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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 509
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 509's Bill Analysis](#)

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Primary Sponsors: Reps. John and Fowler Arthur

Local Impact Statement Procedure Required: No

Ryan Sherrock, Economist, and other LBO staff

Highlights

- The Ohio Vision Professionals Board will realize one-time administrative and information technology costs due to the bill's provisions requiring biennial licensing for optometrist and dispensing opticians. In addition, other provisions, including certain certificate eliminations and fee adjustments could result in an overall reduction in fee revenues. The Board uses the Occupational Licensing and Regulatory Fund (Fund 4K90).
- The State Board of Psychology will realize administrative and information technology costs, including eLicense costs, to license school psychologists who practice only in school settings. It is unknown if the Board will need additional staff to regulate these additional licensees. This responsibility will be transferred from the Ohio Department of Education (ODE) by January 1, 2025. ODE will realize a decrease in administrative costs and associated fee revenues. The Board uses Fund 4K90, while ODE uses the State Board of Education Licensure Fund (Fund 4L20).
- The State Dental Board will realize costs due to the bill's provision eliminates fee amounts that differ based on the year initial licenses were issued (odd-numbered year vs. even-numbered year) and provides for a single fee amount beginning January 1, 2025. It is uncertain what impact this change will have on revenues. The Board uses Fund 4K90.
- The Board of Executives of Long-Term Services and Supports will realize costs due to the provision that increases nursing home administrator licenses' duration from one year to two years. The Board uses the Board of Executives of Long-Term Services and Supports Fund (Fund 5MT0).

- The Veterinary Medical Licensing Board (DVM) could realize a loss in license revenue totaling approximately \$250,000, which would have been deposited into Fund 4K90, due to fee modifications.
- The State Board of Embalmers and Funeral Directors will incur a biennial estimated loss of roughly \$92,000 due to the loss of the fee revenue that would have been credited to Fund 4K90 for the crematory operator permit, which is eliminated by the bill.
- The State Board of Pharmacy will realize an estimated \$77,000 biennial decrease in the amount of revenue that otherwise would have been credited to Fund 4K90 due to the bill's \$15 reduction in the initial license and annual renewal fee for pharmacy interns.
- The bill will decrease hotel and single room occupancy license renewal fees that are collected by the State Fire Marshal within the Department of Commerce and deposited into the State Fire Marshal Fund (Fund 5460). The bill changes these fees from \$110 for up to 110 rooms and \$1.00 per room thereafter to \$25 to \$100 under four new room ranges.
- Other specific boards may also realize a loss of fee revenues in non-GRF funds due to the provisions modifying their licensing processes, including eliminating certain licenses. Most of these impacts are anticipated to be minimal. There could be a corresponding decrease in staff time since certain licenses will no longer be issued. Impacts are discussed under each individual board below.
- Specific boards mentioned below could have costs to make any necessary adjustments to rules, websites, eLicensing, or printed materials due to the bill's provisions modifying licensing processes.
- Requiring the Department of Insurance to reduce licensing and renewal fees for reinsurance intermediary brokers and managers will reduce, by a minimal amount, fee revenue to the Department of Insurance Operating Fund (Fund 5540).

Detailed Analysis

The bill contains several provisions that affect specific boards or agencies. Individual impacts are discussed under each board below. It is possible that certain boards could experience increases in costs to modify any relevant rules or to update websites and printed materials, make eLicensing updates to address any process changes. In addition, there are general board provisions that impact all boards. Many of the Boards below use the Occupational Licensing and Regulatory Fund (Fund 4K90), which generally consists of license fees and other assessments collected by these boards.

Specific board or agency provisions

Department of Aging – Board of Executives of Long-Term Services and Supports

The bill modifies the renewal process for a nursing home administrator license issued by the Board of Executives of Long-Term Services and Supports within the Department of Aging by increasing a license's duration from one year to two years and setting the renewal fee to \$600 every two years instead of \$300 annually. The total amount paid over a two-year period does not change. However, the timing of the revenue the Board receives will be altered. Additionally, the

Board may realize administrative or information technology costs, including eLicense system costs, to make this modification. The Board uses the Board of Executives of Long-Term Services and Supports Fund (Fund 5MT0).

