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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 673
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 673's Bill Analysis](#)

Version: As Reported by Senate General Government & Agency Review

Primary Sponsor: Rep. Roemer

Local Impact Statement Procedure Required: No

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Highlights

- State institutions of higher education that have educator preparation programs may incur increased costs to develop and implement a plan to provide students with alternative experiences, assignments, or instruction in FY 2022 to make up for time missed due to COVID-19 (the Department of Higher Education issued guidance providing flexibility in this regard for the programs for FY 2021). Ultimately, any additional cost will depend on implementation decisions made by the institutions.
- Extending the period the Board of Nursing must issue temporary registered nurse and licensed practical nurse licenses could result in additional administrative costs for the Board and additional fee revenue, which would be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).
- Boards and agencies that issue occupational licenses may experience costs to determine if an applicant or licensee is exempt from continuing education requirements and to address any potential questions.
- The bill prohibits the State Cosmetology and Barber Board (COS) from requiring a licensee to obtain an additional license or permit to provide services at limited events so long as the services are provided incidentally to the licensee's regular practice in a salon or barber shop. As a result, the Board may see a loss of revenue averaging \$800 or less per year.
- The bill requires COS to issue temporary pre-examination work permits to practice barbering. Under the bill, fees for this permit may not exceed \$15.
- The bill also contains a provision that eliminates waiting periods and additional education requirements to retake a failed barber or barber teacher exam. This may affect the timing

of fee revenue received by COS and deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).

- The State Medical Board may realize a minimal increase in administrative costs as a result of allowing podiatrists to administer COVID-19 vaccinations to certain individuals.

Detailed Analysis

Overview

The bill specifies a number of provisions across a wide spectrum of subject areas, mostly related to the COVID-19 emergency. Provisions involve alternative instruction in educator preparation programs at higher education institutions, temporary registered nurse (RN) and licensed practical nurse (LPN) licenses, continuing education requirements for certain occupational licenses, barbering and cosmetology services, authorizations for pharmacists to administer COVID-19-related immunizations and tests and podiatrists to administer COVID-19 vaccinations to individuals who are seven years of age or older, and an extension of the termination date for a subset of utility energy efficiency programs. These provisions are discussed below in more detail. The bill declares an emergency so it will go into immediate effect.

Alternative instruction in educator preparation programs

The bill requires educator preparation programs (except for barber schools and schools of cosmetology, which may offer instructor training programs) to develop and implement a plan to provide students with alternative experiences, assignments, or instruction in FY 2022 to make up for any hours or weeks of clinical experiences missed due to COVID-19. Alternative experiences may include virtual learning, designing lessons and units of instruction, and other appropriate activities that allow students to demonstrate mastery of the expected outcomes of clinical experiences. The Department of Higher Education (DHE) issued guidance for FY 2021 to educator preparation programs in August 2020 regarding students who were at risk of not meeting clinical experience requirements due to efforts to curb the spread of COVID-19. The guidance provides flexibility regarding the number of field experience hours or weeks that candidates must complete in order to be eligible for an education license or endorsement. It also specifies that the programs may provide students with alternative experiences, assignments, or instruction to allow students to demonstrate mastery of expected outcomes as an alternative to traditional experiences.

Presumably, institutions that have complied with DHE's guidance for FY 2021 will likely extend those options into FY 2022 to comply with the bill. An institution may incur some additional costs to extend alternative experiences into or, if the alternatives have yet to be established, to develop and implement them in FY 2022. Any additional costs likely depend on actions already taken and implementation decisions made by the institution.

Board of Nursing

The bill extends the period the Board of Nursing must issue temporary RN and LPN licenses, and the period in which they are valid, to July 1, 2021. Current law requires the Board to issue temporary licenses to RN and LPN applicants that meet all other requirements except for passing their licensure exam, and provides they will be valid until the earlier of 90 days after the duration of the COVID-19 emergency or December 1, 2020. Extending the time period could result in additional administrative costs to issue these licenses but also subsequent fee revenue,

which would be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). The bill excludes applicants from receiving a temporary license and invalidates an existing temporary license if the applicant failed the licensure exam, committed a felony, or failed a drug test. This provision may minimally reduce the number of RNs and LPNs working under a temporary license. The bill also requires the Board to recognize any clinical experience that an RN or LPN practicing under a temporary license receives and count it towards any outstanding experience needed before being eligible to take their licensure exam. Applicants for the examination must provide evidence of completing requirements, so this provision should pose no additional cost to the Board.

Occupational license continuing education requirements

The bill suspends the requirement that a person complete continuing education requirements to maintain or renew an occupational license from the bill's effective date until July 1, 2021, except when distance learning is allowed. Boards and agencies that issue occupational licenses may experience administrative costs to determine if the applicant or licensee is exempt from these requirements and to address questions.

