
CONSOLIDATION OF HEALTH-RELATED BOARDS

Creation of new boards via consolidation

- Creates the State Vision Professionals Board and the State Speech and Hearing Professionals Board by consolidating several existing health professional licensing boards.
- Establishes regulatory procedures for the new boards that are similar to provisions that applied to the boards abolished by the act.
- Requires the new boards to establish a code of ethical practice for each occupation they regulate, and authorizes each board to take disciplinary action against an applicant or license holder for violating a code of ethics, which applies under continuing law to most of the occupations.

Regulation of dietitians; respiratory care professionals; orthotists, prothetists, and pedorthists

- Places the regulation of dietitians under the State Medical Board and abolishes the Ohio Board of Dietetics.
- Abolishes the Ohio Respiratory Care Board and places its duties with respect to respiratory care professionals with the State Medical Board and its duties with respect to home medical equipment service providers with the State Board of Pharmacy.
- Abolishes the State Board of Orthotics, Prosthetics, and Pedorthics and places its duties with the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (PYT Board).
- Requires the State Medical Board to appoint a dietetics advisory council and a respiratory care advisory council to advise the Board on issues relating to the practice of dietetics and respiratory care.
- Requires the State Board of Pharmacy to appoint a home medical equipment services advisory council to advise the Board on issues relating to providing home medical equipment services.
- Requires the PYT Board to appoint an orthotics, prosthetics, and pedorthics advisory council to advise the Board on the regulation of the practice of orthotics, prosthetics, and pedorthics.



Existing board employees

- Provides that employees of the abolished boards are transferred to one of the new boards, the State Medical Board, the State Board of Pharmacy, or the PYT Board, and retain their positions and benefits.
- Allows the boards abolished by the act to establish a retirement incentive plan for eligible employees of those boards who are Public Employees Retirement System members.

Other changes

- Requires license applicants for all occupations regulated by the new boards to undergo criminal records checks to receive a license.
- Generally provides for electronic occupational license applications and renewals.
- Authorizes the State Vision Professionals Board to increase optical dispensing and ocularist licensing examination fees under certain circumstances.

Creation of new boards via consolidation

(R.C. Chapters 4725. and 4744.; Sections 130.11 to 130.14, 515.30, 515.33, and 515.35; conforming changes in numerous other R.C. sections)

The act creates the State Vision Professionals Board and the State Speech and Hearing Professionals Board by consolidating four health professional licensing boards that existed under prior law. These boards will regulate the appropriate professions beginning January 21, 2018. The manner in which the boards are consolidated is listed in the table below:

Board consolidation	
State Vision Professionals Board	State Speech and Hearing Professionals Board
State Board of Optometry	Hearing Aid Dealers and Fitters Licensing Board
Ohio Optical Dispensers Board	Board of Speech-Language Pathology and Audiology



Membership

The boards consist of the following members:

State Vision Professionals Board
Four licensed optometrists
Two licensed dispensing opticians
One individual representing the general public

State Speech and Hearing Professionals Board	
Two licensed speech-language pathologists	Three licensed audiologists
Two licensed hearing aid fitters	Two individuals representing the general public

Members of these boards are appointed by the Governor with the advice and consent of the Senate. The Governor must make initial appointments by December 28, 2017.

Terms of office for board members are three years, except that initial members serve staggered terms of one to three years. Except for initial appointments, terms for board members begin on March 23 and end on March 22. However, a member continues in office until the member's successor takes office. No member may serve more than three consecutive terms. The act includes the standard vacancy provisions. When a member's term expires or a vacancy occurs, the act allows a professional association representing the interests of the occupation of the board position to be filled to recommend to the Governor individuals to fill the position. The Governor must consider the recommendation in making an appointment.

The act prohibits an individual from being appointed to either of the new boards who has been convicted of or pleaded guilty to a felony. The Governor may remove a board member for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with the Administrative Procedure Act. The Governor must remove, after a hearing, any member who has been convicted of or pleaded guilty to a felony.

A board member receives a per diem for each day the member performs the member's official duties and is reimbursed for actual and necessary expenses incurred in performing those duties.



