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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 509
134th General Assembly

Bill Analysis

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Version: As Reported by House State and Local Government

Primary Sponsors: Reps. John and Fowler Arthur

Joe McDaniels, Division Chief/Attorney

and other LSC staff

SUMMARY

Attorney General

- Eliminates the fund-raising counsel registration requirement with the Attorney General.

Counselor, Social Worker, and Marriage and Family Therapist Board

- Eliminates temporary licenses for independent social workers, professional clinical counselors, and independent marriage and family therapists.

Department of Developmental Disabilities

- Eliminates adult service worker and adult service supervisor certificates.
- Removes references to early intervention supervisor certificates, which were created through a rule that has been rescinded.

Board of Embalmers and Funeral Directors

- Allows a college student to apply to be a funeral director apprentice, embalmer apprentice, or combined funeral director and embalmer apprentice.

State Board of Emergency Medical, Fire, and Transportation Services

- Reduces the maximum continuing education hours required for firefighter certification renewal from 54 hours every three-year certification cycle to 36 hours every three-year certification cycle.

Board of Nursing

- Eliminates dialysis technician intern certificates, but continues to authorize an individual who has successfully completed an approved dialysis training program within the previous 18 months to practice as a dialysis technician intern, so long as the individual is supervised as provided in the bill.
- Authorizes physician assistants to supervise dialysis technicians and dialysis technician interns, in addition to physicians and registered nurses who continue to be authorized to supervise.

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

- Eliminates temporary licenses to practice orthotics, prosthetics, orthotics and prosthetics, and pedorthics; but maintains requirements applicable to an unlicensed individual providing orthotic, prosthetic, or pedorthic services under a licensee's supervision.
- Eliminates a prohibition against using a title or initials representing that a person has a temporary license listed above when the individual does not have such a license.

State Board of Pharmacy

- Sets pharmacist continuing education at 30 hours every two years, instead of having continuing education requirements set by the Pharmacy Board in rules.

State Board of Psychology

- Changes the license renewal period for school psychologists from two years to five years; also reduces the renewal fee and continuing education hours required.

State Vision Professionals Board

- Requires certificates of licensure to practice optometry, topical ocular pharmaceutical agents certificates, therapeutic pharmaceutical agents certificates, dispensing optician licenses, and ocularist licenses to be renewed biennially instead of annually as under current law.
- Eliminates the annual issuance and renewal fees under current law and establishes new biennial issuance and renewal fees for an optometrist license with a therapeutic pharmaceutical agents certificate or topical ocular pharmaceutical agents certificate, dispensing optician license, and ocularist license.
- Requires a licensee to complete the current law amount of continuing education annually, but report compliance biennially.
- Extends the duration of licenses or certificates issued or renewed on or after the bill's effective date.

- Specifies that an optometrist license, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate in effect on the bill's effective date expires in the following even-numbered year and a dispensing optician or ophthalmologist license expires the following odd-numbered year.
- Eliminates the fee for a dispensing optician apprentice to renew the apprentice's registration.
- Prohibits, if the Board requires a person gaining experience for an ophthalmologist license to register with the Board, the Board from charging the person a fee to renew the registration.
- Permits the Board to issue a cease and desist order if a person is engaging in prohibited conduct that has caused, is causing, or is about to cause substantial and material harm.
- Specifies, regarding a licensee, that a cease and desist order is cumulative and concurrent with other disciplinary actions the Board may take for a violation of the law governing the practice of optometry or the law governing dispensing opticians and ophthalmologists.
- Specifies that the Board may investigate an unlicensed person engaged in the practice of optometry or, for an unlicensed person engaged in optical dispensing, notify the appropriate prosecuting attorney for further action.

General provisions

- Requires occupational licensing boards, within six months after the bill's effective date, to issue a report that addresses the fee structure for each occupational license issued by the board, whether it can more competitively align with the surrounding states, and whether it serves as a financial barrier to licensure.
- Requires the report to also address whether the board's process for issuing occupational licenses could be improved by using the electronic licensing system maintained by the Department of Administrative Services and, if so, requires the board to begin using that system as soon as practicable.
- Requires submission of the report to the President of the Senate, Speaker of the House of Representatives, and the chairpersons of the House and Senate standing committees charged with conducting the review of occupational licensing boards under continuing law.
- Renews for six years the nineteen occupational licensing boards reviewed this biennium by the House State and Local Government committee.

