

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 2011 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	9 FTE
Architects Board and the State Board of Landscape Architect Examiners⁶ (www.arc.ohio.gov)	Biennial	10	4 FTE
Ohio Athletic Commission (www.aco.ohio.gov)	Annual	5	3 FTE
Auctioneer Program – Department of Agriculture⁷ (www.ohioagriculture.gov/auction/)	Biennial	5	7 FTE
Ohio State Barber Board (www.barber.ohio.gov)	Biennial	3	7 FTE
Board of Building Standards – Department of Commerce (www.com.ohio.gov/dico/bbs.aspx)	Triennial	15	12 FTE

⁶ 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. Architects and landscape architect examiners renew biennially while related firms renew annually.

⁷ In the Auctioneer 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.

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 FTE
State Chiropractic Board (www.chirobd.ohio.gov)	Biennial	5	5 FTE
Ohio Construction Industry Licensing Board – Department of Commerce (www.com.ohio.gov/dico/OCILB.aspx)	Annual	17	7 FTE
State Board of Cosmetology (www.cos.ohio.gov)	Biennial	9	34 FTE
Counselor, Social Worker, and Marriage and Family Therapist Board (www.cswmft.ohio.gov)	Biennial	15	12 FTE
Ohio State Dental Board (www.dental.ohio.gov)	Biennial	13	14 FTE
Board of Dietetics (www.dietetics.ohio.gov)	Annual	5	3 FT, 1 PT
State Board of Embalmers and Funeral Directors (www.funeral.ohio.gov)	Biennial	7	6 FTE
Board of Emergency Medical Services – Department of Public Safety (www.ems.ohio.gov)	Triennial	20	30 FTE
State Board of Registration for Professional Engineers and Surveyors (www.peps.ohio.gov)	Annual	5	8 FTE
Division of Financial Institutions – Department of Commerce (www.com.ohio.gov/fiin/)	Annual	N/A ⁸	34 FTE
Hearing Aid Dealers and Fitters Licensing Board – Department of Health (www.odh.ohio.gov/odhPrograms/dspc/hdlr/hdama in1.aspx)	Annual	7	1 FTE
Division of Industrial Compliance – Department of Commerce⁹ (www.com.ohio.gov/dico/)	Annual	6	1 FTE
Ohio Manufactured Homes Commission (www.omhc.ohio.gov)	Biennial	9	6 FTE

⁸ This agency has no executive board.

⁹ 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
State Medical Board¹⁰ (www.med.ohio.gov)	Biennial	12	80 FTE
Ohio Medical Transportation Board¹¹ (www.mtb.oh.gov)	Annual	10	3 FTE
Board of Motor Vehicle Collision Repair Registration (www.collisionboard.ohio.gov)	Annual	7	3 FTE
Motor Vehicle Dealers Licensing Board; Motor Vehicle Salvage Dealers Licensing Board – Department of Public Safety¹² (www.ohioautodealers.com)	Biennial	13	42 FTE
Board of Examiners of Nursing Home Administrators – Department of Health (www.ohiobenha.org)	Annual	9	6 FTE
Board of Nursing (www.nursing.ohio.gov)	Biennial	13	57 FTE
Occupational Therapy, Physical Therapy, and Athletic Trainers Board (www.otptat.ohio.gov)	Biennial	20	8 FTE
Ohio Optical Dispensers Board (www.optical.ohio.gov)	Annual	9	3 FTE
State Board of Optometry (www.optometry.ohio.gov)	Annual	6	3 FTE
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	47 FTE

¹⁰ The State Medical Board's 80 employees include one intermittent employee.

¹¹ 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.

¹² The number of Board members includes nine on the Motor Vehicle Dealers Licensing Board and four on the Motor Vehicle Salvage Dealers Licensing Board. Of the 42 employees listed in the table, only two full-time staff exclusively serve the Motor Vehicle Dealers Licensing Board and Motor Vehicle Salvage Dealers Licensing Board. The other 40 staff members work for the Bureau of Motor Vehicles (most are investigators) and spend varying amounts of time performing inspections and other licensing-related duties on behalf of the two boards.

Table 4. Additional Operating Statistics			
Agency (Web Site)	Primary Renewal Cycle	Board Members	Staff
Private Investigators and Security Guard Section – Department of Public Safety¹³ (www.pisgs.ohio.gov/pisgs.stm)	Annual	12	15 FTE
State Board of Psychology¹⁴ (www.psychology.ohio.gov)	Biennial	13	5 FTE
Division of Real Estate and Professional Licensing – Department of Commerce¹⁵ (www.com.ohio.gov/real)	Triennial	19	38 FTE
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 ¹⁶	27
Board of Speech-Language Pathology and Audiology (www.slpaud.ohio.gov)	Biennial	8	4
Veterinary Medical Licensing Board (www.ovmlb.ohio.gov)	Biennial	7	2 FT, 1 PT

Legislation Effective in FY 2011

The bills discussed below became effective in FY 2011. One bill, S.B. 2 of the 129th General Assembly, affects all state agencies, including licensing and regulatory boards and commissions. This bill creates a new business rule review procedure, where agencies must use a business impact analysis instrument for filing new rules. The bill also requires agencies to develop customer service standards for employees that have significant contact with the public. Some boards may incur costs from these new requirements.

