



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

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Occupational License Review Testimony Ohio House State and Local Government Committee

Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and members of the House State and Local Government Committee, thank you for the opportunity to testify today to discharge the duties of the Common Sense Initiative (CSI) Office in accordance with O.R.C. 101.64. My name is Sean McCullough, and I am the Director of CSI.

I will first address the Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

Occupational Therapy, Physical Therapy, and Athletic Trainers Board

In the past six years, the CSI Office has reviewed approximately 200 rules from the Board, affecting licensure and scope of practice for those professionals as well as orthotists, prosthetists, and pedorthists. The CSI review process attracted comments on issues such as continuing education requirements, minimum age qualifications, examinations, code of ethics, and non-traditional licensure pathways. One of the highlights includes rules in 2019 that helped to reduce restrictions on prosthetics innovators. CSI learned at that time that Ohio's regulations prevented individuals without a prosthetics license from using modern 3-D printing techniques to develop new prosthetics technologies. Lt. Governor Husted and CSI then partnered with Senator Rob McColley to change the law. The Board worked extensively with individuals operating in the 3-D printing space and the prosthetics industry to craft new regulations creating flexibility for innovators to improve the well-being of those with limb differences.

In 2020, the Board implemented rules required by Senate Bill 7 (133rd General Assembly) to provide military members and their spouses a simplified process to transfer their occupational license to Ohio. CSI made some recommendations to ensure that the rules did not create any additional burdens for temporary military licensure applicants than is permitted by statute and the Board determined to adopt changes in response to the feedback from CSI.

In 2021, the Board has adopted rules allowing Ohio to participate in the interstate Physical Therapy Compact, which allows licensees from compact states to practice in other compact states without becoming relicensed. CSI received several comments, primarily in support of Ohio's participation in the Compact and the opportunities available to Ohio licensees, but also concerning the \$50 cost of participating in the Compact and the requirement to complete an Ohio law familiarization exam. In response to these comments, the Board noted that the fee was significantly less than the reciprocal licensure cost in Ohio (\$100) and less than the national average of \$53 and that the exam requirement was identical to the requirement for Ohio licensees. The Ohio Physical Therapy Association also indicated its support of the rule and the proposed cost of the compact privilege, and the CSI Office accordingly did not make any recommendations regarding the rule.

In the past six years, the CSI Office has not received input from the Small Business Advisory Council related to the Board. The CSI Office does not have any other information that we believe will elucidate the effectiveness and efficiency of the Board or the quality of customer service provided by the Board.

I will now address the Department of Insurance.

Department of Insurance

CSI has reviewed 168 rules from the Department of Insurance (Department) in the past six years, including regulatory areas such as unfair and deceptive practices, title insurance practices, accreditation of independent review organizations, insider trading limitations, claim data collection and reporting, and many others.

Some highlights include a 2020 rule package outlining the responsibilities of insurance agents to determine whether an annuity is in the best interest of consumers. During the CSI public comment period, the National Association of Fixed Annuities, the American Council of Life Insurers, and several other industry stakeholders shared support for the revised rule and its consistency with national standards but requested an additional six months to implement the information technology changes that would be necessary due to the changes in the rule. The stakeholders also asked the Department to provide additional guidance regarding the rule and its implementation plan. In response, the Department agreed to delay implementation to provide additional time for the industry to plan for the revised rule and to continue conversations with stakeholders to answer any questions they may have and provide the necessary guidance.

CSI is also currently reviewing a regulation from the Department addressing surprise billing protections enacted in H.B. 388 of the 133rd General Assembly. The Department has received numerous comments from stakeholders including the Ohio Hospital Association, the Cleveland Clinic, the Ohio Ambulance Association, the Ohio State Medical Association, Medical Mutual of Ohio, the American College of Emergency Physicians, Quest Diagnostics, and others. These comments have suggested changes to the rule such as increasing the arbitration timeline for resolving disputed reimbursement amounts to 90 days, determining the appropriate information that must be transmitted between the provider and the insurer, calculating the geographic area in which a service is provided and billed, and others. The review process for these rules is ongoing, but the Department has been highly engaged with stakeholders and has convened eight meetings with stakeholders and stakeholder groups since the beginning of the CSI public comment period to address these points of concern and consider possible revisions to the rule.

In the past six years, the CSI Office has not received input from the Small Business Advisory Council related to the Department. The CSI Office does not have any other information that we believe will elucidate the effectiveness and efficiency of the Board or the quality of customer service provided by the Department.

I will now address the Attorney General's office.

Attorney General

CSI has not reviewed any rules relating to registration as a professional solicitor, fundraising counsel, or telephone solicitor in the past six years. The registration requirements for these professions are all found in various sections of the Revised Code.

In rule, OAC 109:1-5-01 specifies that the attorney general's online registration and filing system shall be used for registering a professional solicitor and fundraising counsel. Additionally, OAC 109:4-6 outlines requirements to register as a telephone solicitor.

In the past six years, the CSI Office has not received input from the Small Business Advisory Council related to these rules. The CSI Office does not have any other information that we believe will elucidate the

effectiveness and efficiency of the Attorney General's Office or the quality of customer service provided by the Attorney General's Office.

Finally, I will now address the Counselor, Social Worker, Marriage and Family Therapist Board.

Counselor, Social Worker, Marriage and Family Therapist Board

In the past six years, CSI has reviewed 141 rules from the Board, addressing issues such as regulations for ethical practice and professional conduct, continuing education responsibilities, requirements for licensure as a professional counselor or clinical counselor, scope of practice for social workers, education requirements for admission to the examination for marriage and family therapist licensure, and counseling supervision.

Some highlights include a 2017 package regarding licensure requirements for professions regulated by the Board, the process for restoring an inactive license, ethical conduct, and others. The CSI Office received several comments. One supported the proposed removal of a requirement that all graduate coursework for counselors be completed with a grade of at least a B-. The Ohio Counseling Association shared concerns over allowing all continuing education hours to be completed online by counselors and marriage and family therapists. The Board responded that the decision to permit licensees to complete additional continuing education hours online aligns counselor education requirements with the other two licensees the Board oversees, along with providing needed flexibility for licensees.

In 2018, CSI reviewed 35 rules addressing administrative provisions, the Board's code of ethics, continuing education, disciplinary actions, scope of practice, licensing of marriage and family therapists, and supervision for licensed counselors and social workers. The Board received two comments during the CSI comment period seeking clarification of a provision to exempt licensees from reporting unethical conduct by another licensee who is also their client. The Board also received comments seeking clarification of the timeline between termination of a therapeutic relationship and engaging in a romantic relationship between a licensee and former client. The Board responded to all comments and answered questions to the commenters' satisfaction.

CSI is also currently reviewing 21 rules from the Board that set forth various licensing requirements, application and registration processes, scope of practice limitations, license renewal and continuing education responsibilities, and examination standards and policies for social workers and marriage and family therapist licensees and trainees. The review and comment process for these rules is currently ongoing.

In the past six years, the CSI Office has not received input from the Small Business Advisory Council related to these rules. The CSI Office does not have any other information that we believe will elucidate the effectiveness and efficiency of the Board or the quality of customer service provided by the Board.

That concludes my testimony. I am happy to answer any questions you may have at this time.