



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Am. Sub. H.B. 284 of the 129th G.A.](#) **Date:** December 13, 2012

Status: As Enacted **Sponsor:** Rep. Gonzales

Local Impact Statement Procedure Required: No

Contents: Modifies the laws governing physician assistants and professions of chemical dependency counseling and alcohol and other drug prevention

State Fiscal Highlights

- The bill exempts from the educational requirements of a physician assistant certificate military personnel who practiced as a physician assistant for at least three consecutive years while on active duty in any of the armed forces of the United States or the National Guard of any state. There could be a minimal increase in administrative costs to the State Medical Board to process and issue new physician assistant certificates. Any increase in costs would be offset by an increase in certificate revenue. The current cost for a new physician assistant certificate is \$200.
- Under the bill, the State Medical Board could experience an overall increase or decrease in revenue depending on (1) the number of new "certificates to prescribe" that will be issued to physician assistants, and (2) the potential decrease in "provisional certificates to prescribe" that are issued. The Board would also experience a one-time increase in costs to adjust rules regarding physician assistants, which would likely be funded using existing resources.
- The bill establishes two new license categories: independent chemical dependency counselor-clinical supervisor and prevention specialist assistant. The bill also revises the requirements to qualify for existing licenses and certificates. As a result, the Chemical Dependency Professionals Board will incur additional administrative costs related to the processing of license applications and license renewals, administering exams, taking disciplinary actions, and paying additional e-licensing fees.
- Under the bill, the Chemical Dependency Professionals Board will collect additional revenues related to the processing of license applications and license renewals, and the administering of exams.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

Physician assistant

Education exemption for active-duty military service

The bill exempts from the educational requirements of a physician assistant certificate military personnel who practiced as a physician assistant for at least three consecutive years while on active duty in any of the armed forces of the United States or the National Guard of any state. In addition, physician assistants who qualify for this exemption and had prescribing authority while on active duty can receive the physician assistant prescribing authority certificate without a provisional period. There could be a minimal increase in administrative costs to the State Medical Board to process and issue new physician assistant certificates. Any increase in costs would be offset by an increase in certificate revenue. The current cost for a new physician assistant certificate is \$200.

Provisional period of physician-delegated prescriptive authority

The bill permits an individual who (a) has practiced in another state as a physician assistant or who was credentialed or employed as a physician assistant by the federal government and (b) held valid authority issued by the other state or the federal government to prescribe therapeutic devices and drugs, including at least some controlled substances, to obtain a certificate to prescribe without participating in a provisional period of physician-delegated prescriptive authority. This provision could result in a decrease in the number of provisional certificates to prescribe issued by the State Medical Board. In addition, if more physician assistants licensed by the federal government or other states establish practice in Ohio, the bill could result in an increase in the number of certificates to prescribe issued by the Board. The Board could experience an increase or decrease in revenue depending on if the number of new certificates to prescribe is greater than the decrease in provisional certificates to prescribe. The fee for both a provisional certificate to prescribe and a certificate to prescribe is \$100. At the end of FY 2010, there were 260 physician assistants with provisional certificates to prescribe and 702 physician assistants with a certificate to prescribe.

Scope of practice

The bill makes changes to the scope of practice for physician assistants. Under certain circumstances, the bill allows physician assistants to prescribe schedule II controlled substances, determine and pronounce an individual's death, provide certain additional services without special approval by the State Medical Board, and prescribe or refer a patient for physical or occupational therapy. As a result of these changes, the Board will have to amend its rules regarding physician assistants. Any costs associated with rulemaking would likely be funded with existing resources.

Liability protection for pharmacists

The bill provides a pharmacist is not liable for, or subject to, any of the following for relying on prescriptions issued by a physician assistant: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the State Board of Pharmacy. This provision would limit the liability of the state for pharmacists working at state agencies. In FY 2011, there were 36 pharmacists working for the state: Department of Mental Health (31), Department of Rehabilitation and Correction (3), and Department of Veterans Services (2).¹

Determination and pronouncement of death

The bill allows for a certified nurse practitioner or clinical nurse specialist to determine and pronounce an individual's death if the individual was receiving care at a nursing home, residential care facility, home for the aging, a county home or district home, or a residential facility licensed by the Department of Developmental Disabilities; or if the physician assistant is providing or supervising the individual's care through a licensed hospice care program or any other entity that provides palliative care. According to a spokesperson for the Department of Job and Family Services, there would be no increased costs to the Medicaid Program as a result of this provision.

Independent chemical dependency counselor-clinical supervisor

The bill establishes a new category of individuals who may practice chemical dependency counseling pursuant to a license issued by the Chemical Dependency Professionals Board: independent chemical dependency counselor-clinical supervisor.

License applications

An individual seeking licensure must submit a properly completed application and all other documentation specified in rules and pay an application fee. (This does not apply, however, if the individual holds, on the bill's effective date, a valid independent chemical dependency counselor license.) The Chemical Dependency Professionals Board would incur a minimal administrative cost to process new independent clinical dependency counselor supervisor applications, but would also collect new license fee and exam revenue. According to a spokesperson for the Chemical Dependency Professionals Board, the application fee for an independent chemical dependency supervisor license would likely be \$50. In addition, applicants may be required to complete an exam. There is currently an exam fee of \$150, which is paid to the testing company by the applicant; the Board receives \$35 of the exam fee from the testing company.