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DETAILED ANALYSIS

Attorney General

Under Ohio law, a fund-raising counsel is a person or entity that, for compensation, plans, manages, advises, or prepares material for or with respect to the solicitation of contributions in Ohio for a charitable organization or at any time has custody of contributions from a solicitation. A fund-raising counsel does not solicit contributions and does not engage a compensated person to solicit contributions.¹ Under existing law, changed in part by the bill, if a fund-raising counsel will at any time have custody of charitable contributions from a solicitation conducted in Ohio, the fund-raising counsel must follow specified procedure regarding the handling of the contributions, and the fund-raising counsel must also register with the Attorney General and maintain a \$25,000 bond. The bill eliminates the registration and bond requirement. Under the bill, fund-raising counsel continue to be subject to the requirements and procedures regarding the handling of contributions.²

Counselor, Social Worker, and Marriage and Family Therapist Board

The bill eliminates the issuance of temporary licenses for independent social workers, professional clinical counselors, and independent marriage and family therapists. Such

¹ R.C. 1716.01(G), not in the bill.

² R.C. 1716.05, 1716.08, and 1716.99.

temporary licenses are issued under current law to individuals who otherwise meet license requirements, but are waiting on transcripts or action of a professional standards committee of the Counselor, Social Worker, and Marriage and Family Therapist Board to issue the license, or are waiting for the next opportunity to take the license exam.³

Department of Developmental Disabilities

The bill prohibits the Department of Developmental Disabilities from requiring through rule that an individual employed by a county board of developmental disabilities be certified to provide adult services or supervise the provision of adult services. In conjunction with this change, it eliminates references in current law to certificates for adult service workers and adult service supervisors.⁴ Under current administrative rules, certification is required for adult services workers and supervisors.⁵

The bill also eliminates statutory references to early intervention supervisor certificates,⁶ which were created through a rule that has been rescinded.

Board of Embalmers and Funeral Directors

The bill allows a college student to apply to be a funeral director apprentice, embalmer apprentice, or combined funeral director and embalmer apprentice. Current law, unchanged by the bill, requires a funeral director or embalmer to hold a bachelor's degree and to have satisfactorily completed a one-year apprenticeship.⁷

State Board of Emergency Medical, Fire, and Transportation Services

The bill reduces the maximum continuing education hours required for firefighter certification renewal from 54 hours every three-year certification cycle to 36 hours every three-year certification cycle. Continuing education requirements, including required hours, are currently specified in rules adopted by the Executive Director of the State Board of Emergency Medical, Fire, and Transportation Services.⁸

Board of Nursing

The bill eliminates an existing requirement that dialysis technician interns be certified by the Board of Nursing to practice. Instead, interns may practice without certification so long as

³ R.C. 4757.02, 4757.22, 4757.27, and 4757.301.

⁴ R.C. 5126.25(J) and 5126.22(C).

⁵ Ohio Administrative Code (O.A.C.) 5123:2-5-01.

⁶ R.C. 5126.25(E)(1).

⁷ R.C. 4717.05(A)(2), (A)(5), (C)(1), (C)(3), and (H).

⁸ R.C. 4765.55 and Ohio Emergency Medical Services, [EMS & Fire Certifications](#), which may be accessed by conducting a keyword "fire service certificates to practice" search on the Ohio Emergency Medical Services website: ems.ohio.gov.

the individual is supervised, as discussed below.⁹ A dialysis technician intern is an individual who has not yet passed the dialysis technician certification exam, but who has successfully completed an approved dialysis training program within the previous 18 months.¹⁰

Under current law, dialysis technicians and dialysis technician interns must be supervised by a physician or registered nurse. The bill adds that either also may be supervised by a physician assistant. Supervision continues to require that the technician or intern be in the immediate presence of the supervising practitioner when providing dialysis care.¹¹

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

The bill eliminates temporary licenses to practice orthotics, prosthetics, orthotics and prosthetics, and pedorthics. It also eliminates a prohibition against an individual representing that the individual has a temporary license when the individual does not have such a license.

Currently, an individual who is 18 or older and who has met applicable education requirements is eligible for a temporary license listed above. A temporary licensee may represent oneself as a temporary licensee while practicing under the supervision of a fully licensed practitioner. The temporary license is valid for one year and may be renewed once in accordance with rules adopted by the Occupational Therapy, Physical Therapy, and Athletic Trainers Board. An individual who represents the individual's self as being a temporary licensee while not possessing the license is guilty of a minor misdemeanor for the first offense and a fourth degree misdemeanor for each subsequent offense.¹²

Under continuing law, an individual may provide orthotic, prosthetic, or pedorthic services while being supervised by a licensee (holding a temporary license is not required). The individual may not perform any services that the supervising licensee is not authorized to perform and both of the following apply to the services:

- The supervising licensee must be physically present during the patient's initial evaluation and during the fitting and delivery of an orthotic or pedorthic device or prosthesis;
- At any time other than the initial evaluation, fitting, or delivery, the supervising licensee must either be physically present or within 60 minutes travel time from the location and reachable through telecommunication.

