

Am. Sub. H.B. 166
As Passed by the Senate
AGECD14

_____ moved to amend as follows:

- In line 20 of the title, after "991.02," insert "1347.08," 1
- In line 28 of the title, after "2923.20," insert "2925.01," 2
- In line 83 of the title, after "4737.045," insert "4743.02,"; 3
- after "4745.04," insert "4751.01, 4751.03, 4751.041, 4751.043, 4
- 4751.044, 4751.05, 4751.06, 4751.07, 4751.08, 4751.10, 4751.11, 5
- 4751.12, 4751.14, 4751.99," 6
- In line 97 of the title, after "4776.01," insert "4776.20," 7
- In line 137 of the title, after "5903.04," insert "5903.12," 8
- In line 144 of the title, after "(3719.064)," insert "4751.03 9
- (4751.02), 4751.041 (4751.151), 4751.042 (4751.021), 4751.043 10
- (4751.381), 4751.044 (4751.26), 4751.05 (4751.15), 4751.06 11
- (4751.20), 4751.07 (4751.24), 4751.08 (4751.201), 4751.10 12
- (4751.32), 4751.11 (4751.33), 4751.12 (4751.35), 4751.13 13
- (4751.36), 4751.14 (4751.03)," 14
- In line 146 of the title, after "sections," insert "4751.04, 15
- 4751.10," 16
- In line 172 of the title, after "4743.041," insert "4751.101, 17
- 4751.102, 4751.202, 4751.21, 4751.22, 4751.23, 4751.25, 4751.30, 18
- 4751.31, 4751.37, 4751.38, 4751.40, 4751.41, 4751.45," 19

In line 193 of the title, after "4731.296," insert "4751.02,
4751.04, 4751.09," 20
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In line 236, after "991.02," insert "1347.08," 22

In line 242, after "2923.20," insert "2925.01," 23

In line 282, after "4737.045," insert "4743.02," 24

In line 283, after "4745.04," insert "4751.01, 4751.03,
4751.041, 4751.043, 4751.044, 4751.05, 4751.06, 4751.07, 4751.08,
4751.10, 4751.11, 4751.12, 4751.14, 4751.99," 25
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In line 292, after "4776.01," insert "4776.20," 28

In line 322, after "5903.04," insert "5903.12," 29

In line 326, after "(3719.064)," insert "4751.03 (4751.02),
4751.041 (4751.151), 4751.042 (4751.021), 4751.043 (4751.381),
4751.044 (4751.26), 4751.05 (4751.15), 4751.06 (4751.20), 4751.07
(4751.24), 4751.08 (4751.201), 4751.10 (4751.32), 4751.11
(4751.33), 4751.12 (4751.35), 4751.13 (4751.36), 4751.14
(4751.03)," 30
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In line 328, after "sections," insert "4751.04, 4751.10," 36

In line 347, after "4743.041," insert "4751.101, 4751.102,
4751.202, 4751.21, 4751.22, 4751.23, 4751.25, 4751.30, 4751.31,
4751.37, 4751.38, 4751.40, 4751.41, 4751.45," 37
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In line 1405, after "4747.051," insert "4751.20, 4751.201,
4751.202, 4751.21," 40
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In line 8101, strike through "4751.04" and insert "4751.15" 42

After line 15714, insert: 43

"**Sec. 1347.08.** (A) Every state or local agency that maintains 44
a personal information system, upon the request and the proper 45
identification of any person who is the subject of personal 46

information in the system, shall: 47

(1) Inform the person of the existence of any personal 48
information in the system of which the person is the subject; 49

(2) Except as provided in divisions (C) and (E)(2) of this 50
section, permit the person, the person's legal guardian, or an 51
attorney who presents a signed written authorization made by the 52
person, to inspect all personal information in the system of which 53
the person is the subject; 54

(3) Inform the person about the types of uses made of the 55
personal information, including the identity of any users usually 56
granted access to the system. 57

(B) Any person who wishes to exercise a right provided by 58
this section may be accompanied by another individual of the 59
person's choice. 60

(C)(1) A state or local agency, upon request, shall disclose 61
medical, psychiatric, or psychological information to a person who 62
is the subject of the information or to the person's legal 63
guardian, unless a physician, psychiatrist, or psychologist 64
determines for the agency that the disclosure of the information 65
is likely to have an adverse effect on the person, in which case 66
the information shall be released to a physician, psychiatrist, or 67
psychologist who is designated by the person or by the person's 68
legal guardian. 69

(2) Upon the signed written request of either a licensed 70
attorney at law or a licensed physician designated by the inmate, 71
together with the signed written request of an inmate of a 72
correctional institution under the administration of the 73
department of rehabilitation and correction, the department shall 74
disclose medical information to the designated attorney or 75

physician as provided in division (C) of section 5120.21 of the Revised Code. 76
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(D) If an individual who is authorized to inspect personal information that is maintained in a personal information system requests the state or local agency that maintains the system to provide a copy of any personal information that the individual is authorized to inspect, the agency shall provide a copy of the personal information to the individual. Each state and local agency may establish reasonable fees for the service of copying, upon request, personal information that is maintained by the agency. 78
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(E)(1) This section regulates access to personal information that is maintained in a personal information system by persons who are the subject of the information, but does not limit the authority of any person, including a person who is the subject of personal information maintained in a personal information system, to inspect or have copied, pursuant to section 149.43 of the Revised Code, a public record as defined in that section. 87
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(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code. 94
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(F) This section does not apply to any of the following: 102

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code; 103
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(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	106 107 108 109 110 111
(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;	112 113 114
(4) Records specified in division (A) of section 3107.52 of the Revised Code;	115 116
(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	117 118 119
(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;	120 121
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	122 123 124
(8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;	125 126 127
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 <u>4751.15</u> of the Revised Code or contracts under that section with a private or government entity to administer;	128 129 130 131 132 133
(10) Information contained in a database established and	134

maintained pursuant to section 5101.13 of the Revised Code;	135
(11) Information contained in a database established and maintained pursuant to section 5101.631 of the Revised Code."	136
After line 20189, insert:	137
"Sec. 2925.01. As used in this chapter:	138
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	139
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	140
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	141
(D) "Bulk amount" of a controlled substance means any of the following:	142
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:	143
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	144
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(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or

isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for

purposes of the violation is the amount specified in division	223
(D)(1), (2), (3), (4), or (5) of this section for the other	224
schedule III, IV, or V controlled substance that is combined with	225
the fentanyl-related compound.	226
(E) "Unit dose" means an amount or unit of a compound,	227
mixture, or preparation containing a controlled substance that is	228
separately identifiable and in a form that indicates that it is	229
the amount or unit by which the controlled substance is separately	230
administered to or taken by an individual.	231
(F) "Cultivate" includes planting, watering, fertilizing, or	232
tilling.	233
(G) "Drug abuse offense" means any of the following:	234
(1) A violation of division (A) of section 2913.02 that	235
constitutes theft of drugs, or a violation of section 2925.02,	236
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	237
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or	238
2925.37 of the Revised Code;	239
(2) A violation of an existing or former law of this or any	240
other state or of the United States that is substantially	241
equivalent to any section listed in division (G)(1) of this	242
section;	243
(3) An offense under an existing or former law of this or any	244
other state, or of the United States, of which planting,	245
cultivating, harvesting, processing, making, manufacturing,	246
producing, shipping, transporting, delivering, acquiring,	247
possessing, storing, distributing, dispensing, selling, inducing	248
another to use, administering to another, using, or otherwise	249
dealing with a controlled substance is an element;	250
(4) A conspiracy to commit, attempt to commit, or complicity	251

in committing or attempting to commit any offense under division	252
(G)(1), (2), or (3) of this section.	253
(H) "Felony drug abuse offense" means any drug abuse offense	254
that would constitute a felony under the laws of this state, any	255
other state, or the United States.	256
(I) "Harmful intoxicant" does not include beer or	257
intoxicating liquor but means any of the following:	258
(1) Any compound, mixture, preparation, or substance the gas,	259
fumes, or vapor of which when inhaled can induce intoxication,	260
excitement, giddiness, irrational behavior, depression,	261
stupefaction, paralysis, unconsciousness, asphyxiation, or other	262
harmful physiological effects, and includes, but is not limited	263
to, any of the following:	264
(a) Any volatile organic solvent, plastic cement, model	265
cement, fingernail polish remover, lacquer thinner, cleaning	266
fluid, gasoline, or other preparation containing a volatile	267
organic solvent;	268
(b) Any aerosol propellant;	269
(c) Any fluorocarbon refrigerant;	270
(d) Any anesthetic gas.	271
(2) Gamma Butyrolactone;	272
(3) 1,4 Butanediol.	273
(J) "Manufacture" means to plant, cultivate, harvest,	274
process, make, prepare, or otherwise engage in any part of the	275
production of a drug, by propagation, extraction, chemical	276
synthesis, or compounding, or any combination of the same, and	277
includes packaging, repackaging, labeling, and other activities	278
incident to production.	279

(K) "Possess" or "possession" means having control over a 280
thing or substance, but may not be inferred solely from mere 281
access to the thing or substance through ownership or occupation 282
of the premises upon which the thing or substance is found. 283

(L) "Sample drug" means a drug or pharmaceutical preparation 284
that would be hazardous to health or safety if used without the 285
supervision of a licensed health professional authorized to 286
prescribe drugs, or a drug of abuse, and that, at one time, had 287
been placed in a container plainly marked as a sample by a 288
manufacturer. 289

(M) "Standard pharmaceutical reference manual" means the 290
current edition, with cumulative changes if any, of references 291
that are approved by the state board of pharmacy. 292

