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OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research
and Drafting

Legislative Budget
Office

H.B. 661*
133rd General Assembly

Occupational Regulation Report

[Click here for H.B. 661's Bill Analysis / Fiscal Note](#)

Primary Sponsor: Rep. Galonski

Impacted Professions: Nurses, Pharmacists, Physicians, Physician Assistants, and Podiatrists

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LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.¹

SUMMARY OF PROPOSED REGULATIONS

H.B. 661 requires the following health care professionals to complete continuing education in human trafficking in order to renew their license to practice:

- Registered nurses, which include advanced practice registered nurses, and licensed practical nurses;
- Pharmacists;
- Physician assistants;
- Physicians;
- Podiatrists.

* This report addresses the "As Introduced" version of H.B. 661. It does not account for changes that may have been adopted after the bill's introduction.

¹ R.C. 103.26, not in the bill.

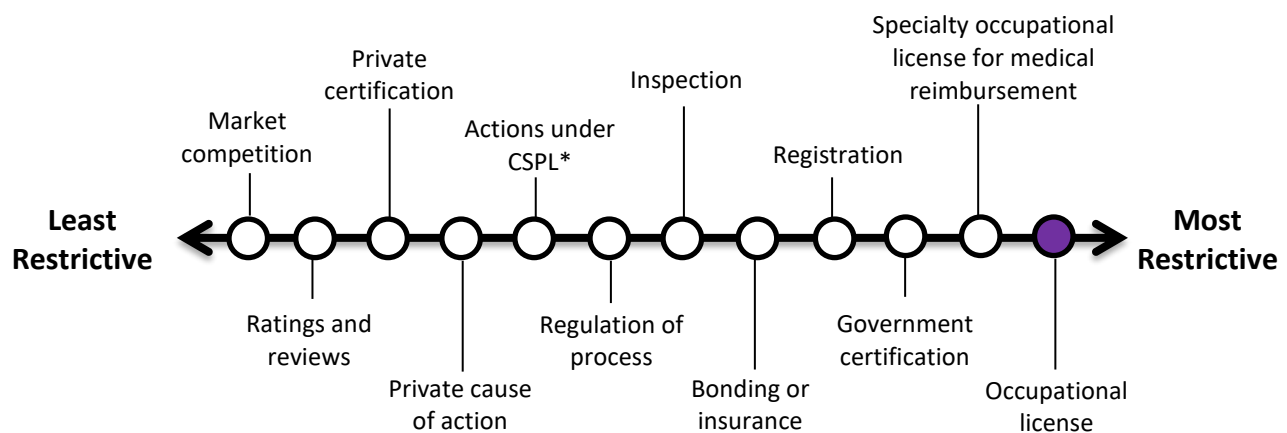
Under continuing law, these professionals must complete continuing education every biennium as a condition of license renewal. The bill does not increase the required number of continuing education hours – it specifies that some of the hours must address human trafficking. The bill directs the State Board of Nursing, State Board of Pharmacy, and State Medical Board to establish the number of hours of continuing education in human trafficking that its respective license holders must complete for license renewal.²

LEAST RESTRICTIVE REGULATION COMPARISON

Ohio's general regulatory policy

The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from “present, significant, and substantiated harms that threaten health, safety, or welfare,” the state’s expressed intent is to enact the “least restrictive regulation that will adequately protect consumers from such harms.”³

The degree of “restrictiveness” of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state’s policy by least to most restrictive:



*CSPL – The Consumer Sales Practices Law

Necessity of regulations

At the time this report was completed, H.B. 661 had not yet received a first hearing in the House Criminal Justice Committee. Therefore, the bill’s sponsor, Representative Galonski, had not yet provided a direct statement as to her intent in proposing new continuing education

² R.C. 4723.251, 4729.261, 4730.14, 4730.141, and 4731.283.

³ Section 3 of the bill and R.C. 4798.01 and 4798.02, neither in the bill.

requirements. Generally, it appears that the bill would increase awareness among certain health care professionals of the signs that a patient may be a victim of human trafficking.

Restrictiveness of regulations

Although, H.B. 661 involves occupational licensure, which is the most restrictive of all regulatory options within the state's continuum, the bill does not appear to significantly increase the restrictiveness of regulations. Existing law requires nurses, pharmacists, physicians, physician assistants, and podiatrists to complete continuing education each biennium as a condition of license renewal. The bill merely specifies that the continuing education must include content on human trafficking.

IMPACT STATEMENT

Opportunities for employment

The bill is not expected to have a significant impact on opportunities for employment for nurses, pharmacists, physicians, physician assistants, or podiatrists. All of these professions have strict rules regarding licensure and license renewal, and it is unlikely the bill's requirement that these individuals complete continuing education in human trafficking would provide a significant impediment to obtaining or renewing licensure.

Consumer choice and market competition

The bill is not expected to significantly impact consumer choice or market competition among the specified professions. As was stated previously, the affected professions are already highly regulated, and the bill is not expected to significantly alter the process of obtaining licensure, or to change the number of individuals who obtain the occupational licenses.

Cost to government

The bill could result in costs to state boards that license nurses, pharmacists, physician assistants, physicians, and podiatrists. These costs will likely be minimal and will include rule promulgation costs, as well as administrative costs to ensure compliance and address licensee questions. In addition, any state or local entities (e.g., county hospitals) that hire these professionals could realize minimal administrative costs to ensure that these continuing education requirements have been met.

STATE-BY-STATE COMPARISON

Of the five states bordering Ohio, only Michigan appears to require continuing education hours in human trafficking to renew a license to practice as a nurse, pharmacist,

physician assistant, physician, or podiatrist.⁴ However, the exact number of required hours is not clear from the text of Michigan statutory and administrative law.⁵

Like Michigan, Florida requires continuing education for licensed health professionals, including nurses, pharmacists, physicians, physician assistants, and podiatrists. With the exception of nurses, each professional must complete a one-hour continuing education course in human trafficking by January 1, 2021.⁶ Nurses must complete two hours of continuing education in human trafficking every biennium.⁷

While not quite the same as a continuing education requirement, New Jersey statutory law does mandate that the state's Department of Health ensure that employees of licensed health care facilities attend a one-time training course in human trafficking.⁸

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⁴ Mich. Comp. Laws Ann. 333.16148 and 333.17060.

⁵ Mich. Admin. Code R. 338.120 (osteopaths), 338.471b (pharmacists), 338.2413 (physicians), 338.6103 (physician assistants), 338.8102 (podiatrists), and 338.10105 (nurses).

⁶ Fla. Stat. 456.0341.

⁷ Fla. Stat. 464.013.

⁸ N.J. Stat. 2C:13-12.