

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 2009 that affect operations of the state's occupational and professional licensing 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 covered by this report. 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.

Table 4: Additional Operating Statistics			
Agency (Web Site)	Primary Renewal Cycle	Board Members	Staff
Accountancy Board (www.acc.ohio.gov)	Triennial	9	8 FTEs
Architects Board/State Board of Landscape Architect Examiners³ (www.arc.ohio.gov ; www.arc.ohio.gov/lae)	Biennial	10	4 FTEs
Ohio Athletic Commission (www.aco.ohio.gov)	Annual	5	2 FT & 1 PT
Auctioneer Program – Department of Agriculture⁴ (www.ohioagriculture.gov/auction/)	Biennial	N/A	6 FTEs
Barber Board (www.barber.ohio.gov)	Biennial	3	7 FTEs
Board of Building Standards – Department of Commerce (www.com.ohio.gov/dico/bbs.aspx)	Triennial	11	11 FTEs

³ 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.

⁴ In the Auctioneer Program of the Department of Agriculture, three licenses renew biennially and two renew annually. Additionally, of the six staff members noted for the program, five are investigators that work for the entire Department.

Table 4: Additional Operating Statistics			
Agency (Web Site)	Primary Renewal Cycle	Board Members	Staff
Chemical Dependency Professionals Board (www.ocdp.ohio.gov)	Biennial	13	5 FTEs
State Chiropractic Board (www.chirobd.ohio.gov)	Annual	5	5 FTEs
Ohio Construction Industry Licensing Board – Department of Commerce (www.com.ohio.gov/dico/OCILB.aspx)	Annual	17	8 FTEs
State Board of Cosmetology (www.cos.ohio.gov)	Biennial	9	38 FTEs
Counselor, Social Worker and Marriage and Family Therapist Board (www.cswmft.ohio.gov)	Biennial	15	12 FTEs
State Dental Board (www.dental.ohio.gov)	Biennial	13	12 FTEs
Ohio Board of Dietetics (www.dietetics.ohio.gov)	Annual	5	3 FT & 1 PT
Board of Embalmers and Funeral Directors (www.funeral.ohio.gov)	Biennial	7	6 FTEs
Board of Emergency Medical Services – Department of Public Safety (www.ems.ohio.gov)	Triennial	20	28 FTEs
State Board of Registration for Professional Engineers and Surveyors (www.peps.ohio.gov)	Annual	5	8 FTEs
Division of Financial Institutions – Department of Commerce (www.com.ohio.gov/fiin/)	Annual	N/A	27 FTEs
Hearing Aid Dealers and Fitters Licensing Board – Department of Health (<a href="http://www.odh.ohio.gov/odhPrograms/dspc/hdlr/hda
main1.aspx">www.odh.ohio.gov/odhPrograms/dspc/hdlr/hda main1.aspx)	Annual	8	1 FTE
Division of Industrial Compliance – Department of Commerce⁵ (www.com.ohio.gov/dico/)	Annual	6	0 FTEs
Manufactured Homes Commission (www.omhc.ohio.gov)	Biennial	9	4 FTEs
State Medical Board (www.med.ohio.gov)	Biennial	12	87 FTEs

⁵ The board members noted belong only to the Historical Boiler Board.

Table 4: Additional Operating Statistics			
Agency (Web Site)	Primary Renewal Cycle	Board Members	Staff
Ohio Medical Transportation Board⁶ (www.mtb.oh.gov)	Annual	10	3 FTEs
Ohio Board of Motor Vehicle Collision Repair Registration (www.collisionboard.ohio.gov)	Annual	7	3 FTEs
Motor Vehicle Dealer Licensing Board; Motor Vehicle Salvage Dealer Licensing Board – Department of Public Safety⁷ (www.ohioautodealers.com)	Biennial	4; 10	29 FTEs
Board of Examiners of Nursing Home Administrators – Department of Health (www.ohiobenha.org)	Annual	9	6 FTEs
Board of Nursing (www.nursing.ohio.gov)	Biennial	13	59 FTEs
Occupational Therapy, Physical Therapy, and Athletic Trainers Board (www.otptat.ohio.gov)	Biennial	20	8 FTEs
Ohio Optical Dispensers Board (www.optical.ohio.gov)	Annual	9	3 FTEs
State Board of Optometry (www.optometry.ohio.gov)	Annual	6	3 FTEs
State Board of Orthotics, Prosthetics, and Pedorthics (www.opp.ohio.gov)	Annual	7	1 FT & 1 PT
State Board of Pharmacy (www.pharmacy.ohio.gov)	Annual	9	50 FTEs
Private Investigators/Security Guard Section – Department of Public Safety⁸ (www.homelandsecurity.ohio.gov/pisg.htm)	Annual	12	15 FTEs
State Board of Psychology (www.psychology.ohio.gov)	Biennial	9	9 FTEs

⁶ The Board uses 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.

⁷ In addition to the three full-time staff that serve the Motor Vehicle Dealer Licensing Board and Motor Vehicle Salvage Dealers Licensing Board, 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.

⁸ The number of staff does not include two contract investigators who are not on state payroll.

