



OHIO LEGISLATIVE SERVICE COMMISSION

Synopsis of Senate Committee Amendments*

Elizabeth Molnar

Sub. H.B. 145

132nd General Assembly
(S. Health, Human Services & Medicaid)

One-Bite program

Adds dietitians and respiratory care professionals to the list of practitioners who may participate in "One-Bite," which is the House-passed version's confidential program for the treatment of impaired practitioners regulated by the Medical Board.

Physician and podiatrist training certificates

Adds to the House-passed version provisions that modify existing law governing training certificates for physician and podiatrists by doing the following:

- Increasing the application fee to \$130 (from \$75);
- Increasing the renewing fee to \$100 (from \$35);
- Specifying that an initial podiatrist training certificate is valid for three years, rather than one year as under current law;
- Lengthening to three years (from two years for physicians and one year for podiatrists) the period for which both types of certificates may be renewed.

Dietetics and respiratory care advisory councils

Specifies that council members are to serve without compensation, rather than receive per diem compensation as under law effective January 21, 2018, but requires members to be reimbursed for actual and necessary expenses incurred in performing official duties.

Eliminates the authority of the Dietetics Advisory Council to advise the Medical Board on the investigation of complaints regarding the practice of dietetics.

* This synopsis does not address amendments that may have been adopted on the Senate Floor.

Authorizes, rather than requires as under law effective January 21, 2018, the Dietetics Advisory Council to submit to the Medical Board recommendations on matters related to the regulation and practice of dietetics.

Requires the Respiratory Care Advisory Council to meet at least four times a year and authorizes it to submit recommendations to the Medical Board on matters related to the regulation and practice of respiratory care.

Requires two members of the Respiratory Advisory Council to be physicians, one a member of the Medical Board and one with clinical training and experience in pulmonary disease.

Authorizes the Ohio State Medical Association to nominate not more than three individuals for Board consideration when appointing the physician member with pulmonary experience and the Ohio Society for Respiratory Care to nominate not more than three for Board consideration when appointing council members other than the required physician members.

Medical board licensure of dietitians and respiratory care professionals

Adds to the House-passed version several changes, as described below, to the laws related to the licensure of dietitians and respiratory care professionals, in order to align regulatory and disciplinary procedures applicable to these professionals with those governing other professionals already subject to Medical Board oversight.

Licensing and renewal fees – dietitians

Increases to \$225 (from \$125) the application fee for an initial license and raises to \$180 (from \$95) the license renewal fee, but also establishes a biennial, rather than annual, renewal cycle.

Increases to \$35 (from \$20) the fee for a duplicate license or limited permit and establishes a \$50 license verification fee.

Eliminates the authority of the Medical Board to establish fees in excess of the amounts provided in statute or to waive fees under certain circumstances.

Eliminates the \$125 fee to reactivate an inactive license along with the ability of a holder to place a license on inactive status.

Eliminates the \$180 fee to reinstate a lapsed, revoked, or suspended license and the \$47.50 fee for processing a late renewal and instead establishes a process and fees for the reinstatement or restoration of a license suspended for failure to timely renew.

Licensing and renewal fees – respiratory care professionals

Eliminates Medical Board authority to adjust fees biennially within current law limits and, instead, sets fees at those limits (\$75 for an initial license, \$20 for a limited permit, and \$10 to renew a limited permit).

Reduces to \$75 (from \$100) the biennial license renewal fee and establishes a \$50 license verification fee and \$35 duplicate license or limited permit fee.

Eliminates the fee to process a late renewal, which under current law cannot exceed 50 percent of the \$100 renewal fee.

Failure to renew – license reinstatement or restoration

Provides that a license to practice dietetics or respiratory care that is not renewed on or before its expiration date is automatically suspended.

Allows a dietitian or respiratory care professional to reinstate a license that has been suspended for two years or less on the submission of a renewal application and payment of a reinstatement fee (\$205 dietitians and \$100 for respiratory care professionals).