Additionally, the bill eliminates the temporary nursing home administrator license issued by the Board beginning January 1, 2025. Instead, if a nursing home has a vacancy in its nursing home administrator position, the bill allows an individual to receive a nursing home administrator license if the individual satisfies the requirements for obtaining a license but has not passed the licensing examination. However, the individual must provide evidence to the Board that the individual has passed the examination within 180 days after the license is issued. There were only three active temporary nursing home administrator licenses in FY 2021, so the impact of that license being eliminated should be minimal. In addition, if the individual meets the requirements, he or she may be able to obtain a regular license.

Attorney General

The bill eliminates an existing registration requirement for a person acting as fundraising counsel and the associated fees and bonding requirement. According to the House State and Local Government Committee's *Occupational License Review Report* dated December 7, 2021, in 2018-2019, there were three fundraising counsels registered with the Ohio Attorney General. Fundraising counsel is only required to complete registration if that counsel has custody of the contributions during their campaign in Ohio. If not, fundraising counsel may be active in Ohio, but is not required to register. The annual registration fee is \$200 and is credited to the Charitable Law Fund (Fund 4180), which is part of the Attorney General's operating budget. Removal of this registration requirement takes effect on December 31, 2024, and will have a negligible fiscal impact on the Office of the Attorney General.

Chemical Dependency Professionals Board

The bill reduces the grace period for holders who allow their license, certificate, or endorsement to expire to apply to restore the license, certificate, or endorsement to one year instead of two years. LBO does not know how many individuals apply for restoration. Any fiscal impact will depend on this number. The Board uses Fund 4K90.

Additionally, the bill reduces the number of continuing education hours required for license renewal for a chemical dependency professional to 30 hours (from 40), except if the individual is aged 65 or older, in which case the number is 20, or if an individual holds an international certificate from the International Certification and Reciprocity Consortium, in which case the number is the same as the number required by the Consortium. This should not have a fiscal impact on the Board.

Finally, the bill revises the law governing course requirements to be specified by the Board in rule for a master's degree that must be held to obtain a license to practice as an independent chemical dependency counselor or independent chemical dependency counselor clinical supervisor, by eliminating the 40 semester hour requirement and specific coursework content areas. There may be minimal administrative costs to promulgate rules.

State Chiropractic Board

The bill reduces the number of hours of instruction required for the State Chiropractic Board to approve a course of study for chiropractors seeking to practice acupuncture to 200

hours from 300 hours, with 100 hours (rather than 200 currently) consisting of direct clinical instruction. This should not have a fiscal effect on the Board. The Board uses Fund 4K90.

Counselor, Social Worker, and Marriage and Family Therapist Board

The bill eliminates temporary licenses for independent social workers, professional clinical counselors, and independent marriage and family therapists. The Board does not appear to issue these temporary licenses, so this elimination should not have a fiscal effect. The Board uses Fund 4K90.

In addition, the bill reduces the amount of continuing education hours social worker assistants must complete for certificate renewal to 15 from 30. This provision should not result in direct fiscal impacts.

State Dental Board

Continuing education

The bill reduces the number of hours of continuing education required over each two-year license renewal period as follows: (1) to 30 hours (from 40 hours) for dentists, and (2) to 20 hours (from 24 hours) for dental hygienists. These provisions should not have a fiscal impact.