(N) "Juvenile" means a person under eighteen years of age. 293

(O) "Counterfeit controlled substance" means any of the 294
following: 295

(1) Any drug that bears, or whose container or label bears, a 296
trademark, trade name, or other identifying mark used without 297
authorization of the owner of rights to that trademark, trade 298
name, or identifying mark; 299

(2) Any unmarked or unlabeled substance that is represented 300
to be a controlled substance manufactured, processed, packed, or 301
distributed by a person other than the person that manufactured, 302
processed, packed, or distributed it; 303

(3) Any substance that is represented to be a controlled 304
substance but is not a controlled substance or is a different 305
controlled substance; 306

(4) Any substance other than a controlled substance that a 307
reasonable person would believe to be a controlled substance 308

because of its similarity in shape, size, and color, or its 309
markings, labeling, packaging, distribution, or the price for 310
which it is sold or offered for sale. 311

(P) An offense is "committed in the vicinity of a school" if 312
the offender commits the offense on school premises, in a school 313
building, or within one thousand feet of the boundaries of any 314
school premises, regardless of whether the offender knows the 315
offense is being committed on school premises, in a school 316
building, or within one thousand feet of the boundaries of any 317
school premises. 318

(Q) "School" means any school operated by a board of 319
education, any community school established under Chapter 3314. of 320
the Revised Code, or any nonpublic school for which the state 321
board of education prescribes minimum standards under section 322
3301.07 of the Revised Code, whether or not any instruction, 323
extracurricular activities, or training provided by the school is 324
being conducted at the time a criminal offense is committed. 325

(R) "School premises" means either of the following: 326

(1) The parcel of real property on which any school is 327
situated, whether or not any instruction, extracurricular 328
activities, or training provided by the school is being conducted 329
on the premises at the time a criminal offense is committed; 330

(2) Any other parcel of real property that is owned or leased 331
by a board of education of a school, the governing authority of a 332
community school established under Chapter 3314. of the Revised 333
Code, or the governing body of a nonpublic school for which the 334
state board of education prescribes minimum standards under 335
section 3301.07 of the Revised Code and on which some of the 336
instruction, extracurricular activities, or training of the school 337
is conducted, whether or not any instruction, extracurricular 338

activities, or training provided by the school is being conducted 339
 on the parcel of real property at the time a criminal offense is 340
 committed. 341

(S) "School building" means any building in which any of the 342
 instruction, extracurricular activities, or training provided by a 343
 school is conducted, whether or not any instruction, 344
 extracurricular activities, or training provided by the school is 345
 being conducted in the school building at the time a criminal 346
 offense is committed. 347

(T) "Disciplinary counsel" means the disciplinary counsel 348
 appointed by the board of commissioners on grievances and 349
 discipline of the supreme court under the Rules for the Government 350
 of the Bar of Ohio. 351

(U) "Certified grievance committee" means a duly constituted 352
 and organized committee of the Ohio state bar association or of 353
 one or more local bar associations of the state of Ohio that 354
 complies with the criteria set forth in Rule V, section 6 of the 355
 Rules for the Government of the Bar of Ohio. 356

(V) "Professional license" means any license, permit, 357
 certificate, registration, qualification, admission, temporary 358
 license, temporary permit, temporary certificate, or temporary 359
 registration that is described in divisions (W)(1) to (37) of this 360
 section and that qualifies a person as a professionally licensed 361
 person. 362

(W) "Professionally licensed person" means any of the 363
 following: 364

(1) A person who has received a certificate or temporary 365
 certificate as a certified public accountant or who has registered 366
 as a public accountant under Chapter 4701. of the Revised Code and 367

who holds an Ohio permit issued under that chapter;	368
(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	369 370 371
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	372 373 374
(4) A person licensed under Chapter 4707. of the Revised Code;	375 376
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	377 378 379
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	380 381 382
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	383 384 385 386 387 388 389 390 391 392
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's	393 394 395 396

certificate under Chapter 4715. of the Revised Code;	397
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	398 399 400 401
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	402 403 404 405
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	406 407 408
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	409 410
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	411 412
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	413 414 415 416
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	417 418 419 420 421
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	422 423
(17) A person who has been issued a license to practice	424

medicine and surgery, osteopathic medicine and surgery, or	425
podiatric medicine and surgery under Chapter 4731. of the Revised	426
Code or has been issued a certificate to practice a limited branch	427
of medicine under that chapter;	428
(18) A person licensed as a psychologist or school	429
psychologist under Chapter 4732. of the Revised Code;	430
(19) A person registered to practice the profession of	431
engineering or surveying under Chapter 4733. of the Revised Code;	432
(20) A person who has been issued a license to practice	433
chiropractic under Chapter 4734. of the Revised Code;	434
(21) A person licensed to act as a real estate broker or real	435
estate salesperson under Chapter 4735. of the Revised Code;	436
(22) A person registered as a registered sanitarian under	437
Chapter 4736. of the Revised Code;	438
(23) A person licensed to operate or maintain a junkyard	439
under Chapter 4737. of the Revised Code;	440
(24) A person who has been issued a motor vehicle salvage	441
dealer's license under Chapter 4738. of the Revised Code;	442
(25) A person who has been licensed to act as a steam	443
engineer under Chapter 4739. of the Revised Code;	444
(26) A person who has been issued a license or temporary	445
permit to practice veterinary medicine or any of its branches, or	446
who is registered as a graduate animal technician under Chapter	447
4741. of the Revised Code;	448
(27) A person who has been issued a hearing aid dealer's or	449
fitter's license or trainee permit under Chapter 4747. of the	450
Revised Code;	451
(28) A person who has been issued a class A, class B, or	452

class C license or who has been registered as an investigator or	453
security guard employee under Chapter 4749. of the Revised Code;	454
(29) A person licensed and registered to practice as a	455
nursing home administrator under Chapter 4751. of the Revised	456
Code;	457
(30) A person licensed to practice as a speech-language	458
pathologist or audiologist under Chapter 4753. of the Revised	459
Code;	460
(31) A person issued a license as an occupational therapist	461
or physical therapist under Chapter 4755. of the Revised Code;	462
(32) A person who is licensed as a licensed professional	463
clinical counselor, licensed professional counselor, social	464
worker, independent social worker, independent marriage and family	465
therapist, or marriage and family therapist, or registered as a	466
social work assistant under Chapter 4757. of the Revised Code;	467
(33) A person issued a license to practice dietetics under	468
Chapter 4759. of the Revised Code;	469
(34) A person who has been issued a license or limited permit	470
to practice respiratory therapy under Chapter 4761. of the Revised	471
Code;	472
(35) A person who has been issued a real estate appraiser	473
certificate under Chapter 4763. of the Revised Code;	474
(36) A person who has been issued a home inspector license	475
under Chapter 4764. of the Revised Code;	476
(37) A person who has been admitted to the bar by order of	477
the supreme court in compliance with its prescribed and published	478
rules.	479
(X) "Cocaine" means any of the following:	480

- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 481
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- (2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 483
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- (3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 487
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- (Y) "L.S.D." means lysergic acid diethylamide. 493
- (Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 494
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- (AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 497
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- (BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 499
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- (CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with 506
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the purposes and principles of sentencing under section 2929.11 of	510
the Revised Code.	511
(DD) "Major drug offender" has the same meaning as in section	512
2929.01 of the Revised Code.	513
(EE) "Minor drug possession offense" means either of the	514
following:	515
(1) A violation of section 2925.11 of the Revised Code as it	516
existed prior to July 1, 1996;	517
(2) A violation of section 2925.11 of the Revised Code as it	518
exists on and after July 1, 1996, that is a misdemeanor or a	519
felony of the fifth degree.	520
(FF) "Mandatory prison term" has the same meaning as in	521
section 2929.01 of the Revised Code.	522
(GG) "Adulterate" means to cause a drug to be adulterated as	523
described in section 3715.63 of the Revised Code.	524
(HH) "Public premises" means any hotel, restaurant, tavern,	525
store, arena, hall, or other place of public accommodation,	526
business, amusement, or resort.	527
(II) "Methamphetamine" means methamphetamine, any salt,	528
isomer, or salt of an isomer of methamphetamine, or any compound,	529
mixture, preparation, or substance containing methamphetamine or	530
any salt, isomer, or salt of an isomer of methamphetamine.	531
(JJ) "Deception" has the same meaning as in section 2913.01	532
of the Revised Code.	533
(KK) "Fentanyl-related compound" means any of the following:	534
(1) Fentanyl;	535
(2) Alpha-methylfentanyl	536

(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;	537
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	538
(3) Alpha-methylthiofentanyl	539
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	540
(4) Beta-hydroxyfentanyl	541
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	542
(5) Beta-hydroxy-3-methylfentanyl (other name:	543
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	544
phenylpropanamide);	545
(6) 3-methylfentanyl	546
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	547
(7) 3-methylthiofentanyl	548
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	549
(8) Para-fluorofentanyl	550
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	551
(9) Thiofentanyl	552
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	553
(10) Alfentanil;	554
(11) Carfentanil;	555
(12) Remifentanil;	556
(13) Sufentanil;	557
(14) Acetyl-alpha-methylfentanyl	558
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);	559
and	560
(15) Any compound that meets all of the following fentanyl	561
pharmacophore requirements to bind at the mu receptor, as	562
identified by a report from an established forensic laboratory,	563

including acetylfentanyl, furanylfentanyl, valerylfentanyl, 564
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 565
para-fluorobutyrylfentanyl, acrylfentanyl, and 566
ortho-fluorofentanyl: 567