State Cosmetology and Barber Board

Temporary event salon licenses

The bill may result in a slight loss of license revenue collected by the State Cosmetology and Barber Board. Under rules adopted by the Board, an individual wishing to practice cosmetology or barbering at a temporary location must obtain a \$10 temporary event salon license (TESL) from the Board. Between FY 2017 and May 2020, TESLs provided the Board with a total of \$3,190, an average of just under \$800 per year. Notwithstanding any statute or rule to the contrary, the bill prohibits the Board from requiring a TESL for individuals that hold a license issued by the Board to practice cosmetology or barbering at a limited event so long as the provision of services are incidental to the licensee's practice in a salon or barber shop. Under the bill, a limited event includes but is not limited to (1) a charity event, (2) on-location wedding or event preparation, (3) a bridal or hair show, (4) an on-location spa event, (5) an on-location event at a location such as a nursing home, hospital, or other care facility that lacks an on-site salon or barber shop, and (6) an on-location event at the private residence of an individual who is unable to visit a fixed-location salon or barber shop. The bill's prohibition on issuing TESLs for limited events would result in a loss of some or all of the Board's annual TESL revenue. License and permit revenue collected by the Board is deposited to the Occupational Licensing and Regulatory Fund (Fund 4K90).

Temporary pre-examination work permits to practice barbering

Revenue lost from the prohibition on TESLs discussed above could be at least partially offset through fees for temporary pre-examination work permits to practice barbering which are created by the bill. The bill requires the Board to establish a fee for these permits of not more than \$15. Under the bill, the Board is required to issue the permits to individuals who apply for and are eligible to take the examination required to obtain a barber license and that satisfy conditions established by the Board and that have not previously failed a barber licensing examination.

Barber and barber teacher reexaminations

The bill contains three provisions affecting the State Cosmetology and Barber Board. Only one of these provisions has any potential fiscal effect. The fiscal effect relates to a provision that eliminates waiting periods and additional education requirements to retake a failed barber or barber teacher exam. This may affect the timing of fee revenue received by the Board and deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). As a result, application fees (currently set at \$45) may be received by the Board earlier under the bill than would be the case under current law. The bill removes provisions in current law that (A) require a person who fails a part of the barber examination to wait 90 days after the date the scores are released before applying to retake that part of the exam, (B) require a person who fails a part of the barber examination who also fails to apply to retake the examination within 90 days or that fails the part a second time to complete an additional 200 hours of Board-approved study before applying to retake the examination, and (C) require a person who does not pass the barber teacher examination to wait one year and remain employed as an assistant barber teacher before applying to retake the examination. Under the bill, a person who failed part of the barber examination or barber teacher examination would be eligible to apply to retake the applicable examination as early as the next scheduled offering.

Two other changes in the bill dealing with the qualifications required of barber members of the Board of State Cosmetology and Barber Board and the conditions under which inactive cosmetology licenses may be reactivated have no fiscal effect.

Pharmacist COVID-19 immunizations and testing

The bill allows: (1) a licensed pharmacist or intern to administer immunizations for COVID-19, (2) a pharmacist to order and administer diagnostic tests and antibody tests for COVID-19, (3) a pharmacy intern or certified pharmacy technician to administer diagnostic tests and antibody tests for COVID-19 when under the direct supervision of a pharmacist, and (4) a licensed pharmacist to administer to an adult any immunization that is authorized or approved for use but not yet included in the adult immunization schedule recommended by the Advisory Committee on Immunization Practices (ACIP) of the U.S. Centers for Disease Control and Prevention.¹

Under continuing law, a pharmacist or pharmacy intern who administers immunizations must do so according to rules established by the State Board of Pharmacy and the Board is required to adopt rules including provisions specifying any immunizations that may be administered.

A pharmacist, pharmacy intern, or certified pharmacy technician is subject to the Board's disciplinary procedures. The disciplinary actions include revoking, suspending, or limiting the pharmacist's or intern's identification card or technician's registration; placing the pharmacist's or intern's identification card or the technician on probation; refusing to grant or renew the pharmacist's or intern's identification card or technician's registration; or imposing a monetary penalty or forfeiture not to exceed \$500. Any money collected is credited to Fund 4K90, the

¹ Under current law, a licensed pharmacist is permitted to administer any immunization that is included in the immunization schedules recommended by ACIP.

Occupational Licensing and Regulatory Fund. These rulemaking and enforcement duties are not expected to create any discernible ongoing costs for the Board.

Podiatrists' administration of COVID-19 vaccinations

The bill allows podiatrists to administer COVID-19 vaccinations to individuals who are seven years of age or older. The State Medical Board may realize an increase in administrative costs if there are any questions or complaints relating to this authorization or if any materials need to be updated as a result. However, it is anticipated that any increase would be minimal. In addition, allowing podiatrists to administer these vaccinations could increase utilization.

Utility energy efficiency programs

The bill makes an exception to a provision enacted by H.B. 6 of the 133rd General Assembly. H.B. 6 effectively terminated energy efficiency and peak demand reduction (EE/PDR) portfolio plans by December 31, 2020. This provision extends the termination date to September 27, 2021, for a subset of energy efficiency programs applicable to low-income households.

Current law terminates the associated cost recovery mechanism, which is a rider on customers' monthly electric bills, once the cumulative savings target is deemed achieved by the Public Utilities Commission of Ohio (PUCO). After that date, electric distribution utilities (EDUs) must reconcile the difference between the cost of compliance and revenues collected. In practice, over-collected amounts will be refunded to customers through a credit on their bill.

This provision reduces the amount of money available for potential refunds to customers, including the state and political subdivisions, by allowing expenditures for energy efficiency programs that benefit customers with an annual income at or below 200% of the federal poverty level. Effectively, the provision redirects the excess EE/PDR collections to these initiatives because it authorizes spending "up to 270 days after the termination of an EDU cost recovery mechanism or when collected revenues have been expended, whichever occurs sooner."