According to the Chemical Dependency Professionals Board spokesperson, independent chemical dependency counselors who are currently licensed by the Board will qualify to be an independent chemical dependency counselor-clinical supervisor. The Board currently charges a fee of \$35 to convert one license to another. The Board

¹ Data from the State of Ohio Payroll Projection System.

spokesperson believes that in addition to the independent chemical dependency counselors, other licensed professionals such as counselors, social workers, and psychologists who provide substance abuse counseling, may choose to seek licensure with the Board given the proposed changes in the bill.

License renewal and restoration

Unless revoked or suspended earlier, an independent chemical dependency counselor-clinical supervisor license would expire two years after it is issued. To have the license renewed, an independent chemical dependency counselor-clinical supervisor must pay the renewal fee and complete not less than 40 hours of continuing education. To have an expired license restored, an independent chemical dependency counselor-clinical supervisor must apply for the restoration not later than two years after the license expires, pay a renewal fee, and complete a number of hours of continuing education to be specified in rules. The Chemical Dependency Professionals Board spokesperson believes the renewal fee for the license will likely be \$150, which is the renewal fee for other licenses the Board currently issues. The Board could expect to collect additional license renewal fee revenue. The Board would also incur a minimal administrative cost to renew the licenses.

Prevention specialist assistant

The bill establishes a new category of individuals who may practice alcohol and other drug prevention services pursuant to a certificate issued by the Chemical Dependency Professionals Board: prevention specialist assistants. A prevention specialist assistant must practice under the supervision of an individual specified in the bill. The Chemical Dependency Professionals Board spokesperson believes that the application fee for a prevention specialist assistant certificate will likely be \$50. However, some applicants will already be certified as registered applicants; therefore, they would pay a certificate conversion fee of \$35 instead of the \$50 application fee. The Board spokesperson stated that there are approximately 540 registered applicants who may choose to seek this new certification. The Board will incur additional administrative costs to process new prevention specialist assistant applications.

Certificate renewal and restoration

Unless revoked or suspended earlier, a prevention specialist assistant certificate expires two years after it is issued. To have the certificate renewed, a prevention specialist assistant must pay the renewal fee and complete not less than 20 hours of continuing education. To have an expired certificate restored, a prevention specialist assistant must apply for the restoration not later than two years after the certificate expires, pay a renewal fee, and complete a number of hours of continuing education to be specified in rules. The Chemical Dependency Professionals Board spokesperson believes the renewal fee will likely be \$150. The Board will incur additional administrative costs related to processing of certificate renewals.

E-licensing

The Chemical Dependency Professionals Board will also have to maintain records of licenses with the e-licensing system, which is managed by the Department of Administrative Services (DAS). Boards and licensing agencies pay a fee to DAS based on their share of the total licenses and certificates entered into the system. The Board currently pays approximately \$5,500 to DAS for an estimated 13,000 records, 7,900 of which are active records. The Board estimates there will be a minimal increase in e-licensing costs as it expects additional licenses and certificates as a result of the proposed changes.

Disciplinary actions

Continuing law authorizes the Chemical Dependency Professionals Board to deny licenses and certificates and to take other disciplinary actions against individuals seeking to engage, or engaging, in the professions that the Board regulates. The bill provides two additional reasons for which the Board may take disciplinary action. As a result of these changes and the increases in potential licenses and certificates, there may be additional cases for the Board involving disciplinary action. The Board spokesperson believes these cases can be handled with existing resources, but to the extent that the Board requires additional assistance, the Board would likely rely on a contract investigator at a cost of \$5,000 to \$15,000 annually.

Existing license and certificate categories

The bill revises the requirements to qualify for existing licenses and certificates. Most of these changes modify the education and experience required to apply for a license. According to the Chemical Dependency Professionals Board spokesperson, these changes will likely encourage some current licensees to seek the next level of licensure. For example, the Board spokesperson believes that 25% to 50% of the approximately 300 chemical dependency counselor III license holders may choose to seek an independent chemical dependency counselor license as a result of the changes in the bill. As stated earlier, the Board charges a fee of \$35 to convert one license or certification to another. Therefore, these changes could result in additional revenues to the Board.

Registered applicant

An individual seeking a registered applicant certificate must meet the general requirements applicable to the licenses and certificates that the Chemical Dependency Professionals Board issues. However, current law does not establish requirements specific to a registered applicant certificate. The bill establishes such requirements. The Board will have minimal administrative costs to implement the new requirements.

Examinations to participate in federal drug and alcohol testing program

The bill permits the Chemical Dependency Professionals Board to administer examinations for individuals seeking to act as substance abuse professionals in a transportation workplace drug and alcohol testing program regulated by the U.S. Department of Transportation. The Board also is to adopt rules governing its administration of the examinations if the Board elects to administer the examinations. If the Board elects to provide these examinations, the exams would be provided through the same testing company the Board already utilizes for other licenses. The Board spokesperson does not anticipate that the Board will receive any fee revenue for this exam.

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