



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Dan DeSantis

### **H.B. 716**

132nd General Assembly  
(As Introduced)

Reps. Butler and Perales, Becker, Cera, Lang, Merrin, Gavarone, Vitale, Lanese, Huffman, Schaffer, Brenner, Retherford, Green, Roegner, Craig, Miller, Fedor, Sheehy, Bocchieri, Wiggam, Kick, Seitz, Thompson, Johnson

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## **BILL 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 to Ohio for active duty.
- Requires a licensing agency, at least annually, to verify the standing of a license or certificate that was issued by another state or jurisdiction for each individual to whom it has issued a temporary license or certificate.
- Requires a licensing agency to prepare a report for each fiscal year on the number and type of temporary licenses or certificates it issued during the fiscal year under the bill.

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## **CONTENT AND OPERATION**

### **Temporary occupational license for military member and spouse**

Generally, the bill mandates, under certain circumstances, that a state occupational licensing agency issue temporary licenses to certain members of the military or a member of the military's spouse.<sup>1</sup> Each licensing agency that issues licenses

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

or certificates to practice a trade or profession must adopt rules under the Administrative Procedure Act as necessary to implement the bill's provisions.<sup>2</sup>

Under existing law, a licensing agency of the state and a licensing agency of a political subdivision is authorized, but 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 the discretionary authority of political subdivisions. However, the bill expands state licensing agencies' authority to include the member of the military in addition to the spouse.<sup>3</sup>

## **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 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 in the other state or jurisdiction;

(3) The individual presents adequate proof to the state licensing agency that the individual or the individual's spouse is a member of the uniformed services and is on active military duty in Ohio; and

(4) The individual presents adequate proof to the state licensing agency that the individual moved to Ohio from the state or jurisdiction in which the individual holds a current license or certificate.<sup>4</sup>

## **Scope of practice**

Under the bill, an individual with a temporary license or certificate will be authorized to practice the trade or profession in Ohio only within the scope and practice that the license or certificate from the other state permits, provided that the practice is

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<sup>2</sup> R.C. 4743.041(G) and Chapter 119. of the Revised Code.

<sup>3</sup> R.C. 4743.04(C).

<sup>4</sup> R.C. 4743.041(B).



within the scope of practice allowable for an individual who holds the applicable license or certificate issued in Ohio.<sup>5</sup>

### **Circumstances that void temporary license**

A temporary license or certificate issued under the bill is void if any of the following circumstances occur:

(1) The individual's license or certificate issued by another state or jurisdiction expires, is revoked, or is not in good standing;

(2) Six months have elapsed since the individual or the individual's spouse was ordered to active military duty in another state or jurisdiction, or is discharged from active military duty;

(3) Six years have elapsed since the individual or the individual's spouse was ordered to serve in an active military duty position in Ohio; or

(4) With respect to an individual who was eligible for a temporary license under the bill as the spouse of a member of the uniformed services, six months have elapsed since the divorce, dissolution, or annulment of the marriage.<sup>6</sup>

### **Verification**

Under the bill, a state licensing agency must, at least annually, verify the standing of a license or certificate that was issued by another state or jurisdiction for each individual to whom it has issued a temporary license or certificate. And the state licensing agency must revoke the temporary license or certificate of any individual whose license or certificate issued by another state or jurisdiction is not in good standing, or if any of the disqualifying circumstances described above, under "**Circumstances that void temporary license**," have occurred.<sup>7</sup>

### **Fee**

The fee for a temporary license or certificate must be one-third of the fee charged in Ohio for the license or certificate, rounded up to the nearest dollar.<sup>8</sup>

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<sup>5</sup> R.C. 4743.041(E).

<sup>6</sup> R.C. 4743.041(C).

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

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



## 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>9</sup>

## Reporting

The bill requires each state licensing agency, upon 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 agency must provide the report to the Director of Veterans Services not later than 30 days after the end of the fiscal year. The Director must compile the reports and make them available to the public.<sup>10</sup>

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## HISTORY

ACTION	DATE
Introduced	07-30-18

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<sup>9</sup> R.C. 5903.04.

<sup>10</sup> R.C. 4743.041(H).

