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2nd CORRECTED VERSION*

SUMMARY

CPA certificate

- Eliminates the ability of a person with two years of accounting experience, but whose degree does not satisfy the education requirement for a certified public accountant (CPA) certificate, to successfully complete additional coursework and become eligible to receive a CPA certificate.
- Permits a person to take the CPA certificate examination if the person has a baccalaureate degree, its equivalent, or a higher degree that includes successful completion of at least 120 semester hours of undergraduate or graduate education, rather than after completing 150 hours as under former law.
- Eliminates examination schedule requirements and the Accountancy Board's ability to adopt rules granting credit to an individual who has passed one or more parts of another state's CPA examination.
- Eliminates an exemption for a registered public accountant satisfying the education requirements necessary to qualify for a CPA certificate (Ohio has not registered public accountants since 1993).

* This version adds a paragraph on page 17 addressing cosmetic therapists' use of light-based medical devices.

Department of Commerce

Ski Tramway Board

- Eliminates the Ski Tramway Board and transfers its duties to the Division of Industrial Compliance in the Department of Commerce.
- Makes issuance of the certificate of registration to a passenger tramway operator contingent on successful completion of an inspection.
- Requires ski tramways to be inspected annually by a ski tramway insurer, replacing inspections being at the discretion of the Board and performed by either the Board, a qualified engineer contracted by the Board, or a ski tramway insurer.
- Requires ski area operators to carry liability insurance in an amount determined by the Superintendent of Industrial Compliance.

Historical Boilers Licensing Board

- Eliminates the historical boiler operator's license.
- Eliminates the Historical Boilers Licensing Board and transfers its duties to the Division of Industrial Compliance.

Department of Health

Environmental health specialists

- 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.
- Removes the requirement that the Director of Health create and conduct EHST and REHS registration examinations, and instead requires an REHS registration applicant to pass the credential examination conducted by the National Environmental Health Association.
- Removes the requirement that an EHST applicant pass an examination prior to registration.
- Removes the requirement that an REHS applicant be of good moral character.
- Extends the validity of EHST and REHS certificates of registration from one year to two years.
- Requires an REHS to complete a continuing education program every two years (instead of every year).
- Specifies that an REHS must complete 24 hours of continuing education (instead of an amount determined by the Director that is between six and 25 hours).
- Reduces specified registration application and renewal fees for REHSs and EHSTs.

Administration of epinephrine autoinjectors

- 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.

Department of Natural Resources

- Authorizes the Chief of the Division of Wildlife to adopt rules establishing an administrative penalty against any person who violates the law or any rule governing wild animal hunting preserves.
- 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, certified, or meet experience requirements prior to performing the duties of a foreperson at a clay mine or clay stripping pit.

Environmental Protection Agency

Engineer certification to conduct compliance reviews

- Eliminates the Certified Engineer Program that authorized engineers to conduct reviews of permit applications, renewals, and plans for compliance with performance standards under the environmental pollution control laws (the Director of Environmental Protection never established the program).

Certified water quality professional

- Eliminates the certified water quality professional certification (which was never established by the Director).

State Board of Education

- Requires pupil services personnel (including school speech language pathologists, audiologists, school nurses, physical therapists, occupational therapists, and social workers) to register with the Department of Education rather than hold a separate license from the State Board of Education.
- Eliminates the substitute teacher license for pupil services.
- Eliminates the temporary educator license for superintendents and other administrators including principals that was superseded by the alternative administrator license.
- Reduces the duration of the resident educator license and the Ohio Teacher Residency Program to two years (effective April 12, 2023).

State Medical Board

- Regarding clinical research faculty certificates for physicians appointed to serve in Ohio on the academic staff of medical schools, eliminates (1) qualification requirements other than proof of appointment and licensure in another state, (2) the fee associated with the certificate, and (3) continuing education requirements.

