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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 442
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by Senate Transportation, Commerce & Workforce

Primary Sponsors: Reps. Roemer and West

Local Impact Statement Procedure Required: No

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Highlights

- The bill makes numerous changes affecting multiple state agencies.
- The bill modifies requirements to obtain a certified public accountant (CPA) certificate.

Detailed Analysis

Provisions and affected agencies are summarized below. Generally speaking, the elimination of licenses could reduce revenue and costs for the issuing agencies. In several cases more detailed fiscal effects are reported below.

State Board of Education

Department of Education license changes

The bill requires pupil services license holders (school speech language pathologists, audiologists, school nurses, physical therapists, occupational therapists, and social workers) and a related substitute license for those positions to, instead, receive a registration from the Ohio Department of Education (ODE). The registration is valid for five years and costs \$150 for both the initial registration and renewal of the registration. Currently, pupil services personnel licenses carry a fee of \$200 for a five-year license. Substitute pupil services licenses carry a fee of \$25 for a one-year license and \$125 for a five-year license. There are approximately 17,000 pupil services personnel currently holding a license. The bill may result in a revenue loss to the Teacher Certification Fund (Fund 4L20), which receives revenue from professional licensure fees, of roughly \$850,000 over a five-year period. Fund 4L20 is used to cover costs of processing licensure applications, administering the educator disciplinary process, and providing the Resident Educator Summative Assessment to teachers.

The bill also requires, as a condition of registration, that the individual undergo a criminal records check and be enrolled into the "rapback" program. ODE may pay more in fees

for the Retained Applicant Fingerprint Database (RAPBACK) service if additional individuals become enrolled.¹

Ohio Teacher Residency Program

The Ohio Teacher Residency (OTR) Program is a four-year, entry-level program for teachers that must be completed in order to qualify for a professional educator license issued by the State Board of Education. The OTR Program currently is comprised of two years of mentoring, followed by the completion of the Resident Educator Summative Assessment (RESA) during a participant's third year, and then one year of leadership opportunities or other activities determined by the school district where the teacher is placed. During this fourth year, a designated "colleague" works with a teacher and the district's local resident educator program to establish the activities that the teacher will perform as the teacher transitions to the professional educator license.

The bill reduces the OTR Program from four years to two years, but maintains the RESA and the OTR Program's mentoring and counseling components. The bill also requires the State Board of Education to determine a method to condense the four-year Teacher Residency Program into a two-year program, including a timeframe by which individuals already enrolled in the program will complete the program. These provisions may decrease the administrative costs of school districts related to operating and managing the OTR Program at the local level by eliminating years three and four of the program.

Department of Commerce

Elimination of ski tramway board

The bill transfers regulation of passenger tramway operations to the Division of Industrial Compliance within the Department of Commerce (COM), and disbands the ski tramway board. In addition, the bill requires ski operators to maintain a level of liability insurance as determined by the Superintendent of Industrial Compliance. This provision could result in cost savings for COM.

Licensing of historic boilers

The bill removes the Historical Boiler Licensing Board and transfers its previous duties to the Division of Industrial Compliance within COM. The bill also removes the historical boiler operator's license, instead requiring that all historical boilers be operated by their owners, who must hold a valid certificate of operation for the historical boiler. This provision could result in cost savings for COM.

¹ The Attorney General's (AGO) Bureau of Criminal Investigation charges participating agencies an initial fee for each individual entered in RAPBACK and an ongoing annual fee per individual, both of which are \$5. ODE pays the fees from the Teacher Licensure and Certification Fund (Fund 4L20). Upon receipt, AGO deposits RAPBACK fees into the General Reimbursement Fund (Fund 1060).

Department of Health

Radon licensure

The bill eliminates the Ohio Department of Health's (ODH) licensure of radon testers and radon mitigation contractors. The bill specifies that a radon mitigation specialist license expires five years after issuance (instead of two). The bill also reduces the initial license and renewal fee for a mitigation specialist to \$100 every five years (from \$600 every two years). In addition, the bill reduces the number of hours of continuing education needed for renewal of a mitigation specialist license to six hours every five years (from 16 hours every two years). The elimination of the licensure of radon testers and radon mitigation contractors will result in a loss of revenue. The license fee reduction and timing of collection for mitigation specialists will also result in a loss in revenue. Fee revenue for this program is collected in the General Operations Fund (Fund 4700). Fee revenue for the radon licensure program may be used as state match for federal grant dollars.

