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# OHIO LEGISLATIVE SERVICE COMMISSION

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Legislative Budget  
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H.B. 509  
134<sup>th</sup> General Assembly

## Final Analysis

[Click here for H.B. 509's Fiscal Note](#)

**Primary Sponsors:** Reps. John and Fowler Arthur

**Effective date:** April 6, 2023; certain provisions effective December 31, 2024, and January 1, 2025

Joe McDaniels, Division Chief/Attorney, and other LSC staff

## SUMMARY

### Department of Aging

- Increases to two years (from one year) the duration of a nursing home administrator license issued by the Board of Executives of Long-Term Services and Supports within the Department of Aging.
- Modifies to \$600 every two years (from \$300 annually) the license renewal fee for a nursing home administrator license.
- Eliminates the temporary nursing home administrator license issued by the Board, and instead allows an individual to receive a nursing home administrator license before passing a licensing examination, under specified circumstances.

### Attorney General

- Effective December 31, 2024, eliminates the fund-raising counsel registration requirement with the Attorney General.

### Chemical Dependency Professionals Board

- Reduces from two years to one year the period to seek restoration of expired licenses, certificates, or endorsements issued by the Chemical Dependency Professionals Board.
- Reduces from 40 to 30 the number of continuing education hours that a chemical dependency professional must complete as a condition of license renewal.
- Revises the master's degree course requirements for an independent chemical dependency counselor or supervisor, by eliminating both the 40 semester hour requirement and specific coursework content areas.

## **State Chiropractic Board**

- Reduces to 200 hours, including 100 hours of direct clinical instruction (from 300 hours and 200 hours, respectively), the minimum duration of an approved course of study for chiropractors seeking to practice acupuncture.

## **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.
- Reduces continuing education hours required for social work assistants from 30 to 15.

## **State Dental Board**

- Effective January 1, 2025, establishes flat licensing fee amounts for dentists and dental hygienists, replacing fees that differ based on the year initial licenses are issued.
- Effective January 1, 2025, eliminates the statutorily prescribed dates for dentist and dental hygienist license renewals, and instead provides that each license is valid for two years, and may be renewed for additional two-year periods.
- Reduces the number of continuing education hours required over each two-year license renewal period as follows: from 40 to 30 hours for dentists and from 24 to 20 hours for dental hygienists.
- Effective January 1, 2025, eliminates the dental hygienist teacher's certificate and temporary volunteer's certificate.

## **Department of Developmental Disabilities**

- Effective January 1, 2025, 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.
- Effective April 6, 2024, prohibits rules adopted by the Department of Developmental Disabilities from establishing varying levels of certification for individuals to receive an investigative agent certification.

## **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.
- Effective December 31, 2024, eliminates the crematory operator license required for an individual to perform cremations, but requires individuals engaged in the profession to register an active national certificate with the Board of Embalmers and Funeral Directors.

- Effective December 31, 2024, modifies the number of continuing education hours required for each biennial licensing period for licensed funeral directors and embalmers, from between 12 to 30 hours to not less than 12 hours.
- Reduces the number of embalmings that an applicant for an embalmer's license must have performed, from 25 to 15.

## **State Board of Emergency Medical, Fire, and Transportation Services**

- Authorizes the State Board of Emergency Medical, Fire, and Transportation Services to adopt rules creating standards for criminal background checks for applicants who apply for or renew specified certifications.
- Reduces the continuing education hours required for a Paramedic from 86 to 75 hours per three-year certification cycle.
- Reduces the maximum continuing education hours required for firefighter certification renewal from 54 to 36 hours per three-year certification cycle, but authorizes a local entity to require additional hours, provided the hours are not required for the certification renewal.
- Eliminates the emergency medical services assistant instructor certificate and the assistant fire instructor certificate.
- Merges the EMS training programs with the EMS continuing education programs to become a joint EMS training and continuing education program.
- Requires the Board to adopt rules governing procedures for the merger and steps that current operators of the individual programs must take in order to operate and teach courses that cover training and continuing education requirements.

## **State Fire Marshal**

- Increases the duration of an underground storage tank system installer certification from one year to two years.
- Sets the application and renewal fees for an underground storage tank system installer certification at \$300.
- Removes the requirement that a sponsor of an underground storage tank system installer training program be certified.
- Prescribes the renewal fees for a hotel, single room occupancy license.

## **Department of Insurance**

- Reduces the initial licensing fee for entities employing insurance navigators that is set by administrative rule from up to \$250 (less than 100 navigators), or up to \$500 (100 or more navigators), to \$200 in all cases.

- Reduces the renewal fee for entities employing insurance navigators that is set by administrative rule from \$100 (less than 100 navigators), or \$250 (100 or more navigators), to \$100 in all cases.
- Reduces the initial licensing fee and renewal fee for reinsurance intermediary broker licenses and reinsurance intermediary manager licenses from \$500 to \$100.

## **State Medical Board**

- Clarifies that an applicant for a limited branch of medicine is applying for a license to practice massage therapy.
- Modifies the instructional requirements for a limited branch of medicine license in massage therapy to 600 hours of massage therapy instruction, instead of 600 hours of other specified instruction.

## **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 act.
- 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.
- Allows a licensed practical nurse to administer medications or perform intravenous therapy without authorization from the Board of Nursing.
- Refers to “entities” from which an advanced practice registered nurse may issue a prescription for a schedule II controlled substance, rather than “locations” as under prior law.
- Removes obsolete references to the Committee on Prescriptive Governance and former advanced practice registered nurse drug formulary.
- Requires an employer of out-of-state nurses holding multistate licenses under the Nurse Licensure Compact to report to the Board the number of those nurses, rather than their names.
- Authorizes the Board to contract with a third-party vendor to administer its substance use disorder monitoring program for license and certificate holders.

## **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 those services under a licensee’s supervision.

- Eliminates the 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.
- Eliminates a requirement that an applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics practice under a licensee for at least eight months before being eligible for the license.
- Requires one member of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board be a licensed physical therapist assistant with five years of relevant experience.
- Allows one member of the Physical Therapy Section of the Board who is not a member of the Board to be a physical therapist assistant.

### **State Board of Pharmacy**

- Sets pharmacist continuing education at 30 hours every two years, instead of having the Pharmacy Board set the number of hours in rules.
- Reduces from \$45 to \$30 the initial license and annual renewal fee for pharmacy intern licenses, but allows the Board to gradually implement the reduction until January 1, 2028.

