



House Bill 442 Implementation Frequently Asked Questions

House Bill 442 was passed by the Ohio General Assembly on December 22, 2020. Effective as of April 12, 2021, this new legislation makes several changes that will impact licensees of the Medical Board.

The bill removes the authority of the State Medical Board to regulate cosmetic therapists and oriental medicine professionals as of the effective date of the bill; and

Decreases the required curriculum hours to obtain a massage therapy diploma or certificate and to apply for massage therapy licensure; and

Gives the Medical Board the authority to recognize any accrediting organization for physician assistant education programs; and increases the number of volunteer hours for continuing education hours for MD, DO and DPM professionals.

Below are some frequently asked questions that you may find helpful about the changes made in this legislation:

Cosmetic Therapists

The Medical Board is working to amend its Ohio Administrative Code rules to align with the legislative change to the unlicensed practice of cosmetic therapy while still preserving the ability of cosmetic therapists to perform laser hair removal under the delegation and supervision of a physician and with rigorous education, training, and supervision requirements to protect public safety.

The rules have been filed and must go through the state administrative rulemaking process, which may be lengthy. There will be opportunities for public comment, including when the rules are on the agenda of the state's legislative Joint Committee on Agency Rule Review.

Temporarily, the Medical Board has adopted an [emergency rule](#) to allow physicians to continue to delegate laser hair removal to cosmetic therapists licensed by the Medical Board on or prior to April 11, 2021. This emergency rule will expire on August 8, 2021.

Q: Now that cosmetic therapists are no longer licensed by the Medical Board can I still practice?

A: According to the legislation in House Bill 442, individuals may practice cosmetic therapy in a salon if authorized by and according to rules made by the Ohio State Cosmetology and Barber Board. The definition of cosmetic therapy in the legislation does not include laser hair removal, however the Medical Board has adopted an [emergency rule](#) that allows physicians to temporarily continue to delegate laser hair removal to cosmetic therapists licensed by the Medical Board on or prior to April 11, 2021. The emergency rule will expire on August 8, 2021.

Q: Will I now be licensed by the Ohio Cosmetology and Barber Board?

A: No, as of April 12, 2021, cosmetic therapists will not be licensed by any board in Ohio.

Q: What happens to my license in the state's eLicense system on April 12, 2021?

A: Beginning April 12, 2021, cosmetic therapists will no longer have the ability to apply for a license, but eLicense will retain the history of the cosmetic therapy licenses.

Q: My cosmetic therapist license does not expire until after April 12, 2021. Can I continue to practice using my license until it expires?

A: No, you may only practice under the license until April 12, 2021.

Q: If my license does not expire until after April 12, 2021 do I get a prorated refund?

A: No, the legislature did not include a refund or wind-down period for cosmetic therapist licensure in the new law.

Q: What happens if I am in school studying to become a cosmetic therapist?

A: You may continue your studies, but the new law means that you will be practicing in an unlicensed occupation in Ohio at the end of your education.

Q: Will the schools who teach cosmetic therapy still be accredited?

A: The Medical Board does not determine a school's accreditation. However, the Medical Board will no longer be involved in determining the standing of cosmetic therapy schools because the new law does not allow Medical Board regulation of the practice of cosmetic therapy. For further information, please contact the schools or the accrediting organizations.

Q: Can I still perform laser hair removal?

A: Cosmetic therapists can still perform laser hair removal under the delegation and supervision of a physician according to the requirements of emergency rule [Ohio Administrative Code rule 4731-18-03](#) until August 8, 2021. On and after August 8, 2021, the ability of cosmetic therapists to perform laser hair removal depends on further legislative or rulemaking action. The Medical Board has filed permanent rules to allow physicians to continue delegation of laser hair removal to cosmetic therapists after the emergency rule expires.

Q: Will the Medical Board still have any authority over laser hair removal performed by cosmetic therapists?

A: The Medical Board has the authority to regulate to whom and with what requirements a physician can delegate laser hair removal.

Q: Can the Medical Board still take enforcement actions on those who practice laser hair removal improperly?

A: The application of light-based medical devices for hair removal (i.e., laser hair removal) is the practice of medicine and surgery. If a cosmetic therapist does not comply with the requirements in [Ohio Administrative Code rule 4731-18-03](#) that enable physician delegation of this portion of the practice of medicine, that cosmetic therapist could be found to be committing the offense of the unlicensed practice of medicine.

Oriental Medicine

Q: What happens to my license as of April 12, 2021?

A: All individuals who are currently licensed as an oriental medicine practitioner will have their license converted to an acupuncture license.

Q: Will I still be able to continue to practice oriental medicine if my license gets converted to an acupuncture license?

A: An oriental medicine practitioner whose license gets converted to acupuncture will be practicing under the acupuncture license. Therefore, that practitioner's scope of practice is the scope of practice of acupuncture defined in R.C. 4762.01 and the practitioner's license is regulated by the rules and laws regulating the practice of acupuncture.

Q: Can I still practice herbal therapy?

A: As of April 12, 2021, the new law has made the practice of herbal therapy an unlicensed and unregulated activity due to the removal of the oriental medicine license and regulation in House Bill 442. The Medical Board does not have any regulatory or enforcement authority over the practice of herbal therapy unless the method in which it is practiced constitutes the unlicensed practice of medicine or the unlicensed practice of any other health care profession that the Medical Board licenses and regulates.

Q: If my oriental medicine license is converted to an acupuncture license, will my renewal date change?

A: No, you will retain your current license renewal date and license number.

Massage Therapy

Q: Why are the number of required education hours for a massage therapy school diploma or certificate decreasing?

A: The Ohio General Assembly passed House Bill 442 which amended [R.C. 4731.19](#) to set the number of hours required for a massage therapy diploma or certificate to meet the education requirement for massage therapy licensure. The amended statute sets the minimum hours in the following subject areas:

- 275 hours in anatomy and physiology and pathology; and
- 275 hours in massage theory and practical, including hygiene; and
- 25 hours in ethics; and
- 25 hours in business and law.

Q: What effect does the Medical Board's current or future Ohio Administrative Code rules have on the decrease in the number of hours required for a diploma or certificate from a massage therapy school?

A: While the board has had an administrative rule that sets the minimum number of hours, the newly passed law supersedes this rule and now sets the legal requirement at 600 hours with specific subject area requirements as outlined above. The board will go through the administrative rulemaking process to align its rule with the new law.

Q: How will the change in required curriculum hours impact my schooling?

A: The law change sets the minimum hours in specified subject matters that the board requires to consider a diploma or certificate from a massage therapy school to satisfy the education requirement for licensure. It is up to each school, college, or institution to determine what, if any, effect this minimum requirement will have on their current curriculum. A massage therapy school, college, or institution must stay in good standing with the Medical Board for a graduate's diploma or certificate to be considered to meet the education requirement for licensure. For additional information, please contact your school.

Physician Assistant

Q: What change was made in HB 442?

A: The Medical Board has been given the authority to recognize any accrediting organization for physician assistant education programs rather than the current requirement that the education program be accredited by the Accreditation Review Commission on Education for the Physician Assistant.

Physicians (M.D., D.O and D.P.M) Continuing Education Change to Volunteer Hours

Q: What change was made in recent legislation regarding the number of volunteer hours that can be used for continuing education credit?

A: HB 442 amended state law to increase the number of volunteer hours that can be accrued for physician continuing education credit hours from three to ten. Licensees can, however, earn those hours at the rate of one credit hour for every five hours spent providing health care services as a volunteer.

Created Date 4/14/21