

H.B. No. 263
As Introduced

_____ moved to amend as follows:

- In line 34 of the title, delete ", 4731.292," 1
- In line 35 of the title, delete "4731.296" 2
- In line 42 of the title, delete ", 4751.04, 4751.05" and 3
insert ", 4751.20, 4751.202, 4751.21, 4751.32" 4
- In line 57 of the title, delete the first ", " and insert ";"; 5
delete the second ", " and insert ";" 6
- In line 87, delete "4731.292, 4731.296," 7
- In line 92, delete ", 4751.04, 4751.05" and insert ", 8
4751.20, 4751.202, 4751.21, 4751.32" 9
- After line 371, insert: 10
- "**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 11
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 12
a completed form prescribed pursuant to division (C)(1) of this 13
section, and a set of fingerprint impressions obtained in the 14
manner described in division (C)(2) of this section, the 15
superintendent of the bureau of criminal identification and 16
investigation shall conduct a criminal records check in the manner 17
described in division (B) of this section to determine whether any 18
information exists that indicates that the person who is the 19
subject of the request previously has been convicted of or pleaded 20

guilty to any of the following: 21

(a) A violation of section 2903.01, 2903.02, 2903.03, 22
 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 23
 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 24
 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 25
 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 26
 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 27
 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 28
 2925.06, or 3716.11 of the Revised Code, felonious sexual 29
 penetration in violation of former section 2907.12 of the Revised 30
 Code, a violation of section 2905.04 of the Revised Code as it 31
 existed prior to July 1, 1996, a violation of section 2919.23 of 32
 the Revised Code that would have been a violation of section 33
 2905.04 of the Revised Code as it existed prior to July 1, 1996, 34
 had the violation been committed prior to that date, or a 35
 violation of section 2925.11 of the Revised Code that is not a 36
 minor drug possession offense; 37

(b) A violation of an existing or former law of this state, 38
 any other state, or the United States that is substantially 39
 equivalent to any of the offenses listed in division (A)(1)(a) of 40
 this section; 41

(c) If the request is made pursuant to section 3319.39 of the 42
 Revised Code for an applicant who is a teacher, any offense 43
 specified under section 9.79 of the Revised Code or in section 44
 3319.31 of the Revised Code. 45

(2) On receipt of a request pursuant to section 3712.09 or 46
 3721.121 of the Revised Code, a completed form prescribed pursuant 47
 to division (C)(1) of this section, and a set of fingerprint 48
 impressions obtained in the manner described in division (C)(2) of 49
 this section, the superintendent of the bureau of criminal 50

identification and investigation shall conduct a criminal records 51
 check with respect to any person who has applied for employment in 52
 a position for which a criminal records check is required by those 53
 sections. The superintendent shall conduct the criminal records 54
 check in the manner described in division (B) of this section to 55
 determine whether any information exists that indicates that the 56
 person who is the subject of the request previously has been 57
 convicted of or pleaded guilty to any of the following: 58

(a) A violation of section 2903.01, 2903.02, 2903.03, 59
 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 60
 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 61
 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 62
 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 63
 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 64
 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 65
 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 66
 2925.22, 2925.23, or 3716.11 of the Revised Code; 67

(b) An existing or former law of this state, any other state, 68
 or the United States that is substantially equivalent to any of 69
 the offenses listed in division (A)(2)(a) of this section. 70

(3) On receipt of a request pursuant to section 173.27, 71
 173.38, ~~173.381~~, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 72
or 5123.081, ~~or 5123.169~~ of the Revised Code, a completed form 73
 prescribed pursuant to division (C)(1) of this section, and a set 74
 of fingerprint impressions obtained in the manner described in 75
 division (C)(2) of this section, the superintendent of the bureau 76
 of criminal identification and investigation shall conduct a 77
 criminal records check of the person for whom the request is made. 78
 The superintendent shall conduct the criminal records check in the 79
 manner described in division (B) of this section to determine 80

whether any information exists that indicates that the person who 81
 is the subject of the request previously has been convicted of, 82
 has pleaded guilty to, or (except in the case of a request 83
 pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 84
 Code) has been found eligible for intervention in lieu of 85
 conviction for any of the following, regardless of the date of the 86
 conviction, the date of entry of the guilty plea, or (except in 87
 the case of a request pursuant to section 5164.34, 5164.341, or 88
 5164.342 of the Revised Code) the date the person was found 89
 eligible for intervention in lieu of conviction: 90