### **State Board of Psychology**

- Transfers licensing of school psychologists from the State Board of Education to the State Board of Psychology, and requires the two boards to coordinate to implement the transfer by January 1, 2025.
- Requires the Psychology Board to issue school psychologist licenses for practice in school settings and independent school psychologist licenses for practice outside school settings.
- Adds to the Psychology Board a certified Ohio behavior analyst.

### **State Speech and Hearing Professionals Board**

- Eliminates audiologist conditional licensure, which was a legacy provision for individuals who did not have a doctor of audiology degree when that became a requirement for full licensure in 2006, and is now obsolete.

### **Veterinary Medical Licensing Board**

- Reduces fees charged by the State Veterinary Medical Licensing Board as follows, but allows the Board to implement the reductions gradually, with full implementation by January 1, 2028:
  - Reduces the initial license fee for a veterinary license to \$275, from \$425 for license applications filed in even-numbered years and \$300 for applications filed in odd-numbered years.
  - Allows a person who holds a provisional veterinary graduate license to receive an initial veterinary license free of charge in particular circumstances.

- Establishes the initial registration fee for a veterinary technician at a flat \$30, rather than \$25 to \$35 depending on the postmark of the application.
- Establishes the biennial veterinary technician registration renewal fee at a flat \$30, rather than \$35 to \$60 depending on the postmark.

## **State Vision Professionals Board**

- Eliminates the ocularist license and contact lens dispensing optician license, but permits the State Vision Professionals Board to issue initial licenses until December 31, 2024, and allows an individual holding either license to maintain and renew the license until that date.
- Eliminates the separate topical ocular pharmaceutical agents certificate and therapeutic pharmaceutical agents certificate that may be issued with an optometrist license, and specifies that a licensed optometrist has prescribing authority without holding such a certificate.
- Requires optometrist licenses and dispensing optician licenses to be renewed biennially, instead of annually, and requires a licensee to complete continuing education to renew the license biennially.
- Establishes new biennial issuance and renewal fees for optometrist licenses and dispensing optician licenses to replace the annual fees.
- Reduces the period the Board will accept a late renewal application for an optometrist license from four months to one month after the license expires and, for a dispensing optician license, from 90 days to 30 days after the license expires.
- Classifies an optometrist license as expired, rather than delinquent, if the license holder has not renewed the license during the late renewal period.
- Eliminates the ability of a licensed optometrist to apply to the Board to place the optometrist's license on inactive status when the optometrist retires or decides to practice in another state or country.
- Eliminates the fees charged to a license holder to reinstate a delinquent or inactive optometrist license.
- Specifies that an optometrist license in effect on April 6, 2023, expires in 2024 and a dispensing optician license expires in 2025.
- 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 optometrists or dispensing opticians.
- 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.

- Revises the amount of supervised experience required for a dispensing optician license.
- Eliminates the fee for a dispensing optician apprentice to renew registration.

**General provisions**

- Renews for six years the 19 occupational licensing boards reviewed during the 134<sup>th</sup> General Assembly by the House State and Local Government and Senate Workforce and Higher Education committees.
- Prohibits occupational licensing boards from requiring a photograph or physical description of the applicant as a condition of issuing or renewing an occupational license, certification, or registration.
- Authorizes an occupational licensing board to allow an individual who is required to complete continuing education for renewal of an occupational license, specialty occupational license for medical reimbursement, or certification to do so virtually.

**Sunset Review**

- Extends until December 31, 2024, authorization for the Chiropractic Loan Repayment Advisory Board and the Holocaust and Genocide Memorial Education Commission to operate.

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## DETAILED ANALYSIS

### Department of Aging

The act increases, from one year to two years, the duration of a nursing home administrator license issued by the Board of Executives of Long-Term Services and Supports within the Department of Aging. As part of this change, it modifies the license renewal fee for a nursing home administrator license to a fee of \$600 every two years, rather than \$300 annually.<sup>1</sup>

The act eliminates the temporary nursing home administrator license issued by the Board, effective January 1, 2025.<sup>2</sup> Under former law, the operator of a nursing home could request that the Board issue a temporary nursing home administrator license to an individual to fill a nursing home administrator vacancy resulting from a death, illness, or other unexpected cause. A temporary license was generally valid for 180 days and could be renewed once.

With the elimination of the temporary nursing home administrator license, the act permits, beginning January 1, 2025, a nursing home facing the scenario described above to request that the Board issue a full nursing home administrator license to an individual who

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<sup>1</sup> R.C. 4751.24.

<sup>2</sup> R.C. 4751.202, repealed; conforming changes throughout numerous Revised Code sections; Section 6.

meets all of the requirements for obtaining the license but has not passed the requisite licensing examination. The individual must submit satisfactory evidence that the individual has passed the examination within 180 days after the license was first issued.<sup>3</sup> Until January 1, 2025, the Board may continue to issue temporary nursing home administrator licenses. After that date, an individual practicing under a temporary nursing home administrator license who wishes to continue practicing after the temporary license expires must obtain a full nursing home administrator license or cease practicing nursing home administration.<sup>4</sup>

## **Attorney General**

The act eliminates, effective December 31, 2024, registration and bond requirements for fund-raising counsel. Fund-raising counsel remain subject to requirements and procedures, prescribed by continuing law, for the handling of charitable contributions.<sup>5</sup>

Under continuing 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.

## **Chemical Dependency Professionals Board**

### **License restoration**

The act reduces the time for seeking restoration of an expired license, certificate, or endorsement issued by the Chemical Dependency Professionals Board from two years to one year after it expires.<sup>6</sup> Continuing law requires the Board to issue the restored license, certificate, or endorsement if the individual pays a fee and satisfies certain continuing education or training requirements.

### **Continuing education hours**

The act reduces from 40 to 30 the number of clock hours that a chemical dependency professional must complete as a condition of license, certificate, or endorsement renewal.<sup>7</sup> In the case of a professional who is 65 or older, the hours are reduced to 20. And for an individual who holds an international certificate from the International Certification and Reciprocity Consortium, the number of clock hours is the same as the number required by the Consortium.

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<sup>3</sup> R.C. 4751.20(B).

<sup>4</sup> Section 6.

<sup>5</sup> R.C. 1716.05, 1716.08, and 1716.99; Section 10.

<sup>6</sup> R.C. 4758.26.

<sup>7</sup> R.C. 4758.51.

