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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 6
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Roemer

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CORRECTED VERSION*

SUMMARY

Administration of immunizations and COVID-19 tests

- Authorizes podiatrists to administer COVID-19 vaccines to individuals seven and older.
- Authorizes a pharmacist or pharmacy intern to administer COVID-19 vaccines to individuals seven and older.
- Authorizes a pharmacist or pharmacy intern to administer any vaccines to individuals 13 and older, rather than only those included in federal recommended schedules as under current law.
- Authorizes a pharmacist to order and administer diagnostic tests for COVID-19 and COVID-19 antibodies.
- Authorizes a pharmacy intern or certified pharmacy technician to administer diagnostic tests for COVID-19 and COVID-19 antibodies if the intern or technician is under the direct supervision of a pharmacist.

Registration of pharmacy technician trainees

- Revises the law governing the registration of pharmacy technician trainees, including by authorizing the State Board of Pharmacy to register an applicant who is 17 if certain conditions are met.

* This version corrects a technical error in the third dot point of the analysis.

Temporary nursing licenses without examination

- Continues until July 1, 2021, the suspension of the requirement that an applicant pass a licensure examination to receive a license to practice as a registered nurse or licensed practical nurse and adds eligibility limitations.
- Specifies that a nursing license issued without examination is valid until July 1, 2021, unless the licensee fails the licensing examination, is convicted of a felony, or fails a drug test.

Pupil services licenses and school nurses

- Revises the educational qualifications governing the pupil services licensure exemption available to school nurses.

Educator preparation program make up hours and weeks

- Requires each educator preparation program to develop and implement a plan to provide its students with alternative experiences in the 2021-2022 academic year to make up hours or weeks of clinical experiences missed due to school closure or limited hours because of COVID-19.
- Requires the Department of Higher Education and Department of Education to consider a student who successfully completes make-up hours or weeks in the 2021-2022 academic year using alternative experiences eligible for licensure and endorsement recommendations in the same manner as a student who completes clinical experiences.

Effective date

- Declares an emergency.

DETAILED ANALYSIS

Podiatrist administration of COVID-19 vaccinations

The bill authorizes podiatrists to administer vaccinations against COVID-19 to individuals age seven and older.¹ This is in addition to recently enacted law² that grants podiatrists authority to administer flu shots to individuals age seven and older. Except for the law governing podiatrist administration of flu and COVID-19 vaccinations, the practice of podiatric medicine is otherwise limited to the treatment of foot and foot-related ailments and superficial hand lesions.³

¹ R.C. 4731.512.

² S.B. 178 of the 133rd General Assembly. Available [here](#).

³ R.C. 4731.51, not in the bill.

Pharmacist administration of immunizations and COVID-19 tests

COVID-19 immunizations and tests

Subject to the same requirements and limitations as in current law for the administration of flu shots, the bill authorizes a pharmacist or pharmacy intern to administer COVID-19 vaccines to individuals seven and older. Some of the requirements in current law that apply through the bill to pharmacist and pharmacy intern administration of COVID-19 immunizations include (1) completing a course in the administration of immunizations, (2) maintaining CPR certification, and (3) practicing in accordance with a physician-established protocol.⁴

In addition to authorizing the administration of COVID-19 vaccines, the bill allows a pharmacist to order and administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies. Additionally, pharmacy interns and certified pharmacy technicians may administer the tests if under the direct supervision of a pharmacist.⁵

Other immunizations

The bill authorizes pharmacists and pharmacy interns to administer to individuals 13 and older immunizations for any disease.⁶ Current law limits this authority to only those immunizations included on the immunization schedule recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention in the U.S. Department of Health and Human Services. The bill maintains the law allowing pharmacists and pharmacy interns to administer flu shots to individuals seven and older.

Registration of pharmacy technician trainees

The bill makes three changes to the law governing the registration of pharmacy technician trainees. First, it authorizes the State Board of Pharmacy to register an applicant who is 17 years old and does not possess a high school diploma or equivalent if the applicant for registration is enrolled in a Board-approved career-technical education program. Generally, to be eligible for registration, an applicant must be age 18 or older and possess a high school diploma or equivalent certificate.⁷

Second, the bill allows the Board to extend the time period during which a registration is valid. Current law provides for a one-year registration period.

⁴ R.C. 4729.41.

⁵ R.C. 4729.42.

⁶ R.C. 4729.41(A)(2).

⁷ R.C. 4729.92 and 4729.921.

Third, the bill requires the Board to comply with the law known as the “Fresh Start Act,” enacted by H.B. 263 of the 133rd General Assembly, when registering a pharmacy technician trainee who is either of the following:

- Licensed or registered as a technician trainee in another state;
- Has satisfactory work experience, government certification, or private certification as a pharmacy technician trainee in a state that does not issue a license or registration.

