



Ohio Legislative Service Commission

Bill Analysis

Daniel M. DeSantis

H.B. 196

129th General Assembly
(As Introduced)

Reps. Pillich, Antonio, Ashford, Brenner, Fende, Garland, Letson, Murray, Reece, Szollosi, Yuko, Fedor

BILL SUMMARY

- Entitles a member of the armed forces whose trade or professional license or certificate has expired in defined circumstances to renewal of the license or certificate at the usual cost, without penalty, and without re-examination, so long as the member is not otherwise disqualified.
- Entitles an individual whose spouse is on active military duty in the state to a temporary license or certificate to practice the individual's trade or profession in the state so long as the individual meets defined conditions, and submits to and is not disqualified by a criminal records check.
- Requires state and political subdivision agencies and private state contractors to consider relevant education, training, or service completed by an individual as a member of the armed forces toward the qualifications required to receive a license or certificate.
- Authorizes an education program, which has been approved by a state or political subdivision agency or private state contractor, to grant advanced standing to an individual who served in the armed forces for the individual's military experience and coursework.
- Removes from the social worker and professional counselor licensing law, the exemption that permits civil service employees to engage in social work and professional counseling without a social worker or professional counselor license.
- Removes authority for civil service employees who are authorized to engage in social work without a social worker license to perform the duties of an adoption assessor.

- Requires the Office of Collective Bargaining to negotiate with state agencies and the affected union to reach a mutually agreeable resolution for employees who are affected by the two foregoing changes, and authorizes the Director of Administrative Services to make job classification changes to carry out the resolution.
- States that nothing in the social worker and professional counselor licensing law requires licensure or certification for a caseworker who is employed by a children services agency.

CONTENT AND OPERATION

Licensing and certification rights to service members and spouses

(R.C. 5903.10)

The bill entitles the holder of an expired trade or professional license or certificate from the state or any political subdivision or agency of the state, to be granted a renewal of the license or certificate at the usual cost, without penalty, and without re-examination, if the license holder is not otherwise disqualified, so long as either of the following circumstances apply:

(1) The license or certificate was not renewed because of the license or certificate holder's service in the armed forces of the United States, or in the National Guard or in a reserve component; or

(2) The license or certificate was not renewed because the license or certificate holder's spouse served in the armed forces of the United States, or in the National Guard or in a reserve component, and this service resulted in the license or certificate holder's absence from this state.

In order to be granted the renewal, the license or certificate holder or the holder's spouse, as the case may be, must present satisfactory evidence of the service member's honorable discharge, or general discharge under honorable conditions, within six months after the discharge or reassignment.

Temporary license for spouse of service member

(R.C. 5903.101)

The bill authorizes an agency of the state or of any political subdivision of the state that issues a license or certificate to practice a trade or profession to issue a temporary license or certificate to practice to an individual whose spouse is on active

duty in the state. The following conditions must be met in order for an agency to issue such a temporary license:

- (1) The individual holds a valid license or certificate for the trade or profession issued by another state or by any foreign jurisdiction;
- (2) The individual's spouse is assigned to a duty station in the state; and
- (3) The individual is accompanying the individual's spouse to the duty station in this state.

Such a temporary license or certificate expires six months after the date it was issued and is not renewable.

Application for or receipt of a temporary license or certificate does not preclude the individual from acquiring a regular license or certificate by means of the standard process for doing so.

Criminal records check

The bill requires the agency to obtain a criminal records check of an individual who applies for a temporary license or certificate. The agency must provide the individual with the form that the individual must complete to enable the criminal records check, together with a standard fingerprint impression sheet. The individual must complete the form and fingerprint impression sheet and return them to the agency. The agency then must forward the completed form and impression sheet to the Superintendent of the Bureau of Criminal Identification and Investigation (BCII), and must request the Superintendent as part of the criminal records check also to obtain information from the FBI, including fingerprint-based checks of the National Crime Information Databases, and from other states and the federal government under the National Crime Prevention Privacy Compact. Upon receiving the form and impression sheet, the Superintendent must conduct a criminal records check to determine whether any information exists that indicates that the individual previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of the state, any other state, or the United States. The Superintendent must report the findings of the criminal records check and any information the FBI provides to the agency. The agency must review the results of the criminal records check.

If the individual fails to complete and return the criminal records check form and fingerprint impression sheet within a reasonable time, the individual is ineligible to receive the temporary license or certificate.

