

- In total, the boards were appropriated over \$28 million in each fiscal year of the biennium

## Occupational Licensing Boards

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### ROLE

There are currently 25 occupational licensing boards in the state of Ohio. These boards regulate various professions by setting standards for licensure or registration and enforcing these standards through examination, license renewal, inspection, investigation, and disciplinary action. For information about the role of each board, see the annual Ohio's Occupational Licensing and Regulatory Boards report issued by the Legislative Service Commission.

Agency in Brief					
Name of Licensing Board	Number of Licensees	Number of Employees	Total Appropriations- All Funds		Appropriation Bill(s)
			FY 2002	FY 2003	
Accountancy Board of Ohio	32,346	11	\$1.1 million	\$1.1 million	Am. Sub. H.B. 94
Ambulance Licensing Board	136	2	\$241,000	\$251,000	Am. Sub. H.B. 94
Architects and Landscape Architects, State Board of Examiners of	7,665	4	\$461,000	\$485,000	Am. Sub. H.B. 94
Athletic Commission	387	1	\$175,000	\$179,000	Am. Sub. H.B. 94
Barber Examiners, Board of	12,641	7	\$479,000	\$506,000	Am. Sub. H.B. 94
Chiropractic Examiners, State Board of	2,060	7	\$562,000	\$592,000	Am. Sub. H.B. 94
Cosmetology, State Board of	110,425	35	\$2.5 million	\$2.7 million	Am. Sub. H.B. 94
Counselor and Social Worker Board	30,000	10	\$908,000	\$954,000	Am. Sub. H.B. 94
Dental Board, State	21,178	13	\$1.3 million	\$1.3 million	Am. Sub. H.B. 94
Dietetics, Ohio Board of	3,479	4	\$301,000	\$318,000	Am. Sub. H.B. 94
Embalmers and Funeral Directors, State Board of	7,462	7	\$508,000	\$534,000	Am. Sub. H.B. 94
Engineers and Surveyors, State Board of	34,922	7	\$919,000	\$956,000	Am. Sub. H.B. 94
Medical Board, State	49,290	78	\$6.3 million	\$6.7 million	Am. Sub. H.B. 94
Motor Vehicle Collision Repair Registration Board	1,505	3	\$250,000	\$263,000	Am. Sub. H.B. 94
Nursing, State Board of	176,459	56	\$4.8 million	\$5.2 million	Am. Sub. H.B. 94
Occupational Therapy, Physical Therapy and Athletic Trainer Board	15,180	9	\$681,000	\$703,000	Am. Sub. H.B. 94
Optical Dispensers Board, Ohio	4,630	3	\$280,000	\$295,000	Am. Sub. H.B. 94
Optometry, State Board of	3,882	3	\$290,000	\$306,000	Am. Sub. H.B. 94
Orthotics, Prosthetics, and Pedorthics, State Board of	NA – too new	1	\$99,000	\$101,000	Am. Sub. H.B. 94
Pharmacy, State Board of	26,902	48	\$4.4 million	\$4.8 million	Am. Sub. H.B. 94

Agency in Brief					
Name of Licensing Board	Number of Licensees	Number of Employees	Total Appropriations- All Funds		Appropriation Bill(s)
			FY 2002	FY 2003	
Psychology, State Board of	3,747	6	\$459,000	\$486,000	Am. Sub. H.B. 94
Respiratory Care Board	6,255	4	\$287,000	\$305,000	Am. Sub. H.B. 94
Sanitarian Registration, Board of	1,529	1	\$110,000	\$115,000	Am. Sub. H.B. 94
Speech-Language Pathology & Audiology, Board of	4,815	4	\$353,000	\$372,000	Am. Sub. H.B. 94
Veterinary Medical Board, State	4,645	5	\$471,000	\$497,000	Am. Sub. H.B. 94

## OVERVIEW

The majority of Ohio's occupational licensing boards receive funding from the Occupational Licensing and Regulatory Fund, 4K9. Revenues received by Fund 4K9 originate from license fees and fines imposed by these boards. The majority of the boards have a single operating line item and receive no GRF moneys. To ensure self-sufficiency of the boards, appropriations will generally not exceed the amount of revenue raised by the individual board.