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 91
 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 92
 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 93
 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 94
 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 95
 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 96
 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 97
 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 98
 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 99
 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 100
 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 101
 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 102
 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 103
 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 104
 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 105
 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 106
 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 107
 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 108
 2927.12, or 3716.11 of the Revised Code; 109

(b) Felonious sexual penetration in violation of former 110
 section 2907.12 of the Revised Code; 111

(c) A violation of section 2905.04 of the Revised Code as it 112
 existed prior to July 1, 1996; 113

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 114
 the Revised Code when the underlying offense that is the object of 115
 the conspiracy, attempt, or complicity is one of the offenses 116
 listed in divisions (A)(3)(a) to (c) of this section; 117

(e) A violation of an existing or former municipal ordinance 118
 or law of this state, any other state, or the United States that 119
 is substantially equivalent to any of the offenses listed in 120
 divisions (A)(3)(a) to (d) of this section. 121

(4) On receipt of a request pursuant to section 2151.86 or 122
 2151.904 of the Revised Code, a completed form prescribed pursuant 123
 to division (C)(1) of this section, and a set of fingerprint 124
 impressions obtained in the manner described in division (C)(2) of 125
 this section, the superintendent of the bureau of criminal 126
 identification and investigation shall conduct a criminal records 127
 check in the manner described in division (B) of this section to 128
 determine whether any information exists that indicates that the 129
 person who is the subject of the request previously has been 130
 convicted of or pleaded guilty to any of the following: 131

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 132
 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 133
 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 134
 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 135
 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 136
 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 137
 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 138
 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 139
 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 140
 of the Revised Code, a violation of section 2905.04 of the Revised 141

Code as it existed prior to July 1, 1996, a violation of section 142
 2919.23 of the Revised Code that would have been a violation of 143
 section 2905.04 of the Revised Code as it existed prior to July 1, 144
 1996, had the violation been committed prior to that date, a 145
 violation of section 2925.11 of the Revised Code that is not a 146
 minor drug possession offense, two or more OVI or OVUAC violations 147
 committed within the three years immediately preceding the 148
 submission of the application or petition that is the basis of the 149
 request, or felonious sexual penetration in violation of former 150
 section 2907.12 of the Revised Code; 151

(b) A violation of an existing or former law of this state, 152
 any other state, or the United States that is substantially 153
 equivalent to any of the offenses listed in division (A)(4)(a) of 154
 this section. 155

(5) Upon receipt of a request pursuant to section 5104.013 of 156
 the Revised Code, a completed form prescribed pursuant to division 157
 (C)(1) of this section, and a set of fingerprint impressions 158
 obtained in the manner described in division (C)(2) of this 159
 section, the superintendent of the bureau of criminal 160
 identification and investigation shall conduct a criminal records 161
 check in the manner described in division (B) of this section to 162
 determine whether any information exists that indicates that the 163
 person who is the subject of the request has been convicted of or 164
 pleaded guilty to any of the following: 165

(a) A violation of section 2151.421, 2903.01, 2903.02, 166
 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 167
 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 168
 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 169
 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 170
 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 171

2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 172
 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 173
 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 174
 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 175
 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 176
 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 177
 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 178
 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 179
 Revised Code, felonious sexual penetration in violation of former 180
 section 2907.12 of the Revised Code, a violation of section 181
 2905.04 of the Revised Code as it existed prior to July 1, 1996, a 182
 violation of section 2919.23 of the Revised Code that would have 183
 been a violation of section 2905.04 of the Revised Code as it 184
 existed prior to July 1, 1996, had the violation been committed 185
 prior to that date, a violation of section 2925.11 of the Revised 186
 Code that is not a minor drug possession offense, a violation of 187
 section 2923.02 or 2923.03 of the Revised Code that relates to a 188
 crime specified in this division, or a second violation of section 189
 4511.19 of the Revised Code within five years of the date of 190
 application for licensure or certification. 191

(b) A violation of an existing or former law of this state, 192
 any other state, or the United States that is substantially 193
 equivalent to any of the offenses or violations described in 194
 division (A)(5)(a) of this section. 195

