



TO: Speaker Householder, President Obhof, and Governor DeWine
CC: State Board of Education, Athletic Commission, Home Inspector Board, Environmental Protection Agency, Department of Natural Resources, Ski Tramway Board, Historical Boiler Licensing Board, Division of Securities, Construction Industry Licensing Board, Department of Health, and State Medical Board
FROM: State and Local Government Committee
DATE: December 11, 2019
RE: Occupational License Review Report

Per ORC 101.63, established by Senate Bill 255 from the 132nd General Assembly, all occupational licensing boards must be renewed once every six years. The House State and Local Government Committee was tasked with reviewing one third of all occupational licenses in the state. The committee heard testimony from eleven licensing entities: State Board of Education, Athletic Commission, Home Inspector Board, Environmental Protection Agency, Department of Natural Resources, Ski Tramway Board, Historical Boiler Licensing Board, Division of Securities, Construction Industry Licensing Board, Department of Health, and State Medical Board. This report is a starting point in a larger conversation regarding occupational licensing requirements. Ultimately, the intent of this report is to assist the committee in drafting legislation that will help fix and clean-up our licensure requirements to better accommodate Ohio's workforce, while continuing to protect the health and safety of Ohio's citizens. In the upcoming weeks, the committee expects to hear from the licensing entities mentioned in this report as well as the opinions of their constituents in order to form a comprehensive list of license eliminations and changes to draft into legislation. The following recommendations were made by committee members after hearing testimony from the boards listed above, speaking with interested parties, and examining surrounding states licensure requirements:

Department of Education

Eliminations:

- Eliminate *Professional and Temporary Pupil Services Licenses* (school audiologist, school social worker, school speech-language pathologist, school nurse, occupational therapist, physical therapist, occupational therapy assistant, and physical therapy assistant). These licenses are

already issued by their respective boards and therefore, by eliminating the extra license, it avoids duplication and provides less restrictive access into their profession.

- Eliminate *School Administrator Licenses* (Alternative Principal, School Business Manager, School Treasurer). The work experience required under these licenses can inadvertently restrict the pool of applicants and could prohibit individuals who are well-experienced in related fields from qualifying for these positions. Local school boards and administrators can set the qualifications and standards for hiring school administrator positions.
- Eliminate *Paraprofessional License*. By eliminating the license, it encourages people to enter this field without having to meet burdensome licensure requirements. Local school boards and administrators can set the qualifications and standards for hiring paraprofessionals.

Recommended Changes:

- Reduce *Resident Educator License* program duration from four years to two years. The program can be completed in two years and the current four year program hinders teacher retention rather than promoting it.
- Lower initial license fee and renewal fee from \$200 to \$100 for the *Professional Educator License*. This change eases licensure fees for those teaching Ohio's youth.

Construction Industry Licensing Board

Eliminations:

- Eliminate *Refrigeration Contractor License*. Currently, refrigeration contractors are combined with HVAC contractors in ORC 4740. HVAC Contractors also have to complete federal requirements under the EPA that certifies them in refrigerants. This license should be eliminated to avoid duplication. Therefore, the committee recommends contractors specializing in refrigeration be licensed as an HVAC contractor.

Recommended Changes:

- Change *Plumbing Contractor License* duration from one year to five years. Change renewal fee from \$180 to \$100. Lower continuing education hours from ten hours to four hours, in order to limit continuing education to one day instead of two, which lessens the amount time the individual is away from his or her profession. Lower experience necessary from five years to three years and from three years to one year if the individual is a

registered engineer or has other acceptable experience. These changes improve efficiency and increase economic opportunities for those interested in pursuing this profession.