(a) A chemical scaffold consisting of both of the following: 568

(i) A five, six, or seven member ring structure containing a 569
nitrogen, whether or not further substituted; 570

(ii) An attached nitrogen to the ring, whether or not that 571
nitrogen is enclosed in a ring structure, including an attached 572
aromatic ring or other lipophilic group to that nitrogen. 573

(b) A polar functional group attached to the chemical 574
scaffold, including but not limited to a hydroxyl, ketone, amide, 575
or ester; 576

(c) An alkyl or aryl substitution off the ring nitrogen of 577
the chemical scaffold; and 578

(d) The compound has not been approved for medical use by the 579
United States food and drug administration. 580

(LL) "First degree felony mandatory prison term" means one of 581
the definite prison terms prescribed in division (A)(1)(b) of 582
section 2929.14 of the Revised Code for a felony of the first 583
degree, except that if the violation for which sentence is being 584
imposed is committed on or after the effective date of this 585
amendment, it means one of the minimum prison terms prescribed in 586
division (A)(1)(a) of that section for a felony of the first 587
degree. 588

(MM) "Second degree felony mandatory prison term" means one 589
of the definite prison terms prescribed in division (A)(2)(b) of 590
section 2929.14 of the Revised Code for a felony of the second 591
degree, except that if the violation for which sentence is being 592

imposed is committed on or after the effective date of this 593
 amendment, it means one of the minimum prison terms prescribed in 594
 division (A)(2)(a) of that section for a felony of the second 595
 degree. 596

(NN) "Maximum first degree felony mandatory prison term" 597
 means the maximum definite prison term prescribed in division 598
 (A)(1)(b) of section 2929.14 of the Revised Code for a felony of 599
 the first degree, except that if the violation for which sentence 600
 is being imposed is committed on or after the effective date of 601
 this amendment, it means the longest minimum prison term 602
 prescribed in division (A)(1)(a) of that section for a felony of 603
 the first degree. 604

(OO) "Maximum second degree felony mandatory prison term" 605
 means the maximum definite prison term prescribed in division 606
 (A)(2)(b) of section 2929.14 of the Revised Code for a felony of 607
 the second degree, except that if the violation for which sentence 608
 is being imposed is committed on or after the effective date of 609
 this amendment, it means the longest minimum prison term 610
 prescribed in division (A)(2)(a) of that section for a felony of 611
 the second degree." 612

After line 53530, insert: 613

"**Sec. 4743.02.** The examination papers of each applicant 614
 examined by boards, commissions, or agencies created under or by 615
 virtue of Chapters 4701. to 4741., 4751., and 4757. of the Revised 616
 Code shall be open for inspection by the applicant or his attorney 617
 for at least ninety days subsequent to the announcement of the 618
 applicant's grade; provided, papers not graded by members of 619
 examining boards or their employees and which by terms of a 620
 contract with any testing company the papers are not available for 621

inspection, need not be made available for inspection; but it 622
 shall be the applicant's right to have any such paper regraded 623
 manually, upon written request of either himself or his attorney 624
 made to the board within ninety days after announcement of the 625
 grade." 626

After line 53741, insert: 627

"**Sec. 4751.01.** As used in ~~sections 4751.01 to 4751.13 of the~~ 628
~~Revised Code~~ this chapter: 629

(A) "Health-care licensing agency" means any department, 630
division, board, section of a board, or other government unit that 631
is authorized by a statute of this or another state to issue a 632
license, certificate, permit, card, or other authority to do 633
either of the following in the context of health care: 634

(1) Engage in a specific profession, occupation, or 635
occupational activity; 636

(2) Have charge of and operate certain specified equipment, 637
machinery, or premises. 638

(B) "Licensed health services executive" means an individual 639
who holds a valid health services executive license. 640

(C) "Licensed nursing home administrator" means an individual 641
who holds a valid nursing home administrator license. 642

(D) "Licensed temporary nursing home administrator" means an 643
individual who holds a valid temporary nursing home administrator 644
license. 645

(E) "Long-term services and supports ~~settings~~ setting" means 646
 any institutional or community-based setting in which medical, 647
 health, ~~psycho-social~~ psychosocial, habilitative, rehabilitative, 648
 or personal care services are provided to individuals on a 649

post-acute care basis. 650

~~(B) "Nursing home administrator" means any individual 651
responsible for planning, organizing, directing, and managing the 652
operation of a nursing home, or who in fact performs such 653
function, whether or not such functions and duties are shared by 654
one or more other persons. 655~~

~~(C)~~(F) "Nursing home" means a nursing home as defined by or 656
under the authority of section 3721.01 of the Revised Code, or a 657
nursing home operated by a governmental agency. 658

~~(D) "Temporary license" means a license for a period not to 659
exceed one hundred eighty days issued pursuant to division (B) of 660
section 4751.06 of the Revised Code. 661~~

~~(E)~~(G) "Nursing home administration" means planning, 662
organizing, directing, and managing the operation of a nursing 663
home. 664

(H) "Nursing home administrator" means any individual who 665
engages in the practice of nursing home administration, whether or 666
not the individual shares the functions and duties of nursing home 667
administration with one or more other individuals. 668

(I) "Valid health services executive license" means a health 669
services executive license to which all of the following apply: 670

(1) It was issued by the board of executives of long-term 671
services and supports under section 4751.21, 4751.23, 4751.25, or 672
4751.33 of the Revised Code; 673

(2) It was not sold, fraudulently furnished, or fraudulently 674
obtained in violation of division (F) of section 4751.10 of the 675
Revised Code; 676

(3) It is current and in good standing. 677

(J) "Valid nursing home administrator license" means a nursing home administrator license to which all of the following apply: 678
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(1) It was issued by the board under section 4751.20, 4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 681
682

(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 683
684
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(3) It is current and in good standing. 686

(K) "Valid temporary nursing home administrator license" means a temporary nursing home administrator license to which all of the following apply: 687
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(1) It was issued by the board under section 4751.202, 4751.23, or 4751.33 of the Revised Code; 690
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(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 692
693
694

(3) It is current and in good standing. 695

Sec. ~~4751.03~~ 4751.02. (A) There is hereby established in the department of aging a board of executives of long-term services and supports, which board shall be composed of the following eleven members: 696
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(1) Four members who are nursing home administrators, owners of nursing homes, or officers of corporations owning nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings; 700
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(2)(a) Three members who work in long-term services and supports settings that are not nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings;

(b) At least one of the members described in division (A)(2)(a) of this section shall be a home health administrator, hospice administrator, an owner of a home health agency or hospice care program, or an officer of a home health agency or hospice care program.

(3) One member who is a member of the academic community;

(4) One member who is a consumer of services offered in a long-term services and supports setting;

(5) One nonvoting member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process, who shall serve in an advisory capacity only;

(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman, who shall serve in an advisory capacity only.

All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.

(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for

which appointed. No member shall serve more than two consecutive
full terms.

(C) Appointments to the board shall be made by the governor.
Any member appointed to fill a vacancy occurring prior to the
expiration of the term for which the member's predecessor was
appointed shall hold office for the remainder of such term. Any
appointed member shall continue in office subsequent to the
expiration date of the member's term until the member's successor
takes office, or until a period of sixty days has elapsed,
whichever occurs first.

(D) The governor may remove any member of the board for
misconduct, incapacity, incompetence, or neglect of duty after the
member so charged has been served with a written statement of
charges and has been given an opportunity to be heard.

(E) Each member of the board, except the member designated by
the director of health and the member designated by the ombudsman,
shall be paid in accordance with section 124.15 of the Revised
Code and each member shall be reimbursed for the member's actual
and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a
chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and
at such other times as its business requires. A majority of the
voting members of the board shall constitute a quorum. The
affirmative vote of a majority of the voting members of the board
is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial
interest in a long-term services and supports setting, and may
employ and prescribe the powers and duties of such employees and

consultants as are necessary to carry out this chapter and the 763
 rules adopted under it. 764

Sec. ~~4751.042~~ 4751.021. (A) The board of executives of 765
 long-term services and supports shall enter into a written 766
 agreement with the department of aging for the department to serve 767
 as the board's fiscal agent. The fiscal agent shall be responsible 768
 for all the board's fiscal matters and financial transactions, as 769
 specified in the agreement. The written agreement shall specify 770
 the fees that the board shall pay to the fiscal agent for services 771
 performed under the agreement, and such fees shall be in 772
 proportion to the services performed for the board. 773

(1) The agreement shall require the fiscal agent to provide 774
 the following services: 775

(a) Preparation and processing of payroll and other personnel 776
 documents that the board approves; 777

(b) Maintenance of ledgers of accounts and reports of account 778
 balances, and monitoring of budgets and allotment plans in 779
 consultation with the board; 780

(c) Performance of other routine support services, specified 781
 in the agreement, that the fiscal agent considers appropriate to 782
 achieve efficiency. 783

(2) The agreement may require the fiscal agent to provide the 784
 following services: 785

(a) Any shared services between the board and the fiscal 786
 agent; 787

(b) Any other services agreed to by the board and the 788
 department, including administrative or technical services. 789

(B) The board, in conjunction and consultation with the 790

fiscal agent, has the following authority and responsibility 791
 relative to fiscal matters: 792

(1) Sole authority to expend funds from the board's accounts 793
 for programs and any other necessary expenses the board may incur; 794

(2) Responsibility to cooperate with and inform the fiscal 795
 agent fully of all financial transactions. 796