## **Educational requirements – licensed independent chemical dependency counselors**

Continuing law requires a master's degree as a prerequisite for a license to practice as an independent chemical dependency counselor or independent chemical dependency counselor clinical supervisor and directs the Board to specify in rule master's degree course requirements. The act eliminates the requirement that, under Board rules, degree coursework must consist of 40 semester hours and include specific content areas.<sup>8</sup>

## **State Chiropractic Board**

The act reduces the number of hours that an approved course of study for chiropractors seeking to practice acupuncture must include to be approved by the State Chiropractic Board. Under continuing law, the Board may only approve a course that meets certain instructional requirements. The act reduces the required number of hours of course instruction to at least 200 hours of instruction including at least 100 hours of direct clinical instruction, instead of at least 300 hours and 200 hours, respectively.<sup>9</sup>

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

### **Temporary licenses**

The act eliminates the authority of the Counselor, Social Worker, and Marriage and Family Therapist Board to issue temporary licenses for independent social workers, professional clinical counselors, and independent marriage and family therapists. Under prior law, temporary licenses were issued to individuals who otherwise met license requirements, but were waiting on (1) transcripts or action of a professional standards committee of the Board to issue the license or (2) the next opportunity to take the license exam.<sup>10</sup>

### **Social worker assistant – continuing education**

The act reduces from 30 to 15 the number of clock hours of continuing education that the holder of a certificate of registration as a social work assistant must complete during the period the certificate is in effect.<sup>11</sup>

## **State Dental Board**

### **Biennial renewal– dentists and dental hygienists**

Effective January 1, 2025, the act eliminates the statutory dates for dentist and dental hygienist license renewals, and instead provides that each license is valid for two years, expires two years after the date of issuance, and may be renewed for additional two-year periods.<sup>12</sup>

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<sup>8</sup> R.C. 4758.20; R.C. 4758.39 and 4758.40, not in the act.

<sup>9</sup> R.C. 4734.211(B).

<sup>10</sup> R.C. 4757.02, 4757.22, 4757.27, and 4757.301.

<sup>11</sup> R.C. 4757.33.

Accordingly, the act eliminates fee amounts for dentists and dental hygienists that differ based on the year an initial license was issued and, instead, prescribes a single amount.<sup>13</sup> Until January 1, 2025, an individual applying for an initial license to practice dentistry must pay \$267 when the license issues in an odd-numbered year and \$454 when it issues in an even-numbered year. Beginning January 1, 2025, the fee amount will be \$454 for a two-year license, regardless of the year in which the license issues.

In the case of a dental hygienist, until January 1, 2025, the fee for an initial application is \$120 when the license issues in an odd-numbered year and \$184 when it issues in an even-numbered year. Beginning January 1, 2025, the fee amount will be \$184 for a two-year license, regardless of the year in which the license issues.

### **Continuing education – dentists and dental hygienists**

The act reduces the number of hours of continuing education required over each two-year license renewal period as follows: from 40 to 30 hours for dentists and from 24 to 20 hours for dental hygienists.<sup>14</sup>

### **Dental hygienist teacher’s certificates and temporary volunteer’s certificate**

Effective January 1, 2025, the act eliminates the dental hygienist teacher’s certificate and the temporary volunteer’s certificate.<sup>15</sup> A teacher’s certificate permits a dental hygienist who is authorized to practice in another state or country to teach or demonstrate the skills of a dental hygienist in the educational programs of an accredited dental hygiene school. A temporary volunteer’s certificate authorizes a person not licensed by the State Dental Board to provide dental services in Ohio, but is valid only for seven days.

### **Department of Developmental Disabilities**

Effective January 1, 2025, the act 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 to certificates for adult service workers and adult service supervisors.<sup>16</sup> Under current administrative rules, certification is required for adult services workers and supervisors.<sup>17</sup>

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<sup>12</sup> R.C. 4715.14 and 4715.24.

<sup>13</sup> R.C. 4715.13 and 4715.21.

<sup>14</sup> R.C. 4715.141 and 4715.25.

<sup>15</sup> R.C. 4715.27 and 4715.421, repealed.

<sup>16</sup> R.C. 5126.25(J)(1) and 5126.22(C).

<sup>17</sup> Ohio Administrative Code (O.A.C.) 5123:2-5-01.

The act also eliminates statutory references to early intervention supervisor certificates,<sup>18</sup> which the Board created through a rule that has been rescinded.

Beginning not later than April 6, 2024, the Department cannot establish varying levels of certification for individuals to receive an investigative agent certificate and instead must establish uniform qualifications.<sup>19</sup> Under current administrative rules, the Department issues two different levels of investigative agent certification.<sup>20</sup>

## **Board of Embalmers and Funeral Directors**

### **College student apprentices**

The act allows a college student to apply to be a funeral director apprentice, embalmer apprentice, or combined funeral director and embalmer apprentice. Continuing law requires a funeral director or embalmer to hold a bachelor's degree and to have satisfactorily completed a one-year apprenticeship.<sup>21</sup>

### **Crematory operator permit**

The act repeals, effective December 31, 2024, the requirement that a person have a crematory operator permit to be a crematory operator. The act instead requires that a crematory operator maintain, and file with the Board, an active certification from a national crematory operator certification program. Under prior law, and until December 31, 2024, a person who desires to obtain a crematory operator permit must apply to the Board by submitting an initial permit fee and satisfactory evidence that the applicant is at least 18 and has satisfactorily completed a crematory operation certification program approved by the Board.<sup>22</sup>

### **Continuing education**

Currently, licensed embalmers and funeral directors must attend between 12 and 30 hours of educational programs as a condition for renewal; the Board has administratively set this amount at 18 hours. The act sets, beginning December 31, 2024, the continuing education requirement at not less than 12 hours.<sup>23</sup>

### **Embalmer license requirements**

The act reduces the number of embalmings that an applicant for an embalmer's license must perform under the supervision of a licensed embalmer during the applicant's one-year

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<sup>18</sup> R.C. 5126.25(E)(1).

<sup>19</sup> R.C. 5126.25(J)(2).

<sup>20</sup> O.A.C. 5123-5-07.

<sup>21</sup> R.C. 4717.05(A)(2), (A)(5), (C)(1), (C)(3), and (H).

<sup>22</sup> R.C. 4717.01, 4717.02, 4717.03, 4717.04, 4717.051, repealed, 4717.06, 4717.07, 4717.08, 4717.09(D) and (H), 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41; Section 8.

