

## Employment, Labor, and Professional Regulation

### H.B. 180

**Reps.** Maag, Romanchuk, Perales, Thompson, Burkley, Green, Blessing, Derickson, Rezabek, Duffey, Becker, Grossman, Boose, Ruhl, Retherford, Vitale, McColley, Henne, Hood, Hackett, Brenner, Buchy, Zeltwanger, Young, Roegner, Antani, Brinkman, Conditt, Hambley, Huffman, Kraus, Schaffer

**Sens.** Coley, Eklund, Gardner, Hottinger, Jones, Jordan, Obhof, Seitz

**Effective date:** August 31, 2016

- Prohibits a public authority from requiring a contractor to employ a certain number or percentage of laborers from the public authority's defined geographic area or service area for the construction or professional design of a public improvement.
- Prohibits a public authority from providing a bid award bonus or preference to a contractor who employs as laborers a certain number or percentage of individuals who reside within the public authority's defined geographic area or service area.

### Am. Sub. H.B. 207

**Reps.** Henne and McColley, Boose, Romanchuk, Hambley, Burkley, Hood, Sprague, Terhar, Maag, Reineke, Hackett, DeVitis, Retherford, Sears, Amstutz, Anielski, Antani, Antonio, Arndt, Barnes, Bishoff, Blessing, Brenner, Buchy, Butler, Conditt, Cupp, Derickson, Dever, Dovilla, Duffey, Ginter, Green, Grossman, Hall, Hayes, Hill, Huffman, Koehler, LaTourette, Manning, McClain, M. O'Brien, S. O'Brien, Patterson, Pelanda, Perales, Phillips, Rezabek, Rogers, Ruhl, Ryan, Schaffer, Scherer, Schuring, Slesnick, R. Smith, Stinziano, Sweeney, Thompson, Young, Zeltwanger, Rosenberger

**Sens.** Hottinger, Beagle, Bacon, Brown, Balderson, Burke, Coley, Eklund, Faber, Gardner, Hite, Jones, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Yuko

**Effective date:** August 31, 2016

#### **Workers' compensation claims involving motor vehicle accidents**

- Requires workers' compensation claims to be charged to the Surplus Fund Account in lieu of to a state fund employer's experience in certain circumstances when a claim is based on a motor vehicle accident involving a third party.
- Allows a state fund employer who believes that a claim may qualify to be charged to the Surplus Fund Account under the act to file a request with the Administrator of Workers' Compensation for a determination.

- Requires the Administrator to make the determination within 180 days after the request is received.
- Requires any amount collected by the Administrator through the subrogation process for compensation or benefits that were charged to the Surplus Fund Account to be credited to the Surplus Fund Account and not applied to an individual employer's account.

### **Self-insuring employers**

- Eliminates the minimum number of employees required for a private sector employer or board of county commissioners to obtain self-insuring status under the Workers' Compensation Law.
- Requires a self-insuring employer who resumes paying premiums to the state insurance fund to provide the Administrator with any information that the Administrator may require to develop a state fund experience modification factor.
- Requires, if a professional employer organization agreement is terminated, a self-insuring professional employer to provide the Administrator with information that the Administrator must use to develop a state fund experience modification factor for each client employer formerly subject to the agreement.

## **Sub. H.B. 216**

**Reps.** Pelanda, Brinkman, Becker, Roegner, Buchy, Brenner, Scherer, Schaffer, Burkley, Ryan, Maag, Schuring, Slaby, Ruhl, Reece, Hill, Thompson, Celebrezze, Hood, Barnes, Bishoff, Brown, Ginter, Anielski, Antonio, Arndt, Boose, Boyd, Clyde, Curtin, Derickson, Dovilla, Grossman, Hambley, Kuhns, Leland, Lepore-Hagan, M. O'Brien, S. O'Brien, Patterson, Rezabek, Rogers, K. Smith, R. Smith, Sprague, Sweeney

**Sens.** Gardner, Beagle, Jones, Tavares, Cafaro, Brown, Burke, Eklund, Faber, Hackett, Hite, LaRose, Lehner, Manning, Oelslager, Schiavoni, Seitz, Thomas, Uecker, Yuko

**Effective date:** April 6, 2017

### **Advanced practice registered nurses**

- Establishes an advanced practice registered nurse (APRN) license that, like the certificate of authority it replaces, authorizes a registered nurse with advanced education and training to practice as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner.
- Grants an APRN, other than a certified registered nurse anesthetist, authority to prescribe and furnish most drugs as part of the APRN license, without need for a separate certificate to prescribe or completion of a supervised externship.

