



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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Sub. H.B. 617

131st General Assembly
(H. Government Accountability & Oversight)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

| Topic | Previous Version (As Introduced) | Sub. Version (L-131-2909-1) |
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| Actions not subject to antitrust review | <p>Exempts the following actions taken by a board or commission from the proposed antitrust review by the Director of Administrative Services under the bill:</p> <ul style="list-style-type: none"> • Adopting reasonable minimum standards or qualifications for persons entering the industry or occupation or seeking admittance to the industry or occupation regulated by the board or commission; • Taking disciplinary action against an individual member of the occupation or industry regulated by the board or commission for malpractice, violations of law, violations of ethical standards applicable to the occupation or industry, engaging in substance abuse to the | <p>Exempts, subject to a limited exception, the following actions taken by a board or commission from review by the Director: <i>(R.C. 125.92(B)(2), (H), and (I)).</i></p> <ul style="list-style-type: none"> • Same • Taking disciplinary action against an individual or corporation that is licensed by a board or commission for violations of the Ohio Revised Code or the Ohio Administrative Code; |

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| | <p>extent the abuse negatively impacts the member's work in the industry or occupation, or public complaints against the member;</p> <ul style="list-style-type: none"> • Engaging in any other activity that would not be subject to state or federal antitrust law if the action were undertaken by a private person or combination of private persons <i>(R.C. 125.92(B)(2))</i>. • No provision. • No provision. | <ul style="list-style-type: none"> • No provision. • Denying an application to obtain a license; • Taking any action in which participation in the action is statutorily limited to members of the board or commission that represent the public <i>(R.C. 125.92(B)(2) and (I))</i>. |
| Review of stayed actions | No provision. | Requires, except for any action in which participation in the action is statutorily limited to public members of the board or commission, exempt actions to be reviewed by the Director if a party who has been granted a stay by a court in a pending antitrust lawsuit refers the action to the Director <i>(R.C. 125.92(H) and (I))</i> . |
| Time limitation for certain referrals | No provision. | Requires a person who is affected, or is likely to be affected, by an action taken or proposed by a board or commission to refer the action to the Director within 30 days after receiving notice of the action or proposed action <i>(R.C. 125.92(C)(4))</i> . |

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| Suspension of proposed action | No provision. | Requires a board or commission to refrain from taking a proposed action that has been referred to the Director for review until the Director has completed the review and transmitted a written decision approving the proposed action to the interested parties (<i>R.C. 125.92(C)(5)</i>). |
| Appeals | Allows a board or commission or person who is adversely affected by the Director's decision to appeal the decision to the Franklin County Court of Common Pleas (<i>R.C. 125.92(G)</i>). | No provision. |
| Exhaustion requirement | Requires any person who has standing to pursue an antitrust action against a board or commission to exhaust the remedies provided by the bill before commencing the action (<i>R.C. 125.92(H)</i>). | Exempts from the exhaustion requirement, the Attorney General, a county prosecuting attorney, or an assistant prosecutor designated to assist a county prosecuting attorney (<i>R.C. 125.92(G)(1)</i>). |
| Stay of pending antitrust suit | <p>Grants the state, a board or commission, or a member of a board or commission acting in the member's official capacity a right to a stay of any lawsuit alleging that a board or commission engaged in anticompetitive conduct by taking an action that has not been previously reviewed by the Director.</p> <p>Requires the stay to last until the Director has completed the Director's review and transmitted the Director's written decision to the interested parties. (<i>R.C. 125.92(H)</i>.)</p> | Allows the state, a board or commission, or a member of a board or commission acting in the member's official capacity to request a stay, but requires a court to deny the request if the lawsuit was initiated by the Attorney General, a county prosecuting attorney, or an assistant prosecutor designated to assist a county prosecuting attorney (<i>R.C. 125.92 (G)(2)</i>). |

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| Dietetics, respiratory care, and home medical equipment advisory councils | <p>No provision.</p> <p>No provision.</p> | <p>Requires the State Medical Board to appoint a dietetics advisory council and a respiratory care advisory council to advise the Board on issues relating to the practice of dietetics and respiratory care (<i>R.C. 4759.051 and 4761.032</i>).</p> <p>Requires the State Board of Pharmacy to appoint a home medical equipment services advisory council to advise the Board on issues relating to providing home medical equipment services (<i>R.C. 4752.24</i>).</p> |
| State Behavioral Health Professionals Board | <p>Consolidates the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology by creating the State Behavioral Health Professionals Board (<i>R.C. 4744.04, with conforming changes</i>).</p> <p>Provides that the State Behavioral Health Professionals Board consists of the following licensed members:</p> <ul style="list-style-type: none"> • One regular psychologist; • One school psychologist; • One chemical dependency counselor; • One prevention consultant or prevention specialist; • One professional clinical counselor, professional counselor, independent marriage and family therapist, or marriage and family therapist; • One independent social worker or social worker; | <p>Same, except renames the new board the State Behavioral Health and Social Work Board (<i>R.C. 4744.04, with conforming changes</i>).</p> <p>Retains the Board membership under the "As Introduced" version, except revises it as follows:</p> <ul style="list-style-type: none"> • One professional clinical counselor or professional counselor; • One independent marriage and family therapist or marriage and family therapist; • Two independent social workers or social workers (<i>R.C. 4744.04(A)</i>). |



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| | <ul style="list-style-type: none"> One public member (R.C. 4744.04(A)). | |
| State Physical Health Services Board membership | <p>Provides that the State Physical Health Services Board consists of the following licensed members:</p> <ul style="list-style-type: none"> One occupational therapist; One physical therapist; One athletic trainer; One orthotist or prosthetist; One prosthetist or orthotist or prosthetist; One pedorthist; One public member (R.C. 4744.06(A)). | <ul style="list-style-type: none"> Adds two licensed occupational therapists, physical therapists, or athletic trainers, in any combination of those professionals to the Board's membership (R.C. 4744.06(A)). |
| State Vision and Hearing Professionals Board membership | <p>Provides that the State Vision and Hearing Professionals Board consists of the following licensed members:</p> <ul style="list-style-type: none"> Two optometrists; Two dispensing opticians; Two speech-language pathologists; One audiologist; One physician who practices ophthalmology; One public member (R.C. 4744.02(A)). | <p>Same, except that one member must be a licensed hearing aid fitter instead of a licensed physician who practices ophthalmology (R.C. 4744.02(A)).</p> |
| Board vacancies | <ul style="list-style-type: none"> No provision. | <p>When a vacancy occurs on the new boards created under the bill, allows a professional association representing the occupation of the vacant position to recommend to the Governor individuals to fill the position and requires the Governor to consider the recommendation (R.C. 4744.07).</p> |