Licensing and renewal fees beginning January 1, 2025

Beginning January 1, 2025, the bill eliminates fee amounts that differ based on the year initial licenses were issued (odd-numbered year vs. even-numbered year) and provides for a single fee amount. The bill also eliminates dates established in statute for license renewals and instead provides that each license is valid for a two-year period, expires two years after the date of issuance, and may be renewed for additional two-year periods. In the case of a license to practice dentistry, the bill sets the initial fee at \$454, which is the current amount for licenses in an even-numbered year (eliminating the fee of \$267 in an odd-numbered year) and retains the current renewal fee at \$312. Additionally, of each initial license fee paid, the bill removes a fee of \$20 to be paid to the Dentist Loan Repayment Fund (Fund 5Z70) in odd-numbered years and instead requires the existing \$40 fee in even years to be paid to Fund 5Z70 out of all initial license fees. Also beginning January 1, 2025, in the case of a license to practice as a dental hygienist, the bill sets the initial fee at \$184 (eliminating the fee of \$120 in an odd-numbered year) and retains the current renewal fee of \$144.

Since the bill's licensing and fee change provisions are delayed until January 1, 2025, any fiscal impacts will not yet be realized. However, future impacts will be determined by the number of initial license fees that are currently paid in odd vs. even years. Additionally, with the changes to the renewal schedule beginning in 2025, the Board will realize a change in the timing of revenue collected. Currently, the Board realizes the majority of their revenue in even-numbered fiscal years. With these changes, revenue may be more spread out over each year. Additionally, the Board could experience an increase in administrative or information technology costs to accommodate the changes, including costs to notify licensees of the fee schedule change or to make any modifications to the Ohio eLicensing system. Licensure fees collected by the Dental Board are deposited into Fund 4K90. However, specified portions of dentist and dental hygienist fees are transferred to specified loan repayment funds. There may be timing of revenues or

possible other impacts for the Dental Hygienist Loan Repayment Fund (Fund 5QJ0) or the Dentist Loan Repayment Program (Fund 5Z70), both under the Department of Health.

Certificate eliminations

Beginning January 1, 2025, the bill also eliminates the dental hygienist teacher's certificate (\$73 annual fee) and the temporary volunteer's certificate (\$25 fee, valid for seven days). The eventual loss of revenue due to these certificate eliminations is likely to be minimal.

Department of Developmental Disabilities

The bill states that individuals employed by a county board of developmental disabilities are not required to be certified to provide adult services or supervise the provision of adult services. This will take effect January 1, 2025. Beginning one year after the bill's effective date, rules adopted by the Department are prohibited from establishing varying levels of certification for individuals to receive an investigative agent certification. Instead, the bill requires the Department to establish uniform qualifications for all applicants. The bill also removes references to early intervention supervisor certificates, which were created through a rule that has been rescinded. There could be minimal administrative costs to the Department to modify rules, etc. Any other impacts are unknown.

State Board of Emergency Medical, Fire, and Transportation Services

Background checks

The bill authorizes the State Board of Emergency Medical, Fire, and Transportation Services to adopt rules that create standards for criminal background checks for applicants applying for or renewing First Responder (EMR), Emergency Medical Technician – Basic (EMT), Emergency Medical Technician – Intermediate (AEMT), Emergency Medical Technician – Paramedic, Emergency Medical Instructor, and Fire Safety Inspector certifications. The Board may incur minimal one-time costs to adopt rules and create standards regarding background checks. Presumably the additional costs associated with performing a background check will be paid by the applicant for certificate renewal.

Continuing education

The bill reduces the minimum amount of continuing education required by the Board for firefighter certification renewal to no more than 36 hours per three-year renewal cycle. Currently, 54 hours of continuing education is required during each three-year cycle. Under the bill, a local entity is authorized to require more continuing education hours for firefighters than the state, provided completion of those hours is not required for renewal of the certification. The bill also reduces the number of continuing education hours required for a paramedic from 86 hours to 75 hours per three-year renewal cycle. As a result, locally operated fire and emergency medical service departments that currently pay for the cost of training for its firefighters or paramedics may experience a cost savings.