- Requires the Board of Nursing to establish an exclusionary drug formulary specifying the drugs an APRN is not authorized to prescribe.
- Increases to five (from three) the number of APRNs with whom a physician or podiatrist may collaborate at the same time in the prescribing component of an APRN's practice.
- Allows an APRN to continue to practice under an existing standard care arrangement without a collaborating physician or podiatrist for not more than 120 days if the physician or podiatrist terminates the collaboration and the nurse notifies the Board of the termination.

### **Board of Nursing**

- Changes the membership and operation of the Board of Nursing.
- Establishes additional grounds for imposing professional discipline on nurses.
- Establishes new requirements for Board approval of prelicensure nursing education programs and other training programs.

### **Hyperbaric oxygen therapy**

- Authorizes a podiatrist to order and supervise hyperbaric oxygen therapy if specified conditions are met.

### **Diabetes**

- Permits diabetes care in schools to be provided in accordance with orders issued by physician assistants, clinical nurse specialists, and certified nurse practitioners, as well as by physicians.
- Requires certain state agencies to assess the prevalence of diabetes in Ohio.

## **H.B. 230**

**Reps.** Sprague, Fedor, Anielski, Blessing, Buchy, Burkley, Craig, Dever, Green, Grossman, Hackett, Hambley, T. Johnson, M. O'Brien, S. O'Brien, Phillips, Rogers, Sheehy, Strahorn, Sykes, Thompson, Rosenberger

**Sens.** Hite, Brown, Beagle, Jones, Patton, Tavares, Yuko

**Effective date:** September 28, 2016

- Repeals provisions that statutorily established experience, education, and training requirements for certain licenses and certificates from the Chemical Dependency Professionals Board.
- Requires the Board to adopt rules establishing those requirements.

- Replaces references to "alcohol and other drug prevention services" with "prevention services" as those terms relate to the laws governing chemical dependency counseling.
- Renames two of the certificates issued by the Board as follows:
  - A prevention specialist I certificate is renamed a prevention specialist certificate;
  - A prevention specialist II certificate is renamed a prevention consultant certificate.

## H.B. 236

**Reps.** Blessing and Landis, Howse, Anielski, Boyd, Brown, Dever, DeVitis, Green, Hackett, Lepore-Hagan, Perales, Retherford, Rogers, Sweeney, Terhar

**Sens.** LaRose, Coley, Eklund, Seitz

**Effective date:** April 6, 2017

- Requires a registered professional engineer or professional surveyor to complete at least two hours of continuing professional development in professional ethics or rules during each biennial renewal period.
- Allows a registered professional engineer or professional surveyor to carry forward to the next biennial renewal period up to two hours of continuing professional development in professional ethics or rules.

## H.B. 243

**Reps.** Schaffer, Anielski, Ashford, Baker, Barnes, Blessing, Brown, Fedor, Hackett, M. O'Brien, S. O'Brien, Perales, Rogers, Rosenberger

**Sens.** Coley, Yuko, Brown, Eklund, Hottinger, Lehner, Oelslager, Thomas, Uecker

**Effective date:** August 16, 2016

- Revises the authority of the Architects Board and the Landscape Architects Board to adopt continuing education requirements.

## Am. H.B. 532

**Reps.** R. Smith, Antani, Baker, Bishoff, Clyde, Derickson, DeVitis, Dovilla, Leland, Lepore-Hagan, McClain, Reineke, Rogers, Ruhl, K. Smith, Sprague, Sweeney, Young

**Sens.** Beagle, Coley, Eklund, Hackett, LaRose, Sawyer, Schiavoni, Seitz

**Effective date:** April 6, 2017

### Real estate licensee education

- Permits the pre-licensure, post-licensure, and continuing education requirements for real estate brokers and salespersons to be completed by distance education.
- Requires the pre-licensure education courses to be credit-eligible.
- Provides that successful completion of the education requirements is to be determined by the law in effect when the course was completed.
- Requires that for noncredit course offerings for real estate salespersons, an institution of higher education must obtain approval from its state authorizing entity prior to offering a course to satisfy the salesperson license education requirements.
- Permits the Department of Higher Education to review the programs offered by an institution of higher education as the pre-licensure education requirements.
- Increases from 10 to 20 the number of hours of post-licensure instruction a real estate salesperson must complete, and mandates the instruction cover certain areas.
- Requires the continuing education requirements for a real estate broker or salesperson acting as a management level licensee include a three-hour course on the duties of a principal broker and issues involved in operating a brokerage.