(6) Upon receipt of a request pursuant to section 5153.111 of 196
 the Revised Code, a completed form prescribed pursuant to division 197
 (C)(1) of this section, and a set of fingerprint impressions 198
 obtained in the manner described in division (C)(2) of this 199
 section, the superintendent of the bureau of criminal 200
 identification and investigation shall conduct a criminal records 201
 check in the manner described in division (B) of this section to 202

determine whether any information exists that indicates that the
 person who is the subject of the request previously has been
 convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,
 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,
 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code,
 felonious sexual penetration in violation of former section
 2907.12 of the Revised Code, a violation of section 2905.04 of the
 Revised Code as it existed prior to July 1, 1996, a violation of
 section 2919.23 of the Revised Code that would have been a
 violation of section 2905.04 of the Revised Code as it existed
 prior to July 1, 1996, had the violation been committed prior to
 that date, or a violation of section 2925.11 of the Revised Code
 that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state,
 any other state, or the United States that is substantially
 equivalent to any of the offenses listed in division (A)(6)(a) of
 this section.

(7) On receipt of a request for a criminal records check from
 an individual pursuant to section 4749.03 or 4749.06 of the
 Revised Code, accompanied by a completed copy of the form
 prescribed in division (C)(1) of this section and a set of
 fingerprint impressions obtained in a manner described in division
 (C)(2) of this section, the superintendent of the bureau of
 criminal identification and investigation shall conduct a criminal

records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to ~~a felony~~ any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any ~~of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913.,~~

~~2915., 2921., 2923., and 2925. of the Revised Code; or any~~ 264
~~existing or former law of~~ in this state, any other state, or the 265
United States ~~that is substantially equivalent to those offenses.~~ 266

(9) On receipt of a request for a criminal records check from 267
the treasurer of state under section 113.041 of the Revised Code 268
or from an individual under section 928.03, 4701.08, 4715.101, 269
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 270
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 271
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 272
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 273
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 274
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 275
or 4783.04 of the Revised Code, accompanied by a completed form 276
prescribed under division (C)(1) of this section and a set of 277
fingerprint impressions obtained in the manner described in 278
division (C)(2) of this section, the superintendent of the bureau 279
of criminal identification and investigation shall conduct a 280
criminal records check in the manner described in division (B) of 281
this section to determine whether any information exists that 282
indicates that the person who is the subject of the request has 283
been convicted of or pleaded guilty to any criminal offense in 284
this state or any other state. Subject to division (F) of this 285
section, the superintendent shall send the results of a check 286
requested under section 113.041 of the Revised Code to the 287
treasurer of state and shall send the results of a check requested 288
under any of the other listed sections to the licensing board 289
specified by the individual in the request. 290

(10) On receipt of a request pursuant to section 124.74, 291
173.381, 718.131, 1121.23, 1315.141, 1733.47, ~~or~~ 1761.26, or 292
5123.169 of the Revised Code, a completed form prescribed pursuant 293
to division (C)(1) of this section, and a set of fingerprint 294

impressions obtained in the manner described in division (C)(2) of 295
 this section, the superintendent of the bureau of criminal 296
 identification and investigation shall conduct a criminal records 297
 check in the manner described in division (B) of this section to 298
 determine whether any information exists that indicates that the 299
 person who is the subject of the request previously has been 300
 convicted of or pleaded guilty to any criminal offense under any 301
 existing or former law of this state, any other state, or the 302
 United States. 303

(11) On receipt of a request for a criminal records check 304
 from an appointing or licensing authority under section 3772.07 of 305
 the Revised Code, a completed form prescribed under division 306
 (C)(1) of this section, and a set of fingerprint impressions 307
 obtained in the manner prescribed in division (C)(2) of this 308
 section, the superintendent of the bureau of criminal 309
 identification and investigation shall conduct a criminal records 310
 check in the manner described in division (B) of this section to 311
 determine whether any information exists that indicates that the 312
 person who is the subject of the request previously has been 313
 convicted of or pleaded guilty or no contest to any offense under 314
 any existing or former law of this state, any other state, or the 315
 United States that is a disqualifying offense as defined in 316
 section 3772.07 of the Revised Code or substantially equivalent to 317
 such an offense. 318

(12) On receipt of a request pursuant to section 2151.33 or 319
 2151.412 of the Revised Code, a completed form prescribed pursuant 320
 to division (C)(1) of this section, and a set of fingerprint 321
 impressions obtained in the manner described in division (C)(2) of 322
 this section, the superintendent of the bureau of criminal 323
 identification and investigation shall conduct a criminal records 324
 check with respect to any person for whom a criminal records check 325

is required under that section. The superintendent shall conduct
the criminal records check in the manner described in division (B)
of this section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to any of the
following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,
2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state,
or the United States that is substantially equivalent to any of
the offenses listed in division (A)(12)(a) of this section.