Certificate elimination

The bill eliminates the Emergency Medical Services (EMS) Assistant Instructor Certificate and the Assistant Fire Instructor Certificate, and specifies that certificates that are valid on the effective date of the bill's changes remain valid for the individuals who hold them, until their

current expiration dates. According to the Board's [November 2022 Monthly Certification Report](#),¹ there were 169 certified EMS Assistant Instructors and 206 certified Assistant Fire Instructors. By eliminating these certificates, the Board may realize a savings in administrative work from no longer having to issue or renew these certifications. Per Board rules, there is no fee assessed for the initial issuance or renewal of an EMS Assistant Instructor Certificate or for the renewal of an Assistant Fire Instructor Certificate.

Program and certificate mergers

The bill merges the current law EMS Training programs with the EMS Continuing Education programs to become a joint EMS Training and Continuing Education Program, merges the EMS Training Instructor Certificate with the EMS Continuing Education Instructor Certificate, and requires the Board to adopt rules governing the procedures for the merger and the steps that current operators of the individual programs must take in order to operate and teach courses that cover training and continuing education requirements. This merger may result in initial minimal one-time administrative costs for the Board to adopt rules but may create a more long-term reduction or elimination of redundancy and increase efficiency.

Board of Embalmers and Funeral Directors

The bill allows individuals enrolled at a college or university to apply to be a funeral director apprentice, embalmer apprentice, or combined funeral director and embalmer apprentice. Depending on how many additional individuals apply for apprenticeship, this could increase administrative costs for the Board of Embalmers and Funeral Directors by some small amount. These costs would be offset by the \$35 application fee which accompanies each application and is deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).

Based on FY 2022 permitting data, the State Board of Embalmers and Funeral Directors will incur a biennial estimated loss of roughly \$92,000 due to the loss of the fee revenue for the crematory operator permit. However, the impact will not be immediate, since the bill gives the Board until December 31, 2024, to eliminate this permit. Instead, the bill requires a certificate of completion from a Board-approved crematory operation certification program to be filed with the Board, a condition for the state permit under current law. In FY 2022, there were 613 permits issued for crematory operators at \$150 per each two-year permit. Licensing and permitting revenues are deposited into Fund 4K90.

State Fire Marshal

The bill will decrease, by an unknown amount, the revenue the State Fire Marshal within the Department of Commerce collects from hotel and single room occupancy (SRO) license renewal fees. This revenue is deposited into the State Fire Marshal Fund (Fund 5460) and used by the State Fire Marshal to support various activities, including licensing companies in the fire protection industries, enforcing the Ohio Fire Code, providing courses for the Ohio Fire Academy, and investigating fire incidents. The table below displays the hotel and SRO annual license renewal fees established by the bill compared to the current renewal fees.

¹ Can be found on the Board's website at: ems.ohio.gov/static/links/ems_cert_total.pdf.

Hotel and SRO Annual License Renewal Fees under H.B. 509 vs. Current		
Number of Rooms in Hotel or SRO Facility	Renewal Fee under the Bill	Current Renewal Fee
6 to 25 rooms	\$25	\$110
26 to 50 rooms	\$50	\$110
51 to 75 rooms	\$75	\$110
76 rooms or more	\$100	\$110 for up to 110 rooms and \$1.00 per room thereafter

Other provisions in the bill affecting the State Fire Marshal do not appear to have a fiscal impact. These provisions include (1) increasing the duration of an underground storage tank (UST) system installer certification from one year to two years with a corresponding increase in the certification fee from \$150 to \$300, and (2) removing the requirement that a sponsor of an UST system installer training program be certified and instead requiring a person wishing to sponsor an UST system training program to be a certified UST installer in good standing with approval from the State Fire Marshal to sponsor a training program. According to the Department, all current sponsors of UST training programs are certified UST installers.