Table 4: Additional Operating Statistics			
Agency (Web Site)	Primary Renewal Cycle	Board Members	Staff
Division of Real Estate and Professional Licensing – Department of Commerce⁹ (www.com.ohio.gov/real)	Triennial/ Annual	19	37 FTEs
Ohio Respiratory Care Board (www.respiratorycare.ohio.gov)	Biennial	9	4 FT & 1 PT
State Board of Sanitarian Registration (www.sanitarian.ohio.gov)	Annual	7	1 FT & 1 PT
Division of Securities – Department of Commerce (www.com.ohio.gov/secu/)	Annual	N/A	29 FTEs
Board of Speech-Language Pathology and Audiology (www.slpaud.ohio.gov)	Biennial	8	4 FTEs
State Veterinary Medical Licensing Board (www.ovmlb.ohio.gov)	Biennial	7	2 FT & 1 PT

Legislation Effective in FY 2009

All of the bills discussed below became effective between July 1, 2008 and June 30, 2009. H.B. 130 affected all boards and commissions that are created under Title 47 of the Revised Code and that are authorized to deny licensure or certification without offering an opportunity for a hearing pursuant to the Administrative Procedure Act. H.B. 130 also required that such boards, when adding to the list of specified criminal offenses for which licensure or certification can be denied, promulgate rules stating how each specified criminal offense is substantially related to a person's ability to perform the professions that each board regulates.

Department of Agriculture – Auctioneer Board

H.B. 48 exempts certain nonprofit organizations and schools that sell donated items at an auction from the licensing and contract requirements governing auctions, if no person in the business of organizing the auction receives compensation from the auction's proceeds. The bill also precludes claims against the Auction Recovery Fund (Fund 5B80) for any loss associated with these types of auctions.

⁹ 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.

Ohio Construction Industry Licensing Board

H.B. 444 authorizes the Ohio Construction Industry Licensing Board (OCILB) to impose on unlicensed contractors a civil penalty of up to \$1,000 per day per violation, with revenue from the penalty accruing to the Industrial Compliance Operating Fund (Fund 5560).

Department of Commerce – Division of Financial Institutions

H.B. 545 repealed the Check-Cashing Lender Law (R.C. Chapter 1315.) and established the Short-Term Lender Law (R.C. 1321.25-1321.48). As a result of its passage, many lenders surrendered their check-cashing licenses and obtained either small loan licenses under the Small Loan Act or Mortgage Loan Act registrations under the Ohio Mortgage Loan Act. Some lenders chose to obtain both.

Department of Commerce – Division of Real Estate

Among other provisions, H.B. 130 specifically addressed the disbursement of earnest money connected to a real estate purchase agreement that is deposited into a special or trust account. The bill required a real estate broker to disburse earnest money deposits as instructed by the purchase agreement, a final court order, the parties' written instructions, or as required under unclaimed funds law. It also required a real estate broker to disburse 100% of an earnest money deposit to the Director of Commerce if the deposit is reported as unclaimed funds.

Board of Embalmers and Funeral Directors

S.B. 196 placed all pre-need funeral contracts under the supervision of the Board, although the Department of Insurance retains jurisdiction over insurance providers who sell insurance policies that cover pre-need contracts.

State Medical Board

Several enactments affected the regulation of medical professionals under the State Medical Board's purview. S.B. 245 required the State Medical Board to issue certificates to practice as an acupuncturist and permits a certified acupuncturist to use the title "Licensed Acupuncturist." Additionally, the act permits an applicant for a certificate to practice as a physician assistant to receive an initial certificate and retain or renew, without a master's or higher degree, the certificate, if the applicant meets certain standards.

S.B. 229 required the Board to regulate the practice of radiologist assistants, established criminal penalties, and authorized the Board to take disciplinary action against violators. The act also requires that an applicant for a certificate to practice as a radiologist assistant meet prescribed standards.

S.B. 279 increased the maximum duration of a visiting medical faculty certificate from one year to three years and allows a physician who received a visiting medical faculty certificate before the act's effective date to apply for a second certificate. Accordingly, the fee for the certificate has been increased from \$125 to \$375. The act also requires the State Medical Board to implement a staggered biennial renewal schedule for certificates to practice limited branches of medicine that is substantially similar to the renewal schedule used for physicians. It also allows an applicant for a certificate to practice massage therapy or cosmetic therapy to be admitted to the Board's examination on the basis of being licensed in another state or holding national certification.

Two other bills that became effective in FY 2009 concern disciplinary actions taken by the Board. First, H.B. 280 authorized the Medical Board to limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under the act. Secondly, H.B. 493 authorized the State Medical Board to take disciplinary action against a physician who violates either of the act's prohibitions regarding physician billing for anatomic pathology services. A violation of either prohibition constitutes a reason for the Board to take disciplinary action against a physician.

Pharmacy Board

H.B. 283 permitted certain corporations, limited liability companies, and professional associations to purchase and distribute dangerous drugs without obtaining a terminal distributor of dangerous drugs license from the State Board of Pharmacy. To qualify for this exemption, all owners or members of the entities must be licensed health professionals who are authorized to prescribe drugs. In addition to this legislation, S.B. 203 specified the criteria that must be met to be considered a qualified pharmacy technician.

Psychology Board

H.B. 503 modified the education and experience requirements for admission to the psychologist licensure examination by specifying the acceptable education or practical experience primarily as it applies to experience outside the United States or Canada. The act exempts applicants who enroll in programs within 60 days of the act's effective date from meeting the new requirement. In addition, the act replaces the requirement that at least one of the two years of supervised professional experience needed for admission to the psychologist licensure examination be completed on a postdoctoral basis with a requirement that the year be a predoctoral internship and applies this requirement to licensed clinical psychologists in the laws governing hospitalization of mentally ill persons.