

### Section III: Additional Operating Statistics and Newly Enacted Legislation

This section consists of a table listing some additional operating statistics for the boards and commissions and a brief summary of laws that became effective during FY 2008 and that affect operations of the boards and commissions.

#### Additional Operating Statistics

Table 4 lists the web site address, the primary renewal cycle, the number of appointed board members, and the staffing level for each of the 40 boards and commissions. In most cases, the full-time equivalent (FTE) staff numbers were provided. In some instances, however, full-time (FT) or part-time (PT) staff numbers were reported. The staffing level for each board or commission may include administrative staff, investigators, and inspectors.

<b>Table 4: Additional Operating Statistics</b>			
<b>Agency (Web Site)</b>	<b>Primary Renewal Cycle</b>	<b>Board Members</b>	<b>Staff</b>
<b>Accountancy Board (<a href="http://www.acc.ohio.gov">www.acc.ohio.gov</a>)</b>	Triennial	9	9 FTEs
<b>Architects Board; State Board of Landscape Architect Examiners<sup>6</sup> (<a href="http://www.arc.ohio.gov">www.arc.ohio.gov</a>; <a href="http://www.arc.ohio.gov/lae">www.arc.ohio.gov/lae</a>)</b>	Biennial	10	4 FTEs
<b>Ohio Athletic Commission (<a href="http://www.aco.ohio.gov">www.aco.ohio.gov</a>)</b>	Annual	5	2 FT & 1 PT
<b>Auctioneers Program – Department of Agriculture<sup>7</sup> (<a href="http://www.ohioagriculture.gov/auction/">www.ohioagriculture.gov/auction/</a>)</b>	Biennial	N/A	7 FTEs
<b>Barber Board (<a href="http://www.barber.ohio.gov">www.barber.ohio.gov</a>)</b>	Biennial	3	7 FTEs
<b>Board of Building Standards – Department of Commerce (<a href="http://www.com.state.oh.us/dic/dicbbs.htm">www.com.state.oh.us/dic/dicbbs.htm</a>)</b>	Triennial	11	12 FTEs
<b>Chemical Dependency Professionals Board (<a href="http://www.ocdp.ohio.gov">www.ocdp.ohio.gov</a>)</b>	Biennial	13	5 FTEs

<sup>6</sup> The Architects Board and the State Board of Landscape Architect Examiners share the same administrative staff and operate on a combined budget. Each board has five members.

<sup>7</sup> In the Auctioneer's Program of the Department of Agriculture, three licenses renew biennially and two renew annually. Additionally, of the seven staff members noted for the program, five are investigators that work for the entire Department.

<b>Table 4: Additional Operating Statistics</b>			
<b>Agency (Web Site)</b>	<b>Primary Renewal Cycle</b>	<b>Board Members</b>	<b>Staff</b>
<b>State Chiropractic Board (www.chirobd.ohio.gov)</b>	Annual	5	6 FTEs
<b>Ohio Construction Industry Licensing Board – Department of Commerce (www.com.state.oh.us/dic/dicocilb.htm)</b>	Annual	17	11 FTEs
<b>State Board of Cosmetology (www.cos.ohio.gov)</b>	Biennial	9	39 FT & 1 PT
<b>Counselor, Social Worker, and Marriage and Family Therapist Board (www.cswmft.ohio.gov)</b>	Biennial	15	12 FTEs
<b>State Dental Board (www.dental.ohio.gov)</b>	Biennial	13	13 FT & 2 PT
<b>Ohio Board of Dietetics (www.dietetics.ohio.gov)</b>	Annual	5	3 FT & 1 PT
<b>Board of Embalmers and Funeral Directors (www.funeral.ohio.gov)</b>	Biennial	7	6 FTEs
<b>Board of Emergency Medical Services – Department of Public Safety (www.ems.ohio.gov)</b>	Triennial	20	28 FTEs
<b>State Board of Registration for Professional Engineers and Surveyors (www.ohiopeps.org)</b>	Annual	5	7 FTEs
<b>Division of Financial Institutions – Department of Commerce (www.com.state.oh.us/dfi)</b>	Annual	N/A	35 FTEs
<b>Hearing Aid Dealers and Fitters Licensing Board – Department of Health (www.odh.ohio.gov)</b>	Annual	8	1 FTE
<b>Division of Industrial Compliance – Department of Commerce<sup>8</sup> (www.com.ohio.gov/dic)</b>	Annual	7	4 FTEs
<b>Manufactured Homes Commission (www.omhc.ohio.gov)</b>	Biennial	9	3 FTEs
<b>State Medical Board (www.med.ohio.gov)</b>	Biennial	12	83 FTEs

<sup>8</sup> The board members noted belong only to the Historical Boiler Board.