- Regarding visiting clinical professional development certificates for foreign-licensed physicians participating in a clinical professional development program, eliminates (1) qualification requirements other than proof of program acceptance and licensure in another country and (2) the fee associated with the certificate.
- Eliminates the fee associated with a visiting podiatric faculty certificate for podiatrists appointed to serve in Ohio on the academic staff of an approved college of podiatric medicine and surgery.
- Authorizes a physician to satisfy up to ten (instead of three) hours of continuing education requirement by providing volunteer health care services, but sets the conversion rate as one credit hour of continuing education for every five hours spent volunteering (rather than the 1:1 ratio under prior law).
- Eliminates the State Medical Board’s authority to license (1) cosmetic therapists and the practice of cosmetic therapy and (2) oriental medicine practitioners and the practice of oriental medicine.
- Requires 600 hours of specified education to qualify for a license to practice massage therapy.
- Gives the Medical Board the authority to recognize accrediting organizations for purposes of physician assistant education programs.

Renewal of licensing boards

- 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.

Chiropractic Board

- Makes two technical changes in the law regulating chiropractors.

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DETAILED ANALYSIS

CPA certificate education and experience requirements

Under continuing law, a person applying for a certified public accountant (CPA) certificate must complete one year of specified experience if the person has a baccalaureate or higher degree that is approved by the Accountancy Board and includes successful completion of 150 semester hours of undergraduate or graduate education. The act eliminates a provision that allowed a person who has a baccalaureate or higher degree that does not satisfy the education requirement for a CPA certificate to return to school, successfully complete additional coursework, and become eligible to receive a certificate, provided the person has two years of experience in a public accounting firm, government, business, or academia and satisfies other requirements. Additionally, the act repeals a provision that provided that, unless the exception above applied, the experience requirement for any person who does not meet the education requirement is four years. It is not clear whether this provision allowed one to substitute experience for education in whole or in part, or if it was meant to apply only when the educational requirements were waived or did not apply.

The act also eliminates an exemption for a registered public accountant satisfying any education requirement necessary to receive a CPA certificate. Continuing law has prohibited the Board from registering new public accountants since April 16, 1993. Thus, under the act, a person seeking a CPA certificate must satisfy one of the following educationally related requirements, both of which are available under continuing law:

- Satisfy the education requirement by attaining a Board-approved baccalaureate or higher degree with 150 semester hours of education concentrated on accounting and business administration;
- Receive a waiver from the education requirement by attaining an associate degree or a baccalaureate degree with a concentration in accounting and business administration and pass a special examination.

Under continuing law, a person who satisfies the education requirement must have one year of experience in a public accounting firm, the government, a business, or academia to receive a CPA certificate. A person who receives a waiver must have four years of experience. In addition to the education and experience requirements to obtain a CPA certificate, a candidate also must (1) establish in Ohio residency, a place of business, or regular employment, (2) be at least 18 years old, (3) have good moral character, and (4) pass the CPA examination described below.¹

¹ R.C. 4701.06(A) and (B), with conforming changes in R.C. 4701.17, and R.C. 4701.07(F), not in the act.

CPA examination

Eligibility

Under the act, a person may take the CPA certificate examination before the person has satisfied the education requirements necessary for a CPA certificate, provided the person has a bachelor's degree, its equivalent, or a higher degree that includes successful completion of at least 120 semester hours of undergraduate or graduate education. The Board must adopt rules specifying the degrees that make a person eligible to take the examination and the subjects the Board considers appropriate. Under former law, before sitting for the examination, a person had to satisfy the education requirements for a CPA certificate, have those requirements waived by the Board, or obtain the professional accountant registration described above, and could sit for the examination before satisfying the experience requirement. Under the act, a person who passes the CPA examination is not a CPA until the person satisfies the education and experience requirements described above (under former law, such a person only had to satisfy the requisite experience).²

Examination offerings

The act repeals the requirement that the Board hold the CPA certificate examination at least once per year. Additionally, it repeals the Board's ability to adopt a rule to grant credit to a candidate for satisfactory completion of an examination that a licensing authority of another state gave in one or more of the subjects required in Ohio's examination. Under that rule, the Board has discretion to grant credit for another state's examination in light of the following factors:

- Whether the applicant meets the requirements to take the Ohio CPA examination, or met the Ohio requirements at the time the applicant took the other state's examination;
- Whether the credit is still valid in the other state.

The rule prohibits the Board from granting credit for another state's examination if the time period during which the credit would be valid under Ohio law or under the other state's law, whichever is shorter, has expired.³

Department of Commerce

Ski Tramway Board

Elimination of Board and transfer of duties

The act eliminates the Ski Tramway Board and transfers its duties to the Division of Industrial Compliance in the Department of Commerce. The Ski Tramway Board was responsible for regulating the construction, maintenance, mechanical operation, and inspection of passenger tramways associated with ski areas and for registering operators of passenger

² R.C. 4701.06(C) and (D).