- Change *Hydronics Contractor License* duration from one year to five years. Change renewal fees from \$180 to \$100. Lower continuing education hours from ten hours to four hours, in order to limit continuing education to one day instead of two, which lessens the amount time the individual is away from his or her profession. Lower experience necessary from five years to three years and from three years to one year if the individual is a registered engineer or has other acceptable experience. These changes improve efficiency and increase economic opportunities for those interested in pursuing this profession.
- Lower *Electrical Contractor License* continuing education hours from ten hours to six hours in order to limit continuing education to one day instead of two, which lessens the amount time the individual is away from his or her profession. These changes improve efficiency and increase economic opportunities for those interested in pursuing this profession.
- Lower experience necessary for *HVAC Contractor License* from five years to three years and from three years to one year if a registered engineer or has other acceptable experience. These changes improve efficiency and increase economic opportunities for those interested in this profession.

Department of Health

Eliminations:

- Eliminate *Radon Tester* and *Radon Mitigation Contractor* licenses. Radon Mitigation Specialists can take on duties, if they have not already, of testing. Radon testing kits can also be purchased online and easily operated by the purchaser. The Mitigation Contractor license is unnecessary and an extra license on a business, which can hinder those who wish to open their own company.
- Eliminate *Clearance Technician License*. Per ORC 3742.14, job functions can be or are already being completed by the lead inspector or lead risk assessor. Therefore, the license is unnecessary and by eliminating it, the state avoids duplicate licenses.

Recommended Changes:

- Lower *Radon Mitigation Specialist* continuing education hours from 16 to six, in order to limit continuing education to one day instead of two or more, which lessens the amount time the individual is away from his or

her profession. Reduce license fees from \$600 to \$100 and increase license duration from two years to five years. These changes improve efficiency and increase economic opportunities for those interested in pursuing this profession.

- Reduce *Lead Inspector* continuing education from eight hours every two years to eight hours every five years. Increase license renewal from every two years to every five years and reduce all licensure fees from \$250 to \$100. These changes improve efficiency and increase economic opportunities for those interested in pursuing this profession.
- Reduce *Lead Abatement Contractor* continuing education from eight hours every two years to eight hours every five years. Increase license renewal from every two years to every five years, and reduce all licensure fees from \$500 to \$250. These changes improve efficiency and increase economic opportunities for those interested in pursuing this profession.
- Reduce *Lead Risk Assessor* continuing education from eight hours every two years to eight hours every five years. Increase license renewal from every two years to every five years, and reduce all licensure fees from \$250 to \$100. These changes improve efficiency and increase economic opportunities for those interested in pursuing this profession.
- Reduce *Lead Abatement Project Designer* continuing education from eight hours every two years to eight hours every five years. Increase license renewal from every two years to every five years, and reduce all licensure fees from \$500 to \$250. These changes improve efficiency in the licensure process as well as increase economic opportunities for those interested in pursuing this profession.
- Reduce *Lead Abatement Worker* continuing education from eight hours every two years to eight hours every five years, and increase license renewal from every two years to every five years. These changes improve efficiency in the licensure process as well as increase economic opportunities for those interested in pursuing this profession.
- Change *Sanitarian Registration* license title to Registered Environmental Health Specialist, which is the professions nationally identified professional title and credential. Change exam requirement to completion of a national licensing exam, instead of an exam administered by the State Board of Sanitarian Registration. Change continuing education from 18 hours of board approved courses annually to 24 hours every two years. Change license duration from one year to two years. Lastly, change licensure fees from \$160 initial fee and \$90 renewal fee to \$100 initial fee and \$75 renewal fee. These changes improve efficiency in the licensure process, increase economic opportunities for those interested in pursuing

this profession, as well as mimic other surrounding states licensure requirements. Lastly, for this license, the committee recommends the removal of the standard of 'good moral character' from the sanitarian license application. This standard is overly broad with no clear definition.

- Change *Sanitarian-in-Training Registration* license title to Registered Environmental Health Specialist in Training, which is the professions nationally identified professional title and credential. Change continuing education from 18 hours of board approved courses annually to 24 hours every two years. Change license duration from one year to two years. Lastly, change licensure fees from \$80 initial fee and \$90 renewal fee to \$50 initial fee and \$35 renewal fee. These changes improve efficiency in the licensure process, increase economic opportunities for those interested in pursuing this profession, as well as mimic other surrounding states licensure requirements. Remove the standard of 'good moral character' from sanitarian-in-training application. This standard is overly broad with no clear definition.
- Change *Epinephrine Auto-Injector* training from every two years to a one-time completion of anaphylaxis training before authorization. This change mimics other surrounding states' requirements for certification.

