



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

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### **Sub. H.B. 75 (L-132-0251-2)**

132nd General Assembly

(As Pending in H. Armed Services, Veterans Affairs, and Homeland Security)

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## **BILL SUMMARY**

- Establishes a process to grant a professional license to a person who holds a valid license in another state and who is on active duty as a member of the armed forces of the United States, or is the spouse of such a person.
- Establishes a temporary professional license for persons on active duty and their spouses, called a "license by endorsement," that entitles a person, who is licensed in another state under less stringent requirements, to practice in Ohio within the scope of professional activities permitted under the person's license from the other state.
- Requires, by January 1, 2018, a licensing agency to adopt rules under the Administrative Procedure Act as necessary to implement the bill.
- Requires applications for a license or a license by endorsement under the bill to be prioritized and expedited by a licensing agency.

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## **CONTENT AND OPERATION**

### **Professional licenses for service members and their spouses**

For active duty members of the armed forces and their spouses, the bill requires a licensing agency to grant either a license or a license by endorsement (temporary license) to those persons if the person holds a comparable license from another state.<sup>1</sup> "Licensing agency" means any state department, division, board, commission, agency, or other state governmental unit authorized by Ohio law to issue a license. A "license" is a license, certificate, permit, or other authorization issued or conferred by a licensing

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<sup>1</sup> R.C. 5903.06(A)(1).

agency under which a licensee may engage in a profession, occupation, or occupational activity. And, "armed forces" means the U.S. armed forces, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the U.S. public health service; the merchant marine service during wartime; such other service as Congress may designate; or the Ohio organized militia when engaged in full-time national guard duty for more than 30 days.<sup>2</sup>

### **Applicant verification and determination**

Before a licensing agency issues a license or license by endorsement under the bill, the licensing agency must verify that the applicant is otherwise eligible for the license, including any required background checks. The licensing agency must also determine, not later than 30 days after receipt of the application, whether the license requirements in the other state are substantially equivalent to or are more or less stringent than Ohio's requirements. Furthermore, the applicant must pay the license fee.<sup>3</sup>

### **Issuance of license**

If the licensing agency finds that the other state's license requirements are substantially equivalent to or more stringent than Ohio's requirements, the agency must issue the person the applicable license and the person is considered a licensee.<sup>4</sup> Beginning on the issuance date, the person may engage in the licensable profession in Ohio without prior examination or other similar requirement.<sup>5</sup>

### **Issuance of license by endorsement**

If the licensing agency finds that the other state's licensing requirements are less stringent than Ohio's requirements, the licensing agency must issue the person a license by endorsement that is valid for 12 months. A person holding a license by endorsement is not a licensee under Ohio law. However, for the 12-month period, the person may engage in the licensable profession in Ohio without prior examination or other similar requirement. But, the person may not engage in professional activities outside of the

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<sup>2</sup> R.C. 5903.01.

<sup>3</sup> R.C. 5903.06(B) and (C).

<sup>4</sup> R.C. 5903.06(D).

<sup>5</sup> R.C. 5903.06(A)(2).



scope of the professional activities permitted under the person's license in the other state.<sup>6</sup>

### **Notification of grace period to meet license requirement**

The licensing agency must provide written notification to a person with a license by endorsement that the person must meet the applicable Ohio license requirements within 12 months, or the license by endorsement expires and the person can no longer engage in the licensable profession in Ohio.<sup>7</sup>

If the person, within the 12-month period, meets Ohio's requirements for the license, the licensing agency must issue the person the license. During this 12-month period, the person is not additionally subject to the continuing education requirements, under Ohio law, for numerous professional licenses.<sup>8</sup>

### **Miscellaneous**

A person holding a license issued under the bill must comply with the renewal procedures established under Ohio law for the applicable license. The bill specifies that the existing law that allows for service members and their spouses to renew expired licenses without penalty and without re-examination if the license was not renewed because of service in the armed forces applies to licenses issued under the bill.<sup>9</sup> Finally, a license issued to a spouse under the bill's provisions is not invalidated by the death of or divorce from the member of the armed forces.<sup>10</sup>

The provisions of the bill do not apply to attorneys licensed by the Ohio Supreme Court.<sup>11</sup>

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<sup>6</sup> R.C. 5903.01 and 5903.06(E).

<sup>7</sup> R.C. 5903.06(E)(3).

<sup>8</sup> R.C. 5903.06(E)(4); R.C. 5903.12, not in the bill.

<sup>9</sup> R.C. 5903.06(F).

<sup>10</sup> R.C. 5903.06(G).

<sup>11</sup> R.C. 5903.06(H).



## Rules

The bill requires, by January 1, 2018, each licensing agency, except the Ohio Supreme Court, to adopt rules under the Administrative Procedure Act<sup>12</sup> as necessary to implement the bill.<sup>13</sup>

### Expansion of expedited application process

The bill expands licensing agency requirements with respect to applications for professional licenses that are received by service members and their spouses. Under current law, each licensing agency must adopt rules to establish and implement a process to document, record, track, monitor, prioritize, and expedite certification or licensing for service members, veterans, or the spouse or surviving spouse or a service member or veteran. The bill establishes that applications received from persons who hold a comparable license in another state are to be included in the priority expediting process.<sup>14</sup>

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## HISTORY

ACTION	DATE
Introduced	02-21-17

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<sup>12</sup> R.C. Chapter 119., not in the bill.

<sup>13</sup> R.C. 5903.06(I).

<sup>14</sup> R.C. 5903.04.