³ R.C. 4701.06, partially repealed by the act, and Ohio Administrative Code (O.A.C.) 4701-5-09.

tramways in Ohio. A “passenger tramway” is a device used to transport passengers uphill and includes (1) devices used to transport passengers in open or enclosed cars, (2) chair lifts, (3) J bars, T bars, and platter pulls, (4) rope tows, and (5) conveyors. The Board was housed within the Division of Industrial Compliance, and received offices and other assistance from the Division. The cost of administering the Board and conducting inspections was included in the Division’s budget.⁴

Duties transferred to the Division include:

- Adopting rules relating to public safety in the construction, maintenance, mechanical operation, and inspection of passenger tramways;⁵
- Accepting applications for passenger tramway registrations and issuing and renewing certificates of registration;⁶
- Requiring inspection of the construction, maintenance, and mechanical operation of passenger tramways;⁷
- Investigations and hearing complaints relating to rule violations or existence of dangerous conditions relating to passenger tramways;⁸
- Issuing emergency orders requiring operators to cease using the tramway immediately for the transportation of passengers in the case of immediate danger.⁹

Transition

All of the authority, functions, assets, and liabilities of the Ski Tramway Board are transferred to the Division of Industrial Compliance, which becomes the Board’s successor and assumes its duties and authorities. Any registration that is current and valid on the act’s April 12, 2021, effective date is deemed to be a registration issued by the Division.

Any business commenced by the Board but not completed by April 12, 2021, must be completed by the Division in the same manner, and with the same effect, as if completed by the Board.

No right, obligation, or liability is lost or impaired because of the transfer of responsibility. All Board rules, orders, and determinations continue in effect until modified or rescinded by the Division. Pending actions related to the Board are not affected by the transfer and must be prosecuted or defended in the name of the Division. In all such actions, the Division, on application to the court, is to be substituted as a party.

⁴ R.C. 4169.02 and Section 6 of the act, and R.C. 4169.01, not in the act.

⁵ R.C. 4169.02(B).

⁶ R.C. 4169.03(A).

⁷ R.C. 4169.04(A).

⁸ R.C. 4169.04(B) and 4169.05.

⁹ R.C. 4169.06.

All employees of the Board become employees of the Division and are to serve in the positions previously held unless the Division determines otherwise.¹⁰

Issuance of certificate

Under prior law, upon payment of the appropriate annual fees, the Board was required to issue a registration certificate to the passenger tramway operator. The act transfers this duty to the Division and makes issuance of the certificate contingent on successful completion of an inspection.¹¹

Inspections

The act establishes required annual inspections and alters who must perform an inspection. Under prior law, the Division of Industrial Compliance was required to inspect passenger tramways as the Ski Tramway Board reasonably required, but the Division could contract with other qualified engineers to carry out inspections or accept an inspection report by a qualified inspector of an insurance company authorized to insure passenger tramways in Ohio. The act instead requires the inspection to be done annually but permits it to be done more often as the Division reasonably requires. It further requires the inspection to be performed by a qualified inspector of an insurance company authorized to insure passenger tramways in Ohio.¹²

Liability insurance

The act requires a ski area operator to maintain liability insurance in an amount determined by the Superintendent of Industrial Compliance. A “ski area operator” is a person or organization that is responsible for the operation of a ski area, including an agency of the state or of a political subdivision. A “ski area” is all the ski slopes, ski trails, and passenger tramways that are administered or operated as a single enterprise within Ohio.¹³

Historical Boilers Licensing Board

Elimination of licensure; elimination of Board and transfer of duties

The act eliminates the requirement that a person obtain a license in order to operate an historical boiler (a steam boiler of riveted construction that is preserved, restored, or maintained for hobby or demonstration) in a place that is open to the public.

It also eliminates the Historical Boilers Licensing Board and transfers its nonlicensing duties to the Division of Industrial Compliance in the Department of Commerce. Duties transferred to the Division include:

- Adopting rules concerning the following:

¹⁰ Section 6 of the act.

