



OHIO LEGISLATIVE SERVICE COMMISSION

Synopsis of House Committee Amendments*

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Sub. S.B. 255

132nd General Assembly

(H. Federalism and Interstate Relations and H. Government Accountability and Oversight)

This table summarizes how the bill As Reported by H. Government Accountability and Oversight differs from the version As Passed by the Senate and from the version As Reported by H. Federalism and Interstate Relations. It addresses only the topics on which the versions differ substantively. It does not list topics on which the bills are substantively the same. This synopsis does not address amendments that may have been adopted on the House floor.

Topic	Sub. S.B. 255, As Passed by the Senate	Sub. S.B. 255, As Reported by H. Federalism and Interstate Relations	Sub. S.B. 255, As Reported by H. Government Accountability and Oversight
Timeline for occupational licensing board's expiration	Automatically expires an occupational licensing board at the end of December 31 of the fifth year after the board was created or last renewed, or on December 31, 2023, whichever is later.	Automatically triggers an occupational licensing board to expire at the end of December 31 of the sixth year after the board was created or last renewed, or on December 31, 2024, whichever is later, and expires the board at the end of June 30 of the following year.	Same as bill As Reported by H. Federalism and Interstate Relations.

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After the expiration of an occupational licensing board	Authorizes the General Assembly to provide by law for the orderly, efficient, and expeditious conclusion of an occupational licensing board.	Specifies that the period between the board being triggered and its expiration is to provide for the orderly, efficient, and expeditious conclusion of a board's business and operation.	Same as bill As Reported by H. Federalism and Interstate Relations.
Occupational licensing board performs functions other than licensing or regulating the license of an occupational license	No provision.	Prevents an occupational licensing board that performs functions other than licensing or regulating the license of an occupational license from expiring. Continues the board and statutes creating, empowering, governing, or regulating the board to the extent that the statutes apply to performing those other functions.	Same as bill As Reported by H. Federalism and Interstate Relations.
Review by General Assembly of occupational licensing boards	Requires the House and Senate to do the following within a calendar year starting in 2018: <ul style="list-style-type: none"> - The Speaker and President must direct a standing committee to review 20% of the occupational licensing boards by March 1 of that year. - The standing committees may prepare and publish a 	Requires the House to do the following within the odd-numbered year of a biennium starting in 2019: <ul style="list-style-type: none"> - The Speaker must direct a standing committee to review 33% of the occupational licensing boards by March 1 of that year. - The standing committee must prepare and publish 	Same as bill As Reported by H. Federalism and Interstate Relations.

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	<p>report of its findings and recommendations.</p> <p>No provision.</p>	<p>a report of its findings and recommendations by November 15 of that year.</p> <ul style="list-style-type: none"> - The House must consider any bill offered by the committee regarding the expiration of any boards by December 31 of that year. <p>Requires the Senate to do the following within the even-numbered year of a biennium:</p> <ul style="list-style-type: none"> - The President must direct a standing committee to review 33% of the occupational licensing boards by March 1 of that year. - The standing committee must prepare and publish a report of its findings and recommendations by November 15 of that year. <p>The Senate must consider any bill offered by the committee regarding the expiration of any boards by December 31 of that year.</p>	

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		Requires LSC to provide staff services to a standing committee performing its duties under the bill.	
Report published by standing committees	No provision.	Requires the standing committee to make the published report available to the public on its website.	Same as bill As Reported by H. Federalism and Interstate Relations.
Review by the Legislative Service Commission (LSC) of occupations regulated by the state	<p>Requires the LSC Director to perform an assessment every calendar year, starting in 2018 through 2022, of 20% of occupations subject to state regulation.</p> <p>Requires the assessment to attempt to ascertain whether or not the current regulatory scheme being utilized in the state is consistent with policies of the bill.</p>	<p>Requires the LSC director to issue a report each biennium, starting with an odd-numbered year beginning in 2019 through 2024, of 33% of occupations subject to state regulation.</p> <p>Requires the report to compare the current regulatory scheme being utilized in the state with the policies of the bill.</p>	Same as bill As Reported by H. Federalism and Interstate Relations.
Review by LSC of occupational regulation bills introduced	<p>Requires the LSC Director to perform an assessment of any legislation introduced that proposes to substantially change or enact an occupational regulation and issue a report of that assessment in a timely manner.</p> <p>Requires the assessment to attempt to ascertain whether or</p>	<p>Requires the LSC Director to issue a report of any legislation introduced that proposes to substantially change or enact an occupational regulation and issue a report of the legislation in a timely manner.</p> <p>Requires the report to compare the regulatory scheme proposed in the legislation with the policy</p>	Same as bill As Reported by H. Federalism and Interstate Relations.

