



# Ohio Legislative Service Commission

*Justin Pinsker*

---

## Fiscal Note & Local Impact Statement

---

**Bill:** Sub. H.B. 83 of the 130th G.A.

**Date:** December 4, 2013

**Status:** As Enacted

**Sponsor:** Rep. Hackett

**Local Impact Statement Procedure Required:** No

**Contents:** To implement changes to the State Board of Psychology

### State Fiscal Highlights

- The bill requires an applicant for a license issued by the State Board of Psychology to pay a fee of \$300 when applying for a psychologist license for the first time. The current fee is \$125. The State Board of Psychology's representative estimates there will be approximately 120 applicants per year, for estimated additional annual fee revenue of \$21,000 ( $\$175 \times 120$  applicants). Fee revenues collected by the Board are deposited into the Occupational Licensing Regulatory Fund (Fund 4K90).
- Licensees are required to renew biennially in odd-numbered fiscal years. The bill maintains the current renewal fee of \$350 through June 30, 2016, fiscal year (FY) 2016. It then increases the renewal fee by \$10, to \$360, from July 1, 2016 (FY 2017) through June 30, 2020 (FY 2020). Beginning on July 1, 2020 (FY 2021), the license renewal fee will increase by another \$5, to \$365. The Board estimates that there are approximately 3,600 license renewals every two years. Thus, in FY 2017 and FY 2019, the total estimated additional license renewal fee revenue would be \$36,000 ( $\$10 \times 3,600$  renewals). For FY 2021 and every two years thereafter, the estimated additional license renewal fee revenue would be \$54,000 ( $\$15 \times 3,600$  renewals).
- The bill would allow the Board to charge a fee not less than \$75 and not more than \$150 for a nonresident applicant seeking a review of qualifications and permission from the Board to practice psychology in Ohio for no more than 30 days per year. Under current law, nonresidents do not have to pay an application fee. The Board representative estimates that there will be approximately 30 to 50 applicants per year, for estimated additional annual fee revenue of \$2,250 to \$7,500 ( $\$75 \times 30$  applicants,  $\$150 \times 50$  applicants).

- The bill requires the Board to charge a fee of \$40 to a license holder for the written verification of licensure status, including verification of the date of licensure, the presence or absence of a history of disciplinary action, and the expiration date of the license. The Board representative estimates that there would be approximately 50 to 75 license fee verifications per year, for an estimated gain of \$2,000 to \$3,000 (\$40 x 50 verifications, \$40 x 75 verifications) in fee revenue.

## **Local Fiscal Highlights**

- No direct fiscal effect on political subdivisions.
- 

## **Detailed Fiscal Analysis**

### **Psychologist initial application fee**

The bill requires an applicant for a license issued by the State Board of Psychology to pay a fee of \$300 when applying for a psychologist license for the first time. Under current law, an applicant is required to pay a fee established by the Board, which can be not less than \$75 and not more than \$150. The current fee is \$125. The State Board of Psychology's representative estimates there will be approximately 120 applicants per year, for estimated additional annual fee revenue of \$21,000 (\$175 x 120 applicants). Fee revenues collected by the Board are deposited into the Occupational Licensing Regulatory Fund (Fund 4K90).

### **License renewal fees**

Licensees are required to renew biennially in odd-numbered fiscal years. The bill maintains the current renewal fee of \$350 through June 30, 2016, fiscal year (FY) 2016. It then increases the renewal fee by \$10, to \$360, from July 1, 2016 (FY 2017) through June 30, 2020 (FY 2020). Beginning on July 1, 2020 (FY 2021), the license renewal fee will increase by another \$5, to \$365. The Board representative estimates that there are approximately 3,600 license renewals every two years. Thus, in FY 2017 and FY 2019, the total estimated additional license renewal fee revenue would be \$36,000 (\$10 x 3,600 renewals). For FY 2021 and every two years thereafter, the estimated additional license renewal fee revenue would be \$54,000 (\$15 x 3,600 renewals).