¹¹ R.C. 4169.03(B).

¹² R.C. 4169.04(A).

¹³ R.C. 4169.11 and R.C. 4169.01, not in the act.

- Historical boiler inspections, repairs, and alterations;
- Standards and procedures for conducting and reporting hydrostatic tests;
- Standards for the public display and operation of historical boilers in Ohio by operators who reside outside Ohio.
- Issuing triennial certificates of operation for historical boilers that pass inspection;
- Conduct hearings for a person who appeals a denial of a certificate of operation;
- Establish a fee for inspection;
- Determine the smallest size of historical boilers that are subject to the historical boilers law;
- Establish criteria for safe operation of historical boilers;
- Appoint safety committees to conduct hydrostatic tests;
- Establish a minimum amount of liability insurance an owner must carry, if it determines that a minimum amount should be established.¹⁴

Transition

All of the authority, functions, assets, and liabilities of the Historical Boilers Licensing Board are transferred to the Division of Industrial Compliance, which becomes the Board's successor to and assumes its duties and authorities. Any certificate that is current and valid on the act's April 12, 2021, effective date is deemed to be a certificate issued by the Division.

Any business commenced by the Board but not completed by April 12, 2021, must be completed by the Division in the same manner, and with the same effect, as if completed by the Board.

No right, obligation, or liability is lost or impaired because of the transfer of responsibility. All Board rules, orders, and determinations continue in effect until modified or rescinded by the Division. Pending actions related to the Board are not affected by the transfer and must be prosecuted or defended in the name of the Division. In all such actions, the Division, on application to the court, is to be substituted as a party.

All employees of the Board become employees of the Division and are to serve in the positions previously held unless the Division determines otherwise.¹⁵

¹⁴ R.C. 4104.32 through 4104.37 and R.C. 4104.31, not in the act.

¹⁵ Section 7 of the act.

Department of Health

Environmental health specialists

The act changes the professional title of a “sanitarian-in-training” and “registered sanitarian” to “environmental health specialist in training” (EHST) and “registered environmental health specialist” (REHS), respectively.¹⁶

Examinations

The act removes the requirement that the Director of Health create and conduct EHST and REHS credential examinations. Instead, it requires REHS applicants to pass the credential National Environmental Health Association examination administered by the Department of Health. In addition, EHSTs are no longer required to pass the examination as a prerequisite to registration. The Director cannot register a person as an REHS if the person fails to meet the minimum grade requirement specified by the Association. Once an applicant meets the minimum grade requirement, the applicant must verify the grade with the Director on a form and in a manner prescribed by the Director by rule.¹⁷ The Environmental Health Specialist Advisory Board (known in prior law as the Sanitarian Advisory Board) must advise the Director on the manner in which the passage of the examination is verified.¹⁸ The act also makes corresponding changes related to these examinations.¹⁹

Requirements to register

The act removes the requirement that an REHS applicant be of good moral character. However, under continuing law, an applicant must still pass an examination, meet education and experience requirements, and pay the applicable fees.²⁰

Registration validity and continuing education

The act extends the validity of an EHST and REHS certificate of registration from one year to two years. Correspondingly, it also requires an REHS to complete 24 hours of continuing education every two years. Under former law, an REHS had to annually complete between six and 25 hours of continuing education, as determined by the Director.²¹

¹⁶ R.C. Chapter 4736 and makes conforming changes in R.C. 2925.01, 3701.33, 3717.27, 3717.47, 3718.011, and 3718.03.

¹⁷ R.C. 4736.03, 4736.09, and 4736.10. See also <https://www.neha.org/professional-development/credentials/rehsrs-credential>.

¹⁸ R.C. 4736.02.

¹⁹ R.C. 4736.02, 4736.05, 4736.08, and 4736.10.

²⁰ R.C. 4736.08.

²¹ R.C. 4736.11.