<sup>23</sup> R.C. 4717.09(A); Section 8; O.A.C. 4717-9-01.

apprenticeship, from 25 to 15. Under continuing law, the applicant must also be at least 18, have a bachelor's degree, complete at least 12 months of instruction in a Board-approved mortuary science course, and be previously certified as an embalmer apprentice.<sup>24</sup>

## **State Board of Emergency Medical, Fire, and Transportation Services**

### **Criminal background checks**

The act authorizes the State Board of Emergency Medical, Fire, and Transportation Services to adopt rules that create standards for criminal background checks for applicants who are applying for or renewing any of the following certifications:

- First Responder (EMR);
- Emergency Medical Technician – Basic (EMT);
- Emergency Medical Technician – Intermediate (AEMT);
- Emergency Medical Technician – Paramedic;
- Emergency Medical Instructor; and
- Fire Safety Inspector.

Under continuing law, when a person who is already certified in any of these emergency medical services professions applies for a position with a new employer, that employer may request a criminal records check on the applicant. However, prior law did not provide for the Board to conduct criminal background checks on applicants prior to their certification.<sup>25</sup>

### **Continuing education hours reductions**

The act reduces the maximum continuing education hours required for a Paramedic from 86 hours every three-year certification cycle to 75 hours every three-year certification cycle. Additionally, it 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. Regarding the continuing education for firefighter certification, the act authorizes a local entity to require additional hours beyond the state-required hours, provided those hours are not required for the renewal of the firefighter's certification.<sup>26</sup>

### **Eliminated certifications**

The act eliminates both of the following certifications:

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<sup>24</sup> R.C. 4717.05(A).

<sup>25</sup> R.C. 4765.11(B) and 4765.55; R.C. 4765.301, not in the act.

<sup>26</sup> R.C. 4765.16 and 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](http://ems.ohio.gov).

- The Emergency Medical Services (EMS) Assistant Instructor Certification; and
- The Assistant Fire Instructor Certification.

Any of these certifications that are valid on April 6, 2023, remain valid for the individuals who hold them until the certifications expire. The certificates may not be renewed. The Board must adopt rules in accordance with the Administrative Procedure Act to effectuate the elimination of these certifications.<sup>27</sup>

### **EMS training and continuing education mergers**

The act requires the Board to establish procedures for accrediting emergency medical services training and continuing education programs under one certificate of accreditation. Thus, an accredited program must offer both training and continuing education services. To effectuate the merger, the Board must adopt rules that specify the following:

- The steps that the operator of a training program accredited prior to April 6, 2023 (the act's effective date) must take in order to offer continuing education courses;
- The steps the operator of a continuing education program accredited prior to April 6, 2023, must take in order to offer training courses; and
- The steps that any person certified as an EMS instructor or an EMS continuing education teacher prior to April 6, 2023, must take to retain certification to teach both training and continuing education courses.<sup>28</sup>

## **State Fire Marshal**

### **Underground storage tank system installer certification**

The act increases the duration of an underground storage tank system installer certification from one year to two years.<sup>29</sup> It sets the certification and renewal fee at \$300. Formerly, these fees were set by the State Fire Marshal in rule. The current fees are \$150, but the certification is renewed annually. Accordingly, this change to the law has no practicable impact.<sup>30</sup>

### **Hotel and SRO licensing**

The act sets the renewal fees for a hotel, single room occupancy (SRO) license. Under former law, the State Fire Marshal was authorized to set the license fees for a hotel or SRO in rule. The act maintains this authority for initial license fees, but prescribes the renewal fees as follows:

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<sup>27</sup> R.C. 4765.11 and 4765.55.

<sup>28</sup> R.C. 4765.10, 4765.11, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.24, 4765.29, 4765.30, 4765.31, 4765.49, and 4765.50.

<sup>29</sup> R.C. 3737.881(A).

<sup>30</sup> R.C. 3737.881(D)(5).

- For a hotel or SRO facility containing at least six but less than 26 rooms, \$25;
- For a hotel or SRO facility containing at least 26 but less than 51 rooms, \$50;
- For a hotel or SRO facility containing at least 51 but less than 76 rooms, \$75;
- For a hotel containing 76 or more rooms, \$100.<sup>31</sup>

## **Department of Insurance**

### **Insurance navigator licensing fees**

The act reduces the initial application fees and renewal fees for insurance navigators. An insurance navigator is a person selected to perform specified activities and duties identified in the federal Affordable Care Act:

- Conduct public education activities to raise awareness of the availability of qualified health plans;
- Distribute fair and impartial information concerning enrollment in qualified health plans, and the availability of premium tax credits and cost-sharing reductions;
- Facilitate enrollment in qualified health plans;
- Provide referrals to appropriate state agencies for any enrollee with a grievance or question regarding their health plan.<sup>32</sup>

Formerly, initial licensing fees and renewal fees were established by administrative rule. The prior rule imposed different fees based on how many insurance navigators a business entity employs. For entities with less than 100 employed insurance navigators, an applicant had to pay an initial application fee not exceeding \$250, and an annual renewal fee not exceeding \$100. For entities with 100 or more employed insurance navigators, an applicant had to pay an initial application fee not exceeding \$500, and an annual renewal fee not exceeding \$250.

The act statutorily codifies these fees and reduces the initial licensing fee for insurance navigators to \$200 in all cases, and reduces the renewal fee to \$100 in all cases, regardless of the number of insurance navigators employed by a business entity.<sup>33</sup>

### **Reinsurance intermediary broker and manager licensing fees**

The act also reduces the initial licensing and renewal fees for reinsurance intermediary broker licenses and reinsurance intermediary manager licenses from \$500 to \$100 for both issuance and renewal.

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<sup>31</sup> R.C. 3731.031.

<sup>32</sup> R.C. 3905.01, not in the act, and by reference Section 1311 of the “Patient Protection and Affordable Care Act,” 124 Stat. 119.

<sup>33</sup> R.C. 3905.471 and O.A.C. 3901-5-13.