### **Nonresident application fee**

The bill would allow the Board to charge a fee not less than \$75 and not more than \$150 for a nonresident applicant seeking a review of qualifications and permission from the Board to practice psychology in Ohio for no more than 30 days per year. Under current law, nonresidents do not have to pay an application fee. The Board representative estimates that there will be approximately 30 to 50 applicants per year, for estimated additional annual fee revenue of \$2,250 to \$7,500 (\$75 x 30 applicants, \$150 x 50 applicants).

The Board is authorized to adopt rules for the purpose of recognizing a nonresident's interjurisdictional practice credentials granted by the Association of State and Provincial Psychology Boards and other relevant professional organizations. There will be additional administrative costs to the Board to adopt rules.

### **Retired license status**

The bill permits, for a \$50 fee, a license holder who retires from the practice of psychology or school psychology to request during the biennial license registration process that the license holder's license be placed in "licensed psychologist-retired" or "licensed school psychologist-retired" status. Once the license is placed in retired status, the license holder is prohibited from practicing psychology or school psychology in Ohio. It is unclear how many applicants will apply for their licenses to be placed in a retired status. However, the Board representative estimates it could be as many as 75 to 100 per year.

Procedures for reinstating a retired license must be established in rules adopted by the Board. There will be additional administrative costs to the Board to adopt rules.

### **Process to reinstate expired license**

The Board may reinstate an expired, rather than suspended, license within five years upon (1) payment of the current registration fee and a penalty and (2) receipt of the registration form. Under both the bill and current law, the amount of the penalty is established by the Board. The bill permits the Board to increase the penalty to up to \$250 (instead of up to \$50). The Board representative estimates there could initially be a minimal gain in revenue from the increase in the penalty. However, any gain in revenue would likely diminish over time as it is expected that fewer licensees will allow their license to expire.

### **Fee for verification of license status**

The bill requires the Board to charge a fee of \$40 to a license holder for the written verification of licensure status, including verification of the date of licensure, the presence or absence of a history of disciplinary action, and the expiration date of the license. The Board representative estimates that there would be approximately 50 to 75 license fee verifications per year, for an estimated gain of \$2,000 to \$3,000 (\$40 x 50 verifications, \$40 x 75 verifications) in fee revenue.

### **Investigatory and subpoena power**

The bill requires that the Board investigate alleged violations of laws and rules governing the practice of psychology in Ohio. Each investigation must be assigned by the executive director or designated investigator to one of the members of the Board who is to serve as the supervising member of the investigation. Under the bill, the Board is permitted to examine witnesses, administer oaths, and issue subpoenas, except that the Board may not compel the attendance of the respondent in an investigation. A subpoena for patient record information may be issued only if the supervising

member, executive director, secretary, and an attorney from the office of the Attorney General determine that there is probable cause to believe that the complaint alleges a violation of laws governing the practice of psychology in Ohio and that the records sought are relevant to the alleged violation and material to the investigation.

A subpoena issued by the Board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the Board. Service of a subpoena issued by the Board may be made by delivering a copy of the subpoena to the person named in the subpoena, reading it to the person, or leaving it at the person's usual place of residence. When the person being served is a person whose practice is authorized by the laws governing the practice of psychology in Ohio, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena must be deemed served on the date delivery is made or the date the person refuses to accept delivery. The Board representative stated it is unlikely that many subpoenas will need to be served. The cost to serve a subpoena is approximately \$25 to \$30.

### **Colleague assistance program**

The bill permits the Board to approve or establish a colleague assistance program for the purpose of affording license holders, license applicants, and persons registered under the chapter access to all of the following:

1. Resources concerning the prevention of distress;
2. Evaluation and intervention services concerning mental, emotional, substance use, and other conditions that may impair competence, objectivity, and judgment in the provision of psychological or school psychological services;
3. Consultation and mentoring services for practice oversight and remediation of professional skill deficits.

If a program is approved or established, the Board must adopt rules specifying the circumstances under which self-referred participants may receive confidential services from the program. There would be administrative costs to implement the colleague assistance program and to adopt rules governing the program.