¹³ The number of staff does not include four contract investigators and one contract business analyst who are not on state payroll.

¹⁴ The State Board of Psychology has nine Board members as well as four Board-appointed members on the School Psychology Examination Committee.

¹⁵ 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.

¹⁶ The licenses issued by the Division of Securities within the Department of Commerce are overseen by the Commissioner of Securities, not an appointed board.

In FY 2011, two bills became effective that affected multiple boards. H.B. 93 of the 129th General Assembly establishes and modifies laws regarding the prevention of prescription drug abuse. This bill mainly impacts the State Board of Pharmacy and the State Medical Board. H.B. 215 of the 128th General Assembly modifies the law governing investigations and hearings conducted by the State Dental Board and licensure of audiologists and speech-language pathologists. The changes made by these two bills and other bills that became effective in FY 2011 are briefly discussed below.

State Board of Pharmacy

H.B. 93 requires the State Board of Pharmacy to license and regulate pain management clinics in the state. The bill requires the Board to prepare an annual report containing information related to its regulation of pain management clinics for the next four years. The report is to be submitted to the Governor and the General Assembly. The bill permits the Board to suspend the license of a wholesaler of controlled substances without a hearing if the Board determines that there is clear and convincing evidence that the method used to distribute controlled substances presents a danger of immediate and serious harm to others.

H.B. 93 also modifies the operation of the Ohio Automated Rx Reporting System (OARRS)¹⁷ and establishes criminal penalties for failing to comply with certain requirements of the system. The Board may accept grants, gifts, or donations to operate the database. The bill establishes the Drug Database Fund for this purpose. The bill requires the Board to consider improvements to Ohio's method of monitoring the misuse and diversion of controlled substances through OARRS and to submit a report not later than six months after the bill's effective date.

The bill requires the State Board of Pharmacy, in conjunction with the Attorney General and the Department of Alcohol and Drug Addiction Services, to develop a program under which drugs are collected from the community for destruction or disposal. The bill specifies that the Attorney General is responsible for the costs of the program, though participating agencies may obtain grants to fund the program. Any grants received are credited to the Drug Take-Back Program Fund, which is created by the bill.

State Medical Board of Ohio

For the State Medical Board, H.B. 93 requires that rules be adopted for physicians that operate pain management clinics. The bill authorizes the Board to impose fines of up to \$20,000 on any physician who fails to comply with the rules of operation or standards for pain management clinics. The bill also requires the Board to adopt rules

¹⁷ OARRS was first authorized by Sub. H.B. 377 of the 125th General Assembly. The Act, which became effective May 2005, permitted the Board to establish and maintain an electronic database to monitor the misuse and diversion of controlled substances and certain dangerous drugs.

requiring medical professionals licensed by the Board to check OARRS when issuing prescriptions. H.B. 93 also creates the Medical Board Education and Patient Safety Fund, which is to be used to develop and maintain programs that address patient safety and education, supply and demand of healthcare professionals, and information sharing with the public and individuals regulated by the Board. Fund revenue will consist of grants solicited and accepted by the Board from public and private sources.

Ohio Board of Nursing

H.B. 93 expands access to information collected by the Board of Nursing in an investigation and requires the Board to adopt rules requiring medical professionals licensed by the Board to check OARRS when issuing prescriptions.

State Dental Board

H.B. 93 requires the State Dental Board to adopt rules requiring medical professionals licensed by the Board to check OARRS when issuing prescriptions.

H.B. 215 generally modifies the way the State Dental Board investigates and disciplines medical professionals licensed by the Board. The bill requires the Board to create a supervisory investigative panel and to appoint three referees or examiners who are not Board members and do not otherwise represent the Board to oversee all of the Board's disciplinary hearings and deliberations. The bill also modifies the Board's subpoena authority by requiring all subpoenas to be authorized by the supervisory investigatory panel. The bill modifies Board procedures pertaining to dentists who fail to renew registration or submit evidence of continuing education credits.

H.B. 190 of the 128th General Assembly changes the restrictions placed on dental hygienists, allowing them to operate, under certain restrictions, without the presence of an overseeing dentist under the Oral Health Access Supervision Program. The bill also makes licensing and other administrative changes such as allowing dentists to temporarily retire.

State Board of Speech Pathology and Audiology

H.B. 215 reauthorizes certain persons to obtain an audiologist license without holding a doctor of audiology degree. The bill also permits a licensed speech-language pathologist or audiologist to apply to the State Board of Speech-Language Pathology and Audiology to have their license classified as inactive; the bill allows the Board to charge a fee for classifying a license as inactive. The bill authorizes the Board to adopt rules as necessary for classifying a license as inactive.

State Board of Emergency Medical Services

H.B. 114 of the 129th General Assembly, the transportation budget, abolishes the Seat Belt Education Fund (Fund 8840), which formerly received 8% of the fines for seat belt violations, and requires that the money be credited to the Trauma and Emergency Medical Services Fund (Fund 83M0) instead. The money credited to the Seat Belt Education Fund was used by the Department of Public Safety to establish a seat belt education program. The Trauma and Emergency Medical Services Fund, which already received 28% of the fines for seat belt violations, is required to be used by the Department for the administration of the Division of Emergency Medical Services and the State Board of Emergency Medical Services.