<b>Table 4: Additional Operating Statistics</b>			
<b>Agency (Web Site)</b>	<b>Primary Renewal Cycle</b>	<b>Board Members</b>	<b>Staff</b>
<b>Ohio Medical Transportation Board<sup>9</sup> (www.mtb.oh.gov)</b>	Annual	10	3 FTEs
<b>Ohio Board of Motor Vehicle Collision Repair Registration (www.collisionboard.ohio.gov)</b>	Annual	7	3 FTEs
<b>Motor Vehicle Dealer Licensing Board; Motor Vehicle Salvage Dealer Licensing Board – Department of Public Safety<sup>10</sup> (www.ohioautodealers.com)</b>	Biennial	14	3 FTEs
<b>Board of Examiners of Nursing Home Administrators – Department of Health (www.ohiobenha.org)</b>	Annual	9	6 FTEs
<b>Board of Nursing (www.nursing.ohio.gov)</b>	Biennial	13	57 FTEs
<b>Occupational Therapy, Physical Therapy, and Athletic Trainers Board (www.otptat.ohio.gov)</b>	Biennial	20	7 FTEs
<b>Ohio Optical Dispensers Board (www.optical.ohio.gov)</b>	Annual	9	3 FTEs
<b>State Board of Optometry (www.optometry.ohio.gov)</b>	Annual	6	3 FTEs
<b>State Board of Orthotics, Prosthetics, and Pedorthics (www.opp.ohio.gov)</b>	Annual	7	1 FT & 1 PT
<b>State Board of Pharmacy (www.pharmacy.ohio.gov)</b>	Annual	9	48 FTEs
<b>Private Investigators/Security Guard Section – Department of Public Safety<sup>11</sup> (www.homelandsecurity.ohio.gov/pisg.htm)</b>	Annual	N/A	12 FTEs

<sup>9</sup> The Board utilizes 25 independent contractors for investigation and inspection work. These contractors are off-duty firefighters, paramedics, and emergency medical technicians who are familiar with the medical equipment and vehicle safety requirements of the vehicles the Board regulates.

<sup>10</sup> In addition to the three full-time staff that serve the Motor Vehicle Dealer Licensing Board and Motor Vehicle Salvage Dealers Licensing Board, 39 other Bureau of Motor Vehicles staff members, most of whom are investigators, spend varying amounts of their time performing inspections and other licensing-related duties on behalf of the two boards.

<sup>11</sup> The number of staff does not include two contract investigators who are not on state payroll.

<b>Table 4: Additional Operating Statistics</b>			
<b>Agency (Web Site)</b>	<b>Primary Renewal Cycle</b>	<b>Board Members</b>	<b>Staff</b>
<b>State Board of Psychology (www.psychology.ohio.gov)</b>	Biennial	9	6 FTEs
<b>Division of Real Estate and Professional Licensing – Department of Commerce<sup>12</sup> (www.com.ohio.gov/real)</b>	Triennial/ Annual	19	45 FTEs
<b>Ohio Respiratory Care Board (www.respiratorycare.ohio.gov)</b>	Biennial	9	4 FT & 1 PT
<b>State Board of Sanitarian Registration (www.sanitarian.ohio.gov)</b>	Annual	7	1 FT & 1 PT
<b>Division of Securities – Department of Commerce (www.securities.state.oh.us)</b>	Annual	N/A	33 FTEs
<b>Board of Speech-Language Pathology and Audiology (www.slpaud.ohio.gov)</b>	Biennial	8	4 FTEs
<b>State Veterinary Medical Licensing Board (www.ovmlb.ohio.gov)</b>	Biennial	7	2 FT & 1 PT

## **Legislation Effective in FY 2008**

All the bills discussed below became effective between July 1, 2007 and June 30, 2008 and were enacted by the 127th General Assembly. Two of these bills affected several of the boards and commissions. The first, H.B. 104, requires certain boards and commissions to conduct criminal background checks on license applicants. The second, H.B. 372, requires boards and commissions to take a more flexible approach in dealing with continuing education requirements that apply to licensees that are on active military duty. These two bills and other relevant enacted legislation are briefly summarized below.

