostic tests for COVID-19 and COVID-19 antibodies if the intern or technician is under the direct supervision of a pharmacist.

Continuing education requirement suspension

- Suspends any requirement that a person must complete continuing education to maintain or renew an occupational license beginning on the bill's effective date and ending on December 1, 2020.
- Specifies that the suspension does not apply if the laws governing the applicable occupational license allow a person to complete continuing education through distance education.

DETAILED ANALYSIS

Educator preparation program make up hours and weeks

The bill requires each educator preparation program to develop and implement a plan to provide its students with alternative experiences, assignments, or instruction in the 2020-2021 academic year to make up any hours or weeks of clinical experiences missed due to school closure or limited hours because of COVID-19. These alternatives must allow students to demonstrate mastery of the expected outcomes of clinical experiences. They may include:

1. Virtual learning;
2. Designing lessons and units of instruction;
3. Selecting and implementing instructional strategies;
4. Teaching lessons and content;
5. Assessing learning to evaluate student progress and inform instructional decisions;
6. Creating a supportive learning environment;
7. Managing the classroom effectively; and
8. Other appropriate activities.

The bill requires the Department of Higher Education and the Department of Education to consider a student who successfully completes make-up hours or weeks in the 2020-2021 academic year using these alternatives eligible for licensure and endorsement recommendations in the same manner as a student who completes clinical experiences.

The bill specifies that this provision does not apply to a barber school or school of cosmetology.¹

Background

Approval of educator preparation programs

Continuing law requires the Chancellor of Higher Education and Superintendent of Public Instruction to establish metrics for the preparation of educators and other school personnel, which must be aligned with the standards for educator licenses adopted by the State Board of Education. The Chancellor must approve institutions of higher education engaged in the preparation of educators and other school personnel that the Chancellor determines maintain satisfactory training procedures and records of performance.²

Administrative rules regarding clinical experiences

Under the Chancellor's rules, an educator preparation program must be designed to include a minimum of 100 clock hours of field experience prior to student teaching and a minimum of 12 weeks of student teaching for initial teacher licensure. Additionally, an educator preparation program must include a minimum of 50 clock hours of field experiences for each endorsement and each additional licensure area beyond the candidate's initial license.³

Educator preparation programs and COVID-19 guidance

The Department of Higher Education issued guidance to educator preparation programs in March 2020 regarding students who were at risk of not meeting clinical experience

¹ Section 5.

² R.C. 3333.048, not in the bill.

³ Ohio Administrative Code (O.A.C.) 3333-1-05(C).

requirements due to efforts to curb the spread of COVID-19. That guidance, which only applies to the spring and summer terms of 2020, indicates that the Department is providing programs with flexibility regarding the number of hours or weeks that students must complete. 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. Students who successfully complete the alternative experiences will be eligible for licensure and endorsement recommendations.⁴

Temporary pre-examination work permit to practice barbering

The bill requires the State Cosmetology and Barber Board to issue a temporary pre-examination work permit to practice barbering to an individual who applies for and is eligible to take the examination required for a barber license under continuing law if the individual satisfies all of the following conditions:

1. The individual has not previously failed an examination required for a barber license;
2. The individual pays a fee of not more than \$15 as set by the Board;
3. The individual satisfies all other conditions established by rules adopted by the Board.

An individual who holds a temporary pre-examination work permit issued under the bill may practice barbering until the date the individual is scheduled to take an examination required for a barber license. A permit holder under the bill must practice under the supervision of an individual holding a current, valid barber license. A permit issued under the bill is renewable in accordance with rules adopted by the Board.

The bill requires the Board to adopt rules regarding conditions an individual must satisfy to qualify for a permit and the conditions and methods for renewing a permit. Additionally, the bill allows the Board to adopt rules to establish additional conditions for a temporary pre-examination work permit that is applicable to individuals who are licensed to practice barbering in another state or country.⁵

Under continuing law, the Board must issue similar temporary pre-examination work permits to practice a branch of cosmetology to an individual who applies for and is eligible to take the examination required for a practicing license under the Cosmetology Law⁶ if the individual meets certain conditions.⁷

⁴ <https://www.ohiohighered.org/educator-preparation/covid-19-guidance>.

⁵ R.C. 4709.071, 4709.05, and 4709.12, with conforming changes in R.C. 4709.02 and 4709.13.

⁶ R.C. Chapter 4713.

⁷ R.C. 4713.22 and 4713.10, not in the bill.