(C) The board shall follow all state procurement, fiscal, 797
 human resources, information technology, statutory, and 798
 administrative rule requirements. 799

(D) In its role as fiscal agent for the board, the department 800
 shall serve as a contractor of the board, and does not assume 801
 responsibility for the debts or fiscal obligations of the board. 802

Sec. ~~4751.14~~ 4751.03. There is hereby created in the state 803
 treasury the board of executives of long-term services and 804
 supports fund. The fund shall consist of the amounts the board of 805
~~executives of long-term services and supports~~ collects under this 806
 chapter as ~~license and registration fees, other fees, civil~~ 807
 penalties, and fines. ~~Money~~ The board shall use the money in the 808
 fund ~~shall be used by the board of executives of long term~~ 809
~~services and supports~~ to administer and enforce this chapter and 810
 the rules adopted under ~~it~~ section 4751.04 of the Revised Code. 811
 Investment earnings of the fund shall be credited to the fund. 812

Sec. 4751.04. The board of executives of long-term services 813
and supports shall adopt rules in accordance with Chapter 119. of 814
the Revised Code as necessary to implement and enforce this 815
chapter. 816

Sec. 4751.10. No person shall knowingly do any of the 817

- following: 818
- (A) Operate a nursing home unless it is under the supervision of an administrator whose principal occupation is nursing home administration or hospital administration and who is a licensed nursing home administrator or licensed temporary nursing home administrator; 819
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- (B) Practice or offer to practice nursing home administration unless the person is a licensed nursing home administrator or licensed temporary nursing home administrator; 824
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- (C) Use any of the following unless the person is a licensed nursing home administrator: 827
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- (1) The title "licensed nursing home administrator," "nursing home administrator," "licensed assistant nursing home administrator," or "assistant nursing home administrator"; 829
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- (2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.," "LANHA," "L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's name; 832
833
- (3) Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed nursing home administrator. 834
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- (D) Use any of the following unless the person is a licensed temporary nursing home administrator: 837
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- (1) The title "licensed temporary nursing home administrator," "temporary nursing home administrator," "licensed temporary assistant nursing home administrator," or "temporary assistant nursing home administrator"; 839
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842
- (2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.," "LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the person's name; 843
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845

(3) Any other words, letters, signs, cards, or devices that 846
tend to indicate or imply that the person is a licensed temporary 847
nursing home administrator. 848

(E) Use any of the following unless the person is a licensed 849
health services executive: 850

(1) The title "licensed health services executive" or "health 851
services executive"; 852

(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E." after 853
the person's name; 854

(3) Any other words, letters, signs, cards, or devices that 855
tend to indicate or imply that the person is a licensed health 856
services executive. 857

(F) Sell, fraudulently furnish, fraudulently obtain, or aid 858
or abet another person in selling, fraudulently furnishing, or 859
fraudulently obtaining any of the following: 860

(1) A nursing home administrator license; 861

(2) A temporary nursing home administrator license; 862

(3) A health services executive license. 863

(G) Otherwise violate any of the provisions of this chapter 864
or the rules adopted under section 4751.04 of the Revised Code. 865

Sec. 4751.101. Nothing in this chapter or the rules adopted 866
under it shall be construed as requiring either of the following: 867

(A) An individual to be a licensed health services executive 868
in order to do either of the following: 869

(1) Practice nursing home administration; 870

(2) Serve in a leadership position at a long-term services 871
and supports setting or direct the practices of others in such a 872

setting.

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(B) An applicant for a nursing home administrator license or temporary nursing home administrator license who is employed by an institution for the care and treatment of the sick to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided by the institution if all of the following apply to the institution:

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(1) It is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs.

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(2) It is accredited by a national accrediting organization.

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(3) It is exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 26 U.S.C. 501.

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(4) It provides twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

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Sec. 4751.102. Every operator of a nursing home shall report to the board of executives of long-term services and supports the name and license number of each licensed nursing home administrator and licensed temporary nursing home administrator who practices nursing home administration at the nursing home not later than ten days after the following dates:

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(A) The date the licensed nursing home administrator or licensed temporary nursing home administrator begins to practice nursing home administration at the nursing home;

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(B) The date the licensed nursing home administrator or

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licensed temporary nursing home administrator ceases to practice 901
nursing home administration at the nursing home. 902

Sec. ~~4751.05~~ 4751.15. (A) The board of executives of 903
long-term services and supports, ~~or shall administer, or contract~~ 904
~~with~~ a government or private entity ~~under contract with the board~~ 905
to administer, examinations for licensure as that an individual 906
must pass to obtain a nursing home administrator, ~~shall admit to~~ 907
~~an examination any candidate who:~~ 908

~~(1) Pays the application fee of fifty dollars;~~ 909

~~(2) Submits evidence of good moral character and suitability;~~ 910

~~(3) Is at least eighteen years of age;~~ 911

~~(4) Has completed educational requirements and work~~ 912
~~experience satisfactory to the board;~~ 913

~~(5) Submits an application on forms prescribed by the board;~~ 914

~~(6) Pays~~ license under section 4751.20 or 4751.201 of the 915
Revised Code. If the board contracts with a government or private 916
entity to administer the examinations, the contract may authorize 917
the entity to collect and keep, as all or part of the entity's 918
compensation under the contract, any fee an individual pays to 919
take the examination. The entity is not required to deposit the 920
fee into the state treasury. 921

To be admitted to an examination administered under this 922
section, an individual must pay the examination fee charged by the 923
board or government or private entity. 924

~~(B) Nothing in Chapter 4751. of the Revised Code or the rules~~ 925
~~adopted thereunder shall be construed to require an applicant for~~ 926
~~licensure or a temporary license, who is employed by an~~ 927
~~institution for the care and treatment of the sick to demonstrate~~ 928

~~proficiency in any medical techniques or to meet any medical
educational qualifications or medical standards not in accord with
the remedial care and treatment provided by the institution if the
institution is all of the following:~~

~~(1) Operated exclusively for patients who use spiritual means
for healing and for whom the acceptance of medical care is
inconsistent with their religious beliefs;~~

~~(2) Accredited by a national accrediting organization;~~

~~(3) Exempt from federal income taxation under section 501 of
the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1,
as amended;~~

~~(4) Providing twenty four hour nursing care pursuant to the
exemption in division (E) of section 4723.32 of the Revised Code
from the licensing requirements of Chapter 4723. of the Revised
Code.~~

~~(C) entity. If a person an individual fails three times to
attain a passing grade on pass the examination, said person the
individual, before the person may again be being admitted to the
examination a subsequent time, shall meet such additional also
must satisfy any education ~~or~~ requirements, experience
requirements, or both, as that may be prescribed ~~by the board~~ in
rules adopted under section 4751.04 of the Revised Code in
addition to any education requirements or experience requirements
that must be satisfied to obtain a nursing home administrator
license under section 4751.20 or 4751.201 of the Revised Code.~~

~~**Sec. 4751.041 4751.151.** Except when the board of executives
of long-term services and supports considers it necessary, the
board shall not disclose test materials, examinations, or
evaluation tools used in an examination ~~for licensure as a nursing~~~~

~~home administrator that the board administers administered under 958~~
~~section 4751.04 4751.15 of the Revised Code or contracts under 959~~
~~that section with a private or government entity to administer. 960~~

Sec. ~~4751.06~~ 4751.20. (A) ~~An applicant for licensure as 961~~
~~Subject to section 4751.32 of the Revised Code, the board of 962~~
~~executives of long-term services and supports shall issue a 963~~
~~nursing home administrator who has successfully completed the 964~~
~~requirements of section 4751.05 of the Revised Code, license to an 965~~
~~individual under this section if all of the following requirements 966~~
~~are satisfied: 967~~

(1) The individual has submitted to the board a completed 968
application for the license in accordance with rules adopted under 969
section 4751.04 of the Revised Code. 970

(2) If the individual is required by rules adopted under 971
section 4751.04 of the Revised Code to serve as a nursing home 972
administrator in training, the individual has paid to the board 973
the administrator in training fee of fifty dollars. 974

(3) The individual is at least twenty-one years of age. 975

(4) The individual has successfully completed educational 976
requirements and work experience specified in rules adopted under 977
section 4751.04 of the Revised Code, including, if so required by 978
the rules, experience obtained as a nursing home administrator in 979
training. 980

(5) The individual is of good moral character. 981

(6) The individual has complied with section 4776.02 of the 982
Revised Code regarding a criminal records check. 983

(7) The board, in its discretion, has determined that the 984
results of the criminal records check do not make the individual 985

<u>ineligible for the license.</u>	986
<u>(8) The individual has passed the licensing examination</u>	987
administered by the board of executives of long term services and	988
supports or a government or private entity under contract with the	989
board, and paid section 4751.15 of the Revised Code.	990
<u>(9) The individual has paid to the board an original a</u>	991
license fee of two hundred fifty dollars shall be issued a license	992
on a form provided by the board. Such	993
<u>(10) The individual has satisfied any additional requirements</u>	994
as may be prescribed in rules adopted under section 4751.04 of the	995
Revised Code.	996
<u>(B) A nursing home administrator license shall certify that</u>	997
the applicant individual to whom it was issued has met the	998
licensure applicable requirements of Chapter 4751. this chapter	999
and any applicable rules adopted under section 4751.04 of the	1000
Revised Code and is entitled authorized to practice as a licensed	1001
nursing home administrator administration while the license is	1002
valid.	1003
(B) A temporary license for a period not to exceed one	1004
hundred eighty days may be issued to an individual temporarily	1005
filling the position of a nursing home administrator vacated by	1006
reason of death, illness, or other unexpected cause, pursuant to	1007
regulations adopted by the board.	1008
(C) The fee for a temporary license is one hundred dollars.	1009
Said fee must accompany the application for the temporary license.	1010
(D) Any license or temporary license issued by the board	1011
pursuant to this section shall be under the hand of the	1012
chairperson and the secretary of the board.	1013
(E) A duplicate of the original certificate of registration	1014

~~or license may be secured to replace one that has been lost or
destroyed by submitting to the board a notarized statement
explaining the conditions of the loss, mutilation, or destruction
of the certificate or license and by paying a fee of twenty five
dollars.~~

~~(F) A duplicate certificate of registration and license may
be issued in the event of a legal change of name by submitting to
the board a certified copy of the court order or marriage license
establishing the change of name, by returning at the same time the
original license and certificate of registration, and by paying a
fee of twenty five dollars.~~

Sec. 4751.08 4751.201. The (A) Subject to section 4751.32 of
the Revised Code, the board of executives of long-term services
and supports, in its discretion, and otherwise subject to Chapter
4751. of the Revised Code and the rules adopted by the board
thereunder prescribing the qualifications for a nursing home
administrator license, may license issue a nursing home
administrator without examination if the nursing home
administrator has a valid license issued by the proper authorities
of any other state, upon payment of to an individual under this
section if all of the following requirements are satisfied:

(1) The individual is legally authorized to practice nursing
home administration in another state.