A reinsurance intermediary broker is a person, generally, who solicits, negotiates, or places reinsurance cessions (an insurer reinsuring its liability with another) or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of that insurer. A reinsurance intermediary manager is, generally, a person that has authority to bind or that manages all or part of the assumed reinsurance business of a reinsurer and that acts as an agent of the reinsurer.<sup>34</sup>

### **Licensing fee effective date**

The act allows the Superintendent of Insurance to gradually reduce the licensing fees for reinsurance intermediary brokers, reinsurance intermediary managers, and insurance navigators, until the reductions are fully implemented. These fee reductions must be made by July 1, 2023, which is slightly less than three months after the act's effective date.<sup>35</sup>

## **State Medical Board**

### **Massage therapy**

The State Medical Board regulates massage therapy as a limited branch of medicine. A person who engages in the practice of massage therapy must obtain a license from the Board in the limited branch of medicine of massage therapy.

The act makes conforming changes to reflect the fact that massage therapy is currently the only limited branch of medicine license the Board issues. It also modifies the current educational requirements for an applicant for a limited branch of medicine license in massage therapy to require 600 hours in massage therapy instruction, instead of instruction in other specified topics.<sup>36</sup>

## **Board of Nursing**

### **Dialysis technicians and dialysis technician interns**

The act eliminates the requirement that a dialysis technician intern be certified by the Board of Nursing to practice. Instead, an intern may practice without certification so long as the individual is supervised, as discussed below.<sup>37</sup> 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.<sup>38</sup>

Former law required each dialysis technician and dialysis technician intern to be supervised by either a physician or registered nurse. The act maintains their authority to

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<sup>34</sup> R.C. 3905.81.

<sup>35</sup> R.C. 3905.471 and 3905.81.

<sup>36</sup> R.C. 4731.19, with conforming changes in R.C. 4731.16 and 4731.17.

<sup>37</sup> 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.

<sup>38</sup> R.C. 4723.01(S).

supervise but also permits a physician assistant to do so. Supervision continues to require that the technician or intern be in the immediate presence of the supervising practitioner when providing dialysis care.<sup>39</sup>

### **Licensed practical nurses – medication administration and intravenous therapy**

The act eliminates the requirement that a licensed practical nurse (LPN) be authorized by the Nursing Board in order to administer medication or intravenous (IV) therapy.<sup>40</sup> Under this requirement, to be authorized to administer medication, an LPN had to successfully complete a course in basic pharmacology either as part of the nurse's pre-licensure education program or a post-licensure course. In addition, to be authorized under prior law to perform IV therapy, an LPN had to demonstrate that the nurse was authorized to administer medications and had successfully completed a course of study or continuing education related to IV therapy.

The act also eliminates the requirement that the Board approve courses of study in the safe performance of IV therapy.<sup>41</sup>

### **Advanced practice registered nurses – prescriptive authority and drug formulary**

With respect to the law governing the authority of an advanced practice registered nurse (APRN) to prescribe a schedule II controlled substance to a patient, the act refers to "entities" from which the nurse may issue the prescription, rather than "locations," as under prior law.<sup>42</sup> Law maintained by the act allows an APRN to prescribe a schedule II controlled substance only in the following circumstances – when the patient has a terminal condition, the drug was prescribed initially by a physician, the amount does not exceed that necessary for use in a single, 72-hour period. These limitations, however, do not apply when the APRN prescribes the schedule II drug from specified entities, including hospitals, hospice care programs, or ambulatory surgical facilities.

The act eliminates obsolete references to the Committee on Prescriptive Governance, which was abolished in 2021, and to the APRN drug formulary established prior to April 6, 2017.<sup>43</sup>

### **Nurse licensure compact and multistate licenses – employer reporting**

The act requires an individual, business, or government entity that employs out-of-state nurses holding multistate licenses issued under the Nurse Licensure Compact to report to the

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<sup>39</sup> R.C. 4723.72(B).

<sup>40</sup> R.C. 4723.17, repealed, 4723.18, 4723.181, and 4723.19, repealed.

<sup>41</sup> R.C. 4723.07 and 4723.48.

<sup>42</sup> R.C. 4723.481.

<sup>43</sup> R.C. 4723.481 and 4723.50.

Nursing Board the number of these nurses the individual, business, or government entity employs. Under former law, the individual, business, or government entity was charged instead with reporting the nurses' names and any other information required by Board rules.<sup>44</sup>

### **Substance use disorder monitoring program**

The act authorizes the Nursing Board to contract with a third-party vendor to administer its substance use disorder monitoring program for its license and certificate holders.<sup>45</sup> While it maintains the prior law requirement that the Board develop, name, and designate a coordinator to administer the program, the act also grants the Board the option to contract with another entity to administer the program.

The act requires the program coordinator or vendor to maintain all program records in a manner that protects their confidentiality, rather than maintaining them at the Board's office as under former law.

## **Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board**

### **Orthotist, prosthetists, and pedorthists licensure**

The act eliminates a requirement that an applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics practice under a licensee for at least eight months before being eligible for licensure. It also eliminates temporary licenses to practice in these areas and a prohibition against an individual representing that the individual has a temporary license when the individual does not have one. Under the act, an individual without a license may continue to provide services under supervision, but eight months of supervised practice is not a prerequisite for licensure.<sup>46</sup>

Formerly, an individual 18 or older who met education requirements was eligible for a temporary license from the Occupational Therapy, Physical Therapy, and Athletic Trainers (PYT) Board. A temporary licensee could represent oneself as a temporary licensee while practicing under the supervision of a fully licensed practitioner. The temporary license expired after one year and could be renewed once. An individual who represented the individual's self as being a temporary licensee while not possessing the license was guilty of a minor misdemeanor for the first offense and a fourth degree misdemeanor for each subsequent offense.

Under continuing law, an unlicensed individual may provide orthotic, prosthetic, or pedorthic services while being supervised by a licensee. 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:

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<sup>44</sup> R.C. 4723.114.

<sup>45</sup> R.C. 4723.35.

<sup>46</sup> R.C. 4779.03, 4779.10 to 4779.13, and 4779.17; R.C. 4779.18, repealed; R.C. 4779.04 and 4779.99, not in the act.

- 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.

## **Board membership**

The act requires that four members of the PYT Board be licensed physical therapists with at least five years of experience, and one member be a licensed physical therapist assistant with five years of relevant experience. Formerly, five members of the Board were required to be physical therapists with five years of experience.