Department of Insurance

The bill requires the Department of Insurance to modify the following initial licensing and renewal fees by not later than January 1, 2023: (1) reduces the initial licensing fee and renewal fee for reinsurance intermediary brokers and managers from \$500 to \$100, (2) decreases the initial licensing fee for business entity navigator certification applications for entities that employ less than 100 insurance navigators from up to \$250 to \$200; the bill does not change such entity certifications renewal fee, and (3) decreases the initial licensing fee and renewal fee for business entity navigator certification applications for entities that employ 100 or more insurance navigators from up to \$500 to \$200 and from up to \$250 to \$100, respectively.

The bill would decrease fee revenue related to reinsurance intermediary broker and manager licenses and business entity navigator certification applications. However, the magnitude of such loss is likely minimal. Currently, such fees are deposited into a non-GRF fund. According to the [Ohio Department of Insurance Agent and Agency Mailing Lists](#), there are 11 business entity navigators that are registered with the Department of Insurance for Plan Year 2022. These entities receive federal funding from the U.S. Department of Health and Human Services. In addition, there are six individuals that are licensed as reinsurance intermediary brokers and managers in Ohio.

State Medical Board

The bill clarifies that an applicant for a limited branch of medicine is applying for a license to practice massage therapy, which reflects that a massage therapy license is the only limited branch license currently being issued by the State Medical Board. The bill also modifies the education requirements for a license to practice massage therapy to 600 hours of instruction in

massage therapy. Current law requires 600 hours as well, but specifies specific types of instruction that must be included (275 hours in anatomy and physiology and pathology; 275 hours in massage theory and practical, including hygiene; 25 hours in ethics; and 25 hours in business and law). Neither of these changes should have a fiscal impact on the Board. The Board uses the State Medical Board Operating Fund (Fund 5C60).

Board of Nursing

Dialysis technician

The bill eliminates dialysis technician intern certificates, but continues to authorize an individual who has successfully completed an approved dialysis training program within the previous 18 months to practice as a dialysis technician intern. However, the bill requires both dialysis technicians and interns to be under the supervision of a physician, physician assistant, or registered nurse (under current law these professionals must be supervised by a physician or registered nurse). According to the Board of Nursing's FY 2021 Annual Report, there were 560 active certificates and the Board issued about 300 new certificates in FY 2021 at \$35 per license. These certificates are valid for 18 months from the date the applicant completed an approved training program. As a result, the Board will realize a loss of revenue of about \$10,500 per fiscal year (300 new x \$35). Board revenues are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).

Substance Use Disorder Monitoring Program

The bill authorizes the Board to contract with a third-party vendor to administer its Substance Use Disorder Monitoring Program for licensees (under current law, the Board must develop, name, and designate a coordinator to administer the program, with no option to contract this out). The bill requires the coordinator or vendor to maintain all program records in a manner that protects the confidentiality of the records, instead of maintaining them at the Board's office, as under current law. Any fiscal impact will depend on whether the Board enters into a contract with a vendor, details of such a contract, and the current operation of the program.

Nurse Licensure Compact and multistate licenses – employer reports

With respect to a person or government entity that employs out-of-state nurses with multistate licenses issued under the Nurse Licensure Compact, the bill requires the employer to report to the Board only the number of such nurses, rather than their names and any other information required by the Board as under current law. This could reduce the amount of information that government entities employing out-of-state nurses report, which could minimally reduce costs.

Other changes

The bill also makes changes regarding advanced practice registered nurses' (APRNs) authority to prescribe drugs and therapeutic devices, rules regarding the Board's exclusionary formulary, and medication administration and intravenous (IV) therapy by licensed practical nurses that should have no direct fiscal impacts.

State Occupational Therapy, Physical Therapy, and Athletic Trainers Board

The bill eliminates temporary licenses to practice orthotics, prosthetics, orthotics and prosthetics, and pedorthics. The bill also eliminates a prohibition against using a title or initials representing a person that has a temporary orthotics, prosthetics, orthotics and prosthetics, or pedorthics license when the individual does not have such a license. Currently, the cost for a temporary license is \$100 for the initial license. Once an individual with a temporary license meets requirements for full licensure, it costs \$50 to upgrade to the full license. According to LSC's *Occupational License Report*, there are a handful of temporary licenses in both FY 2020 and FY 2021. As a result, this elimination will have a minimal impact on the Board. The bill also eliminates a requirement that an applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics practice under a licensee for at least eight months before being eligible for the license. Thus, an individual could receive a license sooner, in which case the Board would realize revenue earlier than under current law. Board revenues are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). Lastly, the bill makes changes to Board and Physical Therapy Section membership which should have no fiscal impact.