### Brokerages

- Permits a brokerage to apply for and use more than one trade name and permits the Superintendent of Real Estate and Professional Licensing to approve a brokerage's use of more than one trade name.
- Requires the Superintendent to approve the use of a trade name by a brokerage if the name meets certain criteria.
- Establishes three subcategories of real estate brokers: principal broker, management level licensee, and associate broker.
- Requires each brokerage to designate at least one affiliated broker to act as the principal broker.

- Tasks the principal broker with complying with duties enumerated in the real estate law and rules, and permits the principal broker to assign any of the principal broker's duties to a management level licensee.
- Provides that a foreign or domestic real estate broker or salesperson can be either an employee or an independent contractor of a brokerage.
- Specifies that a real estate broker can release a client's earnest money from a trust fund or other special account if the parties provide a broker with *separate* written instructions signed by both parties.

### **Other provisions**

- Permits the Superintendent to impose disciplinary sanctions on a broker or salesperson who acted as a broker without authority or impeded a principal broker or management level licensee.
- Establishes additional disclosure requirements for contemporaneous offers.

## **Am. Sub. S.B. 213**

**Sens.** Jordan and Tavares, Beagle, Brown, Eklund, Uecker, Yuko, Coley, Burke, Faber, Hite, Hughes, Jones, Obhof, Peterson

**Reps.** Brown, Green, Amstutz, Anielski, Antani, Antonio, Barnes, Boose, Boyd, Brenner, Burkley, Butler, Celebrezze, Conditt, Craig, Driehaus, Ginter, Hambley, Henne, Howse, Kunze, McColley, M. O'Brien, Perales, Ramos, Reece, Reineke, Rezabek, Roegner, Rogers, Ruhl, Sears, K. Smith, Sprague, Strahorn, Sweeney, Thompson

**Effective date:** September 13, 2016

### **Boutique services**

- Establishes "boutique services" as a separate branch of cosmetology and requires each individual wishing to practice that branch to register with the State Board of Cosmetology.

### **Prohibited activity**

- Prohibits an individual from practicing a branch of cosmetology other than in a licensed facility, unless the individual is exempt from the Cosmetology Law.
- Prohibits an individual from using cosmetology to treat or attempt to cure a physical or mental disease or ailment.
- Creates additional penalties for using or possessing a prohibited substance at a school of cosmetology or salon.

## **Cosmetology licensing**

- Requires an applicant for a salon operator license to affirm that the applicant will post a toll-free number and online process for customers to report Cosmetology Law violations and to ensure compliance with the act's apprenticeship requirement.
- Eliminates "managing" cosmetology licenses and the requirement that every salon have a managing cosmetologist present to supervise when the salon is open.
- Creates "advanced" cosmetology licenses, which are largely similar to the eliminated managing cosmetology licenses.
- Modifies application and licensing procedures.
- Resets various statutory fees charged by the Board to the amounts currently collected under continuing authority.
- Permits the Board to develop and administer its own examinations or to contract with a national testing service to develop or administer examinations.
- Requires continuing education for licensees to include training on identifying and addressing human trafficking, safety and sanitation, and regulatory updates.

## **Disciplinary actions**

- Makes the following grounds for licensee discipline: a conviction of or plea of guilty to a human trafficking violation, failure to cooperate with an investigation or inspection, or failure to respond to a subpoena.
- In certain circumstances, allows the Board to take disciplinary action against a licensee without conducting an adjudication hearing.
- Modifies the fines that may be issued for violations of the Cosmetology Law.

## **State Board of Cosmetology**

- Allows the Board to investigate individuals and inspect premises with alleged Cosmetology Law violations, regardless of whether it is a licensee.
- Requires the Board to issue a pre-examination work permit to an individual seeking an instructor license.
- Requires the Board to provide a toll-free number and online service to receive complaints of Cosmetology Law violations.
- Expands the Board's hiring authority.
- Adds two individuals to the Board's membership.
- Requires the Board to issue a rule for the timing of licensure examination for students who have not yet completed education.

**General**

- Expands the list of activities under the practice of esthetics to include enhancement of the skin by skin care, facials, body treatments, hair removal, and other treatments; and eye lash extension services.
- Clarifies the activities covered by the practice of manicuring.
- Makes other changes to the Cosmetology Law.