Location of cosmetology or barber services

The bill allows, notwithstanding any provision of the Cosmetology Law or Barber Law,⁸ or the rules adopted under either law, to the contrary, an individual who is licensed to provide services under the Cosmetology Law or Barber Law to provide those services on premises other than a licensed salon or a licensed barber shop, as applicable, for limited events only if the services provided are incidental to the licensee's practice in a salon or barber shop. A "limited event" includes, but is not limited to, the following:

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;
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 prohibits the Board from requiring an individual who provides incidental services as described above to obtain an additional license or permit to provide those services.⁹

Additionally, the bill eliminates a prohibition against using any room or place for barbering that is also used for residential or other business purposes, unless it is separated by a substantial ceiling-high partition.¹⁰

Current law generally requires individuals licensed by the Board to perform services in a licensed facility. An administrative rule allows the Board to issue a temporary event salon license to a licensee who wishes to provide services on premises other than a fixed location. The rule requires an applicant for this license to complete an application for each temporary event, pay an application fee of \$10, and affirm that the salon premise for the temporary event will meet the conditions for a salon license under current law.¹¹

Temporary nursing licenses without examination

H.B. 197 of the 133rd General Assembly temporarily suspended the requirement that an applicant pass a licensure examination accepted by the State Board of Nursing to receive a license to practice as a registered nurse or licensed practical nurse. The bill changes the duration of the suspension, making it effective during the period beginning on the date the

⁸ R.C. Chapter 4709.

⁹ R.C. 4713.351.

¹⁰ R.C. 4709.02(L), repealed.

¹¹ R.C. 4709.02 and 4709.05; R.C. 4713.14, and 4713.35, not in the bill; O.A.C. 4713-8-09.

emergency declared by Executive Order 2020-01D was issued, March 9, 2020, and ending on July 1, 2021, rather than during the emergency declared by Executive Order 2020-01D as under current law.

To be eligible for the license, the bill specifies that an individual must not have (1) previously taken and failed the licensure examination, (2) been convicted of, pleaded guilty to, or had a judicial finding of guilt for, any felony, or (3) failed a drug test, as determined by the Nursing Board.

The bill specifies that a nursing license issued without examination is generally valid until July 1, 2021; it is immediately void, however, if the licensee (1) takes and fails the licensure examination, (2) is convicted of, pleads guilty to, or has a judicial finding of guilt for, any felony, or (3) fails a drug test, as determined by the Nursing Board. Currently, under H.B. 197, a nursing license issued without examination is valid until whichever of the following occurs first: (1) March 1, 2021 (90 days after December 1, 2020) or (2) the date that is 90 days after the duration of the COVID-19 emergency period.¹²

The bill requires the Nursing Board to recognize any hours a nurse works under a temporary license issued without examination and count those hours towards any outstanding clinical experience that must be completed before the nurse is eligible to take the examination (at the time when the temporary license is no longer valid and the examination requirement is no longer suspended).¹³

Pharmacist administration of COVID-19 immunizations and tests

Subject to the same requirements and limitations as in current law for the administration of flu shots, the bill authorizes a pharmacist or pharmacy intern to administer immunizations for COVID-19, if any, to individuals seven and older. Some of the requirements in current law that apply through the bill to pharmacist and pharmacy intern administration of COVID-19 immunizations include (1) completing a course in the administration of immunizations, (2) maintaining CPR certification, and (3) practicing in accordance with a physician-established protocol.¹⁴

In addition to authorizing the administration of COVID-19 immunizations, the bill authorizes a pharmacist to order and administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies. Additionally, pharmacy interns and certified pharmacy technicians may administer the tests if under the direct supervision of a pharmacist.¹⁵

¹² Section 30 of H.B. 197 of the 133rd General Assembly and Sections 2, 3, and 4.

¹³ Section 3.

¹⁴ R.C. 4729.41.

¹⁵ R.C. 4729.42.

Continuing education requirement suspension

The bill suspends any requirement that a person must complete continuing education to maintain or renew an occupational license beginning on the bill's effective date and ending on December 1, 2020. The provision applies notwithstanding any law to the contrary. However, the suspension does not apply if the laws governing the applicable occupational license allow a person to complete continuing education through distance education.

For purposes of this provision:

- "Occupational license" means any license, certificate, permit, or other authorization issued by a state agency that allows the holder to practice a job or profession. "Occupational license" does not include a license issued pursuant to rules of the Supreme Court of Ohio governing admission to the practice of law.¹⁶
- "Distance education" means continuing education courses in which instruction is accomplished through the use of interactive, electronic media and where the teacher and student are separated by distance or time, or both.¹⁷

HISTORY

Action	Date
Introduced	05-26-20
Reported, H. State & Local Gov't	06-09-20
Passed House (94-0)	06-10-20

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¹⁶ Ohio Constitution, Article IV, Section 5.

¹⁷ Section 6.