State Board of Pharmacy

The bill sets pharmacist continuing education at 30 hours every two years, instead of having continuing education requirements set by the Pharmacy Board in rules. This change will have a negligible impact on the Board's operations. The bill reduces the initial license and annual renewal fee for pharmacy interns by \$15, from \$45 to \$30. Based on information provided by the State Board of Pharmacy, the amount of license fee revenue generated biennially will decrease by an estimated \$77,000. The bill permits the State Board to gradually reduce the current fee of \$45 to the required \$30 provided that it does so not later than January 1, 2028.

The State Board's fees are credited to Fund 4K90 for subsequent appropriation to pay for its operating expenses.

State Board of Psychology

Currently, the State Board of Psychology licenses psychologists and school psychologists who engage in private practice outside of school settings. However, school psychologists who practice only in school-based settings are regulated by the Ohio Department of Education (ODE). Under the bill, the Board will also regulate school psychologists who practice only in schools. Those who practice outside of schools will continue to be licensed by the Board, but will be licensed as independent school psychologists. The Board will work with ODE to implement this transfer by January 1, 2025. Licensure will be for a period of five years and 50 hours of continuing education will be required. The Board is allowed by rule to waive the payment of the registration fee and continuing psychology education when the school psychologist is on active duty. The bill sets the fees for initial registration and quinquennial renewal at \$300. The Board may adopt rules providing for reductions of the registration fee if school psychologists register after their first registration period, if the initial registration was less than five years. There will also be other one-time costs associated with the change, including rule promulgation and eLicensing system costs. In FY 2021, the Board had a total of about 4,400 active licenses and certificates (3,420 psychologists, 192 school psychologists, and 751 certified Ohio behavior analysts). There

are currently about 3,000 school psychologists licensed by ODE. It is unknown if the Board will need additional staff to regulate these additional professionals. The Board uses Fund 4K90.

The bill will result in a loss in fee revenue to and a decrease in administrative expenditures from the State Board of Education Licensure Fund (Fund 4L20), used by ODE. Currently, pupil services personnel licenses, including those for school psychologists, carry a \$200 fee for a five-year license. As of early December 2022, there are about 3,000 individuals holding an active school psychologist license issued by the State Board of Education. Thus, the bill may result in a revenue loss to Fund 4L20 of up to roughly \$600,000 over a five-year period. Note that school psychologists may hold multiple professional licenses issued by the State Board. For example, an individual holding a school psychologist license may also hold a school counselor license or a professional teaching or administrator license. Those that hold multiple professional licenses pay a discounted fee of \$20 for each additional professional license issued. Therefore, the revenue loss may be less than estimated to the extent that individuals hold multiple professional licenses and continue to pay the State Board's \$200 fee for the first professional license issued.

The bill adds a certified Ohio behavior analyst to the Board, which will result in additional per diem or reimbursements.

Ohio Speech and Hearing Professionals Board

The bill eliminates audiologist conditional licensure, which was provided to individuals who did not have a doctor of audiology degree when that became a requirement for full licensure on January 1, 2006, and is now obsolete. As a result, this provision should have no fiscal impact. The Board uses Fund 4K90.

Ohio Veterinary Medical Licensing Board

The bill modifies the fees for certain licenses overseen by the Veterinary Medical Licensing Board (DVM). These changes appear to result in a loss in license revenue totaling approximately \$250,000 in Fund 4K90 had they been in effect over the FY 2020-FY 2021 biennial licensing cycle. However, the impact of these fee reductions will not be immediate, as the bill allows the Board to implement the fee adjustments gradually, so long as they are fully implemented by January 1, 2028.

