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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 258
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 258's Bill Analysis](#)

Version: As Reported by House Health

Primary Sponsor: Sen. Gavarone

Local Impact Statement Procedure Required: No

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Highlights

- The bill enters Ohio into the Psychology Interjurisdictional Compact (PSYPACT). As a result, the State Board of Psychology may pay annual assessments of up to \$6,000 per year. In addition, the Board will have additional administrative costs related to regulation, investigations, and notification requirements.
- The bill eliminates a township's authority to license individuals acting as massagers within the unincorporated area of the township, resulting in lost revenue for certain townships. Current law specifies that fees for these licenses are \$100 for an initial license and \$50 to renew the license annually.
- Only townships that have adopted a resolution to regulate massage establishments will be affected. Revenue loss for affected townships could range from a few hundred dollars per year to several thousand dollars per year depending on the number of individuals the township has licensed.

Detailed Analysis

Psychology Interjurisdictional Compact

The Psychology Interjurisdictional Compact (PSYPACT) is a multi-jurisdictional psychology contract created in 2015 to regulate the practice of telepsychology and temporary in-person, face-to-face psychology across state boundaries. The bill enters Ohio into PSYPACT, permitting eligible psychologists to practice telepsychology and temporary in-person, face-to-face psychology with patients in other compact states. Temporary in-person, face-to-face psychology is where a psychologist is physically present with a patient, in a state other than the one in which the psychologist is licensed, for up to 30 days within a calendar year. All states participating in PSYPACT help establish the Psychology Interjurisdictional Compact Commission,

a collective governing agency overseeing the implementation of PSYPACT. Under the bill, the State Board of Psychology is responsible for appointing Ohio's member on the Commission.

The bill establishes the Commission's powers and authority and specifies that the Commission is to pay, or provide the payment of reasonable expenses associated with its establishment, organization, and ongoing activities. The Commission is allowed to accept any and all appropriate revenue sources, donations, grants, equipment, etc. and may also levy on and collect an annual assessment from each compact state or impose fees on other parties. The bill establishes the requirements a psychologist must meet to practice under PSYPACT. The bill establishes which compact state has authority regarding disciplinary actions when telepsychology is practiced and when temporary in-person, face-to-face psychology is practiced. Also, the Commission is responsible for developing and maintaining a Coordinated Licensure Information System to record licensure and disciplinary action for practicing PSYPACT psychologists. Compact states are required to submit uniform data and promptly notify all other compact states of any adverse action taken against, or any significant investigative information on, any licensee.

The State Board of Psychology will be required to pay an annual assessment to the Commission. The amount that the Board must pay is not explicitly stated in the bill; however, a rule developed by the Commission that went into effect on October 9, 2019, states that a compact state will be charged \$10 per PSYPACT participating psychologist licensed in their home state up to a maximum of \$6,000 annually. In addition to these annual assessments, there may be additional administrative costs to investigate complaints and take disciplinary actions. If witnesses are necessary for hearings or investigations, it is possible that the Board may pay witness fees, travel expenses, and mileage and other required fees in certain instances. There will also be other costs to the Board associated with submitting uniform data to the Commission and notifying other compact states of certain actions taken about any licensees. The total costs will depend on the number of Ohio psychologists that opt to practice under PSYPACT, the number of other compact state psychologists that practice in Ohio, and the number of complaints that the Board is required to investigate.

There could be other impacts associated with Ohio entering PSYPACT. For instance, additional PSYPACT psychologists located in other compact states could provide services to Ohio residents. If this occurs, there could be additional reimbursements from state and local programs that reimburse for these services. In addition, if an Ohio resident utilizes an out-of-network provider located in another compact state there could be some additional costs to state and local programs or health plans. However, if the provision of these services led to any avoidances in hospital admissions or any other more expensive treatments, there could be a reduction in costs.

Massage therapy

The bill eliminates a township's authority to issue licenses to individuals who perform massage therapy and will result in minimal lost revenue for certain townships. Under current law, fees for these licenses are set at \$100 for an initial license and \$50 for annual renewal of the license. Although eliminating authority to license individuals performing massage applies to all townships, current law requires a township to have adopted a resolution to regulate massage establishments in order to exercise this licensing authority. Thus, only those townships that have adopted a resolution to regulate massage establishments will be affected by this

change. Because the number of townships that regulate massage establishments and the number of individuals licensed by townships as a massager is not readily available, it is difficult to estimate how much revenue any affected township may lose. However, given the current law fees, it is plausible to expect the loss to range from a few hundred dollars per year to several thousands of dollars per year, depending on the number of licensed individuals within a township.

Other changes made by the bill appear to have little or no fiscal effect, including those changes that affect the law governing the State Medical Board's authority to regulate and license massage therapy under Chapter 4731 of the Revised Code. Changes made by the bill affecting the Board clarify existing law provisions that allow certain other licensed occupations to perform limited types of massage services and would not result in additional duties or workloads for the Board. Please see the LSC bill analysis for an explanation of these changes.