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	not the proposed regulatory scheme is consistent with the bill's policy of least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare.	under this bill of least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health, safety, and welfare.	
Occupational licensing definition exemption	No provision.	Excludes from the definition of occupational licensing a commercial or other driver's license issued under the Revised Code.	Same as bill As Reported by H. Federalism and Interstate Relations.
Occupational regulation definition exemption	No provision.	Excludes from the definition of occupational regulation sections of the Revised Code related to commercial or other driver's license.	Same as bill As Reported by H. Federalism and Interstate Relations.
Appropriate state action to protect consumers	No provision. No provision.	Adds that when the appropriate state action is to offer voluntary certification, it is not offered if a suitable, privately offered voluntary certification for the relevant occupation is available. Adds that the appropriate state action is to require an occupational license if regulations are required to perform services regulated by both federal laws and laws of this state, require the state to recognize an individual's	Same as bill As Reported by H. Federalism and Interstate Relations.

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		occupational license from another United States state or territory to allow that individual to practice in this state, and are based on uniform national laws, practices, and examinations that have been adopted by at least 50 United States states and territories.	
National or international standards	Provides that occupational regulations that are created by adopting national or international standards and that are substantially equivalent to the occupational regulations for that occupation adopted in at least 45 United States states are determined to be narrowly tailored and the least restrictive regulations.	No provision.	No provision.
Certification from a private organization	No provision.	Specifies that an occupational licensing board is permitted to require, as a condition of licensure or renewal of licensure, that an individual's personal qualifications include obtaining or maintaining certification from a private organization that credentials individuals in the relevant occupation.	Same as bill As Reported by H. Federalism and Interstate Relations.

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Criminal conviction disqualifications of an occupational license	<p>No provision.</p> <p>No provision.</p> <p>No provision.</p> <p>No provision.</p>	<p>Allows an individual to request that a licensing authority determine whether an individual's criminal conviction disqualifies the individual from obtaining a license issued or conferred by the authority.</p> <p>Requires an individual making a request to include detail of the criminal conviction and any payment required, not to exceed more than \$25 per request.</p> <p>Requires the licensing authority to inform the individual of its determination not later than 30 days from the date the request was received.</p> <p>Requires a licensing authority to make a list publicly available on its website of all criminal offenses of which conviction will disqualify an individual from obtaining a license issued or conferred by the licensing authority.</p>	<p>Same as bill As Reported by H. Federalism and Interstate Relations.</p>

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Exemption of rules prescribed by the Supreme Court of Ohio	No provision.	Provides that the bill does not apply to any rules prescribed under Article IV, section 5 of the Ohio Constitution, by the Supreme Court related to courts.	Same as bill As Reported by H. Federalism and Interstate Relations.
Intention clause	No provision.	States that the bill intends that for the first biennium, starting in 2019, LSC's review of 33% of the occupations listed under R.C. 103.27 will not consist of a review of the same occupations reviewed by the General Assembly under R.C. 101.63. This will allow the General Assembly to review the same occupations beginning in the biennium starting in 2021, and every biennium thereafter, that had just been reviewed by LSC during the previous biennium.	Same as bill As Reported by H. Federalism and Interstate Relations.
Home Inspector Law	No provision.	No provision.	<p>Establishes the Home Inspector Law and requires individuals wishing to perform home inspections to obtain a license in order to perform those inspections.</p> <p>Establishes criminal penalties for performing home inspections without a license and knowingly making, or causing to be made, a false representation concerning a material and relevant fact relating to</p>

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			<p>a person's licensure as a home inspector.</p> <p>Creates the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors and requires the Superintendent of Real Estate and Professional Licensing to administer the Home Inspector Law.</p> <p>Prohibits a home inspection from being performed unless it is performed pursuant to a written contract entered into between a licensed home inspector and a client.</p> <p>Requires a real estate broker or salesperson who provides the name of a home inspector to a purchaser or seller of real estate to provide the names of at least three licensed home inspectors.</p> <p>Requires a licensed home inspector to include a written report of the visual examination performed by a licensed home inspector during a home inspection.</p> <p>Requires a licensed home inspector to retain documents related to home</p>

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			<p>inspection work for a five-year period.</p> <p>Prohibits any person from performing a home inspection unless the inspection conforms to requirements for conducting home inspections, standards of practice, and prohibitions against conflicts of interest specified in rules adopted by the Board.</p> <p>Allows the Superintendent, in accordance with the bill's requirements, to investigate a complaint of unlicensed activity or of performing a home inspection in a manner that does not conform to Board rules or without having entered into a contract.</p> <p>Requires the Board to hold a hearing regarding an alleged violation of the bill's prohibited activities in accordance with the bill's requirements and, if the Board finds that a violation has occurred, allows the Board to impose a fine on the person, not to exceed \$500 per violation.</p> <p>Establishes requirements an individual must satisfy to obtain a</p>

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			<p>license under the bill and requires the Superintendent to have fingerprint-based criminal records checks conducted on applicants for licensure.</p> <p>Requires the Board to adopt specified rules for the bill's administration and to approve the education and experience curricula specified in the bill and the examination an applicant must pass for initial licensure.</p> <p>Specifies duties for the Superintendent that include approving continuing education providers, courses, and programs in accordance with the Board's rules and issuing and renewing licenses.</p> <p>Requires the Superintendent to investigate complaints of violations of the bill and grants the Superintendent and the Board subpoena power in relation to any matter over which the Board or Superintendent has jurisdiction and which is the subject of inquiry and investigation by the Board or Superintendent.</p>