## BOARD-SPECIFIC BUDGET ISSUES

### *ACCOUNTANCY BOARD*

A change in law increases the ability of the board to fine from \$1000 up to \$5000. The new fine will allow the board to use it more often, as the board feels the old fine was not much of a deterrent.

Late fees are imposed in the bill as follows: (1) For applying for an initial Ohio permit or Ohio registration more than 60 days after issuance of the CPA certificate, not in excess of \$100 per month up to a total of \$1,200; (2) For failing (without just cause) to renew an Ohio permit or Ohio registration while not engaged in the practice of public accounting, not in excess of \$50 per month up to a total of \$300. The law is also changed so that a person who fails to apply for a permit or registration within one year of the expiration date on the Ohio permit or a CPA certificate holder who fails to apply within one year of receiving the CPA certificate will have their CPA registration or PA registration suspended. Current law requires three years rather than one.

### *AMBULANCE LICENSING BOARD*

The Ambulance Licensing Board is responsible for the identification, inspection, and licensure of 136 private ambulance services and approximately 1,057 vehicles that are operated by those services. The board's funding request for the FY 2002 - FY 2003 biennial budget was approved as requested.

It is anticipated that if proposed legislation is passed that requires the licensing of ambulettes, both revenue and costs will be generated. A fee structure of not more than \$100 per service and a fixed rate of \$25 per ambulette would produce revenue to cover the costs of inspection and licensing of ambulettes.

The current staff of eight, plus one part-time deputy chief inspector, and 26 field inspectors who are paid on a per-call contract, will remain in place.

### ***BOARD OF EXAMINERS OF ARCHITECTS AND BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS***

The State Board of Examiners of Architects and the State Board of Examiners of Landscape Architects are two separate boards that operate under a combined budget and share staff and facilities. Each board meets independently. Both boards protect the public by licensing and regulating the professions of architecture and landscape architecture. The funding of the two boards was increased by 7.2 percent in FY 2002 and 5.0 percent in FY 2003. The increase in the maintenance budget is higher than expected, as the increase in rent at the Riffe Center will be higher than anticipated.

### ***ATHLETIC COMMISSION***

The purpose of the Athletic Commission, which replaced the State Boxing Commission, is to regulate boxing, wrestling, kickboxing, karate, and tough man contests in the state in an effort to protect the safety of the participants and the interests of the public. In FY 2000, the Athletic Commission had a deficit of \$121,821 in the 4K9 Fund. The Governor's budget recommended that this agency be transferred back to the General Revenue Fund. However, the General Assembly left the Athletic Commission in Fund 4K9.

Effective March 22, 2001, the Athletic Commission began administering H.B. 107 of the 123<sup>rd</sup> General Assembly. This bill requires the commission to license and regulate athlete agents. The budget created the Athlete Agents Registration Fund in which registration and renewal fees will be deposited. However, the budget does not include any appropriation authority for the commission to spend from this fund. The commission would have to seek appropriations in another bill or obtain Controlling Board approval for spending authorization this biennium.

### ***BOARD OF BARBER EXAMINERS***

The Ohio State Barber Board was established in 1934 to ensure that the public was protected from communicable diseases. The board licenses barbers, regulates barber schools and barber shops, inspects schools and shops, sets standards for licensure, and enforces those standards through examinations, investigations, and disciplinary actions.

The current license fee structure, in accordance with Ohio Revised Code section 4709.12, remains in place for the board.

### ***STATE BOARD OF CHIROPRACTIC EXAMINERS***

The board is responsible for the examination and licensure of chiropractors and the enforcement of the provisions of Chapter 4734. of the Ohio Revised Code. During this biennium, the board will be responsible for implementing the comprehensive changes contained in H.B. 506 of the 123<sup>rd</sup> General Assembly.