Environmental health specialists

The bill changes the professional title of "sanitarian-in-training" and "registered sanitarian" to "environmental health specialist in training" (EHST) and "registered environmental health specialist" (REHS), respectively. The bill removes the requirement that the Director of Health create and conduct REHS registration examinations, and instead requires an REHS registration applicant to pass the National Environmental Health Association credential examination administered by ODH. The bill extends the period of validity of EHST and REHS certificates of registration from one year to two years, and requires an REHS to complete a continuing education program every two years (instead of every year). The bill modifies the necessary continuing education hours for REHSs and reduces specified registration application and renewal fees for REHSs and EHSTs. ODH will realize a loss of licensure fees collected in Fund 4700 as a result.

Administration of epinephrine autoinjectors

The bill eliminates a requirement that an individual authorized to administer epinephrine autoinjectors on behalf of a qualified entity complete an anaphylaxis training course every two years. Any public qualified entities may realize a reduction in time spent ensuring course completion.

State Medical Board

Elimination of Medical Board licenses

The bill eliminates the State Medical Board's authority to regulate (1) cosmetic therapists and the practice of cosmetic therapy and (2) oriental medicine practitioners and the practice of oriental medicine. This will reduce the revenue the Board receives from the initial and renewal fees associated with these licenses. This may also reduce administrative costs for the Board.

Automatic reciprocity

The bill eliminates the fee associated with clinical research faculty certificates, visiting clinical professional certificates, and podiatric faculty certificates. The bill also eliminates continuing education or other qualification requirements for some of these certificates. This

will reduce the amount of fee revenue received by the Board. The elimination of continuing education requirements and other qualifications could minimally reduce administrative costs for the Board.

Other changes

The bill codifies in Ohio law a 600-hour education requirement to qualify for a license to practice massage therapy (the current requirement of 750 hours is in administrative rule). The bill gives the Medical Board the authority to recognize accrediting organizations for purposes of physician assistant education programs, as opposed to current law specifying that programs must be accredited by the Accreditation Review Commission on Education for the Physician Assistant. The bill also authorizes a physician to satisfy up to ten hours of the physician's continuing education requirement by providing volunteer health care services (up from three hours under current law) and sets the conversion rate for volunteer hours as one credit hour of continuing education for every five hours spent volunteering (as opposed to the 1:1 ratio under current law). These are not anticipated to have a significant fiscal effect on the Board.

Environmental Protection Agency

The bill eliminates the Certified Engineer Program and the water quality professional certification. These provisions have no direct fiscal effect on the state or political subdivisions, as the Director of Environmental Protection has never established either the program or the certification.

Department of Natural Resources

The bill makes two changes affecting the Department of Natural Resources (DNR) that appear to have little or no fiscal effect. First, the bill authorizes the Chief of the Division of Wildlife to adopt rules to levy an administrative penalty against any person who violates the law governing wild animal hunting preserves. Although the administrative penalty could include fines, any fine revenue received would be negligible at most. Fine revenue collected by the Division is deposited to the credit of the Wildlife Fund (Fund 7015).

The second change eliminates the clay mine foreperson certification and specifies that the Chief of the Division of Mineral Resources Management cannot require a person to be examined or certified prior to performing the duties of a foreperson at a clay mine or clay stripping pit. This change codifies current practice and has no fiscal effect.

Renewal of reviewed occupational licensing boards

The bill renews for six years the State Board of Education, Ohio Athletic Commission, Environmental Protection Agency, Department of Natural Resources, Department of Health, State Medical Board, Ohio Home Inspector Board, Division of Securities, and Ohio Construction Industry Licensing Board. Continuing law triggers occupational licensing boards for expiration following the sixth year after the board was created or last renewed. No occupational licensing board expires before December 31, 2024.

Accountancy Board

The bill updates Revised Code section 4701.06, that specifies requirements for obtaining the CPA certificate. It eliminates obsolete language. It explicitly allows a CPA candidate who has graduated with a baccalaureate or higher degree including at least 120 semester hours of

undergraduate or graduate education, less than the 150 semester hours specified in current law and retained in the bill, to take the CPA examination if the person is an Ohio resident, is regularly employed here, or has a place of business in this state, and is of good moral character. It allows a candidate with a master's degree in business administration and 15 semester hours of accounting courses to take the examination, without waiting until other education or experience requirements are met, if the candidate is otherwise qualified. The Accountancy Board is to specify by rule the degrees and any required subjects that would qualify a candidate to take the examination. More information is in the LSC bill analysis for the bill.

Accountancy Board management does not anticipate any effect of the bill on its costs or operations. The bill does not appear to have any effects on other units of state or local government.