(13) On receipt of a request pursuant to section 3796.12 of
the Revised Code, a completed form prescribed pursuant to division
(C)(1) of this section, and a set of fingerprint impressions
obtained in a manner described in division (C)(2) of this section,
the superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check in the manner
described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to the following:

(a) A disqualifying offense as specified in rules adopted
under section 9.79 and division (B)(2)(b) of section 3796.03 of

the Revised Code if the person who is the subject of the request 356
 is an administrator or other person responsible for the daily 357
 operation of, or an owner or prospective owner, officer or 358
 prospective officer, or board member or prospective board member 359
 of, an entity seeking a license from the department of commerce 360
 under Chapter 3796. of the Revised Code; 361

(b) A disqualifying offense as specified in rules adopted 362
 under section 9.79 and division (B)(2)(b) of section 3796.04 of 363
 the Revised Code if the person who is the subject of the request 364
 is an administrator or other person responsible for the daily 365
 operation of, or an owner or prospective owner, officer or 366
 prospective officer, or board member or prospective board member 367
 of, an entity seeking a license from the state board of pharmacy 368
 under Chapter 3796. of the Revised Code. 369

(14) On receipt of a request required by section 3796.13 of 370
 the Revised Code, a completed form prescribed pursuant to division 371
 (C)(1) of this section, and a set of fingerprint impressions 372
 obtained in a manner described in division (C)(2) of this section, 373
 the superintendent of the bureau of criminal identification and 374
 investigation shall conduct a criminal records check in the manner 375
 described in division (B) of this section to determine whether any 376
 information exists that indicates that the person who is the 377
 subject of the request previously has been convicted of or pleaded 378
 guilty to the following: 379

(a) A disqualifying offense as specified in rules adopted 380
 under division (B)(8)(a) of section 3796.03 of the Revised Code if 381
 the person who is the subject of the request is seeking employment 382
 with an entity licensed by the department of commerce under 383
 Chapter 3796. of the Revised Code; 384

(b) A disqualifying offense as specified in rules adopted 385

under division (B)(14)(a) of section 3796.04 of the Revised Code 386
 if the person who is the subject of the request is seeking 387
 employment with an entity licensed by the state board of pharmacy 388
 under Chapter 3796. of the Revised Code. 389

(15) On receipt of a request pursuant to section 4768.06 of 390
 the Revised Code, a completed form prescribed under division 391
 (C)(1) of this section, and a set of fingerprint impressions 392
 obtained in the manner described in division (C)(2) of this 393
 section, the superintendent of the bureau of criminal 394
 identification and investigation shall conduct a criminal records 395
 check in the manner described in division (B) of this section to 396
 determine whether any information exists indicating that the 397
 person who is the subject of the request has been convicted of or 398
 pleaded guilty to ~~a felony~~ any criminal offense in this state or 399
 in any other state. 400

(16) On receipt of a request pursuant to division (B) of 401
 section 4764.07 or division (A) of section 4735.143 of the Revised 402
 Code, a completed form prescribed under division (C)(1) of this 403
 section, and a set of fingerprint impressions obtained in the 404
 manner described in division (C)(2) of this section, the 405
 superintendent of the bureau of criminal identification and 406
 investigation shall conduct a criminal records check in the manner 407
 described in division (B) of this section to determine whether any 408
 information exists indicating that the person who is the subject 409
 of the request has been convicted of or pleaded guilty to any 410
~~crime of moral turpitude, a felony, or an equivalent~~ criminal 411
 offense in any ~~other~~ state or the United States. 412

(17) On receipt of a request for a criminal records check 413
 under section 147.022 of the Revised Code, a completed form 414
 prescribed under division (C)(1) of this section, and a set of 415

fingerprint impressions obtained in the manner prescribed in 416
 division (C)(2) of this section, the superintendent of the bureau 417
 of criminal identification and investigation shall conduct a 418
 criminal records check in the manner described in division (B) of 419
 this section to determine whether any information exists that 420
 indicates that the person who is the subject of the request 421
 previously has been convicted of or pleaded guilty or no contest 422
 to any ~~disqualifying~~ criminal offense, ~~as defined in section~~ 423
~~147.011 of the Revised Code, or to any offense~~ under any existing 424
 or former law of this state, any other state, or the United States 425
~~that is substantially equivalent to such a disqualifying offense.~~ 426

