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Office

H.B. 509
(1_134_2222-3)
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 509's Bill Analysis](#)

Version: In House State and Local Government

Primary Sponsors: Reps. John and Fowler Arthur

Local Impact Statement Procedure Required: No

Ryan Sherrock, Economist

Highlights

- The Ohio Vision Professionals Board will realize one-time administrative and information technology costs due to the bill's provisions requiring biennial licensing and registration rather than annual. In addition, the bill makes a number of fee adjustments that could result in an overall reduction in fee revenues. There could be a corresponding decrease in staff time for processing licenses less frequently. The Board uses the Occupational Licensing and Regulatory Fund (Fund 4K90).
- The State Board of Psychology will realize one-time administrative and information technology costs and a loss of fee revenues due to licensing process changes for school psychologists (under the bill school psychologists will pay \$200 every five years rather than the current \$365 renewal fee every two years). There could be a corresponding decrease in staff time for processing licenses less frequently. The Board uses the Occupational Licensing and Regulatory Fund (Fund 4K90).
- Other specific boards may also realize a loss of fee revenues in non-GRF funds due to the provisions modifying their licensing processes, including eliminating certain licenses. However, most of these impacts are anticipated to be minimal. There could be a corresponding decrease in staff time since certain licenses will no longer be issued. Impacts are discussed under each individual board below.
- Specific boards mentioned below could have minimal costs to make any necessary adjustments to rules, websites, or printed materials due to the bill's provisions modifying licensing processes.
- All occupational licensing boards will experience a minimal increase in administrative costs to prepare and submit the required report. A board that does not currently use the

eLicense system may be required to do so if their report finds that the system could improve the board's issuing process. The Department of Administrative Services administers the eLicense system.

Detailed Analysis

The bill contains several provisions that affect specific boards or agencies. Individual impacts are discussed under each board below. It is possible that all boards could experience a minimal one-time increase in costs to modify any relevant rules or to update websites and printed materials to address any process changes. In addition, there are general board provisions that impact all boards.

Specific board or agency provisions

Attorney General

The bill eliminates an existing registration requirement for a person acting as fundraising counsel and the associated fees and bonding requirement. According to the House State and Local Government Committee's *Occupational License Review Report* dated December 7, 2021, in 2018-2019, there were three fundraising counsels registered with the Ohio Attorney General. Fundraising counsel is only required to complete registration if that counsel has custody of the contributions during their campaign in Ohio. If not, fundraising counsel may be active in Ohio, but is not required to register. The annual registration fee is \$200 and is credited to the Charitable Law Fund (Fund 4180), which is part of the Attorney General's operating budget. Removal of this registration requirement will have a negligible fiscal impact on the Office of the Attorney General.

Counselor, Social Worker, and Marriage and Family Therapist Board

The bill eliminates temporary licenses for independent social workers, professional clinical counselors, and independent marriage and family therapists. The Board does not appear to issue these temporary licenses, so this elimination should not have a fiscal effect.

Department of Developmental Disabilities

The bill states that individuals employed by a county board of developmental disabilities are not required to be certified to provide adult services or supervise the provision of adult services. The bill also removes references to early intervention supervisor certificates, which were created through a rule that has been rescinded.

State Board of Emergency Medical, Fire, and Transportation Services

The bill limits the amount of training that may be required by the State Board of Emergency Medical, Fire, and Transportation Services for full-time paid firefighters and part-time paid firefighters to 36 hours. This is the same limit that applies to volunteer firefighters under continuing law. Current administrative rules generally require 160 hours of training for a Firefighter I certification, and 240 hours of training for a Firefighter II certification.¹

¹ Ohio Emergency Medical Services, [EMS & Fire Certifications](#).

Locally operated fire departments that currently pay for the cost of training for its firefighters may experience a cost savings. The bill does not prevent a local department from requiring more than 36 hours of continuing training.

Board of Embalmers and Funeral Directors

The bill allows individuals enrolled at a college or university to apply to be a funeral director apprentice, embalmer apprentice, or combined funeral director and embalmer apprentice. Depending on how many additional individuals apply for apprenticeship, this could increase administrative costs for the Board of Embalmers and Funeral Directors by some small amount. These costs would be offset by the \$35 application fee which accompanies each application and is deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).

Board of Nursing

The bill 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. However, the bill requires both dialysis technicians and interns to be under the supervision of a physician, physician assistant, or registered nurse (under current law these professionals must be supervised by a physician or registered nurse). According to the Board of Nursing's FY 2021 Annual Report, there were 560 active certificates and the Board issued about 300 new certificates in FY 2021 at \$35 per license. These certificates are valid for 18 months from the date the applicant completed an approved training program. As a result, the Board will realize a loss of revenue of about \$10,500 per fiscal year (300 new x \$35). Board revenues are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).