(2) The individual has submitted to the board a completed
application for the license in accordance with rules adopted under
section 4751.04 of the Revised Code.

(3) The individual is at least twenty-one years of age.

(4) The individual holds at least a bachelor's degree from an
accredited educational institution.

<u>(5) The individual is of good moral character.</u>	1044
<u>(6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.</u>	1045
<u>(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	1046
<u>(8) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.</u>	1047
<u>(9) The individual has paid to the board a license fee of one</u>	1048
<u>two hundred fifty dollars, and upon submission of evidence</u>	1049
<u>satisfactory to the board both:</u>	1050
<u>(A) That such other state maintained a system and standard of</u>	1051
<u>qualifications and examinations for a nursing home administrator</u>	1052
<u>license which were substantially equivalent to those required in</u>	1053
<u>this state at the time such other license was issued by such other</u>	1054
<u>state;</u>	1055
<u>(B) That such other state gives similar recognition to</u>	1056
<u>nursing home administrators licensed in this state.</u>	1057
<u>(10) The individual has satisfied any additional requirements</u>	1058
<u>as may be prescribed in rules adopted under section 4751.04 of the</u>	1059
<u>Revised Code.</u>	1060
<u>(B) A nursing home administrator license shall certify that</u>	1061
<u>the individual to whom it was issued has met the applicable</u>	1062
<u>requirements of this chapter and any applicable rules adopted</u>	1063
<u>under section 4751.04 of the Revised Code and is authorized to</u>	1064
<u>practice nursing home administration while the license is valid.</u>	1065
<u>Sec. 4751.202. (A) Subject to section 4751.32 of the Revised</u>	1066
<u>Code, the board of executives of long-term services and supports</u>	1067
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<u>may issue a temporary nursing home administrator license to an</u>	1072
<u>individual if all of the following requirements are satisfied:</u>	1073
<u>(1) The operator of a nursing home has requested that the</u>	1074
<u>board issue a temporary nursing home administrator license to the</u>	1075
<u>individual to authorize the individual to temporarily practice</u>	1076
<u>nursing home administration at the nursing home because of a</u>	1077
<u>vacancy in the position of nursing home administrator at the</u>	1078
<u>nursing home resulting from a death, illness, or other unexpected</u>	1079
<u>cause.</u>	1080
<u>(2) The individual is at least twenty-one years of age.</u>	1081
<u>(3) The individual is of good moral character.</u>	1082
<u>(4) The individual has complied with section 4776.02 of the</u>	1083
<u>Revised Code regarding a criminal records check.</u>	1084
<u>(5) The board, in its discretion, has determined that the</u>	1085
<u>results of the criminal records check do not make the individual</u>	1086
<u>ineligible for the license.</u>	1087
<u>(6) The individual has paid to the board a fee for the</u>	1088
<u>temporary license of one hundred dollars.</u>	1089
<u>(7) The individual has satisfied any additional requirements</u>	1090
<u>as may be prescribed in rules adopted under section 4751.04 of the</u>	1091
<u>Revised Code.</u>	1092
<u>(B) A temporary nursing home administrator license shall</u>	1093
<u>certify that the individual to whom it was issued has met the</u>	1094
<u>applicable requirements of this chapter and any applicable rules</u>	1095
<u>adopted under section 4751.04 of the Revised Code and is</u>	1096
<u>authorized to practice nursing home administration while the</u>	1097
<u>temporary license is valid.</u>	1098
<u>(C) Except as provided in section 4751.32 of the Revised</u>	1099

Code, a temporary nursing home administrator license is valid for 1100
a period of time the board shall specify on the temporary license. 1101
That period shall not exceed one hundred eighty days. If that 1102
period is less than one hundred eighty days, the individual 1103
holding the temporary license may apply to the board for renewal 1104
of the temporary license in accordance with rules the board shall 1105
adopt under section 4751.04 of the Revised Code. Except as 1106
provided in section 4751.32 of the Revised Code, a renewed 1107
temporary nursing home administrator license is valid for a period 1108
of time the board shall specify on the renewed temporary license. 1109
That period shall not exceed the difference between one hundred 1110
eighty days and the number of days for which the original 1111
temporary license was valid. A renewed temporary nursing home 1112
administrator license shall not be renewed. A licensed temporary 1113
nursing home administrator who intends to continue to practice 1114
nursing home administration after the temporary license, 1115
including, if applicable, the renewed temporary license, expires 1116
must obtain a nursing home administrator license under section 1117
4751.20 of the Revised Code. 1118

Sec. 4751.21. (A) Subject to section 4751.32 of the Revised 1119
Code, the board of executives of long-term services and supports 1120
shall issue a health services executive license to an individual 1121
if all of the following requirements are satisfied: 1122

(1) The individual has submitted to the board a completed 1123
application for the license in accordance with rules adopted under 1124
section 4751.04 of the Revised Code. 1125

(2) The individual is a licensed nursing home administrator. 1126

(3) The individual has obtained the health services executive 1127
qualification through the national association of long-term care 1128

<u>administrator boards.</u>	1129
<u>(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.</u>	1130
<u>(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	1132
<u>(6) The individual has paid to the board a license fee of one hundred dollars.</u>	1133
<u>(B) A health services executive license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is a licensed health services executive while the license is valid.</u>	1134
<u>Sec. 4751.22. All licenses and temporary licenses that the board of executives of long-term services and supports issues under this chapter shall include the signatures of the board's chairperson and secretary.</u>	1135
<u>Sec. 4751.23. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue to a licensed nursing home administrator, licensed temporary nursing home administrator, or licensed health services executive a duplicate of the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license if the license or temporary license has been lost, mutilated, or destroyed and the individual does both of the following:</u>	1136
<u>(1) Submits to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction;</u>	1137
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<u>(2) Pays to the board a fee of twenty-five dollars.</u>	1157
<u>(B) Subject to section 4751.32 of the Revised Code, the board</u>	1158
<u>may issue to a licensed nursing home administrator, licensed</u>	1159
<u>temporary nursing home administrator, or licensed health services</u>	1160
<u>executive whose name has been legally changed a duplicate of the</u>	1161
<u>individual's nursing home administrator license, temporary nursing</u>	1162
<u>home administrator license, or health services executive license</u>	1163
<u>that has the individual's new name if the individual does all of</u>	1164
<u>the following:</u>	1165
<u>(1) Submits to the board a certified copy of the court order</u>	1166
<u>or marriage license establishing the change of name;</u>	1167
<u>(2) Returns to the board the license or temporary license</u>	1168
<u>that has the individual's previous name;</u>	1169
<u>(3) Pays to the board a fee of twenty-five dollars.</u>	1170
Sec. 4751.07 4751.24. (A) Every individual who holds a valid	1171
license as a nursing home administrator issued under division (A)	1172
of section 4751.06 of the Revised Code, shall immediately upon	1173
issuance thereof be registered with the board of executives of	1174
long term services and supports and be issued a certificate of	1175
registration. Such individual shall annually apply to the board	1176
for a new certificate of registration on forms provided for such	1177
purpose prior to the expiration of the certificate of registration	1178
and shall at the same time submit <u>Subject to section 4751.32 of</u>	1179
<u>the Revised Code, a nursing home administrator license is valid</u>	1180
<u>for one year and may be renewed and reinstated in accordance with</u>	1181
<u>this section.</u>	1182
<u>(B) If a licensed nursing home administrator intends to</u>	1183
<u>continue to practice nursing home administration without</u>	1184
<u>interruption after the administrator's license expires, the</u>	1185

administrator shall apply to the board of executives of long-term services and supports for a renewed nursing home administrator license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the administrator does all of the following before the license expires:

(1) Submits to the board a completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code;

(2) Pays to the board the license renewal fee of three hundred dollars;

(3) Submits to the board satisfactory evidence ~~to the board~~ of having attended such continuing education programs or courses of study as may be prescribed in rules adopted ~~by the board~~ under section 4751.04 of the Revised Code;

(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

~~(B) Upon making an application for a new certificate of registration such individual shall pay the annual registration fee of three hundred dollars.~~

~~(C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator. If a nursing home administrator license issued under section 4751.20 or 4751.201 of the Revised Code is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later than one year after the date the license expired:~~