(B) Subject to division (F) of this section, the 427
 superintendent shall conduct any criminal records check to be 428
 conducted under this section as follows: 429

(1) The superintendent shall review or cause to be reviewed 430
 any relevant information gathered and compiled by the bureau under 431
 division (A) of section 109.57 of the Revised Code that relates to 432
 the person who is the subject of the criminal records check, 433
 including, if the criminal records check was requested under 434
 section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 435
 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 436
 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 437
 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 438
 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 439
 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised 440
 Code, any relevant information contained in records that have been 441
 sealed under section 2953.32 of the Revised Code; 442

(2) If the request received by the superintendent asks for 443
 information from the federal bureau of investigation, the 444
 superintendent shall request from the federal bureau of 445

investigation any information it has with respect to the person 446
who is the subject of the criminal records check, including 447
fingerprint-based checks of national crime information databases 448
as described in 42 U.S.C. 671 if the request is made pursuant to 449
section 2151.86 or 5104.013 of the Revised Code or if any other 450
Revised Code section requires fingerprint-based checks of that 451
nature, and shall review or cause to be reviewed any information 452
the superintendent receives from that bureau. If a request under 453
section 3319.39 of the Revised Code asks only for information from 454
the federal bureau of investigation, the superintendent shall not 455
conduct the review prescribed by division (B)(1) of this section. 456

(3) The superintendent or the superintendent's designee may 457
request criminal history records from other states or the federal 458
government pursuant to the national crime prevention and privacy 459
compact set forth in section 109.571 of the Revised Code. 460

(4) The superintendent shall include in the results of the 461
criminal records check a list or description of the offenses 462
listed or described in division (A)(1), (2), (3), (4), (5), (6), 463
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 464
of this section, whichever division requires the superintendent to 465
conduct the criminal records check. The superintendent shall 466
exclude from the results any information the dissemination of 467
which is prohibited by federal law. 468

(5) The superintendent shall send the results of the criminal 469
records check to the person to whom it is to be sent not later 470
than the following number of days after the date the 471
superintendent receives the request for the criminal records 472
check, the completed form prescribed under division (C)(1) of this 473
section, and the set of fingerprint impressions obtained in the 474
manner described in division (C)(2) of this section: 475

(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33,

2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 506
the manner specified in that section. 507

(4) The superintendent of the bureau of criminal 508
identification and investigation may prescribe methods of 509
forwarding fingerprint impressions and information necessary to 510
conduct a criminal records check, which methods shall include, but 511
not be limited to, an electronic method. 512

(D) The results of a criminal records check conducted under 513
this section, other than a criminal records check specified in 514
division (A)(7) of this section, are valid for the person who is 515
the subject of the criminal records check for a period of one year 516
from the date upon which the superintendent completes the criminal 517
records check. If during that period the superintendent receives 518
another request for a criminal records check to be conducted under 519
this section for that person, the superintendent shall provide the 520
results from the previous criminal records check of the person at 521
a lower fee than the fee prescribed for the initial criminal 522
records check. 523

(E) When the superintendent receives a request for 524
information from a registered private provider, the superintendent 525
shall proceed as if the request was received from a school 526
district board of education under section 3319.39 of the Revised 527
Code. The superintendent shall apply division (A)(1)(c) of this 528
section to any such request for an applicant who is a teacher. 529

(F)(1) Subject to division (F)(2) of this section, all 530
information regarding the results of a criminal records check 531
conducted under this section that the superintendent reports or 532
sends under division (A)(7) or (9) of this section to the director 533
of public safety, the treasurer of state, or the person, board, or 534
entity that made the request for the criminal records check shall 535

relate to the conviction of the subject person, or the subject 536
 person's plea of guilty to, a criminal offense. 537

(2) Division (F)(1) of this section does not limit, restrict, 538
 or preclude the superintendent's release of information that 539
 relates to the arrest of a person who is eighteen years of age or 540
 older, to an adjudication of a child as a delinquent child, or to 541
 a criminal conviction of a person under eighteen years of age in 542
 circumstances in which a release of that nature is authorized 543
 under division (E)(2), (3), or (4) of section 109.57 of the 544
 Revised Code pursuant to a rule adopted under division (E)(1) of 545
 that section. 546

