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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 246  
(1\_133\_1755-7)  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 246's Bill Analysis](#)

**Version:** In Senate General Government & Agency Review

**Primary Sponsors:** Sens. Roegner and McColley

**Local Impact Statement Procedure Required:** Yes

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### Highlights

- The Department of Administrative Services may experience an increase in costs if any modifications are necessary to the state eLicensing system. These costs may be passed on to the boards that use the system through increased user charges. These receipts are deposited into the Professionals Licensing System Fund (Fund 5JQ0).
- State and local licensing authorities could realize administrative costs including rule promulgation and possible additional regulative and investigative costs. However, under the bill, licensing authorities can charge applicants a fee equal to one of the following: the renewal fee, the initial licensure fee, or the fee in effect before the effective date of the bill.

### Detailed Analysis

#### Occupational license reciprocity

The bill requires a licensing authority to issue a license or government certification under certain circumstances to an applicant who holds a substantially similar out-of-state occupational license or government certification, a private certification, or satisfactory work experience in a state that does not issue the respective license. The bill outlines some of the requirements to obtain licensure or certification. With a few exceptions, any occupational licensing boards and state agencies that administer licensure or certification programs are required to comply with the bill. Applicants are required to pay a fee equal to one of the following, as determined by the licensing authority: the renewal fee required for license or government certification holders under the applicable law to the licensing authority, the initial licensure fee, or the fee in effect before the effective date of this section for applicants who hold an out-of-state occupational license or government certification to be issued the license or government certification under the applicable law. The bill specifies that an applicant issued a

license or government certification under the bill is permitted to practice the applicable occupation or profession in Ohio only within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training. The bill allows a licensing authority, for purposes of verifying licensure status in Ohio with an entity that licenses the same profession, occupation, or occupational activity in another state, to require an applicant to satisfy a national standard to have that license or government certification verified as an Ohio license or certification, provided certain conditions apply.

If a licensing authority requires an Ohio applicant to submit to a criminal records check, to pass an examination on Ohio's laws and rules governing the applicable profession, or to satisfy a financial responsibility requirement to receive a license or government certification, applicants under the bill would also need to comply with these requirements. Licensing authorities are required to provide a written decision to issue or reject a license or government certification or take any other action under the bill within 60 days after receiving a completed application. If an applicant is the subject of a complaint, allegation, or investigation that relates to unprofessional conduct, a violation of a law regulating a profession, or an alleged crime, the bill requires a licensing authority to provide the applicant with a written decision to issue or reject a license or government certification within 60 days after the matter is resolved to the satisfaction of the licensing authority. A licensing authority may deny an applicant a license or government certification under the bill if an applicant was subject to disciplinary action of any kind by an out-of-state licensing entity during the five-year period immediately before submission of the application. The bill also allows a licensing authority to place limitations or restrictions on a license or certification issued to an applicant who would otherwise be disqualified because of a disqualifying offense. A licensing authority may refuse to issue, limit, or restrict a license or government certification for a reason that is not related to minimum education, training, or experience requirements or an examination requirement if the law governing the applicable profession or occupation allows or requires the licensing authority to do so.

The bill also specifies that the bill's provisions do not apply to a temporary license or certificate issued under continuing law to military members and their spouses who are licensed in another jurisdiction and are on military duty in Ohio. Under the bill, an Ohio department, agency, or office is prohibited from requiring military members or their spouses who meet the requirements of the continuing law governing that temporary licensure to apply for the license or certificate under the bill; however, military members or their spouses may elect to apply for a license or certificate under the bill.

## **Fiscal impact**

### **eLicensing system**

The Department of Administrative Services (DAS) oversees the development and maintenance of the state's eLicensing system, which is used by the state's boards and commissions to store and track various professional licensing records. Under the current arrangement for covering operating expenses, the boards and commissions that use eLicensing are assessed for their share of costs related to system maintenance and updates. The receipts are deposited into the Professionals Licensing System Fund (Fund 5JQ0). This would presumably be the case for system modifications that may need to be made under the bill. Any costs would depend on the complexity of any potential changes that would be required.

## **Fee revenue**

As mentioned above, the bill requires applicants to pay a fee equal one of the following, as determined by the licensing authority: the renewal fee required for license or government certification holders under the applicable law to the licensing authority, the initial licensure fee, or the fee in effect before the effective date of this section for applicants who hold an out-of-state occupational license or government certification to be issued the license or government certification under the applicable law. The fiscal impact will vary depending on each board's fee choice. Some municipalities may issue licensing or registrations for some professions, such as plumbers or other specialty contractors. Again, impact on fee revenue will depend on a municipality's fee choice. It is also possible that there could be other administrative costs, such as if any regulations need to be changed.

## **Other administrative impacts**

It is possible that there could be other administrative costs relating to the bill. For example, there could be rule promulgation, website modifications, additional questions from applicants regarding changes, updates to current reciprocity policies if applicable, and possible additional regulation and complaints. The costs of these impacts are unknown.