The act also allows one member of the Board's Physical Therapy Section who is not a member of the Board to be a physical therapist assistant. Under continuing law, the Section consists of five members who are also members of the PYT Board and four additional members, appointed by the Governor with the advice and consent of the Senate, who satisfy the same qualifications as the Board members sitting on the Section, but who are not members of the Board. All members of the Section who are not Board members must have five years of experience.<sup>47</sup>

The act does not affect the term of any Board member serving on April 6, 2023 (the act's effective date). The Board member who is required by the act to be a licensed physical therapist assistant must be appointed to fill the first vacancy occurring on or after that date caused by a physical therapist board member leaving the Board.<sup>48</sup>

## **Technical change**

The act corrects an erroneous cross-reference in the law governing the PYT Board's ability to contract with the Ohio Occupational Therapy Association for assistance in performing the Board's duties.<sup>49</sup>

## **State Board of Pharmacy**

The act sets continuing education for pharmacists at 30 hours every two years.<sup>50</sup> Under prior law, the number of hours was set in rules, and was 40 hours every two years.<sup>51</sup> Thus, the act reduces continuing education requirements for pharmacists.

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<sup>47</sup> R.C. 4755.01.

<sup>48</sup> Section 9.

<sup>49</sup> R.C. 4755.062.

<sup>50</sup> R.C. 4729.12(C).

<sup>51</sup> O.A.C. 4729:1-5-02.

The act reduces the initial license and annual renewal fee for pharmacy interns from \$45 to \$30. However, it allows the Board to implement the fee reduction gradually, until January 1, 2028.<sup>52</sup>

## State Board of Psychology

### Licensure of school psychologists

The act transfers licensure of school psychologists from the State Board of Education to the State Board of Psychology. The two boards must coordinate to transition school psychologists to the Psychology Board by January 1, 2025.<sup>53</sup>

The act ultimately requires the Psychology Board to license two types of school psychologists: those who practice in school settings (school psychologists) and those who practice outside of school settings (independent school psychologists).

Prior to the act, school psychologists could be licensed by either or both boards, depending on where the school psychologist practiced. The State Board of Education license, which the act eliminates, was for school psychologists practicing within the scope of employment by a school district or by a private school that meets State Board of Education standards, or in certain programs for children with disabilities.<sup>54</sup> These State Board of Education-licensed school psychologists were prohibited from offering psychological services to any other individuals, organizations, or groups for remuneration, unless also licensed by the Psychology Board (described below).<sup>55</sup> The act transfers this licensure to the Psychology Board.

The act maintains Psychology Board-licensure for school psychologists who practice outside school settings, but renames the license an “independent school psychologist” license. The table below summarizes these changes.

School psychologist licensure		
	Prior to the act	The act
Psychologists practicing in a school setting	Must be licensed by the State Board of Education as a school psychologist.	Must be licensed by the Psychology Board as a school psychologist.

<sup>52</sup> R.C. 4729.15.

<sup>53</sup> R.C. 4732.01 and 4732.09 to 4732.14; related and conforming changes in R.C. 2925.01, 3310.41, 4732.01, 4732.02, 4732.12, 4732.141, 4732.142, 4732.17, 4732.171, 4732.173, 4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.221, 4732.24, 4732.31, 4732.33, 4743.09, 4757.41, and 5164.95; R.C. 3319.2212, repealed; Section 13.

<sup>54</sup> R.C. 3319.22 and O.A.C. 3301-24-05.

<sup>55</sup> R.C. 4732.22(A)(1).

School psychologist licensure		
	Prior to the act	The act
Psychologists practicing outside a school setting	Must be licensed by the Psychology Board as a school psychologist.	Must be licensed by the Psychology Board as an independent school psychologist.
Psychologists practicing in both settings	Must be licensed by the State Board of Education as a school psychologist and by the Psychology Board as a school psychologist.	Must be licensed by the Psychology Board as a school psychologist and an independent school psychologist.

The act generally maintains examination and education requirements for school psychologists.<sup>56</sup> It also maintains the period of validity for each type of license – two years for independent school psychologists and five years for school psychologists (formerly the State Board of Education licensees).<sup>57</sup> For school psychologist licensees, the act reduces continuing education to 50 hours every five years, from 180 “contact” hours, under rules in effect prior to the act.<sup>58</sup> The act generally applies all requirements in preexisting law for psychologists and school psychologists licensed by the Psychology Board to school psychologists and independent school psychologists licensed under the act.

### **Transition period**

The act requires the transfer to be implemented by January 1, 2025. The State Board of Education and the Psychology Board must coordinate with each other to implement the changes. During the transition period, until the act’s changes are fully implemented, the boards may continue to regulate school psychologists under the law as it existed prior to the act.<sup>59</sup>

### **School Psychology Examination Committee**

The act eliminates the School Psychology Examination Committee, which was authorized to develop the exam for school psychologists and related procedures, if that authority was delegated to the Committee by the Psychology Board.<sup>60</sup>

### **Psychology Board composition**

The act adds to the Psychology Board a certified Ohio behavior analyst.<sup>61</sup> It also authorizes the psychologist members of the Board to include independent school psychologists in addition to psychologists and school psychologists.

<sup>56</sup> R.C. 4732.10; compare R.C. 4732.10(D) to O.A.C. 3301-24-05(C)(1)(c).

<sup>57</sup> R.C. 4732.14.

<sup>58</sup> R.C. 4732.141(A)(1)(b); see also O.A.C. 3301-24-08.

<sup>59</sup> R.C. 3319.22(A)(2); Section 12.

<sup>60</sup> R.C. 4732.11(D); conforming change in R.C. 4732.05.

## State Speech and Hearing Professionals Board

The act eliminates audiologist conditional licensure. This license type was part of a legacy provision for individuals who did not have a doctor of audiology degree when that became a requirement for full licensure in 2006, and is now obsolete.<sup>62</sup>

## Veterinary Medical Licensing Board

The act reduces some of the licensing and registration fees for various professions regulated by the State Veterinary Medical Licensing Board. But it allows the Board to implement the reductions gradually, requiring full implementation by January 1, 2028.<sup>63</sup>

### Veterinary license fee

The act reduces the initial license fee for a veterinary license to a flat \$275, regardless of when the application is submitted. Former law established the initial license fee for a veterinary license as follows:

- For an application filed on or after March 1 in an even-numbered year, \$425;
- For an application filed on or after March 1 in an odd-numbered year, \$300.<sup>64</sup>

### Free initial veterinary license

The act allows an individual with a provisional veterinary graduate license to receive a free initial veterinary license if the person:

- Applies for a license to practice veterinary medicine;
- Successfully passes a nationally recognized examination approved by the Board for a license to practice veterinary medicine; and
- Provides to the Board's satisfaction proof of passing the examination.<sup>65</sup>

Continuing law allows a person who has graduated from an approved veterinary college, and has applied for and is waiting to take the required exams, to apply for a provisional veterinary graduate license. A provisional veterinary graduate licensee may perform their duties only under direct supervision of a licensed veterinarian. The license fee is \$100 and the license is valid for six months.<sup>66</sup>

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<sup>61</sup> R.C. 4732.02; see also R.C. 4783.04, not in the act (regarding certification of Ohio behavior analysts).