The Fresh Start Act generally prohibits any state licensing authority from refusing to issue an initial license or other authorization allowing an individual to engage in any profession, occupation, or occupational activity regulated by the licensing authority based on certain prior criminal offenses.⁸

Pupil services licenses and school nurses

The bill revises the law governing an exemption from the pupil services licensure requirement that is available to the following licensed professionals: registered nurses, social workers, audiologists, speech-language pathologists, occupational therapists, occupational therapy assistant, physical therapists, and physical therapy assistants. At present, Ohio law permits these professionals – if holding current, valid licenses from their respective licensing boards – to be employed in public schools without holding separate pupil services licenses issued by the State Board of Education.

In the case of a licensed registered nurse, however, the nurse is not eligible for the exemption unless the nurse also holds a bachelor’s degree in nursing. The bill removes the language requiring the nurse’s bachelor’s degree to be in nursing.⁹

Temporary nursing licenses without examination

H.B. 197 of the 133rd General Assembly temporarily suspended the requirement that an applicant pass a licensure examination accepted by the State Board of Nursing to receive a license to practice as a registered nurse or licensed practical nurse. The bill changes the duration of the suspension, making it effective during the period beginning on the date the emergency declared by Executive Order 2020-01D was issued, March 9, 2020, and ending on July 1, 2021, rather than during the emergency declared by Executive Order 2020-01D as under current law.

To be eligible for the license, the bill specifies that an individual must not have (1) previously taken and failed the licensure examination, (2) been convicted of, pleaded guilty to, or had a judicial finding of guilt for, any felony, or (3) failed a drug test, as determined by the Nursing Board.

⁸ H.B. 263 of the 133rd General Assembly. Available [here](#).

⁹ R.C. 3319.221.

The bill specifies that a nursing license issued without examination is generally valid until July 1, 2021; it is immediately void, however, if the licensee (1) takes and fails the licensure examination, (2) is convicted of, pleads guilty to, or has a judicial finding of guilt for, any felony, or (3) fails a drug test, as determined by the Nursing Board. Currently, under H.B. 197, a nursing license issued without examination is valid until whichever of the following occurs first: (1) March 1, 2021 (90 days after December 1, 2020) or (2) the date that is 90 days after the COVID-19 emergency period ends.¹⁰

Educator preparation program make up hours and weeks

The bill requires each educator preparation program to develop and implement a plan to provide its students with alternative experiences, assignments, or instruction in the 2021-2022 academic year to make up any hours or weeks of clinical experiences missed due to school closure or limited hours because of COVID-19. These alternatives must allow students to demonstrate mastery of the expected outcomes of clinical experiences. They may include:

1. Virtual learning;
2. Designing lessons and units of instruction;
3. Selecting and implementing instructional strategies;
4. Teaching lessons and content;
5. Assessing learning to evaluate student progress and inform instructional decisions;
6. Creating a supportive learning environment;
7. Managing the classroom effectively; and
8. Other appropriate activities.

The bill requires the Department of Higher Education and the Department of Education to consider a student who successfully completes make-up hours or weeks in the 2021-2022 academic year using these alternatives eligible for licensure and endorsement recommendations in the same manner as a student who completes clinical experiences.

The bill specifies that this provision does not apply to a barber school or school of cosmetology.¹¹

Background

Approval of educator preparation programs

Continuing law requires the Chancellor of Higher Education and Superintendent of Public Instruction to establish metrics for the preparation of educators and other school personnel, which must be aligned with the standards for educator licenses adopted by the State

¹⁰ Section 30 of H.B. 197 of the 133rd General Assembly and Sections 6 and 7.

¹¹ Section 8.

Board of Education. The Chancellor must approve institutions of higher education engaged in the preparation of educators and other school personnel that the Chancellor determines maintain satisfactory training procedures and records of performance.¹²

Administrative rules regarding clinical experiences

Under the Chancellor's rules, an educator preparation program must be designed to include a minimum of 100 clock hours of field experience prior to student teaching and a minimum of 12 weeks of student teaching for initial teacher licensure. Additionally, an educator preparation program must include a minimum of 50 clock hours of field experiences for each endorsement and each additional licensure area beyond the candidate's initial license.¹³

Educator preparation programs and COVID-19 guidance

The Department of Higher Education issued guidance to educator preparation programs in March 2020 regarding students who were at risk of not meeting clinical experience requirements due to efforts to curb the spread of COVID-19. That guidance, which was updated in August 2020 and applies to the 2020-2021 academic year, indicates that the Department is providing programs with flexibility in meeting the requirements for student clinical experiences. Programs must offer students alternative experiences, assignments, or instruction to allow students to demonstrate mastery of expected outcomes as an alternative to traditional experiences. Students who successfully complete the alternative experiences will be eligible for licensure and endorsement recommendations.¹⁴

HISTORY

Action	Date
Introduced	02-03-21

H0006-I-CORRECTED-134/ar

¹² R.C. 3333.048, not in the bill.

¹³ Ohio Administrative Code 3333-1-05(C).

¹⁴ <https://www.ohiohighered.org/educator-preparation/covid-19-guidance>.