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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 6
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Rep. Roemer

Local Impact Statement Procedure Required: No

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Highlights

- The State Medical Board of Ohio could realize minimal costs to authorize podiatrists to administer COVID-19 vaccinations. These costs could include addressing any questions or potential complaints or possibly adopting or updating rules.
- The State Board of Pharmacy could realize minimal administrative costs to authorize pharmacists and pharmacy interns to administer vaccines generally, and COVID-19 vaccinations and diagnostic tests, including rulemaking, oversight, and potential disciplinary action.
- If the State Board of Pharmacy allows certain individuals to apply for registration as a pharmacy technician trainee, as permitted by the bill, application fees credited to Fund 4K90 will increase and will offset, either in whole or in part, the additional administrative expenses incurred by the Board to oversee the additional applicants.
- The Board of Nursing could realize an increase in administrative costs to issue temporary registered nurse and licensed practical nurse licenses to applicants that have not yet passed their licensure exam through July 1, 2020. However, the Board could realize a gain in fee revenue.
- State institutions of higher education that have educator preparation programs may incur increased costs to develop and implement a plan to provide students with alternative experiences, assignments, or instruction in FY 2022 to make up for time missed due to COVID-19 (the Department of Higher Education issued guidance providing flexibility in this regard for the programs for FY 2021). Ultimately, any additional cost will depend on implementation decisions made by the institutions.

Detailed Analysis

Overview

The bill specifies a number of provisions across a wide spectrum of subject areas, mostly related to the COVID-19 emergency. These provisions are discussed below in more detail. The bill declares an emergency so it will go into immediate effect.

Podiatrist administration of COVID-19 vaccinations

The bill authorizes podiatrists to administer COVID-19 vaccines to individuals seven years of age and older. This could result in minimal administrative costs to the State Medical Board of Ohio to address any questions or complaints associated with this provision or if any rules needed to be updated or adopted.

Temporary nursing licenses without examination

The bill continues¹ 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. The bill 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. The Board could realize an increase in administrative costs to do this, but could also experience a gain in fee revenue.

Alternative instruction in educator preparation programs

The bill requires educator preparation programs (except for barber schools and schools of cosmetology, which may offer instructor training programs) to develop and implement a plan to provide students with alternative experiences, assignments, or instruction in FY 2022 to make up for any hours or weeks of clinical experiences missed due to COVID-19. Alternative experiences may include virtual learning, designing lessons and units of instruction, and other appropriate activities that allow students to demonstrate mastery of the expected outcomes of clinical experiences. The Department of Higher Education (DHE) issued guidance for FY 2021 to educator preparation programs in August 2020 regarding students who were at risk of not meeting clinical experience requirements due to efforts to curb the spread of COVID-19. The guidance provides flexibility regarding the number of field experience hours or weeks that candidates must complete in order to be eligible for an education license or endorsement. 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.

Presumably, institutions that have complied with DHE's guidance for FY 2021 will likely extend those options into FY 2022 to comply with the bill. An institution may incur some additional costs to extend alternative experiences into or, if the alternatives have yet to be

¹ H.B. 197 of the 133rd General Assembly temporarily suspended this requirement during the emergency declared by Executive Order 2020-01D. The license remains 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.

established, to develop and implement them in FY 2022. Any additional costs likely depend on actions already taken and implementation decisions made by the institution.

Pupil services licenses and school nurses

The bill revises the law governing an exemption from the pupil services licensure requirement that is available to various licensed health and social worker professionals employed in public schools. These professionals – if holding current, valid licenses from their respective licensing boards – may be employed in public schools without holding separate pupil services licenses issued by the State Board of Education. Instead of holding a license, these professionals must be registered with the State Board. In the case of a licensed registered nurse, however, the nurse is not eligible for the pupil services license exemption unless the nurse also holds a bachelor's degree in nursing. The bill removes the language requiring the nurse's bachelor's degree to be in nursing.

More nurses may qualify for the pupil services license exemption under the bill. If so, the Teacher Certification Fund (Fund 4L20), used by the Department of Education to administer the educator licensure and disciplinary system, may lose revenue. The fee for a five-year registration for pupil services professionals is \$150 while a five-year pupil services license carries a fee of \$200. The amount of any revenue loss will depend on how many school nurses hold a bachelor's degree outside of the nursing field.

Pharmacy board

COVID-19 immunizations and testing

The bill allows: (1) a licensed pharmacist or intern to administer immunizations for COVID-19 to a person seven years old or older, (2) a licensed pharmacist or intern to administer any vaccines to a person 13 years old or older, rather than only those included in federal recommended schedules as under current law, (3) a pharmacist to order and administer diagnostic tests and antibody tests for COVID-19, and (4) a pharmacy intern or certified pharmacy technician to administer diagnostic tests and antibody tests for COVID-19 when under the direct supervision of a pharmacist.

Under continuing law, a pharmacist or pharmacy intern who administers immunizations must do so according to rules established by the State Board of Pharmacy and the Board is required to adopt rules including provisions specifying any immunizations that may be administered.

A pharmacist, pharmacy intern, or certified pharmacy technician is subject to the Board's disciplinary procedures. The disciplinary actions include revoking, suspending, or limiting the pharmacist's or intern's identification card or technician's registration; placing the pharmacist's or intern's identification card or the technician on probation; refusing to grant or renew the pharmacist's or intern's identification card or technician's registration; or imposing a monetary penalty or forfeiture not to exceed \$500. Any money collected is credited to Fund 4K90, the Occupational Licensing and Regulatory Fund. These rulemaking and enforcement duties are not expected to create any discernible ongoing costs for the Board.

Pharmacy technician trainees

The Board is permitted to register as a pharmacy technician trainee an applicant who is seventeen years of age and does not possess a high school diploma or certificate of high school equivalence if the applicant is enrolled in a career-technical school program that is approved by the Board and conducted by a city, exempted village, local, or joint vocational school district. This provision could increase Board fee revenues, offset somewhat by increased administration and enforcement costs. The Board currently charges an initial application fee of \$25 for pharmacy technician trainees.² Any money collected is credited to Fund 4K90, the Occupational Licensing and Regulatory Fund.

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² R.C. 4729.921.