⁹ R.C. 4723.72; R.C. 4723.76 (repealed); related changes in R.C. 4723.08, 4723.091, 4723.092, 4723.73, 4723.75, 4723.79, and 4723.88.

¹⁰ R.C. 4723.01(S).

¹¹ R.C. 4723.72(B).

¹² R.C. 4779.03 and 4779.18 (repealed), and 4779.99, not in the bill.

After eight months of supervised practice, an individual who is 18 or older and meets the educational requirements is eligible for full licensure.¹³

State Board of Pharmacy

The bill sets continuing education for pharmacists at 30 hours every two years. Under current law, continued pharmacy education must be completed in accordance with rules, which currently require 40 hours every two years.¹⁴ Thus, the bill reduces continuing education requirements for pharmacists.

State Board of Psychology

The bill changes the period of validity for licenses for school psychologists from two years to five years. Under the bill, school psychologists' licenses must be renewed by August 31st of each year ending in a zero or five. The quinquennial registration fee is \$200. Psychologists other than school psychologists continue to be required to renew their licenses in even-numbered years, with a biennial renewal fee of \$365.¹⁵

The bill also reduces school psychologist continuing education requirements to 18 hours every five years, from 23 hours every two years.¹⁶

State Vision Professionals Board

Biennial license renewal

The bill requires a person holding one or more of the following licenses and certificates to renew the license or certificate biennially instead of annually as under current law:

- A certificate of licensure to practice optometry (optometrist license);
- A topical ocular pharmaceutical agents certificate;
- A therapeutic pharmaceutical agents certificate;
- A dispensing optician license;
- An ocularist license.

Under the bill, an optometrist license, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate expires on December 31 of each even-numbered year. Continuing law treats the issuance and renewal of these certificates as a separate action from issuing the licenses, but the documents are issued and renewed together. The bill establishes an initial biennial license fee and biennial renewal fee for an optometrist license with a therapeutic pharmaceutical agents certificate of \$345 by increasing the annual

¹³ R.C. 4779.04 and 4779.10 through 4779.13, not in the bill.

¹⁴ O.A.C. 4729:1-5-02.

¹⁵ R.C. 4732.14; conforming changes in R.C. 4732.142.

¹⁶ R.C. 4732.141.

\$130 optometrist license fee and \$130 annual renewal fee in current law and maintaining the \$45 fee for an initial or renewal certificate. An optometrist who submits a late renewal application in January-April of an odd-numbered year is subject to the continuing law late renewal fee.¹⁷

A dispensing optician or ocularist license, under the bill, expires on January 1 of each odd-numbered year. The bill establishes a \$195 biennial initial license fee and \$195 renewal fee for a dispensing optician or ocularist license. Under current law, an applicant must pay a \$50 annual fee for an initial dispensing optician license and an annual renewal fee of \$100 established by the State Vision Professionals Board in rule. Current law also requires the Board to establish fees for ocularist licenses in rule; the initial license fee is \$50 and the annual renewal fee is \$100.¹⁸

Continuing education

The bill maintains the amount of continuing education a licensee must complete each year to renew the license, but requires the licensee to report the completion of continuing education to the Board biennially when renewing the license, rather than annually as under current law. A licensed dispensing optician must complete 6-12 hours of continuing education per year, depending on the license specification.

A licensed optometrist must complete 25 hours of continuing education per year, and report the hours to the Board by September 30 of the year the license expires. An optometrist must pay the continuing law penalty for late completion of continuing education after that date. The bill waives the continuing education requirement for an active duty military member who received an initial license during the nine-month period ending on September 30 of an even-numbered year (current law waives it each year if the member received the license during the nine-month period ending on September 30).¹⁹

Transition to biennial license period

Under the bill, a license or certificate issued or renewed on or after the bill's effective date will be issued as a biennial license. Certificates of licensure to practice optometry, topical ocular pharmaceutical agents certificates, and therapeutic pharmaceutical agents certificates in effect on the bill's effective date continue until the next even-numbered year, and dispensing optician and ocularist licenses in effect on the bill's effective date continue until the next odd-numbered year. A certificate or license holder must complete the amount of any continuing education required to renew the certificate or license that is in effect before the bill's effective date.