State Board of Pharmacy

The bill sets pharmacist continuing education at 30 hours every two years, instead of having continuing education requirements set by the Pharmacy Board in rules. This change will have a negligible impact on the Board's operations.

State Occupational Therapy, Physical Therapy, and Athletic Trainers Board

The bill 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 the supervision of a licensee. The bill also eliminates a prohibition against using a title or initials representing a person that has a temporary orthotics, prosthetics, orthotics and prosthetics, or pedorthics license when the individual does not have such a license. Currently, the cost for a temporary license is \$100 for the initial license and \$70 for any renewed license. Once an individual with a temporary license meets requirements for full licensure, it costs \$50 to upgrade to the full license. According to LSC's *Occupational License Report*, there are a handful of temporary licenses in both FY 2020 and FY 2021. As a result, this elimination will have a minimal impact on the Board. Board revenues are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).

State Board of Psychology

The bill changes the license renewal period for school psychologists from two years to five years, reduces the hours of continuing education required for school psychologists to 18 hours

every five years, and reduces the school psychologist license registration fee to \$200 every five years.² This could result in one-time administrative and information technology costs associated with adjusting the renewal schedule. In addition, the change in the renewal schedule will impact the timing of licensing revenue deposits. However, this impact should resolve after the first licensing cycle is complete. In addition, the provisions will reduce the licensing fee revenue the State Board of Psychology receives. Currently, the license fee for a school psychologist is \$365 for biennial renewal. In FY 2021, there were 192 active school psychologist licenses, which would result in about \$70,000 in fee revenue for the Board every two years.³ Under the bill, the Board would receive \$38,400 every five years. Board revenues are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). Additionally, there could be a reduction in administrative costs for the Board as a result of processing license renewals less frequently.

Ohio Vision Professionals Board

The bill makes a number of changes impacting the Ohio Vision Professionals Board. Under the bill, the Board's licenses and certificates are required to be renewed biennially rather than annually as required under current law, including (1) certificates of licensure to practice optometry, (2) topical ocular pharmaceutical agents certificates, (3) therapeutic pharmaceutical agents certificates, (4) dispensing optician licenses, and (5) ophthalmologist licenses. The bill extends the duration of licenses or certificates issued or renewed on or after the bill's effective date to (1) December 31 of the even-numbered year following the bill's effective date for optometrists or (2) January 1 of the odd-numbered year following the bill's effective date for opticians or ophthalmologists. This could result in one-time administrative and information technology costs associated with adjusting the renewal schedule. In addition, the change in the renewal schedule will impact the timing of licensing revenue deposits. However, this impact should resolve after the first licensing cycle is complete. Additionally, there could be a corresponding decrease in staff time for processing licenses less frequently. The bill also makes conforming changes regarding continuing education requirements, so that a licensee must complete the current law requirements annually, but report compliance biennially.

In conjunction with the bill's renewal cycle changes, the bill establishes a \$345 fee for issuance and renewal of a biennial optometrist license with a therapeutic pharmaceutical agents certificate. The current annual fee for the license and certificate is \$175 (\$350 over two years). Thus, the Board will experience a decrease in revenue of \$5 per licensee over the biennial renewal cycle. According to the Board's FY 2021 Annual Report, there are approximately 2,360 licensed optometrists⁴ in Ohio. As such, revenue loss over the biennial renewal cycle could amount to approximately \$11,800. Board revenues are deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90); thus, any losses will be realized in Fund 4K90.

² According to the Board, the school psychologist license issued by the Board authorizes independent practice of school psychology outside of schools and other settings where the Department of Education license is the required credential.

³ This amount could differ slightly due to the number of new initial licenses issued. The current fee for an initial license is \$300.

⁴ According to the Ohio Administrative Code, annual renewal fees for active duty military licensees are waived. There were 12 military licenses, which are not included in the number above.

The bill also establishes a \$195 fee for issuance and renewal of a biennial dispensing optician or ocularist license. The current annual fee for each is \$50 for an initial license or \$100 for a renewal. For dispensing opticians or ocularists renewing licenses, the biennial cost will be \$195 under the bill rather than \$200 under current law (\$100 annually). Thus, the Board will experience a decrease in renewal revenue of \$5 per licensee over the biennial renewal cycle. However, for those getting an initial license the biennial cost will be \$195 under the bill rather than \$150 under current law (\$50 initial plus \$100 renewal). Thus, for initial licenses, the Board will gain \$45 over the biennial license cycle. According to the Board's FY 2021 Annual Report, there are approximately 3,130 licensed opticians (includes contact, spectacle, and dual) and eight licensed ocularists in Ohio. The total impact with this provision will depend on the number of initial versus renewal licenses. However, since there are typically many more renewals than initial licenses issued, the net impact will likely be a loss. Any revenue fee impacts will be realized in Fund 4K90.