A sanitarian-in-training or sanitarian registration that is valid on the act's April 12, 2021, effective date remains valid as a biennial EHST or REHS registration for two years from the date the Director issued the registration.²²

Under continuing law, an EHST must apply for registration as an REHS within three years after registering as an EHST. Prior law allowed the Director to extend this three-year period indefinitely if the EHST furnishes sufficient cause for not applying for registration as an REHS. The act, however, prohibits the Director from extending the three-year period more than two additional years.²³

Fees

The act reduces EHST and REHS fees, as follows:

REHS and EHST fees		
Fee	Prior law	H.B. 442
EHST registration application fee	\$80	\$50
REHS registration application fee for a current EHST	\$80	\$50
REHS registration application fee (for a person who is not an EHST)	\$160	\$100
REHS registration renewal fee	\$90	\$75
EHST registration renewal fee	\$90	\$35

Finally, prior law provided that an applicant for REHS registration must only pay the application fee once regardless of the number of times the applicant takes the examination. The act eliminates this limitation.²⁴

Administration of epinephrine autoinjectors

The act eliminates a biennial training requirement for individuals authorized to administer epinephrine autoinjectors on behalf of qualified entities. Law not modified by the act authorizes qualified entities, such as places of employment, restaurants, amusement parks, and other locations where allergens capable of causing anaphylaxis may be present, to maintain a supply of epinephrine autoinjectors to be used in an emergency.²⁵ Before an individual is

²² Section 5.

²³ R.C. 4736.10.

²⁴ R.C. 4736.12.

²⁵ R.C. 3728.03, not in the act.

authorized to administer the epinephrine in an emergency, the individual must complete an anaphylaxis training course. The act eliminates the requirement that training also be completed every two years thereafter.²⁶

Department of Natural Resources

Wild animal hunting preserves

The act authorizes the Chief of the Division of Wildlife to levy an administrative penalty against any person who violates any Ohio law or Division rule governing wild animal hunting preserves. The Chief must levy the administrative penalty in accordance with procedures and in an amount established by rule.²⁷ Under continuing law, the hunting of nonnative wildlife is prohibited in Ohio, except in a licensed wild animal hunting preserve.

Clay mine foreperson certification

The act eliminates the clay mine foreperson certification and the associated examination and experience requirement for a person to become a clay mine foreperson. Correspondingly, it prohibits the Chief of the Division of Mineral Resources Management from requiring a person to be examined or certified prior to performing the duties of a foreperson at a clay mine or clay stripping pit.

Under prior law, a person had to be certified in order to perform the duties of a foreperson at a clay mine or clay stripping pit. To be certified, a person had to pass an examination, conducted by the Chief. The examination tested the applicant on experience and fitness on the problems and duties peculiar to the clay mining industry. The applicant had to have at least three years of experience in mining operations, as well.²⁸

Environmental Protection Agency

Engineer certification to conduct compliance reviews

The act eliminates a program that would have allowed engineers to conduct reviews of permit applications, renewals, and plans for compliance with performance standards under the environmental pollution control laws. Law repealed by the act authorized the Director of Environmental Protection to adopt rules establishing the program. However, no rules establishing the program were ever adopted.²⁹

Certified water quality professionals

The act eliminates the certified water quality professional program. Law repealed by the act authorized the Director to adopt rules establishing this certified position. The certification would have allowed a certified water quality professional to assess streams and categorize

²⁶ R.C. 3728.04.

²⁷ R.C. 1533.722.

²⁸ R.C. 1561.07.

²⁹ R.C. 3745.14, repealed by the act and R.C. 127.16.

wetlands in support of applications for section 401 water quality certifications and isolated wetland permits. However, no rules were ever adopted governing certified water quality professionals.³⁰

State Board of Education

Pupil services registration

The act requires pupil services personnel to register with the Department of Education, rather than hold a separate license from the State Board of Education as under prior law. The change applies to school speech language pathologists, audiologists, school nurses, physical therapists, occupational therapists, and social workers, who are licensed by their respective professional boards. Substitute and other temporary pupil service personnel also must register with the Department instead of hold a separate license.

The registration is valid for five years and costs \$150 for both initial registration and renewal. Further, as a condition of registration, the individual must be subject to a criminal records check and be enrolled into the “rapback” program. The Retained Applicant Fingerprint Database (or rapback) is a database of fingerprints of individuals on whom Ohio Bureau of Criminal Identification and Investigation has conducted criminal records checks for the purpose of determining eligibility for employment with or licensure by a public office. Through it, an office like the Department will receive reports of subsequent arrests or convictions of registrants.³¹

The act requires the Department to revoke a registration on the same grounds for revoking an educator license under current law.³²

Temporary educator license for superintendents and other administrators

The act eliminates the temporary educator license for superintendents and other school administrators, including principals, which was already superseded by the alternative administrator license under continuing law.³³

Resident educator license and Ohio Teacher Residency program

Effective April 12, 2023, the act reduces the duration of both the resident educator license and the Ohio Teacher Residency program from four years to two years.