<sup>62</sup> R.C. 4753.06 and 4753.071, with a conforming change in R.C. 4753.12.

<sup>63</sup> R.C. 4741.17(D).

<sup>64</sup> R.C. 4741.17(A)(1).

<sup>65</sup> R.C. 4741.17(B).

<sup>66</sup> R.C. 4741.15, not in the act, and 4741.17(A)(12).

## **Veterinary technician registration**

The act sets the fee for initial registration as a veterinary technician at a flat \$30, regardless of when the initial application is submitted. Former law established the initial registration fee as follows:

- For an application filed on or after March 1 in an odd-numbered year, \$35;
- For an application filed on or after March 1 in an even-numbered year, \$25.

The act also sets the biennial renewal fee at a flat \$30 regardless of when the renewal application is submitted. Former law established the biennial renewal fee as follows:

- For an application postmarked by March 1, \$35;
- For an application postmarked between March 1 and April 1, \$45; and
- For an application postmarked after April 1, \$60.<sup>67</sup>

## **State Vision Professionals Board**

### **Elimination of ocularist and contact lens dispensing optician licenses**

The act eliminates the ocularist license and contact lens dispensing optician license, effective December 31, 2024.<sup>68</sup> A licensed ocularist designs, fabricates, and fits artificial eyes or prostheses associated with the appearance or function of the human eye. The act specifies that a person who holds a certificate of licensure to practice optometry (optometrist license) may engage in these activities.<sup>69</sup>

Existing ocularist and contact lens dispensing optician licenses are valid until they expire. The act permits an individual who, on April 6, 2023 (the act's effective date), holds a valid ocularist license or contact lens dispensing optician license to maintain and renew the license in accordance with rules previously adopted by the State Vision Professionals Board, until December 31, 2024. It also allows the Board to issue initial ocularist licenses and contact lens dispensing optician licenses until that date.<sup>70</sup>

### **Elimination of topical ocular pharmaceutical agents and therapeutic pharmaceutical agents certificates**

The act eliminates the separate topical ocular pharmaceutical agents certificate and therapeutic pharmaceutical agents certificate that were issued with an optometrist license. It specifies that a licensed optometrist has prescribing authority without holding a separate certificate.

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<sup>67</sup> R.C. 4741.17(A)(8) and (9).

<sup>68</sup> R.C. 4725.40 and 4725.48, with conforming changes in multiple R.C. sections; Section 7.

<sup>69</sup> R.C. 4725.01(A)(6) and 4725.41; R.C. 4725.40(J), repealed.

<sup>70</sup> Section 7.

Under former law, the issuance and renewal of these certificates was treated as a separate action from issuing the licenses, but the documents were issued and renewed together. Formerly, a licensed optometrist was required to hold a topical ocular pharmaceutical agents certificate to use topical drugs to evaluate a patient or a therapeutic pharmaceutical agents certificate to use drugs or dangerous drugs in examining, diagnosing, and treating a patient.<sup>71</sup>

An individual who, before April 6, 2023, holds a valid optometrist license or topical ocular pharmaceutical agents certificate may continue to practice optometry within the scope of the license or certificate. The act also allows an individual to complete additional education to engage in the practice of optometry under the act.<sup>72</sup>

### **Biennial license renewal**

The act switches renewal of optometrist licenses and dispensing optician licenses from annual to biennial.

Under the act, an optometrist license expires on December 31 of each even-numbered year. The act establishes an initial biennial license fee and biennial renewal fee for an optometrist license of \$350, which is double the annual initial and renewal fees of \$175 charged under former law (\$130 license fee and \$45 for a topical ocular pharmaceutical agents certificate or therapeutic pharmaceutical agents certificate).<sup>73</sup>

A dispensing optician license, under the act, expires on December 31 of each odd-numbered year. Formerly, the license expired on January 1 of the year after it was issued. The act establishes a \$195 initial and renewal fee for a dispensing optician license. Under prior law, an applicant was charged \$50 for an initial dispensing optician license and an annual renewal fee of \$100, established by the Board in rule.<sup>74</sup>

### **Continuing education**

The act requires a licensee to complete an amount of continuing education biennially to renew the license, rather than annually as under prior law.

A licensed optometrist must complete 50 hours of continuing education each biennium including 20 hours of pharmacology instruction, rather than the 25 hours of continuing education per year with 10 hours of pharmacology instruction required under prior law. The act requires a licensee to complete the continuing education during the biennial licensing period beginning January 1 of each odd-numbered year. Former law required a licensed optometrist to complete the continuing education during the period beginning October 1 and ending September 30 before the license expired. An optometrist must pay the continuing law penalty

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<sup>71</sup> R.C. 4725.01, 4725.02, 4725.12, and 4725.13, and R.C. 4725.14, repealed, with conforming changes in multiple R.C. sections.

<sup>72</sup> R.C. 4725.131.

<sup>73</sup> R.C. 4725.16(A) and 4725.34.

<sup>74</sup> R.C. 4725.48(B) and 4725.51(A); O.A.C. 4725-3-14 and 4725-3-15.

for late completion of continuing education after December 31 of an even-numbered year. The act waives the continuing education requirement for an active duty military member who received an initial license during the nine-month period ending on December 31 of an even-numbered year (formerly the requirement was waived if the member received the license during the nine-month period ending September 30).

A licensed spectacle dispensing optician must complete 12 hours of continuing education and a licensed spectacle-contact lens dispensing optician must complete 24 hours of continuing education each biennial licensing period, double the 6 hours and 12 hours per year, respectively, that was required under prior law.<sup>75</sup>

### **Late renewal and expiration**

The act requires the Board to mail a license renewal notice and application to each licensed optometrist who may be eligible for renewal by November 1 of each even-numbered year, rather than annually. It maintains the requirement that the Board notify a licensee of the licensee's failure to qualify for renewal, but removes the requirement that the notice be sent by November 15.