### ***STATE BOARD OF COSMETOLOGY***

The State Board of Cosmetology establishes and maintains sanitary and professional standards in the beauty salon industry. In FY 2000, the board issued over 110,000 licenses of various types, including

cosmetologist, manicurist, esthetician, beauty salon, nail salon, esthetic salon, tanning facility, and cosmetology school.

Pursuant to the amending of section 4713.10 of the Ohio Revised Code, the board will realize an increase in fee receipts from \$14 to \$21 per applicant for the retaking of the examination for a license to practice cosmetology or any of its branches. The increased re-take fee will supply revenue to offset the costs the board incurs that are associated with computer-based national written exams.

### ***COUNSELOR AND SOCIAL WORKER BOARD***

In accordance with Chapter 4757. of the Ohio Revised Code, the Counselor and Social Worker Board (CSW) regulates the professions of counseling and social work by establishing licensure and practice standards for the professional practice of counseling and social work. The board examines academic standards, evaluates supervised training experiences, and administers examinations.

The board currently has over 30,000 licenses on file and has over 5,000 individuals registered as counselor trainees who are working towards licensure as professional counselors or clinical counselors.

### ***STATE DENTAL BOARD***

Under Chapter 4715 of the Ohio Revised Code, the Dental Board will implement the following components into their operation with funding in the FY 2002 - FY 2003 biennial budget.

1. Pursuant to the enactment of section 4715.031, the dental board shall initiate and implement a quality intervention program (QUIP). The QUIP program is patterned after an effective model used by the Ohio Medical Board. The program will include a panel of four professionals and one public citizen, and will hold six meetings per year to investigate the 200-300 annual complaints involving marginal or careless standards of care (minor violations) so as to avoid a more costly administrative hearing process, which can total thousands of dollars per day. QUIP will fulfill part of the board's enforcement responsibility and allow board resources to be applied to the more egregious cases. In the fulfillment of its duties, QUIP will provide early intervention to problems, prescribe remedial education (at the licensee's expense) to address licensee shortcomings, monitor licensees in the remediation process, review case and complaint records, and provide follow-up review of each case and complaint. The board is budgeted for \$50,800 in FY 2002 and \$47,910 in FY 2003 to establish and administer this program. This amount of funding would cover the costs of the expert panels, one full-time support staff, and equipment necessary to begin implementation of this program.
2. Pursuant to sections 4715.13, 4715.14, and 4715.16 of the Ohio Revised Code, the board will realize increases of 35 percent for most types of their license fees.
3. Fill one vacant enforcement position to expand the board's presence in infection control. Funding for one position is budgeted at \$41,450 for FY 2002 and \$42,730 for FY 2003.
4. Purchase six laptop computers based upon the recommendation of the Inspector General's office. The laptops will enable investigators to more thoroughly complete reports of their investigations and raise the degree of accountability of the investigations. Cost of six laptops is budgeted at \$15,000 in FY 2002.

5. Publish one additional newsletter per year (to total two newsletters per year) as part of the Dental Board's effort to increase its presence to its regulated professionals, share the board's position on issues, and inform its licensees about professional activities. The board's biennial budget is increased by \$10,000 in FY 2002 and by \$10,000 in FY 2003 to cover the cost of the additional newsletter each year.

### ***OHIO BOARD OF DIETETICS***

The Ohio Board of Dietetics issues two types of licenses: dietitian and limited permit dietitian. The board renews its licenses annually. The board reports an average of 100 to 120 new disciplinary cases per year. The board believes that the practice of dietitians is being affected by managed health care and the associated pressures.

The budget includes a rent adjustment for higher rent in the Riffe Center. It also includes \$2000 for training in FY 2002, \$4500 for the re-printing of laws and rules in FY 2003, and \$2000 for a new computer in FY 2003. The recommendation reduces the amount for payroll in FY 2003. However, through payroll projections, the Office of Budget and Management is confident that the board will be able to meet its payroll obligations.