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			<p>Specifies disciplinary actions to which a licensed home inspector may be subject for violating the bill's provisions and allows for mediation before an investigation and settlement agreements prior to an adjudication hearing.</p> <p>Limits lawsuits brought under the bill to those actions available under common law.</p> <p>Specifies that the disciplinary actions against a licensed home inspector are the only remedies for a violation of a conflict of interest prohibition.</p> <p>Creates the Home Inspection Recovery Fund administered by the Superintendent for the purpose of satisfying certain judgments against a licensed home inspector when the judgment creditor has exhausted other avenues for recovery.</p> <p>Creates the Home Inspectors Fund in the state treasury to be used solely to pay expenses for administering and enforcing the bill's provisions.</p>

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Central Service Agency	No provision.	No provision.	Requires the Central Service Agency (CSA) of the Department of Administrative Services to perform routine support services for nine specified boards and commissions in addition to the boards and commissions the CSA currently serves.
Licensing law changes			
- State Speech and Hearing Professionals Board	No provision.	No provision.	<p>Requires a hearing aid dealer's or fitter's license to be renewed biennially rather than annually as required under current law.</p> <p>Changes the continuing professional education requirement for license renewal from ten hours per one-year renewal period to 20 hours per two-year renewal period.</p> <p>Requires the State Speech and Hearing Professionals (SHP) Board to adopt rules establishing the amount of any fee required under the Hearing Aid Dealers Law and eliminates the statutorily specified fees.</p> <p>Expands the SHP Board's investigatory duties from</p>

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			<p>investigating specific complaints to investigating all alleged irregularities in the sale or practice of dealing in or fitting hearing aids by any licensee or permit holder, as well as any violations of the Hearing Aid Dealers Law or the Board's rules.</p> <p>Revises the list of reasons for which the SHP Board may discipline a licensee or permit holder.</p> <p>Requires the SHP Board to act in accordance with the Administrative Procedure Act before disciplining a licensee or permit holder based on a complaint or investigation.</p> <p>Expands the types of disciplinary actions the SHP Board may take after finding that a licensee or permit holder has violated the Hearing Aid Dealers Law or a rule adopted by the Board.</p> <p>Requires the SHP Board to adopt rules establishing the information that must be included in a hearing aid receipt.</p> <p>Specifies that tests and related materials used in an examination, whether administered by the SHP</p>

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			Board or a private or government entity pursuant to a contract, are not public records under the Public Records Law.
- Counselor education	No provision.	No provision.	<p>Allows the Counselor, Social Worker, and Marriage and Family Therapist Board to temporarily approve a counseling education program created after January 1, 2018, that has not been accredited by the Council for Accreditation of Counseling and Related Educational Programs.</p> <p>Specifies that a degree from a Board-approved counseling education program satisfies the degree and training requirements to receive a professional clinical counselor's license or a professional counselor's license for the time period approved by the Board.</p> <p>Requires the Board, if it elects to approve unaccredited programs, to adopt rules regarding the approval process, educational requirements, and time period during which completion of the program will satisfy licensure requirements.</p>

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- Optical dispensing	No provision.	No provision.	<p>Requires the State Vision Professionals Board to provide each applicant for an optical dispensing license with all forms required to apply for examination, instead of permitting a testing service to provide the forms.</p> <p>Requires an optical dispensing apprentice to register with the State Vision Professionals Board on a form provided by the board and in the form of a statement that includes specified information, instead of allowing registration with either the form or a statement.</p>
- Appointment authority	No provision.	No provision.	<p>Changes the authority who appoints the district superintendent and military installment representative members of the State Council on Educational Opportunity for Military Children from the Governor to the Superintendent of Public Instruction.</p> <p>Changes authority to appoint certain members of the Historical Boilers Licensing Board from Governor to Director of Commerce.</p> <p>Permits the Governor to fill a vacancy on the State Board of Emergency Medical, Fire, and</p>

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			Transportation Services without having to consider an individual who has been nominated by a specified organization, if the Governor has not received a nomination within 30 days after the vacancy occurs.
- Membership changes	No provision.	No provision.	<p>Eliminates the requirement that a consumer of services offered in a long-term services and supports setting be appointed to the Board of Executives of Long-Term Services and Supports if a family member of such a consumer or an advocate of such consumers is appointed instead.</p> <p>Reduces the number of members of the Board of Nursing (from 13 to 11) and the Board's Advisory Committee on Advanced Practice Registered Nursing (from eight to five).</p> <p>Reduces the number of voting members on the Chemical Dependency Professionals Board from 12 to 7.</p>

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- Abolishments	No provision.	No provision.	Abolishes the Co-op/Internship Program Advisory Committee, Healthier Buckeye Advisory Council, Ohio Water Advisory Council, and Unemployment Compensation Advisory Council.
- Makeup artistry	No provision.	No provision.	<p>Defines "makeup artistry" as the application of cosmetics for the purpose of skin beautification.</p> <p>Adds makeup artistry to the practice of boutique services.</p> <p>Specifies that a person may submit an affidavit or a certificate as proof of formal training or apprenticeship for a boutique services registration.</p>