<u>(1) Submits to the board the completed application for</u>	1215
<u>license reinstatement in accordance with rules adopted under</u>	1216
<u>section 4751.04 of the Revised Code;</u>	1217
<u>(2) Pays to the board the license reinstatement fee equal to</u>	1218
<u>the sum of the following:</u>	1219
<u>(a) Three hundred dollars;</u>	1220
<u>(b) Fifty dollars for each calendar quarter that occurs</u>	1221
<u>during the period beginning on the date the license expires and</u>	1222
<u>ending on the last day of the calendar quarter during which the</u>	1223
<u>individual applies for license reinstatement, up to a maximum of</u>	1224
<u>two hundred dollars.</u>	1225
<u>(3) Submits to the board satisfactory evidence of having</u>	1226
<u>attended such continuing education programs or courses of study as</u>	1227
<u>may be prescribed in rules adopted by the board under section</u>	1228
<u>4751.04 of the Revised Code;</u>	1229
<u>(4) Satisfies any other requirements as may be prescribed in</u>	1230
<u>rules adopted under section 4751.04 of the Revised Code.</u>	1231
(D) The license of a nursing home administrator who fails to	1232
comply with this section shall automatically lapse.	1233
(E) A licensed nursing home administrator who has been	1234
licensed and registered in this state who determines to	1235
temporarily abandon the practice of nursing home administration	1236
shall notify the board in writing immediately; provided, that such	1237
individual. The former administrator may thereafter register to	1238
resume the practice of nursing home administration within the	1239
state upon complying with the requirements of this section	1240
regarding annual registration <u>license renewal or license</u>	1241
<u>reinstatement, whichever is applicable.</u>	1242
(F) Only an individual who has qualified as a licensed and	1243

~~registered nursing home administrator under Chapter 4751. of the~~ 1244
~~Revised Code and the rules adopted thereunder, and who holds a~~ 1245
~~valid current registration certificate pursuant to this section,~~ 1246
~~may use the title "nursing home administrator," or the~~ 1247
~~abbreviation "N.H.A." after the individual's name. No other person~~ 1248
~~shall use such title or such abbreviation or any other words,~~ 1249
~~letters, sign, card, or device tending to indicate or to imply~~ 1250
~~that the person is a licensed and registered nursing home~~ 1251
~~administrator.~~ 1252

~~(G) Every person holding a valid license entitling the person~~ 1253
~~to practice nursing home administration in this state shall~~ 1254
~~display said license in the nursing home which is the person's~~ 1255
~~principal place of employment, and while engaged in the practice~~ 1256
~~of nursing home administration shall have at hand the current~~ 1257
~~registration certificate.~~ 1258

~~(H) Every person holding a valid temporary license shall have~~ 1259
~~such license at hand while engaged in the practice of nursing home~~ 1260
~~administration.~~ 1261

Sec. 4751.25. (A) Subject to section 4751.32 of the Revised 1262
Code, a health services executive license is valid for one year 1263
and may be renewed and reinstated in accordance with this section. 1264

(B) A licensed health services executive may apply to the 1265
board of executives of long-term services and supports for a 1266
renewed license. Subject to section 4751.32 of the Revised Code, 1267
the board shall renew the license if the licensed health services 1268
executive does all of the following before the license expires: 1269

(1) Submits to the board the completed application for 1270
license renewal in accordance with rules adopted under section 1271
4751.04 of the Revised Code; 1272

<u>(2) Pays to the board the license renewal fee of fifty</u>	1273
<u>dollars;</u>	1274
<u>(3) Submits to the board satisfactory evidence of having</u>	1275
<u>attended such continuing education programs or courses of study as</u>	1276
<u>may be prescribed in rules adopted under section 4751.04 of the</u>	1277
<u>Revised Code.</u>	1278
<u>(C)(1) If a health services executive license is not renewed</u>	1279
<u>before it expires, the individual who held the license may apply</u>	1280
<u>to the board for the license's reinstatement. Subject to section</u>	1281
<u>4751.32 of the Revised Code, the board shall reinstate the license</u>	1282
<u>if the individual does all of the following not later than one</u>	1283
<u>year after the date the license expired:</u>	1284
<u>(a) Submits to the board the completed application for</u>	1285
<u>license reinstatement in accordance with rules adopted under</u>	1286
<u>section 4751.04 of the Revised Code;</u>	1287
<u>(b) Pays to the board the license reinstatement fee specified</u>	1288
<u>in division (C)(2) of this section;</u>	1289
<u>(c) Submits to the board satisfactory evidence of having</u>	1290
<u>attended such continuing education programs or courses of study as</u>	1291
<u>may be prescribed in rules adopted under section 4751.04 of the</u>	1292
<u>Revised Code.</u>	1293
<u>(2) The fee to reinstate a health services executive license</u>	1294
<u>under division (C)(1) of this section is the following:</u>	1295
<u>(a) If the individual applying for reinstatement has, at the</u>	1296
<u>same time, applied for reinstatement of a nursing home</u>	1297
<u>administrator license under division (C) of section 4751.24 of the</u>	1298
<u>Revised Code and paid the reinstatement fee required by division</u>	1299
<u>(C)(2) of that section, one hundred dollars;</u>	1300
<u>(b) If division (C)(2)(a) of this section does not apply to</u>	1301

the individual, the sum of the following: 1302

(i) One hundred dollars; 1303

(ii) Twenty-five dollars for each calendar quarter that 1304
occurs during the period beginning on the date the license expired 1305
and ending on the last day of the calendar quarter during which 1306
the individual applies for license reinstatement, up to a maximum 1307
of one hundred dollars. 1308

Sec. ~~4751.044~~ 4751.26. The board of executives of long-term 1309
services and supports shall approve continuing education courses 1310
for licensed nursing home administrators and licensed health 1311
services executives. The board may establish a fee for approval of 1312
such courses that is adequate to cover any expense the board 1313
incurs in the approval process. 1314

Sec. 4751.30. (A) Any person may submit to the board of 1315
executives of long-term services and supports a complaint that the 1316
person reasonably believes that another person has violated, or 1317
failed to comply with a requirement of, this chapter or a rule 1318
adopted under section 4751.04 of the Revised Code. All of the 1319
following apply to complaints submitted to the board under this 1320
section: 1321

(1) They are not subject to discovery in any civil action. 1322

(2) They are not public records for purposes of section 1323
149.43 of the Revised Code. 1324

(3) They are not subject to inspection or copying under 1325
section 1347.08 of the Revised Code. 1326

(B) Except as provided in division (D) of section 4751.31 of 1327
the Revised Code, the board shall protect the confidentiality of 1328

each person who submits a complaint to the board under this section. 1329
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Sec. 4751.31. (A) The board of executives of long-term services and supports shall receive, investigate, and take appropriate action with respect to any complaint submitted to the board under section 4751.30 of the Revised Code and any other credible information the board possesses that indicates a person may have violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 4751.04 of the Revised Code. 1331
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(B) In conducting an investigation under this section, the board may do any of the following: 1339
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(1) Question witnesses; 1341

(2) Conduct interviews; 1342

(3) Inspect and copy any books, accounts, papers, records, or other documents; 1343
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(4) Issue subpoenas; 1345

(5) Compel the attendance of witnesses and the production of documents and testimony. 1346
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(C) No member of the board who supervises an investigation conducted under this section shall participate in any adjudication arising from the investigation. 1348
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(D) The board may disclose any information it receives as part of an investigation conducted under this section, including the identity of a person who submits a complaint under section 4751.30 of the Revised Code, to a law enforcement agency, licensing board, or other government agency that investigates, prosecutes, or adjudicates alleged violations of statutes or 1351
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rules. An agency or board that receives such information shall 1357
protect the confidentiality of a person who submits a complaint 1358
under section 4751.30 of the Revised Code in the same manner as 1359
the board of executives of long-term services and supports, 1360
notwithstanding any other information that the agency or other 1361
board possesses. 1362

~~Sec. 4751.10~~ 4751.32. (A) ~~The license or registration, or~~ 1363
~~both, or the temporary license of any person practicing or~~ 1364
~~offering to practice nursing home administration, shall be revoked~~ 1365
~~or suspended by the board of executives of long-term services and~~ 1366
supports may take any of the actions authorized by division (B) of 1367
this section against an individual who has applied for or holds a 1368
nursing home administrator license, temporary nursing home 1369
administrator license, or health services executive license if 1370
~~such licensee or temporary licensee~~ any of the following apply to 1371
the individual: 1372

~~(A) Is~~ (1) The individual has failed to satisfy any 1373
requirement established by this chapter or the rules adopted under 1374
section 4751.04 of the Revised Code that must be satisfied to 1375
obtain the license or temporary license. 1376

(2) The individual has violated, or failed to comply with a 1377
requirement of, this chapter or a rule adopted under section 1378
4751.04 of the Revised Code regarding the practice of nursing home 1379
administration, including the requirements of sections 4751.40 and 1380
4751.41 of the Revised Code. 1381