### ***STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS***

Currently, licensees of the Board of Embalmers and Funeral Directors renew licenses on an annual basis. The budget bill changed this and requires licensees to renew on a biennial basis, starting in the year 2003. The board believes that at the recommended funding levels, it will not be able to do the work necessary to renew licenses annually. Each renewal period involves substantial postage and printing costs. A biennial renewal would reduce these costs by requiring such expenditures once every two years instead of once every year.

Currently, the board must ensure that its members meet the continuing education requirements. A change in the act would allow the board to contract with a professional organization, association or other third parties for assistance in performing these continuing education duties. These third parties would be allowed to charge reasonable fees to the licensees and/or sponsors in order to provide the board this assistance. The board believes it cannot continue to provide this function at its current level of funding, which does not allow for the hiring of a new person. This change would allow the board to out-source this work to another organization, thereby removing the need for a new employee.

### ***STATE BOARD OF ENGINEERS AND SURVEYORS***

Pursuant to Chapter 4733 of the Ohio Revised Code, the State Board of Engineers and Surveyors regulates the professions of engineering and surveying to protect the health, safety, and welfare of the public by ensuring that only properly qualified individuals and businesses become registered, and that the services provided by these licensees are consistent with established standards and codes of ethics.

The board oversees the licensure of over 34,000 professionals and firms, over 90 percent of which are professional engineers. The board renews all licenses on an annual basis. The board reports that its licensing fees are the lowest in the country. Revenues and expenditures for FY 2000 are \$951,154 and \$795,261 respectively. For the last renewal cycle, the board had a net gain of \$155,893.

### ***STATE MEDICAL BOARD***

The State Medical Board is one of the few occupational licensing boards that is not a part of Fund 4K9. In the operating budget for the 122<sup>nd</sup> General Assembly, the Medical Board was placed into its own fund, Fund 5C6. Am. Sub. H.B. 94 of the 124<sup>th</sup> G.A. amended the Medical Practice Law to require an individual applying for a certificate to practice podiatry to present to the board proof of completion of one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program. Additionally, individuals seeking to pursue an internship, residency, or clinical fellowship program in podiatric medicine must apply to the board for a \$75 training certificate. This change will lead to an undetermined increase in revenue for the board.

### ***MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD***

The Ohio Motor Vehicle Collision Repair Registration Board (CRB) licenses all motor vehicle collision repair operators/service providers who perform five or more collision repairs in a twelve-month period. The board completed its first full year of operation in 2000 and continues to fulfill its mission to protect the public and create a level playing field for all collision repair facilities by ensuring that all facilities are in compliance with state and federal taxation, employment, and environmental laws.

Pursuant to the amending of section 4775.08 of the Ohio Revised Code, the board will require an increase in the fee for the initial and renewal registrations of each provider business location (from \$100 to \$150). Section 4775.99 of the Ohio Revised Code allows the board to impose penalties and fines, including an administrative fine, on violators of the registration requirement.

### ***STATE BOARD OF NURSING***

The State Board of Nursing regulates the practice of nursing and dialysis technicians in the state. Various changes to permanent law, discussed below, will increase revenues and activities for the board.

Prior to the budget act, the license renewal fee charged by the board was \$35 for a two-year license. The budget act increases this fee by \$10, to \$45, for all licenses that expire on or after September 1, 2003. The biennial revenue gain as a result of this increase is estimated at \$1.7 million.

The budget act establishes two new Nursing Board fees. The first fee is a \$25 charge for processing checks that are returned to the board for nonpayment. The second new fee is \$100 for reinstatement of a lapsed dialysis technician certificate. This charge currently exists for lapsed nursing licenses. The act simply extends the fee to cover dialysis technician licenses. The board estimates that additional revenue gained as a result of the new fees will be \$4,200 for the bad checks fee and \$135,000 for the dialysis technician reinstatement fee.

