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Bill Analysis

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Primary Sponsors: Sens. Lehner and Hackett

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Summary

- Requires state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved or will move to Ohio for duty.
- Specifies that temporary licenses or certificates under the bill are to be issued to an individual for a duration of not more than three years.
- Requires a state licensing agency to deny or revoke a temporary license or certificate issued under the bill under certain circumstances.
- Requires the Director of Administrative Services to prepare a report for each fiscal year on the number and type of temporary licenses or certificates issued during the fiscal year under the bill.

Detailed Analysis

Temporary occupational license for military member and spouse

Generally, the bill mandates, under certain circumstances, that a state occupational licensing agency issue temporary licenses or certificates to certain members of the military or a member of the military's spouse.¹ Each licensing agency that issues licenses or certificates to practice a trade or profession must adopt rules under the Administrative Procedure Act² as necessary to implement the bill.³

Under existing law, a state or political subdivision licensing agency may, but is not required to, adopt rules and issue a temporary license to a person whose spouse is on active

¹ R.C. 4743.04(D) and 4743.041(B).

² R.C. Chapter 119.

³ R.C. 4743.041(F).

military duty. The bill retains current law with respect to a political subdivision's discretionary authority. However, the bill expands a state licensing agency's authority to include the member of the military in addition to the spouse.⁴

Qualifications

The bill requires each state licensing agency that issues a license or certificate to practice a trade or profession to issue a temporary license or certificate for not more than three years to an individual who meets the following qualifications:

1. The individual holds a valid license or certificate to practice the trade or profession issued by any other state or jurisdiction;
2. The license or certificate is current, and the individual is in good standing (see "**Definitions**," below) in the other state or jurisdiction;
3. The individual presents adequate proof to the state licensing agency of any of the following circumstances:
 - a. The individual or the individual's spouse is a member of the uniformed services (see "**Definitions**" below) and is on active military duty in Ohio.
 - b. The individual or the individual's spouse is a military technician dual status as defined under federal law⁵ and was transferred to duty in Ohio.
 - c. A circumstance described in (a) or (b) immediately above will occur within three months after the application date.
4. The individual presents adequate proof to the state licensing agency that the individual moved or will move to Ohio from the state or jurisdiction in which the individual holds a current license or certificate.
5. The individual complies with continuing law requirements⁶ to obtain a criminal records check through the Bureau of Criminal Identification and Investigation.⁷

Scope of practice

Under the bill, an individual with a temporary license or certificate may practice the trade or profession in Ohio only within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training.⁸

⁴ R.C. 4743.04(C) and (D).

⁵ 10 United States Code (U.S.C.) 10216.

⁶ R.C. 4776.01 to 4776.04, not in the bill.

⁷ R.C. 4743.041(B).

⁸ R.C. 4743.041(E).

Circumstances to deny or revoke a temporary license

The bill requires a state licensing agency to deny or revoke a temporary license or certificate issued under the bill in accordance with the Administrative Procedure Act if any of the following circumstances occur:

1. The individual has a criminal record according to a criminal records check.
2. The individual is unable to practice the trade or profession according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills.
3. The individual is unable to practice the trade or profession according to acceptable and prevailing standards of care because of the habitual or excessive use or abuse of alcohol or other substances that impair the ability to practice.
4. An adverse action has been taken against the individual by a health care institution.
5. The individual's license or certificate issued by another state or jurisdiction expires, is revoked, or is not in good standing (see "Definitions" below), or the individual, with respect to that license or certificate, is placed on disciplinary probation.
6. With respect to an individual who was eligible for a temporary license as the spouse of a member of the uniformed services, six months have elapsed since the divorce, dissolution, or annulment of the marriage.
7. The individual is dishonorably discharged from the military.
8. The individual is required to register under Ohio's Sex Offender Registration Law⁹ or a substantially similar law of another state, the United States, or another country.
9. The individual is required to register as an arson offender under Ohio law¹⁰ or a substantially similar law of another state, the United States, or another country.
10. The individual has been convicted of, pleaded guilty to, or had a judicial finding of guilt for any criminal violation of Ohio law mandating that the individual is ineligible for licensure or certification in the trade or profession.
11. The individual issued a temporary license or certificate under the bill fails to obtain a full license or certificate within three years after the temporary license or certificate was issued.¹¹

Fee

A state licensing agency must waive all fees associated with the issuance of a temporary license or certificate under the bill.¹²

⁹ R.C. Chapter 2950.

¹⁰ R.C. 2909.15, not in the bill.

¹¹ R.C. 4743.041(C).

¹² R.C. 4743.041(D).

Expedited process

Under the bill, each state licensing agency must establish a process to provide any special accommodations that may be appropriate for applicants for a temporary license or certificate. Under existing law, licensing agencies must have a process to obtain documentation to determine if an applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran, a process to record, track, and monitor applications for those individuals, and a process to prioritize and expedite certification or licensure for those individuals.¹³

Reporting

The bill requires the Director of Administrative Services, on the conclusion of the state fiscal year, to prepare a report on the number and type of temporary licenses or certificates that were issued during the fiscal year. The DAS Director must provide the report to the Director of Veterans Services not later than 30 days after the end of the fiscal year. The Director of Veterans Services must compile the reports and make them available to the public.¹⁴

Definitions

For purposes of the bill:

"Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration; and commissioned corps of the Public Health Service.

An individual or an individual's license or certificate issued by another state or jurisdiction is in "good standing" if all of the following apply:

1. The individual is in compliance with all applicable federal, state, and local regulations.
2. The individual is not the subject of an investigation or disciplinary action by any federal, state, or local government agency.
3. The individual has not been denied a license or certificate, or had a license or certificate limited, suspended, or revoked by any public agency or licensing agency.¹⁵

History

Action	Date
Introduced	02-12-19

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¹³ R.C. 5903.04.

¹⁴ R.C. 4743.041(G).

¹⁵ R.C. 4743.041(A), by reference to 10 U.S.C. 101.