Allows a dietitian or respiratory care professional to restore a license that has been suspended for more than two years on the submission of a renewal application, completion of a criminal records check, and payment of a restoration fee (\$230 dietitians and \$125 respiratory care professionals).

Authorizes the Board to impose terms and conditions that must be satisfied by an applicant before restoring the license.

Limited permits

Standardizes procedures for issuing and renewing limited permits under the Dietetics Law and Respiratory Care Law.

Out-of-state practitioners

Eliminates the authority of a dietitian licensed in another state to practice in Ohio for not more than 15 days without an Ohio-issued license to practice dietetics.

Eliminates the authority of a respiratory care professional to practice in Ohio for not more than 30 days without an Ohio-issued license to practice respiratory care.

Eliminates the authority of the Medical Board to waive the requirement that an applicant for a license to practice respiratory care complete an educational program and pass an examination if the applicant is already licensed to practice in another state.

Respiratory care – practice exemptions

Eliminates provisions of law that generally exempt certain individuals from the Respiratory Care Law, including those who provide respiratory care only to relatives or in medical emergencies, those who qualify for licensure but have not yet passed the required examination, and those holding licenses issued by other states that have licensure requirements comparable to Ohio's.

In the case of certified hyperbaric technologists, for whom current law exempts from the Respiratory Care Law, eliminates the requirement that a technologist file with the Board a copy of the individual's certification and pay to the Board a filing fee.

Investigations and disciplinary actions

Establishes procedures for the investigation of alleged violations of the Dietetics Law and Respiratory Care Law that are similar to those governing other practitioners subject to Medical Board oversight.

Establishes additional grounds upon which a dietitian or respiratory care professional may be disciplined by the Board to align such grounds with those applicable to other professionals regulated by the Medical Board.

Authorizes the Board to specify that any disciplinary action taken against a license holder is permanent.

Clarifies that the holder of a license to practice issued by the former Ohio Board of Dietetics or former Ohio Respiratory Care Board can be disciplined by the Medical Board.

Authorizes the Board to impose on a licensed dietitian or respiratory care professional a civil penalty, but provides that it cannot exceed \$20,000 and cannot be imposed for failure to satisfy continuing education requirements.

Maintains the authority of the Board to suspend without prior hearing a license to practice respiratory care, extends to the Board the authority to suspend without prior hearing a license to practice dietetics, and modifies summary suspension procedures to align them with those applicable to other Board-regulated practitioners.

Authorizes the Board, Attorney General, county prosecutor, or any person with knowledge of any individual engaging in the unauthorized practice of dietetics or respiratory care to seek an injunction in court to stop that practice.

Miscellaneous provisions

Eliminates the requirement that an applicant for a license to practice dietetics be a resident of Ohio or perform or plan to perform dietetic services in Ohio.

Eliminates the requirement that the Board administer the license examination for respiratory care professionals and instead requires the Board to adopt rules to approve an examination administered by a national organization.

Eliminates the ability of a licensed dietitian to place a license on inactive status and, instead, requires any dietitian or respiratory care professional with an inactive license on January 21, 2018, to have the license placed on active status by June 30, 2018.

Requires a dietetics license to be renewed biennially — beginning July 1, 2018 — rather than annually as under current law.

Eliminates the ability of a dietitian or respiratory care professional to apply for reinstatement one year after certain license sanctions.

Eliminates the authority of the Board to waive continuing education requirements for license renewal and, instead, provides for pro rata reductions in the number of hours to be completed.

Specifies that a person licensed to practice by the former Ohio Board of Dietetics or former Ohio Respiratory Care Board may continue to practice under that license if the person continues to meet the requirements to renew a license and later renews the license with the Medical Board.

Medicaid managed care system

Adds to the House-passed version a provision specifying, with an exception, that the General Assembly's authorization through the enactment of legislation is needed before home and community-based waiver services or nursing facility services are included in the Medicaid managed care system.