(3) The individual is unfit or incompetent to practice 1382
nursing home administration, serve in a leadership position at a 1383
long-term services and supports setting, or direct the practices 1384
of others in such a setting by reason of negligence, habits, or 1385

other causes;	1386
(B) Has willfully or repeatedly violated any of the provisions of Chapter 4751. of the Revised Code or the regulations adopted thereunder; or willfully or repeatedly, including the individual's habitual or excessive use or abuse of drugs, alcohol, or other substances.	1387 1388 1389 1390 1391
<u>(4) The individual has acted in a manner inconsistent with the health and safety of either of the patients following:</u>	1392 1393
<u>(a) The residents of the nursing home in at which the licensee or temporary licensee is the administrator individual practices nursing home administration;</u>	1394 1395 1396
(C) Is guilty of fraud or deceit in the practice of nursing home administration or in the licensee's or temporary licensee's admission to such practice;	1397 1398 1399
(D) Has <u>(b) The consumers of services and supports provided by a long-term services and supports setting at which the individual serves in a leadership position or directs the practices of others.</u>	1400 1401 1402 1403
<u>(5) The individual has been convicted of, or pleaded guilty to, either of the following in a court of competent jurisdiction, either within or without this state, of a:</u>	1404 1405 1406
<u>(a) A felony;</u>	1407
<u>(b) An offense of moral turpitude that constitutes a misdemeanor in this state.</u>	1408 1409
<u>(6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, temporary nursing home administrator license, or health services executive license.</u>	1410 1411 1412 1413

<u>(7) The individual made a fraudulent misrepresentation in</u>	1414
<u>attempting to obtain, or obtaining, money or anything of value in</u>	1415
<u>the practice of nursing home administration or while serving in a</u>	1416
<u>leadership position at a long-term services and supports setting</u>	1417
<u>or directing the practices of others in such a setting.</u>	1418
<u>(8) The individual has substantially deviated from the</u>	1419
<u>board's code of ethics.</u>	1420
<u>(9) Another health care licensing agency has taken any of the</u>	1421
<u>following actions against the individual for any reason other than</u>	1422
<u>nonpayment of a fee:</u>	1423
<u>(a) Denied, refused to renew or reinstate, limited, revoked,</u>	1424
<u>or suspended, or accepted the surrender of, a license or other</u>	1425
<u>authorization to practice;</u>	1426
<u>(b) Imposed probation;</u>	1427
<u>(c) Issued a censure or other reprimand.</u>	1428
<u>(10) The individual has failed to do any of the following:</u>	1429
<u>(a) Cooperate with an investigation conducted by the board</u>	1430
<u>under section 4751.31 of the Revised Code;</u>	1431
<u>(b) Respond to or comply with a subpoena issued by the board</u>	1432
<u>in an investigation of the individual;</u>	1433
<u>(c) Comply with any disciplinary action the board has taken</u>	1434
<u>against the individual pursuant to this section.</u>	1435
<u>(B) The following are the actions that the board may take for</u>	1436
<u>the purpose of division (A) of this section:</u>	1437
<u>(1) Deny the individual any of the following:</u>	1438
<u>(a) A nursing home administrator license under section</u>	1439
<u>4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;</u>	1440

<u>(b) A temporary nursing home administrator license under</u>	1441
<u>section 4751.202 or 4751.23 of the Revised Code;</u>	1442
<u>(c) A health services executive license under section</u>	1443
<u>4751.21, 4751.23, or 4751.25 of the Revised Code.</u>	1444
<u>(2) Suspend the individual's nursing home administrator</u>	1445
<u>license, temporary nursing home administrator license, or health</u>	1446
<u>services executive license;</u>	1447
<u>(3) Revoke the individual's nursing home administrator</u>	1448
<u>license, temporary nursing home administrator license, or health</u>	1449
<u>services executive license, either permanently or for a period of</u>	1450
<u>time the board specifies;</u>	1451
<u>(4) Place a limitation on the individual's nursing home</u>	1452
<u>administrator license, temporary nursing home administrator</u>	1453
<u>license, or health services executive license;</u>	1454
<u>(5) Place the individual on probation;</u>	1455
<u>(6) Issue a written reprimand of the individual;</u>	1456
<u>(7) Impose on the individual a civil penalty, fine, or other</u>	1457
<u>sanction specified in rules adopted under section 4751.04 of the</u>	1458
<u>Revised Code.</u>	1459
<u>(C) The board shall take actions authorized by division (B)</u>	1460
<u>of this section in accordance with Chapter 119. of the Revised</u>	1461
<u>Code, except that the board may enter into a consent agreement</u>	1462
<u>with an individual to resolve an alleged violation of this chapter</u>	1463
<u>or a rule adopted under section 4751.04 of the Revised Code in</u>	1464
<u>lieu of making an adjudication regarding the alleged violation. A</u>	1465
<u>consent agreement constitutes the board's findings and order with</u>	1466
<u>respect to the matter addressed in the consent agreement if the</u>	1467
<u>board ratifies the consent agreement. Any admissions or findings</u>	1468
<u>included in a proposed consent agreement have no force or effect</u>	1469

if the board refuses to ratify the consent agreement.

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Sec. ~~4751.11~~ 4751.33. (A) The board of executives of long-term services and supports may, in its discretion, reissue a nursing home administrator license or registration, or both, temporary nursing home administrator license, or health services executive license to any ~~person~~ individual whose license or ~~registration, or both, temporary license~~ has been ~~revoked~~.

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~~(B)~~ revoked. Application for the reissuance of ~~a license or registration, or both,~~ shall not be made prior to one year after revocation and shall be made in such manner as the board may direct.

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~~(C)~~(B) If ~~a person~~ an individual who has been convicted of, or pleaded guilty to, a felony is subsequently pardoned by the governor of the state where such conviction or plea was had or by the president of the United States, or receives a final release granted by the adult parole authority of this state or its equivalent agency of another state, the board may, in its discretion, on application of ~~such person~~ the individual and on the submission of evidence satisfactory to the board, ~~restore to such person~~ the individual's nursing home ~~administrator's~~ administrator license ~~or registration,~~ temporary nursing home administrator license, or ~~both~~ health services executive license.

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Sec. ~~4751.12~~ 4751.35. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the board of executives of long-term services and supports shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or temporary license issued pursuant to this chapter.

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~~Sec. 4751.13~~ 4751.36. The board of executives of long-term services and supports shall comply with section 4776.20 of the Revised Code.

Sec. 4751.37. The board of executives of long-term services and supports shall take such actions as may be necessary to enable the state to meet the requirements set forth in section 1908 of the "Social Security Act," 42 U.S.C. 1396g.

Sec. 4751.38. The board of executives of long-term services and supports shall create opportunities for the education, training, and credentialing of nursing home administrators, persons in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings, and persons interested in serving in those roles. In carrying out this duty, the board shall do both the following:

(A) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators, credentialed individuals, and others working within the long-term services and supports settings system, with an emphasis on all of the following:

(1) Leadership;

(2) Person-centered care;

(3) Principles of management within both the business and regulatory environments;

(4) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.

(B) Assist in the development of a strong, competitive market in this state for making training, continuing education, and

degree programs available to individuals seeking to practice 1525
nursing home administration, serve in a leadership position at a 1526
long-term services and support setting, or direct the practice of 1527
others in such a setting. 1528

Sec. ~~4751.043~~ 4751.381. (A) Training and education programs 1529
developed by the board of executives of long-term services and 1530
supports pursuant to ~~division (A)(10) of section 4751.04~~ 4751.38 1531
of the Revised Code may be conducted in person or through 1532
electronic media. The board may establish and charge a fee for the 1533
education and training programs. 1534

(B) The board may enter into a contract with a government or 1535
private entity to perform the board's duties under ~~division~~ 1536
~~(A)(10) of section 4751.04~~ 4751.38 of the Revised Code to develop 1537
and conduct education and training programs. If the board enters 1538
into such a contract, the contract may authorize the entity to pay 1539
any or all costs associated with the education or training 1540
programs and to collect and keep, as all or part of the entity's 1541
compensation under the contract, any fee an applicant for 1542
education or training pays to enroll in the education or training 1543
program. 1544

Sec. 4751.40. Each licensed nursing home administrator, 1545
licensed temporary nursing home administrator, and licensed health 1546
services executive shall report to the board of executives of 1547
long-term services and supports any change in any of the following 1548
not later than ten days after the change: 1549

(A) The individual's residence mailing address; 1550

(B) The name and address of each place at which the 1551
individual practices nursing home administration; 1552

(C) The name and address of each long-term services and supports setting at which the individual serves in a leadership position or directs the practices of others. 1553
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Sec. 4751.41. Every licensed nursing home administrator, licensed temporary nursing home administrator, and licensed health services executive shall display the individual's license or temporary license in the place at which the individual practices nursing home administration and the long-term services and supports setting at which the individual serves in a leadership position or directs the practices of others. 1556
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Sec. 4751.45. An individual who is a licensed nursing home administrator, licensed temporary nursing home administrator, or licensed health services executive may request that the board of executives of long-term services and supports provide to a licensing board or agency of another state verification of the individual's licensure status under this chapter and other related information in the board's possession. The board shall provide the licensing board or agency of the other state the verification and other related information so requested if the individual pays to the board the fee for this service. The board shall adopt a rule under section 4751.04 of the Revised Code establishing the fee. 1563
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Sec. 4751.99. Whoever violates section 4751.02 or 4751.09 4751.10 of the Revised Code may be fined not more than five hundred dollars for the first offense; for each subsequent offense such person may be fined not more than five hundred dollars or imprisoned for not more than ninety days, or both. 1574
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The imposition of fines pursuant to this section does not preclude the imposition of any civil penalties or fines authorized 1579
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~~under~~ by section ~~4751.04~~ 4751.32 or any other section of the Revised Code." 1581
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In line 58436, after "4747.," insert "4751.," 1583

In line 58460, after the period insert "Applicant for a restored license" does not include a person seeking restoration of a license under section 4751.33 of the Revised Code." 1584
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After line 58462, insert: 1587