Environmental Protection Agency

Eliminations:

- Eliminate *Certified Engineers License*. This license was established in 2003 but was never implemented by the agency, therefore it is unnecessary.
- Eliminate *Water Quality Professional Certification*. This license was established under the previous EPA Director but never implemented by the agency, therefore it is unnecessary.

Recommended Changes:

- Eliminate *Public Water System Professional Operator A Certification* continuing education from eight hours and licensure duration from two years. This is an entry level position and many times professionals in this field skip class A and go immediately into class I or class II. Therefore, by simplifying this licensure's requirements it increases economic opportunities for those interested in pursuing this profession.
- Change *Public Water System Professional Operator III Certification* license duration from two years to three years. This change improves efficiency in the licensure process as well as increases economic opportunities for those interested in pursuing this profession.

- Change *Public Water System Professional Operator IV Certification* license duration from two years to five years. This change improves efficiency in the licensure process as well as increases economic opportunities for those interested in pursuing this profession.
- Change *Treatment Works Professional Operator III Certification* license duration from two years to three years and lower renewal fee from \$55 to \$45. This change improves efficiency in the licensure process as well as increases economic opportunities for those interested in pursuing this profession.
- Change *Treatment Works Professional Operator IV Certification* license duration from two years to five years and lower renewal fee from \$55 to \$45. This change improves efficiency in the licensure process as well as increases economic opportunities for those interested in pursuing this profession.

For all Drinking Water and Wastewater Operator Certifications (Public Water System Professional, Water Distribution Professional, Treatment Works Professional, Sewage System Professional):

- Increase the amount of certain types of relevant experience that may count toward the “Operating Experience” requirement to sit for a certification exam by revising definition of “Operating Experience” (OAC § 3745-7-01(O)(2)) to allow exam applicants to use any of the of the following to count toward their operating experience requirement:
 - (i) laboratory analyses that are conducted in the laboratory of the owner of a public water system, treatment works or sewerage system;
 - (ii) pretreatment, if part of a treatment works or sewerage system, where pretreatment is the only job duty;
 - (iii) collection system experience when applying for a wastewater treatment examination or certificate;
 - (iv) distribution experience when applying for a water supply examination or certificate; and/or
 - (v) construction inspection and engineering design that require coordination of the inspection or design with the operation of the active treatment process, sewerage or distribution systems.

This change increases opportunities individuals can use towards their “operating experience” that is necessary to receive their certification.

- Reduce “Operating Experience” requirements as follows (OAC § 3745-7-06(B)(8), Table A):

Certification	Operating experience required
Class I	6 months

Class II	1 year
Class III	2 years
Class IV	2 additional years while possessing a valid class III certification

This change reduces onerous operating experience to simplify the licensure process and encourage those with the required experience to move up in classes of certification.

- Expand the *Professional Operator in Training* designation to applicants for the class III examination so that class III examination applicants can defer completion of onsite operating experience requirements for their classification of certificate until after passing an examination for certification. (OAC § 3745-7-07(A)). This change allows those looking to move up into the III certification class to take the required exam before completing the necessary operating experience. This option is already permitted for class I and II, therefore this recommendation simply expands it to class III.
- Reduce work experience requirement for applicants seeking to take the class A examination for certification to one year across the board, regardless of whether they have obtained an Associate’s or Bachelor’s degree (OAC § 3745-7-06(B)(8)(c)). This change will attract high school graduates to these positions by reducing the work experience from 520-1,040 hours of operating experience or one to three years of working experience, depending on education.
- Allow for time spent overseeing a particular aspect of a public water system, treatment works or sewerage system as well as “out-of-plant” activities performed pursuant to the normal duties of a Professional Operator of Record to count toward the minimum staffing time requirements. (OAC § 3745-7-03(C) (1)). Remove rigid “days per week” minimum staffing requirements for which a Professional Operator of Record must be physically present at a public water system, treatment works or sewerage system and require only a minimum number of hours per week to allow for flex schedules, vacations, etc. (OAC § 3745-7-03(C)(1), Table 2). Increase the period of time from “up to thirty consecutive days” to “up to ninety consecutive days” for which a Professional Operator of Record of a class II, III or IV public water system, treatment works or sewerage system may be replaced by a backup Professional Operator of Record with a certificate one classification lower than the facility’s classification. (OAC § 3745-7-03(3) (c)). These changes provide flexibility in the minimum staffing requirements that recognize practical realities of the Professional Operator position.