(G) As used in this section: 547

(1) "Criminal records check" means any criminal records check 548
 conducted by the superintendent of the bureau of criminal 549
 identification and investigation in accordance with division (B) 550
 of this section. 551

(2) "Minor drug possession offense" has the same meaning as 552
 in section 2925.01 of the Revised Code. 553

(3) "OVI or OVUAC violation" means a violation of section 554
 4511.19 of the Revised Code or a violation of an existing or 555
 former law of this state, any other state, or the United States 556
 that is substantially equivalent to section 4511.19 of the Revised 557
 Code. 558

(4) "Registered private provider" means a nonpublic school or 559
 entity registered with the superintendent of public instruction 560
 under section 3310.41 of the Revised Code to participate in the 561
 autism scholarship program or section 3310.58 of the Revised Code 562
 to participate in the Jon Peterson special needs scholarship 563
 program. " 564

Delete lines 372 through 1274	565
After line 1274, insert:	566
"Sec. 121.22. (A) This section shall be liberally construed	567
to require public officials to take official action and to conduct	568
all deliberations upon official business only in open meetings	569
unless the subject matter is specifically excepted by law.	570
(B) As used in this section:	571
(1) "Public body" means any of the following:	572
(a) Any board, commission, committee, council, or similar	573
decision-making body of a state agency, institution, or authority,	574
and any legislative authority or board, commission, committee,	575
council, agency, authority, or similar decision-making body of any	576
county, township, municipal corporation, school district, or other	577
political subdivision or local public institution;	578
(b) Any committee or subcommittee of a body described in	579
division (B)(1)(a) of this section;	580
(c) A court of jurisdiction of a sanitary district organized	581
wholly for the purpose of providing a water supply for domestic,	582
municipal, and public use when meeting for the purpose of the	583
appointment, removal, or reappointment of a member of the board of	584
directors of such a district pursuant to section 6115.10 of the	585
Revised Code, if applicable, or for any other matter related to	586
such a district other than litigation involving the district. As	587
used in division (B)(1)(c) of this section, "court of	588
jurisdiction" has the same meaning as "court" in section 6115.01	589
of the Revised Code.	590
(2) "Meeting" means any prearranged discussion of the public	591
business of the public body by a majority of its members.	592

(3) "Regulated individual" means either of the following:	593
(a) A student in a state or local public educational institution;	594 595
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care.	596 597 598 599 600
(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	601 602
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	603 604 605 606 607
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	608 609 610 611 612
(D) This section does not apply to any of the following:	613
(1) A grand jury;	614
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	615 616 617
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the	618 619 620

department of rehabilitation and correction when its hearings are 621
 conducted at a correctional institution for the sole purpose of 622
 making determinations under section 2967.271 of the Revised Code 623
 regarding the release or maintained incarceration of an offender 624
 to whom that section applies; 625

(4) The organized crime investigations commission established 626
 under section 177.01 of the Revised Code; 627

(5) Meetings of a child fatality review board established 628
 under section 307.621 of the Revised Code, meetings related to a 629
 review conducted pursuant to guidelines established by the 630
 director of health under section 3701.70 of the Revised Code, and 631
 meetings conducted pursuant to sections 5153.171 to 5153.173 of 632
 the Revised Code; 633

(6) The state medical board when determining whether to 634
 suspend a license or certificate without a prior hearing pursuant 635
 to division (G) of either section 4730.25 or 4731.22 of the 636
 Revised Code; 637

(7) The board of nursing when determining whether to suspend 638
 a license or certificate without a prior hearing pursuant to 639
 division (B) of section 4723.281 of the Revised Code; 640

(8) The state board of pharmacy when determining whether to 641
 suspend a license without a prior hearing pursuant to division (D) 642
 of section 4729.16 of the Revised Code; 643

(9) The state chiropractic board when determining whether to 644
 suspend a license without a hearing pursuant to section 4734.37 of 645
 the Revised Code; 646

(10) The executive committee of the emergency response 647
 commission when determining whether to issue an enforcement order 648
 or request that a civil action, civil penalty action, or criminal 649