Regulatory procedures

The act adds regulatory procedures for the two new boards that are similar to former law that applied to the abolished boards. In some cases, prior law did not apply each of these provisions to each abolished board. The provisions include:

- Requirements for meetings, recordkeeping, and office space;
- Appointing board officers and employees and setting their compensation;
- Maintaining a register of every individual holding a certificate, license, permit, registration, or endorsement and every individual whose certificate, license, permit, registration, or endorsement has been revoked;
- Annually reporting to the Governor on the board's official acts, receipts and disbursements, and the conditions of the professions regulated by that board, requiring the first report by February 1, 2019;
- Requiring all payments collected by the board to be deposited into the Occupational Licensing and Regulatory Fund (rather than the General Operations Fund for hearing aid dealers and fitters as under prior law);
- Rulemaking;
- Qualified immunity from liability for board members, employees, agents, and representatives;
- Authorizing the board to (1) enter into contracts to implement the laws and administrative rules governing the professions it regulates, (2) join national licensing organizations, and (3) appoint advisory committees or other groups to assist in fulfilling its duties;
- Prohibiting the board from discriminating against an applicant or license holder based on the person's race, color, religion, sex, national origin, disability, or age;
- Requiring the board to permit the health care professionals it regulates to satisfy a portion of their continuing education requirements by providing health care services without compensation to indigent and uninsured persons.



Code of ethics

The act requires the two new boards to establish a code of ethical practice for each occupation regulated by that board, and authorizes each board to take disciplinary action against an applicant or license holder for violating a code of ethics. Prior licensing laws governing optometrists, dispensing opticians, and hearing aid dealers and fitters did not include these provisions.

Regulation of dietitians and respiratory care professionals

(R.C. 4729.021, 4759.011, and 4761.011; Sections 130.11 to 130.14, 515.31, 515.34, and 515.35; conforming changes in numerous other R.C. sections)

Effective January 21, 2018, the act places the regulation of dietitians under the State Medical Board and abolishes the Ohio Board of Dietetics. The act also abolishes the Ohio Respiratory Care Board on that date and places its duties with respect to respiratory care professionals with the State Medical Board and its duties with respect to home medical equipment service providers with the State Board of Pharmacy.

Advisory councils

The act requires the State Medical Board to appoint (1) a dietetics advisory council to advise it on the practice of dietetics and to investigate complaints regarding the practice of dietetics and (2) a respiratory care advisory council to advise it on the practice of respiratory care. The State Board of Pharmacy likewise must appoint a home medical equipment services advisory council to advise it on issues relating to providing home medical equipment services.

Each advisory council must consist of no more than seven individuals knowledgeable in dietetics, respiratory care, or home medical equipment services, as applicable. A majority of the dietetics advisory council must be individuals actively engaged in the practice of dietetics who meet the requirements for licensure. The dietetics advisory council must include one educator with a doctoral degree who holds a regular faculty appointment in a program that prepares students to meet the requirements of an accredited dietetics degree and one individual who is not affiliated with any health care profession, appointed to represent the interest of consumers. The Ohio Academy of Nutrition and Dietetics may nominate up to three qualified individuals for consideration by the Board in making appointments for each dietetics advisory council vacancy.

The Medical Board and the Pharmacy Board must make initial appointments to the advisory councils by April 21, 2018. Members serve three-year staggered terms in accordance with rules adopted by those boards. Dietetics advisory council members



continue in office after the term expires, until the successor takes office or 60 days has elapsed, whichever occurs first. With approval from the DAS Director, each advisory council member may receive a per diem for each day the member performs official duties and be reimbursed for actual and necessary expenses incurred in performing those duties.

The dietetics advisory council must meet at least four times annually and at other times as necessary to carry out its responsibilities. It must submit to the Medical Board recommendations concerning licensure requirements and procedures, proposed rules of practice, fees, standards of practice and ethical conduct, complaints and grounds for license suspension or revocation, and the safe and effective practice of dietetics.

State Medical Board regulatory procedures

The act applies regulatory procedures that apply to the other health care professionals whom the State Medical Board regulates to the regulation of dietitians and respiratory care professionals. These procedures include:

- Notifications to be provided to the Board by physicians and professional associations regarding possible violations of the laws governing dietetics, respiratory care, and other laws enforced by the Board;
- Requirements relating to dietitians and respiratory care professionals suffering impairment from the use of drugs or alcohol;
- Keeping a register of license applicants and licenses issued and a directory of license holders;
- Requiring fees, penalties, and other funds relating to the regulation of dietitians and respiratory care professionals to be deposited in the State Medical Board Operating Fund (rather than the Occupational Licensing and Regulatory Fund);
- Use of universal blood and body fluid precautions in performing exposure prone procedures.

