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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 6
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 6's Bill Analysis](#)

Version: As Reported by Senate Government Oversight & Reform

Primary Sponsor: Rep. Roemer

Local Impact Statement Procedure Required: No

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Highlights

- The State Medical Board of Ohio could realize minimal costs to authorize podiatrists to administer COVID-19 vaccinations. These costs could include addressing any questions or potential complaints or possibly adopting or updating rules.
- The State Board of Pharmacy could realize minimal administrative costs to authorize pharmacists and pharmacy interns to administer vaccines generally, and COVID-19 vaccinations and diagnostic tests, including rulemaking, oversight, and potential disciplinary action.
- If the State Board of Pharmacy allows certain individuals to apply for registration as a pharmacy technician trainee, as permitted by the bill, application fees credited to Fund 4K90 will increase and offset, either in whole or in part, the additional administrative expenses incurred by the Board to oversee the additional applicants.
- The Board of Nursing could realize an increase in administrative costs to issue temporary registered nurse and licensed practical nurse licenses to applicants that have not yet passed their licensure examination through July 1, 2021. However, the Board could also realize a gain in fee revenue.
- State institutions of higher education that have educator preparation programs may incur increased costs to develop and implement a plan to provide students with alternative experiences, assignments, or instruction in FY 2022 to make up for time missed due to COVID-19 (the Department of Higher Education issued guidance providing flexibility in this regard for the programs for FY 2021). Ultimately, any additional cost will depend on implementation decisions made by the institutions.

- The bill diverts refunds payable to customers of Ohio's state-regulated electric distribution utilities to other expenditures authorized by the bill. These ratepayers, which include the state and political subdivisions, will not receive up to approximately \$18 million in refunds during calendar year (CY) 2021 for previously collected energy efficiency charges. The funds will instead be used for a select group of energy efficiency programs that benefit low-income customers. The bill's costs will not create new charges for ratepayers.
- The bill declares itself an emergency measure that will go into immediate effect.

Detailed Analysis

Podiatrist administration of COVID-19 vaccinations

The bill authorizes podiatrists to administer COVID-19 vaccines to individuals seven years of age and older. This could result in minimal administrative costs to the State Medical Board of Ohio to address any questions or complaints associated with this provision or if any rules needed to be updated or adopted.

Administration of COVID-19 vaccinations to minors

The bill prohibits any individual authorized to administer a vaccine from administering a COVID-19 vaccine to a minor without first obtaining written permission from the minor's parent or legal guardian. Currently, a health care professional is generally required to obtain informed consent from a patient. In addition, consent of a parent or guardian is generally required before a minor may receive a vaccine. The bill clarifies that this consent must be in writing. Thus, this provision should not have a significant fiscal effect.

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 Ohio Board of Nursing to receive a license to practice as a registered nurse or licensed practical nurse. The bill changes the duration of this suspension, making it effective from March 9, 2020 through July 1, 2021, in place of being effective during the existence of the COVID-19 emergency period as under current law. The bill also specifies eligibility conditions. The bill specifies that a nursing license issued without examination is generally valid until July 1, 2021, unless the licensee fails the licensing examination, is convicted of a felony, or fails a drug test. In addition, the license will be void if the licensee fails to take the licensing examination 60 days after the license holder received authorization to test. The Board could realize an increase in administrative costs to issue temporary nursing licenses, but could also experience a gain in fee revenue. The bill clarifies that provisions of previous enactments, including H.B. 404 of the 133rd General Assembly, extending the dates by which state agencies and license holders must generally comply with licensure deadlines, do not apply to the issuance and validity of temporary nursing licenses.

Alternative instruction in educator preparation programs

The bill requires educator preparation programs (except for barber schools and schools of cosmetology, which may offer instructor training programs) to develop and implement a plan to provide students with alternative experiences, assignments, or instruction in FY 2022 to make up for any hours or weeks of clinical experiences missed due to COVID-19. Alternative

experiences may include virtual learning, designing lessons and units of instruction, and other appropriate activities that allow students to demonstrate mastery of the expected outcomes of clinical experiences. The Department of Higher Education (DHE) issued guidance for FY 2021 to educator preparation programs in August 2020 regarding students who were at risk of not meeting clinical experience requirements due to efforts to curb the spread of COVID-19. The guidance provides flexibility regarding the number of field experience hours or weeks that candidates must complete in order to be eligible for an education license or endorsement. It also specifies that the programs may provide students with alternative experiences, assignments, or instruction to allow students to demonstrate mastery of expected outcomes as an alternative to traditional experiences.

Presumably, institutions that have complied with DHE's guidance for FY 2021 will likely extend those options into FY 2022 to comply with the bill. An institution may incur some additional costs to extend alternative experiences into or, if the alternatives have yet to be established, to develop and implement them in FY 2022. Any additional costs likely depend on actions already taken and implementation decisions made by the institution.

