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Committees

State & Local
Government (Vice Chair)

Higher Education &
Career Readiness

Families, Aging, &
Human Services

Marilyn John
State Representative

Chairman Wiggam, Ranking Member Kelly, and members of the State and Local Government Committee: Thank you for allowing us to provide sponsor testimony for House Bill 509, our bill to revise and streamline our state's occupational licenses.

As my joint sponsor mentioned, we reviewed over 200 licenses issued by 19 boards. Through our initial review in November and December, we found a vast majority of these licenses were in good standing and had similar requirements to comparable licenses in other states. In fact, of the 225 licenses reviewed, the initial Occupational License Review report adopted by this committee only recommended 29 licenses to be modified or eliminated. After the report was adopted, my joint sponsor and I worked collaboratively with most of the boards to try to work out any differences between our opinion and their opinion. After meeting with most of those boards, we actually made further changes to 14 of those 29 licenses, which are reflected in this substitute bill. Some of these changes revert the report's recommendations to what is currently in law. Others reflect a compromise reached between us and the board to balance both interests. A spreadsheet with the status of each license is on your iPad. Overall, this has been a very collaborative process.

I will now go through each board and explain the changes this bill makes to their licenses. First, this committee recommended no changes to the following boards:

- Department of Aging
- Board of Building Standards
- State Fire Marshal
- State Dental Board
- Veterinary Medical Licensing Board
- Department of Insurance

These boards are reflected without changes in the substitute bill.

Next, we had a few boards agree with this committee's recommendations and a couple boards even offered a few recommendations of their own. These include the:

- Counselor, Social Worker, Marriage, and Family Therapist Board
- Department of Developmental Disabilities
- State Vision Professional Board – This board will also be suggesting further changes to us after their board meeting on March 10.

As I mentioned, most of the changes recommended by the report are reflected in this bill. First, this bill eliminates the fund-raising counsel registration through the Attorney General's Office. In 2018-2019,

only three of these registrations existed in Ohio, and in 2013, there were zero. This type of registration is only required when a fundraising counsel has custody of the contributions during the campaign. Otherwise, they may be active in Ohio but are not required to register. Next, we are modifying the firefighter certification's continuing education requirements to be determined at the local level to best reflect local conditions. No neighboring state requires continuing education credits for this certification. Finally, when comparing our state's licenses to surrounding states, we determined the need to eliminate the dialysis technician intern certificate (Board of Nursing), eliminate the temporary orthotist, prosthetist, and pedorthist licenses (Occupational Therapy, Physical Therapy, and Athletic Trainers Board), and reduce the number of continuing education hours for the pharmacist license (Board of Pharmacy).

We also made a few changes to the report's recommendations as we were drafting this bill. These changes reflect a variety of unique reasons. First, we chose to retain the gambling disorder endorsement in the Chemical Dependency Professional Board. While there is a national certification for this, it is designed for therapists whose sole practice is treating patients with gambling disorders, whereas Ohio's gambling endorsement allows counselors who treat substance use disorders to also treat those same patients who have gambling disorders. Currently 15 individuals in Ohio have the national certification. A vast majority of those work at the Cleveland VA and have patients from all over the country, whereas 42 individuals currently have the state's gambling endorsement. We also learned the national certification requires a \$200 application, \$310 exam, and \$130 renewal fee, which is much more burdensome than the state board's one-time \$50 fee and continuing education hours. Second, we chose to retain the audiology aide in the Speech and Hearing Professionals Board. Although these licensees spend most of their time under the supervision of a license audiologist, they also go to factories and similar facilities without direct supervision to teach and implement hearing safety procedures in those types of environments. The only education requirement for these licenses is to have a high school diploma, and the only cost to the licensee is \$50 every two years.

The initial Occupational License Review report also recommended several licenses be modified to require private certification by their respective national board. After further research, this appeared to be problematic for a few reasons. First, it removed disciplinary power from the state board, and, most importantly, we found in each instance that the requirements for the national license were significantly more burdensome than the state license. This applies to the acupuncture certificate in the State Chiropractic Board and the orthotist's, prosthetist's, and pedorthist's licenses in the Occupational Therapy, Physical Therapy, and Athletic Trainers Board. Therefore, this bill is written to make no modifications to those licenses and to be continued to be issued by the state board.

One of the boards that faced the most changes both in the report and when drafting this bill was the Board of Embalmers and Funeral Directors. When they came in to testify, we noticed Ohio was the only state in our region that required a Bachelor's Degree for Funeral Directors, Embalmers, and their apprentices. Therefore, in the spirit of being competitive with other states and breaking down barriers, we originally recommended removing the Bachelor's Degree requirement for each of these licenses and

instead, recommended twelve months of instruction in mortuary science and a one-year apprenticeship. After meeting with this board for over two hours, we learned these recommendations were quite problematic. First, funeral directors are not currently required to have instruction in mortuary science, unless they also want to be an embalmer. Therefore, this requirement would be more onerous on people who want to become funeral directors, especially if they are switching careers. The bigger problem with this recommendation deals with federal labor standards. In 2004, the U.S. Department of Labor updated the White Collar regulations which governed the exemptions from Wage and Hour laws. One of these updates stated that funeral directors with Bachelor's Degrees would now be considered a white collar professional, and would, therefore, be classified as salaried instead of hourly employees. This removed bookkeeping, administrative, and overtime costs in an industry where the workload fluctuates on a weekly basis. Removing the Bachelor's Degree requirements would put these costs back on to funeral homes, which would financially hurt small funeral homes in rural areas the most. It would also make our state's funeral homes open to lawsuits from funeral directors without Bachelor's Degrees seeking overtime pay. We also learned that Ohio was one of the first states to make this change after the new Department of Labor guidelines were released. Minnesota also has the Bachelor Degree requirements, and Iowa and Michigan are also considering this change. Other states that do not have this requirement are either taking their chances or have had federal courts settle the issue. We were also told repeatedly that our standards are attracting funeral directors from other states.

Finally, we also drafted the miscellaneous portion of the report into this bill. While reviewing all 225 licenses, we found many had fees that were more burdensome than other states. Since these fees fund each board, we are requiring them to submit a report to this committee that details their fee structures, whether they are a financial barrier, and whether they can be modified to more competitively align with neighboring states. We're also requiring each board in this report not currently on the DAS eLicense system to evaluate whether issuing licenses through that system would be more efficient and report their findings back to this committee. And as a final note, since we did not require any licenses to switch over to a national certification, we did not draft the third bullet point of the miscellaneous section of the report into this bill.

Representative Fowler Arthur will now speak to a couple of amendments we will be presenting to the committee in a future hearing.

Chairman Wiggam and Ranking Member Kelly, thank you for allowing us to testify today. We are happy to answer any questions the committee may have.