¹⁷ R.C. 4725.16 and 4725.34, with conforming changes in R.C. 4725.17 and 4725.171, and R.C. 4725.01, 4725.13, and 4725.14, not in the bill.

¹⁸ R.C. 4725.48 and 4725.51 and O.A.C. 4725-3-14 and 4725-3-15.

¹⁹ R.C. 4725.16 and 4725.51.

The bill also requires the Board to revise any rules or requirements the Board has adopted relating to the duration of a certificate or license to comply with the bill's provisions regarding certificates and licenses issued by the Board.²⁰

Cease and desist orders

Under the bill, the Board may issue a cease and desist order to a person who is engaging in a violation that has caused, is causing, or is about to cause substantial and material harm.

If the person who is the subject of the order is licensed, the Board must mail a notice of the order immediately after issuance to the person and all other persons involved in the violation by certified mail, and then may publicize or otherwise make it known to all interested parties that it has issued the order. The person is entitled to a hearing regarding the continuation or revocation of the order in accordance with the procedures set forth in the bill and the Administrative Procedures Act. A cease and desist order is cumulative and concurrent with other disciplinary actions the Board may take against a person for a violation of the law governing the practice of optometry or the law governing dispensing opticians and ocularists.

The bill specifies that the Board's authority to issue a cease and desist order to a person engaged in the practice of optometry without a license is in addition to the Board's authority to investigate an unlicensed person. If a person is engaging in optical dispensing or ocularistry without a license, the Board must notify the appropriate prosecuting attorney for further action.²¹

Apprentice registration renewal fee

Continuing law requires a dispensing optician apprentice to register annually with the Board and pay a \$20 initial registration fee. The bill removes the \$20 fee in current law for the apprentice to renew the registration and prohibits the Board from charging a renewal fee. It also prohibits, if the Board requires a person gaining experience for an ocularist license to register with the Board, the Board from charging the person a fee to renew the registration (the Board currently requires registration under rules it adopted).²²

General provisions

The bill requires each occupational licensing board to prepare a report that includes the following information:

- The fee structure for each occupational license issued by the board;
- Whether the fee structure can more competitively align with Ohio's neighboring states;

²⁰ Section 5.

²¹ R.C. 4725.19, 4725.231, 4725.53, and 4725.541.

²² R.C. 4725.48(C) and 4725.52 and O.A.C. 4725-3-01.

- Whether the fee structure is a financial barrier to licensure for some individuals or a financial burden on license holders;
- Whether the board’s process for issuing occupational licenses could be improved by using the electronic licensing system maintained by the Department of Administrative Services (DAS) under continuing law.²³

The report must be submitted to the following individuals not later than six months after the bill’s effective date:

- The President of the Senate;
- The Speaker of the House of Representatives;
- The chairpersons of the House and Senate standing committees responsible for reviewing occupational licensing boards under continuing law.²⁴

The bill requires a board to begin using the DAS electronic licensing system as soon as practicable if the board finds in its report that using the system is more efficient for applicants and license holders.²⁵

Renewal of occupational licensing boards

The bill renews until December 31, 2028, the occupational licensing boards that were reviewed by the House State and Local Government Committee during the 134th General Assembly.²⁶ Those boards are as follows:

Occupational Licensing Boards Reviewed by the House State and Local Government Committee²⁷	
Department of Aging	State Fire Marshal
Attorney General	Department of Insurance
Board of Building Standards	Board of Nursing
Chemical Dependency Professionals Board	Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
State Chiropractic Board	State Board of Pharmacy

²³ R.C. 4798.05(A), by reference to R.C. 125.18, not in the bill.

²⁴ R.C. 4798.05(B), by reference to R.C. 101.63, not in the bill.

²⁵ R.C. 4798.05(C).

²⁶ Section 4 of the bill.

²⁷ See the House State and Local Government Committee [Occupational License Review Report \(PDF\)](#), which is available on the General Assembly’s website: legislature.ohio.gov.

Occupational Licensing Boards Reviewed by the House State and Local Government Committee²⁷

Counselor, Social Worker, and Marriage and Family Therapist Board	State Board of Psychology
State Dental Board	State Speech and Hearing Professionals Board
Department of Developmental Disabilities	Veterinary Medical Licensing Board
Board of Embalmers and Funeral Directors	State Vision Professionals Board
State Board of Emergency Medical, Fire, and Transportation Services	

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 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.²⁸

HISTORY

Action	Date
Introduced	12-09-21
Reported, H. State and Local Government	---

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²⁸ R.C. 101.62 and 101.63, not in the bill.