Pupil services licenses and school nurses

The bill revises the law governing an exemption from the pupil services licensure requirement that is available to various licensed health and social worker professionals employed in public schools. These professionals – if holding current, valid licenses from their respective licensing boards – may be employed in public schools without holding separate pupil services licenses issued by the State Board of Education. Instead of holding a license, these professionals must be registered with the State Board. In the case of a licensed registered nurse, however, the nurse is not eligible for the pupil services license 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.

More nurses may qualify for the pupil services license exemption under the bill. If so, the Teacher Certification Fund (Fund 4L20), used by the Department of Education to administer the educator licensure and disciplinary system, may lose revenue. The fee for a five-year registration for pupil services professionals is \$150 while a five-year pupil services license carries a fee of \$200. The amount of any revenue loss will depend on how many school nurses hold a bachelor's degree outside of the nursing field.

Pharmacy Board

COVID-19 immunizations and testing

The bill allows: (1) a licensed pharmacist or intern to administer immunizations for COVID-19 to a person seven years old or older, (2) a licensed pharmacist or intern to administer any vaccines to a person 13 years old or older, rather than only those included in federal recommended schedules as under current law, (3) a pharmacist to order and administer diagnostic tests and antibody tests for COVID-19, and (4) a pharmacy intern or certified pharmacy technician to administer diagnostic tests and antibody tests for COVID-19 when under the direct supervision of a pharmacist.

Under continuing law, a pharmacist or pharmacy intern who administers immunizations must do so according to rules established by the State Board of Pharmacy and the Board is

required to adopt rules including provisions specifying any immunizations that may be administered.

A pharmacist, pharmacy intern, or certified pharmacy technician is subject to the Board's disciplinary procedures. The disciplinary actions include revoking, suspending, or limiting the pharmacist's or intern's identification card or technician's registration; placing the pharmacist's or intern's identification card or the technician on probation; refusing to grant or renew the pharmacist's or intern's identification card or technician's registration; or imposing a monetary penalty or forfeiture not to exceed \$500. Any money collected is credited to Fund 4K90, the Occupational Licensing Fund. These rulemaking and enforcement duties are not expected to create any discernible ongoing costs for the Board.

Pharmacy technician trainees

The Board is permitted to register as a pharmacy technician trainee an applicant who is seventeen years of age and does not possess a high school diploma or certificate of high school equivalence if the applicant is enrolled in a career-technical school program that is approved by the Board and conducted by a city, exempted village, local, or joint vocational school district. This provision could increase Board fee revenues, offset somewhat by increased administration and enforcement costs. The Board currently charges an initial application fee of \$25 for pharmacy technician trainees.¹ Any money collected is credited to Fund 4K90.

Utility energy efficiency programs

The bill makes a limited exception to a provision enacted by H.B. 6 of the 133rd General Assembly regarding energy efficiency and peak demand reduction (EE/PDR) portfolio plans. Whereas that legislation effectively terminated² all utility-sponsored initiatives by December 31, 2020, the bill re-establishes select EE/PDR programs applicable to low-income households for CY 2021.

The associated EE/PDR cost recovery mechanism, which is a rider on customers' monthly electric bills, was set to zero for most electric distribution utilities (EDUs) on January 1, 2021.³ After that date, EDUs must reconcile the difference between their previously incurred costs for EE/PDR compliance and actual revenues collected from ratepayers. In practice, over-collected amounts will be refunded to customers through a credit on their future electric bills.

This provision explicitly prohibits new EE/PDR charges to customers, including the state and political subdivisions. Consequently, the newly authorized expenditures will be paid by excess EE/PDR collections that would otherwise be refunded to customers. These re-established

¹ R.C. 4729.921.

² PUCO staff determined that the cumulative energy savings goal of 17.5% of the statutory baseline has been met with approximately 19.8% cumulative energy savings by the Ohio utilities, collectively.

³ The three FirstEnergy companies continued a nonzero charge on their customers to recover costs associated with the companies' "Economic Load Response Program Rider." FirstEnergy deemed these costs as authorized by its Electric Security Plan rather than required under the defunct savings goal in R.C. 4928.66. The companies similarly proposed continued recovery of other EE/PDR-related commitments, which has been contested by interested parties, and PUCO has yet to rule on the matter.

energy efficiency programs benefit customers with an annual income at or below 200% of the federal poverty level.

During CY 2019, the EDUs collectively spent \$177.3 million on EE/PDR program costs. The low-income programs were about 10% of total expenditures, so it is reasonable to expect this provision could divert up to \$18 million in refunds from ratepayers during CY 2021. The amounts spent on low-income energy efficiency programs in each EDU territory are limited to the excess balances collected by each EDU's respective EE/PDR rider.

Emergency provision

The bill declares itself an emergency measure that will go into immediate effect.