The resident educator license is the first level of licensure for a teacher. Such a license holder must complete the Ohio Teacher Residency program in order to continue teaching and

³⁰ R.C. 6111.30(G), (J), and (K).

³¹ See R.C. 109.5721 and 3319.316, neither in the act.

³² R.C. 3319.221, repeal and reenact and 3319.2210, repeal; conforming changes in R.C. 3307.01, 3307.24, 3309.01, 3309.011, 3313.68, 3313.7110, 3313.7113, 3313.721, and 3319.222.

³³ R.C. 3319.225, repeal.

receive the next level of teacher licensure, the professional educator license. Although the act reduces the program by two years, it retains the requirements of a mentorship, counseling, and measures of appropriate progression through a performance-based assessment prescribed by the State Board. In addition, the State Board must determine a method to condense the program into a two-year program, including a timeframe by which individuals already enrolled must complete the program.³⁴

State Medical Board

Clinical research faculty

The act removes several requirements for clinical research faculty certificates, which exist for physicians appointed to serve in Ohio on the academic staff of medical schools, osteopathic medical schools, and colleges of podiatric medicine. Under the act, an applicant for the certificate need only submit proof of (1) holding a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country and (2) appointment to serve in Ohio on the academic staff of an accredited medical school or osteopathic medical school, or a college of podiatric medicine and surgery in good standing with the Board.

The act eliminates the following requirements:

- Proof that the applicant is an international medical graduate who holds a designated medical degree;
- Submission of an affidavit and supporting documentation from the school or college, or an affiliated teaching hospital, that the applicant is qualified to perform teaching and research and will be permitted to work only under the authority of the department director or chairperson where the applicant's teaching and research will occur;
- Submission of a description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;
- Submission of a description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research;
- Payment of a \$375 application fee;
- A 75-hour continuing medical education requirement for renewal.³⁵

³⁴ R.C. 3319.22 and 3319.223; Section 4; conforming change in R.C. 3319.227.

³⁵ R.C. 4731.293.

Visiting clinical professional development certificates

Regarding visiting clinical professional development certificates for foreign-licensed physicians participating in a clinical professional development program, the act eliminates qualification requirements other than proof of program acceptance and holding a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued in another country. It also eliminates the \$375 fee associated with the certificate.

Some of the prior requirements the act eliminates include:

- Verification from the program that the applicant has sufficient financial resources to support the applicant and any dependents based on the cost of living in the geographic area of the program;
- Valid health and evacuation insurance for the duration of the applicant's stay in the United States;
- Professional liability insurance provided by the program;
- Proficiency in spoken English;
- A description from the school or hospital conducting the program of the scope of medical or surgical activities permitted during the applicant's participation in the program;
- A statement from the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training;
- Evidence that the applicant is an international medical graduate who holds a medical degree from a recognized educational institution;
- Evidence that the applicant has practiced medicine for at least five years after completing graduate medical education, including postgraduate residency and advanced training;
- Agreement by the applicant to comply with state and federal laws regarding health, health care, and patient privacy;
- Agreement by the applicant to return to the applicant's home state or country at the conclusion of the clinical professional development program.³⁶

Visiting podiatric faculty certificates

Regarding visiting podiatric faculty certificates for podiatrists appointed to serve in Ohio on the academic staff of an approved college of podiatric medicine and surgery, the act eliminates the prior \$125 fee associated with the certificate.³⁷

³⁶ R.C. 4731.298.

³⁷ R.C. 4731.572.