Regulation of orthotics, prosthetics, and pedorthics

(R.C. Chapter 4779.; Sections 130.11 to 130.14, 515.32, and 515.35; conforming changes in numerous other R.C. sections)

Effective January 21, 2018, the act places the regulation of the practice of orthotics, prosthetics, and pedorthics under the Ohio Occupational Therapy, Physical



Therapy, and Athletic Trainers Board (PYT Board). It abolishes the State Board of Orthotics, Prosthetics, and Pedorthics on that date.

Advisory council

The act requires the PYT Board to appoint an advisory council to advise it on issues relating to the practice of orthotics, prosthetics, and pedorthics and the investigation of complaints regarding the practice.

The advisory council must consist of no more than five individuals knowledgeable in the area of orthotics, prosthetics, and pedorthics, and a majority must be individuals actively engaged in the practice who meet the requirements for licensure. The Ohio Orthotics and Prosthetics Association may nominate up to three qualified individuals for consideration by the Board in making appointments for each vacancy.

The PYT Board must make initial appointments to the council by April 21, 2018. Members serve three-year staggered terms of office in accordance with rules adopted by the PYT Board. An advisory council member continues in office after the member's term expires until a successor is appointed and takes office or 60 days has elapsed.

With approval from the DAS Director, each advisory council member may receive a per diem for each day the member performs the member's official duties and may be reimbursed for actual and necessary expenses incurred in performing those duties.

The advisory council must meet at least four times annually and at other times as necessary to carry out its responsibilities. The advisory council must submit to the PYT Board recommendations concerning licensure requirements and procedures, proposed rules of practice, fees, standards of practice and ethical conduct, complaints and grounds for license suspension or revocation, and the safe and effective practice of orthotics, prosthetics, and pedorthics.

Existing licenses and board employees

The act includes general transfer authority provisions. With respect to existing licenses, any licenses, certificates, permits, registrations, or endorsements issued before January 21, 2018, by any of the boards that are abolished will continue in effect as if issued by one of the two new boards, the State Medical Board, the State Board of Pharmacy, or the PYT Board, as applicable.

Existing board employees

Under the act, all employees of the abolished boards are transferred to one of the two new boards, the State Medical Board, the State Board of Pharmacy, or the PYT



Board, as applicable, and retain their positions and benefits. Beginning January 21, 2018, and ending June 30, 2019, the executive directors of those boards may establish, change, and abolish positions on the boards and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all board employees.

Retirement incentive plans

Continuing law permits a public employer to establish a retirement incentive plan for its employees who are members of the Public Employees Retirement System (PERS). Under a plan, an employer purchases service credit for eligible members in return for an agreement to retire within 90 days after receiving the credit.

The boards abolished under the act may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are PERS members. Any retirement incentive plan established under the act remains in effect until January 20, 2018.

Other changes

Criminal records checks

Continuing law generally requires an individual applying for an occupational license to undergo a criminal records check as a condition of receiving a license. The act adds that, beginning January 21, 2018, individuals applying for any of the following must submit to a criminal records check:

- Hearing aid dealer's or fitter's licenses or permits;
- Speech-language pathology and audiology licenses.

Electronic applications

Beginning January 21, 2018, the act generally allows for electronic occupational license applications by eliminating both of the following:

--A requirement that most occupational license renewals be mailed to the individual; and

--A requirement that applications for the following licenses and certificates be written:

- All of the following initial licenses and certificates: certificates of licensure to practice optometry, therapeutic pharmaceutical agents certificates, optical dispensing and ocularist licenses, and dietetics licenses;



- Certificate reinstatement for optometrists; and
- Renewed dietetics licenses.

If a failure in any electronic license renewal system occurs, a licensing agency may extend the renewal date. The licensing agency may extend a renewal period for a reasonable time period after the system failure is resolved. A licensing agency must obtain approval from the DAS Director for an extension exceeding 14 days beyond the failure's resolution.

Fee increases

The act authorizes the State Vision Professionals Board, with the Controlling Board's approval, to increase fees for the optical dispensing and ocularist licensing examinations in excess of the fee established by rule, so long as the increase does not exceed 50% of the fee.

Complaints

The act eliminates the requirement that a person must file with the PYT Board (formerly, the State Board of Orthotics, Prosthetics, and Pedorthics) three copies of a complaint against an orthotics, prosthetics, or pedorthics license holder, and instead requires a person to file a complaint.