The agency must pay the fee BCII charges for the criminal records check. The individual must reimburse the agency for the amount of the fee that was paid to BCII on the individual's behalf. If the individual fails to reimburse the agency, the individual is ineligible to receive the temporary license or certificate.

The report of a criminal records check is not a public record that is open to public inspection and copying. The agency is prohibited from making the report available to any person except the individual who was the subject of the criminal records check or any court or agency, including a hearing examiner, in a judicial or administrative proceeding relating to the individual's application for the license or certificate.

Military experience recognized toward licensing and certification requirements

(R.C. 5903.101(A))

The bill generally requires any agency of the state and any agency of any political subdivision of the state, or a private state contractor, authorized by the Revised Code to grant a licensure or certification, upon presentation of satisfactory evidence, to consider relevant education, training, or service completed by an individual as a member of the United States armed forces or reserve components thereof, the national guard of any state, the military reserve of any state, or the naval militia of any state toward the qualifications required to receive the licensure or certification.

If an individual is required to successfully complete specific training or education authorized by a state or nationally accredited entity as a prerequisite for obtaining a state license or certification and the state or nationally accredited entity accepts relevant military education, service, or training to fulfill part or all of those requirements, the agency or private state contractor has met the duty described above upon receiving proof by the individual of completion of the specific training or education authorized by a state or nationally accredited entity.

Additionally, the bill permits an education program, which has been approved by an agency or private state contractor, to grant advanced standing to an individual who served in the United States armed forces or the reserve components thereof, the national guard of any state, the military reserve of any state, or the naval militia of any state for the individual's prior relevant military experience and coursework, in accordance with (1) the education program's specific written policies and procedures and (2) rules promulgated by the appropriate governmental unit or contractor that permit granting advanced standing in those education programs. If applicable, the advanced standing must be applied to the individual's status toward completion of an

education program if the individual satisfies all of the program requirements adopted under the appropriate governmental unit's or contractor's rules.

Additionally, if, within six months before or after discharge, an individual otherwise qualified to receive a licensure or certification presents satisfactory evidence of honorable discharge or general discharge under honorable conditions, the agency or private state contractor issuing the licensure or certification must waive any licensure or certification fee.

Adoption assessors; social workers and professional counselors

(R.C. 3107.014 and 4757.41; Section 3)

The bill removes from the social worker and professional counselor licensing law, the exemption that permits civil service employees to engage in social work or professional counseling without a social worker or professional counselor license. The bill also removes the authority for a civil service employee who is authorized to engage in social work or professional counseling without a social worker or professional counselor license to perform the duties of an adoption assessor, and instead allows an employee of a court or public children services agency who has been employed to conduct the duties of an adoption assessor to perform the duties of an adoption assessor. Under continuing law, an adoption assessor must be in one of several employment classifications, must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency, and must complete required training. Under current law, which is changed by the bill as described above, civil service employees who are authorized to engage in social work or professional counseling work without a social worker or professional counselor license constitute one of the employment classifications.

The bill requires the Office of Collective Bargaining, within one year after the bill's effective date, to implement the amendment that removes from the social worker and professional counselor licensing law, the exemption that permits civil service employees to engage in social work or professional counseling without a social worker or professional counselor license. Within 90 days after the bill's effective date, the Office must negotiate with each state agency and the affected union to reach a mutually agreeable resolution for employees who are impacted by the amendment. The Director of Administrative Services is authorized to implement any or all of the provisions of the resolution. The Director can develop new classifications relating to the amendment, and can reassign impacted employees to appropriate classifications based on their duties and qualifications.

The bill also removes an obsolete exemption from the social worker licensing law.

Finally, the bill states that nothing in the social worker and professional counselor licensing law requires licensure or certification for a caseworker who is employed by a children services agency. A public children services agency can hire as a caseworker a person who has the following: (1) a bachelor's degree in human services-related studies, (2) a bachelor's degree in any field and has been employed for at least two years in a human services-related occupation, (3) an associate's degree in human services-related studies, and (4) has been employed for at least five years in a human services-related occupation. A person described in (2), (3), or (4) must obtain a job-related bachelor's degree within five years of the employment commencement date.¹

HISTORY

ACTION	DATE
Introduced	04-12-11

H0196-I-129.docx/jc

¹ R.C. 5153.112, not in the bill.