### **Criminal Background Checks Required for Certain Initial License Applicants**

H.B. 104 requires 16 specified licensing boards to carry out criminal records checks on certain license applicants and those applying to restore their licenses. Under this new requirement, these 16 licensing boards may not grant an application for an

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<sup>12</sup> The 19 board members belong to the Cemetery Dispute Resolution Commission (nine), Real Estate Appraiser Board (five) and Real Estate Commission (five). Real estate salespersons and real estate brokers, the Division's largest categories of licensure, renew triennially while the rest renew annually.

initial license unless the applicant requests a criminal records check. The 16 specified licensing boards are the Accountancy Board; State Dental Board; Board of Embalmers and Funeral Directors; State Board of Optometry; Ohio Optical Dispensers Board; State Board of Pharmacy; State Medical Board; State Board of Psychology; State Chiropractic Board; Ohio Construction Industry Licensing Board; State Veterinary Medical Licensing Board; Occupational Therapy, Physical Therapy and Athletic Trainers Board; Counselor, Social Worker, and Marriage and Family Therapist Board; Ohio Board of Dietetics; Ohio Respiratory Care Board; and the State Board of Orthotics, Prosthetics and Pedorthics.

### **Expired License Exemptions – National Guard and Reserve Members**

H.B. 372 requires the state's professional and occupational licensing boards to grant active duty National Guard or reserve members a 31-day extension to fulfill continuing education requirements needed for license renewal. Additionally, the act requires licensing boards to consider relevant education, training, and service completed by licensees serving in the armed forces, reserves, National Guard, Ohio Military Reserve, or Ohio Naval Militia in determining whether licensees have fulfilled their continuing education requirements.

### **Architects Board**

H.B. 119 created the Architecture Education Assistance Program within the Architects Board. The program pays the Intern Development Program (IDP) enrollment fee of \$100 for eligible students enrolled at one of Ohio's four accredited schools of architecture. The IDP is required in order to obtain professional licensure. The Architecture Education Assistance Program is intended to provide an incentive for students to enroll in the IDP as soon as they are eligible so that more students will seek professional licensure and so that graduates will remain in Ohio, helping maintain a stable number of licensed architects in the state.

S.B. 225 changed the name of the State Board of Examiners of Architects to the Architects Board. This act allows several new architectural titles to be used, changes reciprocity requirements, modifies the contents of certificates awarded to licensees, adds a fee to cover the cost of insufficiently funded checks, and expands firm ownership options.

### **State Chiropractic Board**

S.B. 33 authorizes a chiropractor to obtain a certificate to practice acupuncture from the Ohio State Chiropractic Board upon completion of all requirements.

## **State Medical Board**

H.B. 119 authorizes the State Medical Board of Ohio to adopt rules specifying an acceptable examination and establishing the minimum score on that examination that demonstrates proficiency in spoken English for foreign medical graduates wishing to receive a certificate to practice medicine and surgery or osteopathic medicine and surgery in Ohio. The act also increases the time in which the Board must issue a final adjudicative order regarding a summary suspension from 60 to 75 days after the completion of its hearing.

H.B. 314 authorizes the Board to take disciplinary action against a physician if that physician, under certain circumstances, fails to provide a woman receiving an abortion the opportunity to view the active ultrasound image of the embryo or fetus and offer to provide a woman with a physical picture of the ultrasound image of the embryo or fetus.

S.B. 33 permits the Board, subject to Controlling Board approval, to enter into a personal service contract with one or more attorneys admitted to the practice of law in Ohio to serve on a temporary basis as hearing examiners.

## **State Board of Optometry**

H.B. 149 modifies the scope of the practice of optometry in a number of ways. Among other things, the act requires the State Board of Optometry to (1) adopt rules governing the use of Schedule III controlled substances in the practice of optometry, (2) increases the requirement for annual continuing optometric education in pharmacology to ten hours (from five) and applies this ten-hour requirement to all optometrists, and (3) modifies the licensing exemption that applies to optometry students by permitting students from optometry schools in other states to participate in an optometry training program in Ohio.

## **State Board of Pharmacy**

As noted above, H.B. 149 requires the State Board of Optometry to adopt rules governing the authority of optometrists holding therapeutic pharmaceutical agents (TPA) certificates to employ, apply, administer, and prescribe Schedule III controlled substances. These rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.) and in consultation with the State Board of Pharmacy.

S.B. 33 modifies the immunity from civil liability, criminal prosecution, and professional liability that applies to persons and government entities for matters related

to donating, giving, accepting, or dispensing prescription drugs under the Drug Repository Program established by the State Board of Pharmacy.

S.B. 58 makes a number of changes to the laws regarding pharmacist immunizations. The act (1) permits pharmacists to administer certain additional immunizations to adults and to administer certain medications to individuals in emergency situations resulting from adverse reactions to immunizations, (2) lowers the minimum age to 14 years (from 18 years of age or older) for individuals to receive influenza immunizations from pharmacists, (3) permits pharmacy interns working under the direct supervision of a pharmacist to administer influenza immunizations to adults, and (4) reduces the number of votes needed for the State Board of Pharmacy to approve and confirm a finding or order resulting from an investigation or hearing undertaken by one or more of the Board members.