Ski Tramway Board

Eliminations:

- Eliminate *Ski Tramway Board* and have functions of the board be taken up the Department of Commerce Division of Industrial Compliance, which is already taking on the work of the board as discussed in testimony during committee in June. Currently, the eight Ohio ski area operators are inspected by private insurers, not the state. Therefore, the committee recommends that tramway operators continue to be inspected by private insurers and require submission of the inspection report to the Division of Industrial Compliance to ensure the inspection was completed and is in compliance with safety standards. When the inspection is approved by the Division, the Division will issue the license to the Ski Tramway for the duration of one year. The committee has made the determination that the board can be eliminated to improve efficiency and management.

State Medical Board

Eliminations:

- Eliminate Cosmetic Therapist License. This license does not provide a medical necessity but rather a personal preference. Therefore, individuals practicing cosmetic therapy can be certified through a national licensing entity if they choose.
- Eliminate Genetic Counselor License. This license does not provide a medical necessity but rather a personal preference. Individuals practicing genetic counseling can be certified through a national licensing entity if they choose.
- Eliminate Acupuncturist/Oriental Medicine Practitioner License. This license does not provide a medical necessity but rather a personal preference. Individuals practicing acupuncturist or oriental medicine can be certified through a national licensing entity if they choose.

Recommended Changes:

- Change *Physician License* continuing education volunteer requirements to permit the individual to satisfy not more than ten hours, previously three, of the person's continuing education by providing health care services as a volunteer. Permit the board to issue continuing education credit at the rate of one credit hour for every five hours spent providing health care services as a volunteer. This change improves the organization and coordination of free clinics.

Department of Natural Resources

Recommended Changes:

- Implement an additional fee of \$400 for *Lake Erie Fishing Guide License* for non-residents. This change keeps Ohio competitive with other surrounding states, like Pennsylvania who implement a licensure fee for non-residents.
- Allow ODNR Director to create rules for implementing penalties or fines for businesses holding a *Wild Hunting Preserve License* if they do not follow ODNR prescribed guidelines for the preserve.

Athletic Commission

No recommended changes at this time.

Home Inspector Board

No recommended changes at this time.

Historical Boiler Licensing Board

No recommended changes at this time.

Division of Securities

No recommended changes at this time.

Misc.

- For any occupational national certification that specializes in educating, evaluating, accrediting, certifying, or licensing individuals who practice the occupation or for any recommendation in this report that reverts from state license to national certification, if the national organization is dissolved then the state will examine, through the legislative process, if the creation of a state license for the occupation is necessary for the health and safety of Ohioans working in the profession or affected by the profession.
- All fee changes shall be implemented by the beginning of the next biennium budget in 2021.

As prescribed to the committee by SB 255 of the 132nd General Assembly, ORC 101.63, the committee has compiled the aforementioned recommendations to begin discussion of revising the state's current occupational licensing requirements. The intent of this report is to assist the committee in drafting legislation that will help fix and clean-up our state license requirements to better accommodate Ohio's workforce. The committee welcomes any feedback on these recommendations. Please contact the Chairman's office at 614-466-1474 or State&LocalGovernmentCommittee@ohiohouse.gov.