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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 7\*

133rd General Assembly

## Bill Analysis

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**Version:** As Reported by S. Transportation, Commerce and Workforce

**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 six years.
- Allows 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.
- Excludes the State Medical Board from the temporary license requirements and requires the State Medical Board, under certain circumstances, to issue expedited licenses or certificates by endorsement to members of the military and spouses who are licensed in another jurisdiction and have moved or will move to Ohio for duty.
- Requires the State Medical Board to waive the current law application fee for certain members of the military and spouses who apply for an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement.

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\* This analysis was prepared before the report of the Senate Transportation, Commerce and Workforce Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

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## Detailed Analysis

### Temporary occupational license for military member and spouse

Generally, the bill mandates, under certain circumstances, that a state occupational licensing agency, excluding the State Medical Board, issue temporary licenses or certificates to certain members of the military or a member of the military's spouse.<sup>1</sup> Each licensing agency required to issue the temporary licenses or certificates must adopt rules under the Administrative Procedure Act<sup>2</sup> as necessary to implement the bill.<sup>3</sup>

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 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.<sup>4</sup>

### Qualifications

The bill requires each state licensing agency that issues a license or certificate to practice a trade or profession, excluding the State Medical Board, to issue a temporary license or certificate for not more than six 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 law<sup>5</sup> 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.

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<sup>1</sup> R.C. 4743.04(D) and 4743.041(B).

<sup>2</sup> R.C. Chapter 119.

<sup>3</sup> R.C. 4743.041(F).

<sup>4</sup> R.C. 4743.04(C) and (D).

<sup>5</sup> 10 United States Code (U.S.C.) 10216.

5. The individual complies with continuing law requirements<sup>6</sup> to obtain a criminal records check through the Bureau of Criminal Identification and Investigation.<sup>7</sup>

## 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.<sup>8</sup>

## Circumstances to deny or revoke a temporary license

The bill allows 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 or of a military technician dual status, 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 Law<sup>9</sup> 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 law<sup>10</sup> 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.

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<sup>6</sup> R.C. 4776.01 to 4776.04, not in the bill.

<sup>7</sup> R.C. 4743.041(B).

<sup>8</sup> R.C. 4743.041(E).

<sup>9</sup> R.C. Chapter 2950.

<sup>10</sup> R.C. 2909.15, not in the bill.

11. The individual issued a temporary license or certificate under the bill fails to obtain a full license or certificate within six years after the temporary license or certificate was issued.<sup>11</sup>

## Fee

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

## 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.<sup>13</sup>

## 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.<sup>14</sup>

## State Medical Board expedited licenses by endorsement

The bill requires the State Medical Board to issue expedited licenses and certificates by endorsement, without examination, to applicants who are members of the military and spouses under certain circumstances for the following types of licenses and certificates:

- A license to practice as a physician assistant;<sup>15</sup>
- A certificate to practice a limited branch of medicine;<sup>16</sup>
- A license to practice podiatric medicine and surgery;<sup>17</sup>
- A license to practice dietetics;<sup>18</sup>

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<sup>11</sup> R.C. 4743.041(C).

<sup>12</sup> R.C. 4743.041(D).

<sup>13</sup> R.C. 5903.04.

<sup>14</sup> R.C. 4743.041(G).

<sup>15</sup> R.C. 4730.121.

<sup>16</sup> R.C. 4731.153.

<sup>17</sup> R.C. 4731.57.

<sup>18</sup> R.C. 4759.063, with conforming changes in R.C. 4759.02 and 4759.10.

- A certificate to practice as an anesthesiologist assistant;<sup>19</sup>
- A license to practice respiratory care;<sup>20</sup>
- A certificate to practice as an oriental medicine practitioner or acupuncturist;<sup>21</sup>
- A license to practice as a radiologist assistant;<sup>22</sup>
- A license to practice as a genetic counselor;<sup>23</sup>
- A genetic counselor supervised practice license.<sup>24</sup>

For those license or certificate types, the bill requires the State Medical Board to issue, without examination, an expedited license or certificate by endorsement to an applicant who meets all of the following requirements:

1. The applicant files a written application to the Board on a form prescribed by the Board and includes all of the information the Board considers necessary to process it.
2. The applicant provides evidence satisfactory to the Board that the applicant meets all of the following requirements:
  - a. The applicant holds a valid license or certificate to practice the applicable occupation issued by any other state or jurisdiction.
  - b. The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.
  - c. One of the following circumstances applies to the applicant or the applicant's spouse.
    - i. 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.
    - ii. The individual or the individual's spouse is a military technician dual status as defined under federal law and was transferred to duty in Ohio.
    - iii. A circumstance described in (i) or (ii) above will occur within three months after the application date.
  - d. The applicant moved or will move to Ohio from the state or jurisdiction in which the individual holds a current license or certificate.

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<sup>19</sup> R.C. 4760.041.

<sup>20</sup> R.C. 4761.052, with a conforming change in R.C. 4761.03.

<sup>21</sup> R.C. 4762.041, with conforming changes in R.C. 4734.281, 4734.285, 4734.49, and 4762.03.

<sup>22</sup> R.C. 4774.041.

<sup>23</sup> R.C. 4778.051, with conforming changes in R.C. 4778.07 and 4778.08.

<sup>24</sup> R.C. 4778.081.

- e. The individual meets the requirements to receive a license or certificate required of applicants who apply for the license or certificate under current law, including criminal records checks.

The Board is required to waive all fees associated with the application for and issuance of an expedited license or certificate by endorsement under the bill.

### **Expedited licenses to practice medicine and surgery or osteopathic medicine and surgery**

Continuing law prescribes a process for an applicant to receive an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement without examination from the State Medical Board. The bill requires the Board to waive the application fee for that expedited license if the applicant presents adequate proof to the Board of both of the following:

1. One of the following circumstances applies to the applicant or the applicant's spouse:
  - a. The individual or the individual's spouse is a member of the uniformed services 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 law and was transferred to duty in Ohio.
  - c. A circumstance described in (a) or (b) above will occur within three months after the date of application.
2. The applicant moved or will move to Ohio from the state or jurisdiction in which the individual holds a current license or certificate.

Under continuing law, the Board is required to issue, without examination, an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement to an applicant who meets the following requirements:

1. The applicant files a written application to the Board on a form prescribed by the Board and includes all of the information the Board considers necessary to process it.
2. The applicant provides evidence satisfactory to the Board that the applicant meets all of the following requirements:
  - a. Has passed a medical licensing examination recognized by the Board.
  - b. For at least five years immediately preceding the application date, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province.
  - c. For at least two years immediately preceding the application date, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting.
  - d. Is in compliance with the medical education and training requirements for applicants who apply for a normal license.

1. The applicant certifies to the Board that all of the following are true:

- a. Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than \$500,000.
  - b. The applicant does not have a criminal record according to the criminal records check.
  - c. The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.
  - d. No adverse action has been taken against the applicant by a health care institution.
  - e. To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the U.S. military has investigated or taken action against the applicant.
  - f. No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.
  - g. The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.
3. The applicant complies with a continuing law requirement to obtain a criminal records check through the Bureau of Criminal Identification and Investigation.
  4. The applicant pays a nonrefundable fee of \$1,000 to the Board.<sup>25</sup>

## 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.<sup>26</sup>

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<sup>25</sup> R.C. 4731.299.

<sup>26</sup> R.C. 4743.041(A), by reference to 10 U.S.C. 101.

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## History

Action	Date
Introduced	02-12-19
Reported, S. Transportation, Commerce, and Workforce	---

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