



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: H.B. 523 of the 132nd G.A.
(L_132_1975-3)

Status: In House Community and Family Advancement

Sponsor: Reps. Lanese and Perales

Local Impact Statement Procedure Required: No

Subject: Reporting abuse by social workers and veterinarians

State Fiscal Highlights

- The Counselor, Social Worker and Marriage and Family Therapist Board will experience a minimal cost to establish a schedule for biennially renewing licenses or a certificate of registration.
- The Board may experience additional costs and subsequent revenue to issue a license to practice as a licensed professional clinical counselor or a licensed professional counselor to a person authorized to practice in another state, under certain circumstances.
- The Attorney General's Office may realize an increase in costs and a gain in civil penalty revenues for violations of the bill's companion animal or horse abuse reporting requirements. Any revenues collected will be deposited in the Domestic Violence Program Fund (Fund 4170) and used to support programs that assist victims by arranging temporary shelter or providing other supports to the victims' companion animals.

Local Fiscal Highlights

- Public children services agencies (PCSAs) will experience costs to investigate any additional reports of child abuse and neglect from animal control officers. The costs will depend on the total number and scope of investigations.
- PCSAs and peace officers will experience a minimal cost to report child abuse and neglect or domestic violence, respectively, to the U.S. Department of Defense (USDOD) Family Advocacy Program.
- Local court systems could realize an increase in costs for any civil or criminal violations relating to the animal abuse reports. However, there could also be a gain in court revenues or fines.

Detailed Fiscal Analysis

H.B. 523 makes several changes to current law in regards to reporting child abuse and neglect, reporting animal abuse, and the renewal processes for the Counselor, Social Worker and Marriage and Family Therapist Board.

Child abuse and neglect reporting

The bill adds a dog warden, deputy dog warden, or other person appointed to act as an animal control officer to the list of mandatory reporters required to report cases of child abuse and neglect. Political subdivisions that employ animal control officers may experience a minimal cost for the officer to report suspected child abuse and neglect to a PCSA. Additionally, the bill requires the animal control officer to report the suspected abuse of a companion animal or horse to a PCSA if the officer has reasonable knowledge that a child resides with the alleged abuser. These provisions will pose a minimal cost for the animal control officer to make the report. Additionally, PCSAs will experience an increase in costs to investigate any additional reports as a result of the bill. Any cost will depend on the number and scope of investigations.

Animal abuse reporting

The bill also requires a licensed veterinarian, social service professional, and any other person licensed as a counselor, social worker, or marriage and family therapist to report abuse of a companion animal or horse to the local animal control officer. This provision will pose a minimal cost to make the report. It might also result in additional investigations conducted by a local animal control officer. However, it is possible that some of these individuals, particularly veterinarians, currently report this information.¹

Criminal prohibitions

The bill specifies that false reports involving the abuse of a companion animal or a horse are a fourth degree misdemeanor. A violation may result in additional annual costs to county criminal justice systems, with the cost depending on the number of violations. There could be an annual increase in state and/or local revenue from any court costs, fees, and fine revenues collected.

Civil penalties

The bill states that a violation of the reporting requirements involving the abuse of a companion animal or horse will result in a fine of \$100 for the first offense and \$500 for each offense thereafter. The funds will be deposited in the Domestic Violence Program Fund (Fund 4170), which is used by the Attorney General. The bill specifies that any funds collected are to be used to support programs that assist victims by arranging temporary shelter or providing other supports to the victims' companion animals. There could be an increase in state and/or local revenue from any court costs

¹ The American Veterinary Medical Foundation considers it a veterinarian's responsibility to report animal abuse or neglect regardless of whether the reporting is mandated by law or not.

and fees for the civil proceedings. In addition, the Attorney General and local civil court systems could realize an increase in costs for any civil actions taken.

U.S. Department of Defense Family Advocacy Program

The bill requires a PCSA investigating a report of child abuse to determine if the person alleged to have inflicted harm is serving in the armed forces. If so, the PCSA is required to report the alleged abuse to the U.S. Department of Defense (USDOD) Family Advocacy Program. Similarly, the bill requires a peace officer investigating an allegation of domestic violence to determine if the person alleged to have committed the act is a member of the armed forces; if so, the officer must report the alleged abuse to the USDOD Family Advocacy Program. Making this determination and notifying the USDOD Family Advocacy Program will pose a minimal cost.

Counselor, Social Worker and Marriage and Family Therapist Board

The bill requires the Counselor, Social Worker and Marriage and Family Therapist Board to issue a license to practice as a licensed professional clinical counselor or a licensed professional counselor to a person authorized to practice in another state and lacks a graduate degree in counseling if the applicant has:

- A graduate degree in a field of study that includes education in the diagnosis and treatment of mental and emotional disorders;
- Practiced professional counseling continuously in the other state for at least five years preceding the date of application;
- A scope of practice in the other state comparable to the license the person is requesting;
- A license, certificate, registration, or other authorization to practice in good standing in the other state;
- Not been disciplined in the other state for at least the five years preceding the application; and
- Achieved a passing score of the required application for licensure in Ohio.

The Board will experience an increase in costs to process any new licenses that will be offset by an increase in revenue from application fees. Any increase will depend on the number of applicants.

The bill also requires the Counselor, Social Worker and Marriage and Family Therapist Board to establish a schedule of deadlines for biennially renewing a license or certificate of registration. Currently, licenses expire two years following the date of issuance. Developing this schedule will pose a minimal cost to the Board.

Synopsis of Fiscal Effect Changes

The substitute bill, L_132_1975-3, adds provisions to the As Introduced version of the bill that affect the Counselor, Social Worker and Marriage and Family Therapist Board and the Attorney General. The substitute bill adds a requirement that the

Counselor, Social Worker and Marriage and Family Therapist Board issue a license to be a licensed professional clinical counselor or a licensed professional counselor to a person who lacks a graduate degree in counseling but is authorized to practice in a similar capacity in another state under certain circumstances. This provision will result in a cost to the Board to process additional applications that will be offset by application fees; any increase in costs and revenue will depend on the number of applicants.

The substitute bill changes the penalty for those who fail to report instances of animal abuse to a civil penalty rather than a criminal penalty as under the As Introduced version of the bill. However, the substitute bill specifies that false reports of abuse involving a companion animal or horse are fourth degree misdemeanors. Local and state courts may realize an increase in civil court costs, as well as a gain in revenue from any civil proceedings. Any penalties collected will be used by the Attorney General to support domestic violence programs. Under the As Introduced version of the bill, violations would have resulted in criminal court proceedings.

Additionally, the substitute bill removes registered veterinary technicians from the reporting requirements. Thus, this could result in reduced reports in comparison to the As Introduced version of the bill.