Veterinary licenses

The bill reduces the initial license fee for a veterinary license to \$275 from a \$425 fee for initial licenses in even-numbered years, and a \$300 fee for initial licenses in odd-numbered years. The bill does not modify the fee for license renewals. In FY 2020 there were 262 new licenses issued. In FY 2021 there were 266 new licenses issued. Therefore, the license fee changes for these initial licenses would have resulted in a loss of approximately \$79,200 given the number of new licenses issued during the previous two-year license cycle.

Provisional licenses

The bill allows a person who holds a provisional veterinary graduate license to receive an initial veterinary license free of charge if the person: (1) applies for a license, (2) successfully passes an examination approved by DVM, and (3) provides proof of passing the examination. During the FY 2020-FY 2021 license cycle, there were 528 provisional licenses issued. Assuming these individuals all apply for licensure in Ohio, and all successfully complete examinations, this

change would result in approximately \$145,000 in lost revenue for initial licensing during a two-year licensing cycle (528 x \$275).

Veterinary technician licenses

The bill modifies the initial registration fee for a veterinary technician to \$30 in both even and odd-numbered years. Currently, the initial fee is \$35 in even-numbered years and \$25 in odd-numbered years. There would appear to be no net effect related to this change. The bill also modifies the biennial veterinary technician renewal fee from \$35 to \$30. This renewal fee increases for renewal applications received after the typical March 1 date. The most recent available data shows approximately 4,500 active veterinary technician licenses. Assuming all of these renewals occurred by the March 1 deadline, the net revenue loss during a two-year renewal cycle for this change would be approximately \$22,500.

Ohio Vision Professionals Board

Renewal cycle and fee changes

The bill makes a number of changes impacting the Ohio Vision Professionals Board. Under the bill, the Board's licenses to practice optometry and dispensing optician licenses are required to be renewed biennially rather than annually as required under current law. The bill extends the duration of licenses issued or renewed on or after the bill's effective date to (1) December 31 of the even-numbered year following the bill's effective date for optometrists or (2) December 31 of the odd-numbered year following the bill's effective date for opticians. This could result in one-time administrative and information technology costs associated with adjusting the renewal schedule. In addition, the change in the renewal schedule will impact the timing of licensing revenue deposits. However, this impact should resolve after the first licensing cycle is complete.

Certificate and licensure eliminations

Additionally, the bill eliminates several certificates and licenses. First, the bill eliminates the separate topical ocular pharmaceutical agents certificate and therapeutic pharmaceutical agents certificate that are issued with a certificate of licensure to practice optometry, and specifies that a licensed optometrist has prescribing authority without holding a separate certificate. The bill allows a licensed optometrist holding a topical ocular pharmaceutical agents certificate to practice within the scope of the certificate unless the optometrist obtains additional education. This fiscal impact of the certificate elimination is discussed under the "**Fee changes**" section below, in conjunction with the bill's optometrist license fee adjustments.

The bill also eliminates contact lens dispensing optician licenses and the ophthalmologist license, but allows an individual holding a contact lens dispensing optician license or an ophthalmologist license to maintain and renew the license until December 31, 2024. The Board may also issue these initial licenses until that date. The current annual fee for issuance and renewal of a dispensing optician or ophthalmologist license is \$50 for an initial license or \$100 for a renewal. The Board will realize a decrease in revenues related to this provision. The total impact will depend on the number of initial vs. renewal licenses. Board revenues are deposited into Fund 4K90; thus, losses will be realized in Fund 4K90. The Board may also experience some decreased administrative costs with the elimination of these licensing duties.