The act shortens the period a licensed optometrist may apply to the Board for late renewal to one month, during January of the odd-numbered year after a license expires. Under former law, an optometrist could apply for late renewal during the four-month period after the license expired, from January 1 to April 30. A license that is not renewed during the one-month late renewal period is classified by the act as expired, rather than delinquent. Under the act, the Board must send a licensee a late renewal notice on January 15 of an odd-numbered year (under prior law, this was the second late renewal notice and it had to be sent by December 15). If a license is classified as expired, the licensee must complete the required continuing education, pass the licensing examination, and pay the renewal fees to reinstate the license. The act removes the requirement that the licensee pay an additional reinstatement fee.

The act reduces the time in which a licensed dispensing optician may apply for late renewal from 90 days to 30 days after the license expires. A licensee applying for renewal during that 30-day late renewal period must pay the continuing law penalty, and similar to continuing law, must take an examination as a condition of renewal after the 30-day late renewal period has passed.<sup>76</sup>

### **Inactive optometrist licenses**

The act removes the ability of a licensed optometrist to place the optometrist's license on inactive status and also eliminates the fee charged to a licensee to reinstate the inactive license. Under prior law, an optometrist who intended to discontinue practicing in Ohio

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<sup>75</sup> R.C. 4725.16(B) and (D) and 4725.51, with conforming changes in R.C. 4725.34.

<sup>76</sup> R.C. 4725.16(C), (F), (H), and (I) and 4725.51(B).

because of retirement or a decision to practice in another state or country was allowed to apply to the Board for inactive status.<sup>77</sup>

### **Transition to biennial license period**

Under the act, an optometrist license or dispensing optician license issued or renewed on or after April 6, 2023 (the act's effective date) is issued as a biennial license. Certificates of licensure to practice optometry in effect on that date continue until December 31, 2024, and dispensing optician licenses in effect on April 6, 2023, continue until December 31, 2025. The Board must accept any continuing education completed by a license holder on or after October 1, 2022, to renew the license.

The act also requires the Board to revise any rules or requirements it has adopted relating to the duration of a certificate of licensure to comply with the act's provisions.<sup>78</sup>

### **Cease-and-desist orders**

The act authorizes the Board to 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 procedures set forth in the act 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.

The act 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 without a license, the Board must notify the appropriate prosecuting attorney for further action.<sup>79</sup>

### **Dispensing optician experience**

Under continuing law, an applicant must satisfy an experience or education requirement to receive an initial spectacle dispensing optician license or spectacle-contact lens dispensing optician license. The act permits an applicant for a spectacle dispensing optician license to complete 1,000 hours of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology in satisfaction of that requirement. Similarly, the act permits an applicant for a spectacle-contact lens dispensing

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<sup>77</sup> R.C. 4725.17 and 4725.171, repealed, with conforming changes in R.C. 4725.34.

<sup>78</sup> Section 5.

<sup>79</sup> R.C. 4725.19, 4725.231, 4725.53, and 4725.541.

optician license to complete 1,500 hours of supervised experience under one of those professionals. Prior law required an applicant to complete two years of supervised experience. Under law unchanged by the act, an applicant may complete a two-year optical dispensing college program in lieu of supervised experience to be issued a license.<sup>80</sup>

### **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 act eliminates the \$20 fee for the apprentice to renew the registration and prohibits the Board from charging a renewal fee.<sup>81</sup>

### **Renewal of occupational licensing boards**

The act renews until December 31, 2028, the occupational licensing boards that were reviewed by the House State and Local Government Committee and the Senate Workforce and Higher Education Committee during the 134<sup>th</sup> General Assembly.<sup>82</sup> Those boards are as follows:

<b>Occupational Licensing Boards Reviewed</b>	
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
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	

<sup>80</sup> R.C. 4725.48.

<sup>81</sup> R.C. 4725.52.

<sup>82</sup> Section 4.

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 and the Senate are directed by continuing law 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.<sup>83</sup>

## **Photographs and physical descriptions**

The act prohibits an occupational licensing board from requiring a photograph or physical description of the applicant as a condition of issuing or renewing an occupational license, certification, or registration. It eliminates such requirements, under prior law, for the following professions:

- Professional finders;
- Key employees of casino operators, management companies, or holding companies;
- Casino gaming employees;
- Barbers and barber students;
- Cosmetologists (all types of practicing licenses);
- Foreign real estate dealers; and
- Private investigators and security guard providers.

Other professionals may have been subject to similar requirements imposed by administrative rule. The act prohibits both statutory and rule-based requirements.<sup>84</sup>

## **Virtual continuing education**

The act authorizes an occupational licensing board to allow an individual who is required to complete continuing education for renewal of an occupational license, specialty occupational license for medical reimbursement, or certification to do so virtually.<sup>85</sup>

## **Sunset Review**

The act extends for two years the authorization for the Chiropractic Loan Repayment Advisory Board and the Holocaust and Genocide Memorial Education Commission. These two boards were set to expire under Sunset Review Law<sup>86</sup> on December 31, 2022.<sup>87</sup> The act’s extension will take effect April 6, 2023, which is after the scheduled sunset date.

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<sup>83</sup> R.C. 101.62 and 101.63, not in the act.

<sup>84</sup> R.C. 4798.05, 169.16, 3772.13, 3772.131, 4709.07, 4709.10, 4713.28, 4735.27, and 4749.03.

<sup>85</sup> R.C. 4798.06.

<sup>86</sup> R.C. 101.82 through 101.87, not in the act.

Under continuing law, certain boards and commissions expire by operation of Sunset Review Law four years more or less after the effective date of the act that established or renewed the board or commission. A board or commission may be renewed by passage of a bill that continues the statutes creating and empowering the entity.<sup>88</sup>

Continuing Sunset Review Law provides that if the General Assembly does not renew or transfer a board or commission within an established time frame, the entity expires and the Office of Budget and Management cannot authorize the expenditure of any money for the agency on or after the expiration date.<sup>89</sup>

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## HISTORY

Action	Date
Introduced	12-09-21
Reported, H. State and Local Government	03-23-22
Passed, House (92-1)	03-23-22
Reported, S. Workforce and Higher Education	12-07-22
Passed, Senate (29-0)	12-07-22
House concurred in Senate amendments (87-3)	12-14-22

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<sup>87</sup> Section 11.

<sup>88</sup> R.C. 101.83(E), not in the act.

<sup>89</sup> R.C. 101.83(B), not in the act.