The bill eliminates the fee for a dispensing optician apprentice to renew the apprentice's registration and 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. There will be a loss of fee revenue associated with these provisions, depending on the number of apprentice registration renewals that the Board receives each year (apprentice registrations remain annual under the bill).

The bill also 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. The bill specifies that 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. With respect to an unlicensed person, the bill specifies that the Board may investigate a person engaging in the practice of optometry without a license and, if the person has engaged in optical dispensing without a license, notify the appropriate prosecuting attorney for further action. The Board could experience some administrative or hearing costs if cease and desist orders are issued.

All licensing boards

The bill requires all occupational licensing boards to issue a report within six months of the bill's effective date that addresses the following: 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. Additionally, the report must also address whether the board's process for issuing occupational licenses could be improved by using the eLicense system maintained by the Department of Administrative Services (DAS), and if so, the board must begin using that system. Each board will experience a minimal increase in administrative costs to prepare and submit the report. There are 21 boards that currently use the eLicense system,⁵ including most of the standalone occupational licensing boards. Any boards that do not might experience an increase in costs to use the system, depending on the findings

⁵ See the [eLicense Ohio](https://ohio.gov/) page, which can be accessed by searching for "eLicense" on the state of Ohio's website: <https://ohio.gov/>.

in their report. Charges to use eLicense are paid to DAS. The costs would depend on many factors, including the number of licenses and licensees.

Synopsis of Fiscal Effect Changes

The fiscal effects of the substitute bill (I_134_2222-3) differ from the previous version (I_134_2222-2) in several ways, which are described below:

- The substitute bill (I_134_2222-3) removes a provision that eliminated temporary marriage and family therapist licenses. Therefore, the anticipated minimal loss of associated fee revenue will not occur.
- The substitute bill (I_134_2222-3) makes two changes affecting firefighters. First, it removes a provision that modified firefighter certification so education credits would have been determined at the local level instead of by the State Board of Emergency Medical, Fire, and Transportation Services. Certain administrative costs for this duty would have shifted from the state to local entities operating emergency medical, fire, and transportation services. The potential magnitude of this cost shift was not readily quantifiable. Second, the substitute bill adds a provision requiring the Board to adopt rules allowing local entities with paid firefighters to determine the minimum number of training hours required for certification. However, it limits the amount of training that may be required for full-time and part-time firefighters to 36 hours. Locally operated fire departments that currently pay for the cost of training for its firefighters may experience a cost savings.
- The substitute bill (I_134_2222-3) adds a provision allowing individuals enrolled at a college or university to apply to be a funeral director apprentice, embalmer apprentice, or combined funeral director and embalmer apprentice. This could increase administrative costs for the Board of Embalmers and Funeral Directors by some small amount, although any such increase would be offset by the \$35 processing fee accompanying each application.
- The substitute bill (I_134_2222-3) adds provisions that: change the license renewal period for school psychologists from two years to five years, reduces the hours of continuing education required for school psychologists to 18 hours every five years, and reduces the school psychologist license registration fee to \$200 every five years. This will result in a decrease in license fee revenue for the State Board of Psychology, and also a decrease in administrative costs for the Board since licenses will be processed less frequently. In addition, there will be one-time costs including administrative and information technology to adjust to this cycle change.
- The substitute bill (I_134_2222-3) restores the registration requirement for dispensing optician apprentices that the previous substitute version (I_134_2222-2) proposed to eliminate. However, I_134_2222-3 eliminates the fee for a dispensing optician apprentice to renew the apprentice's registration and prohibits the Ohio Vision Professionals Board from charging a person gaining experience for an ocularist license a renewal fee for registration, if the Board requires such registration. Thus, the Board will only realize the revenue loss for apprentice renewals, rather than initial apprentice registrations and renewals as under I_134_2222-2. The amount depends on the number of apprentice

registration renewal requests the Board receives each year. All other abovementioned changes specifically related to the Board are new in the I_134_2222-3 version of the bill, including the change to the renewal cycle from annual to biennial and the modification of fees. There is anticipated to be an overall loss of fee revenue due to fee adjustments. In addition, there will be one-time costs including administrative and information technology to adjust to this cycle change.