"**Sec. 4776.20.** (A) As used in this section: 1588

(1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 4749., ~~4751.~~ 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. "Licensing agency" includes an administrative officer that has authority to issue a license. 1589
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(2) "Licensee" means, in addition to a licensee as described in division (B) of section 4776.01 of the Revised Code, the person to whom a license is issued by the board or other government entity authorized to issue a license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. 1598
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(3) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 1606
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(B) On a licensee's conviction of, plea of guilty to, 1608

judicial finding of guilt of, or judicial finding of guilt 1609
resulting from a plea of no contest to the offense of trafficking 1610
in persons in violation of section 2905.32 of the Revised Code, 1611
the prosecutor in the case shall promptly notify the licensing 1612
agency of the conviction, plea, or finding and provide the 1613
licensee's name and residential address. On receipt of this 1614
notification, the licensing agency shall immediately suspend the 1615
licensee's license. 1616

(C) If there is a conviction of, plea of guilty to, judicial 1617
finding of guilt of, or judicial finding of guilt resulting from a 1618
plea of no contest to the offense of trafficking in persons in 1619
violation of section 2905.32 of the Revised Code and all or part 1620
of the violation occurred on the premises of a facility that is 1621
licensed by a licensing agency, the prosecutor in the case shall 1622
promptly notify the licensing agency of the conviction, plea, or 1623
finding and provide the facility's name and address and the 1624
offender's name and residential address. On receipt of this 1625
notification, the licensing agency shall immediately suspend the 1626
facility's license. 1627

(D) Notwithstanding any provision of the Revised Code to the 1628
contrary, the suspension of a license under division (B) or (C) of 1629
this section shall be implemented by a licensing agency without a 1630
prior hearing. After the suspension, the licensing agency shall 1631
give written notice to the subject of the suspension of the right 1632
to request a hearing under Chapter 119. of the Revised Code. After 1633
a hearing is held, the licensing agency shall either revoke or 1634
permanently revoke the license of the subject of the suspension, 1635
unless it determines that the license holder has not been 1636
convicted of, pleaded guilty to, been found guilty of, or been 1637
found guilty based on a plea of no contest to the offense of 1638
trafficking in persons in violation of section 2905.32 of the 1639

Revised Code." 1640

After line 81161, insert: 1641

"**Sec. 5903.12.** (A) As used in this section: 1642

"Continuing education" means continuing education required of 1643
a licensee by law and includes, but is not limited to, the 1644
continuing education required of licensees under sections 1645
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 1646
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 1647
4735.141, 4736.11, 4741.16, 4741.19, ~~4751.07~~ 4751.24, 4751.25, 1648
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 1649
Code. 1650

"Reporting period" means the period of time during which a 1651
licensee must complete the number of hours of continuing education 1652
required of the licensee by law. 1653

(B) A licensee may submit an application to a licensing 1654
agency, stating that the licensee requires an extension of the 1655
current reporting period because the licensee has served on active 1656
duty during the current or a prior reporting period. The licensee 1657
shall submit proper documentation certifying the active duty 1658
service and the length of that active duty service. Upon receiving 1659
the application and proper documentation, the licensing agency 1660
shall extend the current reporting period by an amount of time 1661
equal to the total number of months that the licensee spent on 1662
active duty during the current reporting period. For purposes of 1663
this division, any portion of a month served on active duty shall 1664
be considered one full month." 1665

In line 82826, after "991.02," insert "1347.08," 1666

In line 82832, after "2923.20," insert "2925.01," 1667

In line 82873, after "4737.045," insert "4743.02,"; after 1668
 "4745.04," insert "4751.01, 4751.03, 4751.041, 4751.042, 4751.043, 1669
 4751.044, 4751.05, 4751.06, 4751.07, 4751.08, 4751.10, 4751.11, 1670
 4751.12, 4751.13, 4751.14, 4751.99," 1671

In line 82883, after "4776.01," insert "4776.20," 1672

In line 82912, after "5903.04," insert "5903.12," 1673

In line 82922, after "4731.296," insert "4751.02, 4751.04, 1674
 4751.09," 1675

After line 96558, insert: 1676

"**Section 747.30.** As used in this section, "authorizing 1677
 statute" means a Revised Code section or provision of a Revised 1678
 Code section that is cited in the Ohio Administrative Code as the 1679
 statute that authorizes the adoption of a rule. 1680

The Board of Executives of Long-Term Services and Supports is 1681
 not required to amend any rule for the sole purpose of updating 1682
 the citation in the Ohio Administrative Code to the rule's 1683
 authorizing statute to reflect that this act renumbers the 1684
 authorizing statute or relocates it to another Revised Code 1685
 section. Such citations shall be updated as the Board amends the 1686
 rules for other purposes." 1687

After line 97672, insert: 1688

"Section 2925.01 of the Revised Code as amended by Am. Sub. 1689
 H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. 1690
 Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General 1691
 Assembly." 1692

The motion was _____ agreed to.

SYNOPSIS

Health services executive license; other changes	1693
R.C. 4751.01 (primary), 109.572, 149.43, 1347.08, 2925.01,	1694
4743.02, 4751.041, 4751.043, 4751.044, 4751.05, 4751.06, 4751.07,	1695
4751.08, 4751.10, 4751.11, 4751.12, 4751.14, 4751.99, 4776.01,	1696
4776.20, and 5903.12 (amended); R.C. 4751.03 (4751.02), 4751.041	1697
(4751.151), 4751.042 (4751.021), 4751.043 (4751.381), 4751.044	1698
(4751.26), 4751.05 (4751.15), 4751.06 (4751.20), 4751.07	1699
(4751.24), 4751.08 (4751.201), 4751.10 (4751.32), 4751.11	1700
(4751.33), 4751.12 (4751.35), 4751.13 (4751.36), and 4751.14	1701
(4751.03) (amended, for the purpose of adopting new section	1702
numbers); R.C. 4751.04 and 4751.10 (enacted new); R.C. 4751.101,	1703
4751.102, 4751.202, 4751.21, 4751.22, 4751.23, 4751.25, 4751.30,	1704
4751.31, 4751.37, 4751.38, 4751.40, 4751.41, and 4751.45	1705
(enacted); R.C. 4751.02, 4751.04, and 4751.09 (repealed); Section	1706
747.30	1707
Health services executive license	1708
	1709
Restores House-added provisions removed by the Senate that:	1710
- Task the Board of Executives of Long-Term Services and	1711
Supports with issuing health services executive licenses and sets	1712
the requirements for issuance, renewal, and reinstatement of the	1713
license.	1714
- Prohibit a person from knowingly using words or other	1715
devices to indicate that the person holds a health services	1716
executive license unless the person holds the license.	1717
- Specify that a health services executive license is not	1718
required to practice nursing home administration or serve in a	1719

leadership position in a long-term services and supports setting.	1720
Nursing home administrator license	1721
Restores House-added provisions removed by the Senate that:	1722
- Revise the requirements for a standard nursing home administrator license, including raising the minimum age to 21 (from 18) and establishing a criminal records check requirement.	1723 1724 1725
- Revise the requirements for an out-of-state and temporary nursing home administrator license, including establishing age, education, character, and criminal records check requirements.	1726 1727 1728
- Eliminate annual certificates of registration for nursing home administrator licenses and instead makes standard and out-of-state licenses valid for one year.	1729 1730 1731
- Establish renewal procedures for the license.	1732
Criminal records checks	1733
Restores House-added provisions that require applicants for a nursing home administrator license or health services executive license to use the same criminal records check process as for various occupational licenses.	1734 1735 1736 1737
Complaints	1738
Restores House-added provisions that:	1739
- Revise the law governing complaints about nursing home administrators and extends it to health services executives.	1740 1741
- Permit any person to submit to the Board a complaint about a violation of the law governing nursing home administrators or health services executives.	1742 1743 1744
- Require the Board to receive, investigate, and take appropriate action for complaints.	1745 1746

- Authorize the Board to question witnesses, conduct interviews, inspect and copy documents, issue subpoenas, and compel the attendance of witnesses and the production of documents and testimony.

Disciplinary action

Restores House-added provisions that:

- Permit, rather than require, the Board to take certain disciplinary actions regarding individuals who apply for or hold a nursing home administrator license or a health services executive license.

- Revise the reasons for which disciplinary action may be taken and the types of disciplinary actions that may be taken.

Reissuance and restoration of licenses

Restores House-added provisions that apply the Board's authority to reissue a license that has been revoked for at least one year or to restore a felon's license when the felon is pardoned or receives a final release to the three types of nursing home administrator licenses (standard, out-of-state, and temporary) and health services executive licenses.

Display of licenses

Restores House-added provisions that revise requirements regarding the display of licenses to require licensed nursing home administrators and licensed health services executives to display their license in the place where they practice.

Prohibitions

Restores House-added provisions that revise the prohibitions regarding the practice of nursing home administration and the licenses needed to engage in that practice, including specifying

that a person must <i>knowingly</i> violate a prohibition to be subject	1775
to a penalty.	1776
Board membership	1777
Restores House-added provisions specifying that an	1778
administrator, owner, or officer of a hospice care program may be	1779
one of the Board's members who work in long-term services and	1780
supports settings, understand person-centered care, and have	1781
experience with a range of long-term services and supports	1782
settings.	1783
Relocation and reorganization of statutes	1784
Restores House-added provisions that:	1785
- Relocate and reorganize many statutory provisions governing	1786
the Board to modernize and clarify those statutes.	1787
- Provide that the Board is not required to amend its rules	1788
for the sole purposes of updating citations to the authorizing	1789
statutes.	1790