



To: Members of the Ohio House Finance Committee and House Finance State Government and Agency Review Subcommittee

Fr: Tim Maglione, JD, Senior Director, Ohio State Medical Association  
Scott Borgemenke, Senior Vice President, Advocacy, Ohio Hospital Association

Da: February 20, 2017

Re: HB 49 – Board consolidation and antitrust provisions

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On behalf of the Ohio Hospital Association (OHA) and the 16,000 physician, resident and medical student members of the Ohio State Medical Association (OSMA), our organizations **are writing to express our support for the board consolidation and antitrust provisions proposed in HB 49.**

As you know, HB 49 contains a provision which seeks to consolidate multiple health care professional licensure boards, taking the total number of boards from 16 to 8. The bill also contains provisions that address the 2015 U.S. Supreme Court decision against the North Carolina Board of Dental Examiners that ruled they violated federal antitrust laws because members of the state's dental board were active participants in the profession they regulated.

Ohio's current medical professional licensing system has significant legal vulnerabilities with respect to the above mentioned Supreme Court ruling. HB 49 proposes the creation of a third-party review process by the Department of Administrative Services (DAS), in which the DAS would review any action taken by or on behalf of a board that could be subject to antitrust laws. Not only would this protect boards from costly legal action for antitrust-related concerns, it would also prevent unnecessary delays in business decisions the boards make and promote better coordination and efficiency within the licensing boards structure.

Our organizations believe that the antitrust provisions present in the bill are reasonable, and that consolidating the boards as proposed would allow for smaller and more efficient operations. The proposed structure for the new licensing boards under HB 49 will lend itself to more easily maintaining quorums in order to properly conduct the business assigned to each board, and any vacancies will be easily filled with highly-qualified individuals.

Please note our organizations will be commenting on HB 49 in its entirety in the coming weeks. In the interest of time, we wanted to ensure the committee knew of our support for these specific provisions of the bill.

The OHA and OSMA appreciate the opportunity to be meaningful contributors to the legislative process. Please contact us with any questions.