The budget act amended the Nursing Practice Law and appropriated \$5,000 per fiscal year to allow the Nursing Board to develop and maintain a program that addresses patient safety and health care issues related to the supply of and demand for nurses and other health care workers. The Nursing Special Issues Fund (Fund 5P8) was established and the board is allowed to solicit and accept grants and services to further this program.

### ***OCCUPATIONAL THERAPY, PHYSICAL THERAPY AND ATHLETIC TRAINERS BOARD***

In 1976, the 111<sup>th</sup> General Assembly established the Occupational Therapists Board. Chapter 4755. of the Ohio Revised Code was amended in 1977 to include the regulation of physical therapists, who until then had been regulated by the State Medical Board. Athletic trainers were added to the board's scope with the enactment of S.B. 80 in 1990. The budget act appropriated \$681,020 in FY 2002 and \$703,201 in FY 2003 to the board. The budget act includes funding for a salary increase in the amount of \$3,121 over the biennium. The recommendation also funds a supplemental request for \$10,000 so that the board may purchase a new computer, new printer, and new software.

### ***OHIO OPTICAL DISPENSERS BOARD***

The Ohio Optical Dispensers Board maintains standards in the industry by examining applicants for licensure and issuing spectacle, contact lens, and oculist licenses. The board also is responsible for establishing continuing education requirements and investigations of complaints with discipline as necessary. There are no permanent law provisions with fiscal effects on this board.

### ***STATE BOARD OF OPTOMETRY***

The State Board of Optometry was established to regulate the practice of optometry in the State of Ohio. The board issues licenses to optometrists and conducts investigations for compliance with rules or regarding complaints received from the public. The board licenses approximately 2000 professionals, over 85 percent of these professionals also hold a secondary license (either therapeutic license or diagnostic license). The board lost around 400 to 450 licensees due to a change in law allowing out-of-state doctors to put their licenses on inactive status rather than renewing.

The budget act appropriates \$289,600 in FY 2002 and \$306,051 for FY 2003 for the board. The act includes full funding for the board's current level of personnel. The act includes a rent adjustment of \$984 in FY 2002 and \$722 in FY 2003. The recommendation also includes \$400 in FY 2002 and \$100 in FY 2003 for training. Travel expenses of \$900 in FY 2002 and \$1,300 in FY 2003 also are included.

### ***STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS***

Substitute S.B. 238 of the 123<sup>rd</sup> General Assembly created the State Board of Orthotics, Prosthetics, and Pedorthics. The board will license persons who practice orthotics, prosthetics, or pedorthics. The board will consist of seven members serving three-year terms. The budget act appropriated to the board \$98,622 in FY 2002 and \$100,518 in FY 2003.

### ***STATE BOARD OF PHARMACY***

The State Board of Pharmacy is responsible for administering and enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act (Chapter 4729. of the Revised Code), the Controlled Substances Act (Chapter 3719. of the Revised Code), the Pure Food and Drug Act (Chapter 3715. of the Revised Code), and the Criminal Drug Law (Chapter 2925. of the Revised Code). A nine-member panel composed of eight pharmacists and one person representing the public who is at least 60 years old oversees the board's operations. Each member may be re-appointed one time at the Governor's discretion. In addition to the nine-member panel, the board employs a staff of 46 full-time equivalents (FTEs) that perform

licensure and enforcement activities. Of the 46 FTEs, 23 (8 pharmacists and 15 former law enforcement officers) are investigative field agents.

The board's core activities center on the licensing of all persons who distribute dangerous drugs and sites where dangerous drugs are stored, and the enforcement of certain drug laws. The licensure activities of the board include the testing and certification of pharmacists and pharmacy interns entering the profession in Ohio, as well as renewing the licenses of practicing pharmacists annually. The board is also the only state agency that has statewide jurisdiction to enforce the criminal drug law, and as a result, is sometimes responsible for the criminal investigation of doctors, nurses, dentists, veterinarians, or other individuals.

