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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 238  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 238's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Sens. Yuko and Brenner

**Local Impact Statement Procedure Required:** No

Ryan Sherrock, Economist

### Highlights

- The bill creates art therapist and music therapist licenses and requires the Counselor, Social Worker, and Marriage and Family Therapist Board (CSW) and State Medical Board (MED), respectively, to regulate these professions.
- CSW and MED will experience both start-up and ongoing costs to regulate these professions. Start-up costs include eLicense updates estimated to be \$20,000 to \$25,000 for each board and rule promulgation costs. Ongoing costs will include processing license applications and renewals, addressing questions, and investigating complaints.
- CSW and MED will experience a gain in revenue from license fees and potential fine revenue. The total revenue collected will depend on the number of licensees. Revenues will be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90) for CSW and the State Medical Board Operating Fund (Fund 5C60) for MED.

### Detailed Analysis

#### Art therapist license

The bill requires the Counselor, Social Worker, and Marriage and Family Therapist Board (CSW) to adopt rules to implement and administer the licensure of art therapists. It also specifies that the Buckeye Art Therapy Association or its successor organization is required to provide expertise, assistance, and recommendations to CSW in carrying out these duties. In addition, the bill outlines eligibility requirements and the application and renewal process. The bill specifies that a license expires biennially and may be renewed on or before January 31 of each even-numbered year. CSW is to establish the application and renewal fee in its rules. In addition, the bill establishes disciplinary actions that CSW may take against a licensee for specified reasons as outlined in the bill. CSW is required to investigate evidence that appears to

show that a person has violated the bill or any rule adopted under it. Under the bill, CSW is allowed to adopt civil penalties for licensees who violate the Art Therapy Licensing Law.

Beginning one year after the effective date, a person is prohibited from recklessly engaging in the practice of art therapy or using the title “art therapist” or a similar title unless the person is licensed to practice art therapy. Under the bill, whoever violates this prohibition is guilty of a fifth degree felony on the first offense and a fourth degree felony for each subsequent offense.

### **Counselor, Social Worker, and Marriage and Family Therapist Board fiscal impact**

The bill will result in both start-up and ongoing costs to CSW. The eLicense system will need to be updated to include the new license information, which is estimated to cost about \$25,000. CSW anticipates it may need to hire a temporary employee to assist with an influx of initial license applications as most qualifying art therapists may immediately apply when the license is created. However, CSW expects to be able to manage the new license requirements with existing staff after all existing qualified persons are licensed. Additionally, there will be minimal administrative costs related to rule promulgation. CSW will also experience ongoing costs to process license applications and renewals, respond to consumer and licensee questions, and to investigate complaints. These costs will depend on the number of licensees anticipated. The Board anticipates that around 400 persons will initially meet the requirements for licensure.

These costs will at least partially be offset by a gain in revenue associated with license fees and any fine revenues collected. While the bill does not specify the fee for the application or renewal, CSW anticipates that both application and renewal fees may be \$100.<sup>1</sup> If 400 individuals seek licensure, the Board will realize a gain in revenue of approximately \$40,000 (400 individuals x \$100) per renewal cycle. It is possible that the number of licenses could grow in future years if licensure resulted in an increased awareness of the profession. The fine revenues collected will depend on the number of violations. All revenues will be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).

### **Music therapist license**

The bill requires the State Medical Board (MED) to adopt rules to implement and administer the licensure of music therapists. The bill outlines eligibility requirements and the application and renewal process. The bill specifies that a license expires after three years and sets application and renewal fees at \$150. However, MED is permitted to increase both application and renewal fees by up to 50% with certain restrictions after January 1, 2021, with Controlling Board approval.

The bill also creates the Music Therapy Advisory Committee to provide expertise and assistance to the Board and establishes the membership of the Committee. Members will not

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<sup>1</sup> The fees for independent marriage and family therapists, independent social workers, and professional clinical counselors, which CSW currently regulates, are \$100.

be compensated or reimbursed for their service on the Committee. The Committee is permitted to create materials to educate the public concerning music therapy and licensure.

In addition, the bill establishes grounds and procedures for taking disciplinary action against a licensee. The bill requires that if any member of MED or the Music Therapy Advisory Committee becomes aware of any ground for initiating disciplinary action against a licensee, the member must file a written complaint to the Board. MED is required to investigate the complaint as soon as practicable. MED is allowed to impose disciplinary actions against any licensee who violated the Music Therapy Licensing Law. One of these potential actions is to impose an administrative fine between \$100 and \$1,000 for each violation.

The bill requires the State Medical Board to provide a copy of the register of licenses, and licenses issued, suspended, or revoked to any requester, upon request and payment of a fee established by the Board. The bill prohibits the fee from exceeding the cost to make the copies.

Beginning one year after the bill's effective date, a person is prohibited from knowingly providing music therapy services or using the title of "music therapist" or a similar title without having a license. Under the bill, whoever violates this prohibition is guilty of a fourth degree misdemeanor for a first offense and a third degree misdemeanor for each subsequent offense.

### **State Medical Board fiscal impact**

The bill will result in both start-up and ongoing costs to MED. The eLicense system will need to be updated to add the new license at an estimated cost of about \$20,000. Additionally, there will be minimal administrative costs for rule promulgation. MED will experience ongoing costs to process license applications and renewals, respond to consumer and licensee questions, and to investigate complaints. These costs will depend on the number of additional licensees. MED estimates that the number of applicants will be around 300 to 400 individuals though the number could be higher. In addition, there could be minimal costs to produce educational materials if the Music Therapy Advisory Committee chooses to do so.

MED will realize a gain in revenue associated with license fees and any fine revenues collected. The bill sets the application and renewal fees at \$150. The estimated revenue would be between \$45,000 and \$60,000 (300 to 400 licensees x \$150) per renewal cycle. It is possible that the number of licenses could grow in future years if licensure resulted in an increased awareness of the profession. The fine revenues collected will depend on the number of violations. All revenues will be deposited into the State Medical Board Operating Fund (Fund 5C60).

### **Other fiscal impacts**

Local courts could experience a minimal increase in costs for cases related to the prohibitions on practicing either therapy without a license. However, local courts may also impose court costs or fines that may help offset some of these operational costs. The number of potential cases is likely to be few, if any.

There could be indirect impacts if licensure results in an increase in reimbursements for either profession or an increase in utilization. Sometimes individuals that obtain licensure are reimbursed at a higher rate to reflect their education and training endeavors.