Physician continuing education

Law maintained by the act requires licensing agencies that license health care professionals to permit a licensee to satisfy up to one third of the continuing education requirement by providing volunteer health care services. For physicians, the act expands to ten hours the amount of continuing education that can be satisfied as a volunteer, up from three hours under prior law. It provides, however, that physicians earn continuing education credit at the rate of one credit hour for every five hours spent providing volunteer health care services. Under prior law, the conversion rate was one credit hour for each 60 minutes spent volunteering.³⁸

Elimination of licenses

The act eliminates the State Medical Board's authority to regulate the following professions in Ohio:

1. Cosmetic therapists;³⁹
2. Oriental medicine practitioners.⁴⁰

In doing so, the act eliminates licensing requirements for those professions, including the requirement that applicants for licensure successfully complete a background check.⁴¹ As part of the elimination of the Board's authority to regulate those professions, the act eliminates its authority to conduct investigations and take disciplinary action.

Cosmetic therapy

Regarding cosmetic therapy, the effect of this change is unclear. Ohio law maintained by the act defines cosmetic therapy as the permanent removal of hair through electric modalities.⁴² Preexisting administrative rules adopted by the State Medical Board specify that the application of light-based medical devices to the human body is the practice of medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. Under those rules, a physician is authorized to delegate to a licensed cosmetic therapist, physician assistant, or nurse the application of light-based medical devices for the purpose of hair removal if various conditions are met.⁴³ Under the act, cosmetic therapists are no longer licensed. Whether the preexisting rules could now prevent cosmetic therapists from using these devices, in light of the act's apparent legislative intent to remove the practice of cosmetic therapy from regulation by the State Medical Board, is unclear.

³⁸ R.C. 4745.04.

³⁹ R.C. 4731.15, 4731.16, 4731.171, and 4731.19; conforming changes in other R.C. sections.

⁴⁰ R.C. 4762.011. Due to time constraints, the act does not address numerous cross-reference changes related to this elimination. Those changes can be addressed in subsequent legislation.

⁴¹ R.C. 109.572(A)(9).

⁴² R.C. 4713.01.

⁴³ O.A.C. 4731-18-02 and 4731-18-03.

The act maintains the preexisting authority of the State Cosmetology and Barber Board to regulate the practice of cosmetic therapy in a salon.⁴⁴ An individual may provide cosmetic therapy in a salon only if authorized by rules adopted by the Cosmetology and Barber Board.⁴⁵

Massage therapy education

The act codifies in Ohio law a 600-hour education requirement to qualify for a license to practice massage therapy.⁴⁶ Prior to the act, massage therapy education programs were required by administrative rule to teach 750 hours of instruction in massage therapy.⁴⁷

Physician assistant accrediting organizations

The act gives the Medical Board the authority to recognize accrediting organizations for purposes of physician assistant education programs. Under prior law, programs were required to be accredited by the Accreditation Review Commission on Education for the Physician Assistant.⁴⁸

Renewal of certain occupational licensing boards

The act renews until December 31, 2026, the occupational licensing boards that were reviewed by standing committees of the House of Representatives and the Senate during the 133rd General Assembly. Those boards are as follows:

- 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.

Under continuing law, a board, commission, committee, council, or any other similar public body, agency, division, or office of state government that issues one or more occupational licenses (“occupational licensing board”) is triggered for expiration following the

⁴⁴ R.C. 4713.14(J).

⁴⁵ R.C. 4713.42.

⁴⁶ R.C. 4731.19(A).

⁴⁷ O.A.C. 4731-1-16.

⁴⁸ R.C. 4730.11(B)(1).

sixth year after it was created or last renewed by an act of the General Assembly. No occupational licensing board expires before December 31, 2024. The House of Representatives and the Senate are directed by statute to review one-third of the state’s occupational licensing boards each biennium – including all boards that are scheduled to expire at the end of the biennium.⁴⁹

Chiropractic Board

Technical changes

The act corrects an incorrect cross-reference⁵⁰ and repeals a section that is substantively contained elsewhere in Chapter 4734 of the Revised Code.⁵¹

HISTORY

Action	Date
Introduced	12-09-19
Reported, H. Commerce and Labor	06-04-20
Passed House (92-0)	06-09-20
Reported, S. Transportation, Commerce and Workforce	12-17-20
Passed Senate (28-1)	12-18-20
House concurred in Senate amendments (61-25)	12-22-20

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⁴⁹ Section 8 of the act; see R.C. 101.62 and 101.63, not in the act.

⁵⁰ R.C. 4734.211(A).

⁵¹ R.C. 4734.281, repealed. See also R.C. 4734.141, not in the act.