- action be brought to enforce Chapter 3750. of the Revised Code; 650
- (11) The board of directors of the nonprofit corporation 651
formed under section 187.01 of the Revised Code or any committee 652
thereof, and the board of directors of any subsidiary of that 653
corporation or a committee thereof; 654
- (12) An audit conference conducted by the audit staff of the 655
department of job and family services with officials of the public 656
office that is the subject of that audit under section 5101.37 of 657
the Revised Code; 658
- (13) The occupational therapy section of the occupational 659
therapy, physical therapy, and athletic trainers board when 660
determining whether to suspend a license or limited permit without 661
a hearing pursuant to division ~~(D)~~ (E) of section 4755.11 of the 662
Revised Code; 663
- (14) The physical therapy section of the occupational 664
therapy, physical therapy, and athletic trainers board when 665
determining whether to suspend a license without a hearing 666
pursuant to division ~~(E)~~ (F) of section 4755.47 of the Revised 667
Code; 668
- (15) The athletic trainers section of the occupational 669
therapy, physical therapy, and athletic trainers board when 670
determining whether to suspend a license without a hearing 671
pursuant to division ~~(D)~~ (E) of section 4755.64 of the Revised 672
Code; 673
- (16) Meetings of the pregnancy-associated mortality review 674
board established under section 3738.01 of the Revised Code; 675
- (17) Meetings of a fetal-infant mortality review board 676
established under section 3707.71 of the Revised Code. 677
- (E) The controlling board, the tax credit authority, or the 678

minority development financing advisory board, when meeting to
 consider granting assistance pursuant to Chapter 122. or 166. of
 the Revised Code, in order to protect the interest of the
 applicant or the possible investment of public funds, by unanimous
 vote of all board or authority members present, may close the
 meeting during consideration of the following information
 confidentially received by the authority or board from the
 applicant:

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

(5) Personal financial statements of the applicant or members
 of the applicant's immediate family, including, but not limited
 to, tax records or other similar information not open to public
 inspection.

The vote by the authority or board to accept or reject the
 application, as well as all proceedings of the authority or board
 not subject to this division, shall be open to the public and
 governed by this section.

(F) Every public body, by rule, shall establish a reasonable
 method whereby any person may determine the time and place of all
 regularly scheduled meetings and the time, place, and purpose of
 all special meetings. A public body shall not hold a special
 meeting unless it gives at least twenty-four hours' advance notice
 to the news media that have requested notification, except in the
 event of an emergency requiring immediate official action. In the
 event of an emergency, the member or members calling the meeting
 shall notify the news media that have requested notification

immediately of the time, place, and purpose of the meeting. 708

The rule shall provide that any person, upon request and 709
payment of a reasonable fee, may obtain reasonable advance 710
notification of all meetings at which any specific type of public 711
business is to be discussed. Provisions for advance notification 712
may include, but are not limited to, mailing the agenda of 713
meetings to all subscribers on a mailing list or mailing notices 714
in self-addressed, stamped envelopes provided by the person. 715

(G) Except as provided in divisions (G)(8) and (J) of this 716
section, the members of a public body may hold an executive 717
session only after a majority of a quorum of the public body 718
determines, by a roll call vote, to hold an executive session and 719
only at a regular or special meeting for the sole purpose of the 720
consideration of any of the following matters: 721

(1) To consider the appointment, employment, dismissal, 722
discipline, promotion, demotion, or compensation of a public 723
employee or official, or the investigation of charges or 724
complaints against a public employee, official, licensee, or 725
regulated individual, unless the public employee, official, 726
licensee, or regulated individual requests a public hearing. 727
Except as otherwise provided by law, no public body shall hold an 728
executive session for the discipline of an elected official for 729
conduct related to the performance of the elected official's 730
official duties or for the elected official's removal from office. 731
If a public body holds an executive session pursuant to division 732
(G)(1) of this section, the motion and vote to hold that executive 733
session shall state which one or more of the approved purposes 734
listed in division (G)(1) of this section are the purposes for 735
which the executive session is to be held, but need not include 736
the name of any person to be considered at the meeting. 737

(2) To consider the purchase of property for public purposes, 738
the sale of property at competitive bidding, or the sale or other 739
disposition of unneeded, obsolete, or unfit-for-use property in 740
accordance with section 505.10 of the Revised Code, if premature 741
disclosure of information would give an unfair competitive or 742
bargaining advantage to a person whose personal, private interest 743
is adverse to the general public interest. No member of a public 744
body shall use division (G)(2) of this section as a subterfuge for 745
providing covert information to prospective buyers or sellers. A 746
purchase or sale of public property is void if the seller or buyer 747
of the public property has received covert information from a 748
member of a public body that has not been disclosed to the general 749
public in sufficient time for other prospective buyers and sellers 750
to prepare and submit offers. 751