The board's budget contains three notable aspects. First, the board does not receive any GRF money and has not received any GRF money since the end of FY 1993. Prior to that time, the fees collected by the board were deposited to the GRF and its operations were supported largely by appropriations drawn from the GRF. Since the start of FY 1994, the board's fees have been deposited to, and its operations supported by, the multi-agency Occupational Licensing and Regulatory Fund (Fund 4K9).

Second, the enacted budget contains increases in the board's non-GRF funding to cover the salary and fringe benefit costs of their 46 existing staff and to phase-in the hiring of two new field staff.

Third, the board requested that its primary financing source be removed from the multi-agency Occupational Licensing and Regulatory Fund (Fund 4K9) and placed in a new fund that it would control: the Pharmacy Board Operating Fund (Fund 5N2). The rationale behind this requested change was that the board generates more annually in revenue than it spends, and wanted more flexibility to manage its own financial matters than was permissible as long as it resided in Fund 4K9. The enacted budget does not include the provision that would have removed the board from Fund 4K9. Thus, the board will remain in Fund 4K9 for the FY 2002-2003 biennium.

### ***STATE BOARD OF PSYCHOLOGY***

The State Board of Psychology oversees the licensure and regulation of the professions of psychology and school psychology. In FY 2000 the board licensed 3,398 psychologists and 349 school psychologists. These figures represent a decrease of 5.6 percent over FY1999 figures. In the opinion of the board, these changes were a result of an increase of fees so that many persons out-of-state decided the fees were too high to pay. The board also has stated that because fewer persons are sitting for the examination than in the past, it may be indicative that the field of psychology is not as popular as it used to be. The board renews its licenses on a biennial cycle. Revenues and expenditures from the FY1999/2000 renewal cycle were \$794,919 and \$862,950 respectively. The board's net loss at the end of this time period was \$68,031. The budget act will allow the board to meet its payroll needs for the next biennium. It also includes a rent increase of \$1,576 in FY 2002 and \$1,157 in FY 2003 for rent in the Riffe Center and funding for two new computers.

### ***RESPIRATORY CARE BOARD***

In accordance with Chapter 4761. of the Ohio Revised Code, the Ohio Respiratory Care Board regulates the practice of respiratory care by licensing properly qualified individuals, enforcing the laws and rules that govern the respiratory care practice, establishing educational standards for respiratory care education programs, monitoring continuing education compliance of its licensees, and investigating complaints

about its licensees. No changes in the board's budget or fee structure have been enacted in the FY 2002 - FY 2003 biennial budget.

### ***BOARD OF SANITARIAN REGISTRATION***

A number of fee increases will result from the budget act. Sanitarians will be required to pay additional application and renewal fees. The revenue generated will allow the board to continue to fund at the Core Budget Level. If the number of applications and renewals remains at FY 2000 levels, the fee increases will generate \$4,489 annually.

### ***BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY***

Pursuant to the enactment of Am. Sub. S.B. 96 of the 122<sup>nd</sup> General Assembly, the board expects some changes in its operation during the FY 2002 - FY 2003 biennium. This bill calls for the licensing of teachers who practice speech-language pathology beginning in January 2002. Currently, members of this group need only an educator license from the State Board of Education, but S.B. 96 requires these people to have licenses from both the State Board of Education and the Speech-Language Pathology and Audiology Board. It is estimated that slightly fewer than 500 licenses of this type may be added.

### ***STATE VETERINARY MEDICAL BOARD***

The State Veterinary Medical Board licenses biennially. For veterinarians, licenses are renewed in odd-numbered years. In FY 2000, there were 3,276 licensed veterinarians. Registered veterinary technicians are licensed during even-numbered years. In FY 2000, there were 1,329 licensed veterinary technicians. Also, the board registers veterinarians specializing in a specific area as veterinary specialists. Currently, the board has 40 individuals with a specialty. The executive proposal requested a fee increase, from \$155 to \$200, for the renewal of veterinary licenses. However, this fee increase was not enacted by the General Assembly. 