Fee changes

In conjunction with the bill's renewal cycle changes and certificate eliminations, the bill establishes a \$350 fee for issuance and renewal of a biennial optometrist license. The current annual fee for the license and certificate is \$175 (\$350 over two years). Thus, revenues for these licenses will remain the same over the biennial renewal cycle. Fee revenue impacts will be realized in Fund 4K90. The bill also establishes a \$195 fee for issuance and renewal of a biennial dispensing optician license. The current annual fee is \$50 for an initial license or \$100 for a renewal. For dispensing opticians renewing licenses, the biennial cost will be \$195 under the bill rather than \$200 under current law (\$100 annually). Thus, the Board will experience a decrease in renewal revenue of \$5 per licensee over the biennial renewal cycle. However, for those getting an initial license the biennial cost will be \$195 under the bill rather than \$150 under current law (\$50 initial plus \$100 renewal over two years). Thus, for initial licenses, the Board will gain \$45 over the biennial license cycle. According to the Board's FY 2021 Annual Report, there are approximately 3,110 licensed spectacle and dual opticians (as mentioned above, the bill eliminates contact lens dispensing opticians) in Ohio. The total impact of this provision will depend on the number of initial vs. renewal licenses. However, since there are typically many more renewals than initial licenses issued, the net impact will likely be a loss. Any revenue fee impacts will be realized in Fund 4K90.

The bill eliminates the fee for a dispensing optician apprentice to renew the apprentice's registration. There will be a loss of fee revenue associated with this provision, depending on the number of apprentice registration renewals that the Board receives each year (apprentice registrations remain annual under the bill).

Late renewal and continuing education

The bill reduces the period the Board will accept a late renewal application for an optometrist and dispensing optician. Additionally, the bill also classifies an optometrist license as expired, rather than delinquent, if the license holder has not renewed the license during the late renewal period. It is possible that the Board could realize a reduction in late fee revenue as a result of the late renewal period change. Additionally, the bill eliminates the ability of a licensed optometrist to apply to the Board to place the optometrist's license on inactive status when the optometrist retires or decides to practice in another state or country. The bill eliminates the fees charged to a license holder to reinstate a delinquent or inactive optometrist license. The current fee to reinstate an inactive license is \$75, while the fee to reinstate a delinquent license is \$75 for each year the license was delinquent. Thus, the Board will no longer realize reinstatement fee revenue.

The bill specifies that an applicant for a spectacle dispensing optician license may complete 1,000 hours of supervised experience and an applicant for a spectacle-contact lens dispensing optician license may complete 1,500 hours of supervised experience rather than two years of supervised experience under current law. This change may impact the timing of applications and fee revenue submitted to the Board (e.g., a licensee may complete and receive a license sooner).

The bill makes various modifications to continuing education requirements. These changes should not have a fiscal impact.

Cease and desist orders and investigations

The bill also permits the Board to issue a cease and desist order if a person is engaging in prohibited conduct that has caused, is causing, or is about to cause substantial and material harm. The bill specifies that a cease and desist order is cumulative and concurrent with other disciplinary actions the Board may take against a person for a violation of the law governing the practice of optometry or the law governing dispensing opticians and ocularists. With respect to an unlicensed person, the bill specifies that the Board may investigate a person engaging in the practice of optometry without a license and, if the person has engaged in optical dispensing without a license, notify the appropriate prosecuting attorney for further action. The Board could experience some administrative or hearing costs if cease and desist orders are issued.

All licensing boards

The bill prohibits an occupational licensing board from requiring a photograph or physical description of the applicant as a condition of issuing or renewing a license, certification, or registration. There should be no direct fiscal impacts associated with the provision.

The bill also authorizes an occupational licensing board to allow an individual who is required to complete continuing education for renewal of an occupation license, specialty occupational license for medical reimbursement, or certification to do so virtually. There should be no direct fiscal impact associated with this provision.

Sunset provision

The bill extends for two years authorization for the Chiropractic Loan Repayment Advisory Board and the Holocaust and Genocide Memorial Education Commission, which are set to expire under the Sunset Review Law on December 31, 2022.