If the minutes of the public body show that all meetings and 752
deliberations of the public body have been conducted in compliance 753
with this section, any instrument executed by the public body 754
purporting to convey, lease, or otherwise dispose of any right, 755
title, or interest in any public property shall be conclusively 756
presumed to have been executed in compliance with this section 757
insofar as title or other interest of any bona fide purchasers, 758
lessees, or transferees of the property is concerned. 759

(3) Conferences with an attorney for the public body 760
concerning disputes involving the public body that are the subject 761
of pending or imminent court action; 762

(4) Preparing for, conducting, or reviewing negotiations or 763
bargaining sessions with public employees concerning their 764
compensation or other terms and conditions of their employment; 765

(5) Matters required to be kept confidential by federal law 766
or regulations or state statutes; 767

(6) Details relative to the security arrangements and 768
 emergency response protocols for a public body or a public office, 769
 if disclosure of the matters discussed could reasonably be 770
 expected to jeopardize the security of the public body or public 771
 office; 772

(7) In the case of a county hospital operated pursuant to 773
 Chapter 339. of the Revised Code, a joint township hospital 774
 operated pursuant to Chapter 513. of the Revised Code, or a 775
 municipal hospital operated pursuant to Chapter 749. of the 776
 Revised Code, to consider trade secrets, as defined in section 777
 1333.61 of the Revised Code; 778

(8) To consider confidential information related to the 779
 marketing plans, specific business strategy, production 780
 techniques, trade secrets, or personal financial statements of an 781
 applicant for economic development assistance, or to negotiations 782
 with other political subdivisions respecting requests for economic 783
 development assistance, provided that both of the following 784
 conditions apply: 785

(a) The information is directly related to a request for 786
 economic development assistance that is to be provided or 787
 administered under any provision of Chapter 715., 725., 1724., or 788
 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 789
 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 790
 the Revised Code, or that involves public infrastructure 791
 improvements or the extension of utility services that are 792
 directly related to an economic development project. 793

(b) A unanimous quorum of the public body determines, by a 794
 roll call vote, that the executive session is necessary to protect 795
 the interests of the applicant or the possible investment or 796
 expenditure of public funds to be made in connection with the 797

economic development project. 798

If a public body holds an executive session to consider any 799
of the matters listed in divisions (G)(2) to (8) of this section, 800
the motion and vote to hold that executive session shall state 801
which one or more of the approved matters listed in those 802
divisions are to be considered at the executive session. 803

A public body specified in division (B)(1)(c) of this section 804
shall not hold an executive session when meeting for the purposes 805
specified in that division. 806

(H) A resolution, rule, or formal action of any kind is 807
invalid unless adopted in an open meeting of the public body. A 808
resolution, rule, or formal action adopted in an open meeting that 809
results from deliberations in a meeting not open to the public is 810
invalid unless the deliberations were for a purpose specifically 811
authorized in division (G) or (J) of this section and conducted at 812
an executive session held in compliance with this section. A 813
resolution, rule, or formal action adopted in an open meeting is 814
invalid if the public body that adopted the resolution, rule, or 815
formal action violated division (F) of this section. 816

(I)(1) Any person may bring an action to enforce this 817
section. An action under division (I)(1) of this section shall be 818
brought within two years after the date of the alleged violation 819
or threatened violation. Upon proof of a violation or threatened 820
violation of this section in an action brought by any person, the 821
court of common pleas shall issue an injunction to compel the 822
members of the public body to comply with its provisions. 823

(2)(a) If the court of common pleas issues an injunction 824
pursuant to division (I)(1) of this section, the court shall order 825
the public body that it enjoins to pay a civil forfeiture of five 826
hundred dollars to the party that sought the injunction and shall 827

award to that party all court costs and, subject to reduction as 828
described in division (I)(2) of this section, reasonable 829
attorney's fees. The court, in its discretion, may reduce an award 830
of attorney's fees to the party that sought the injunction or not 831
award attorney's fees to that party if the court determines both 832
of the following: 833

(i) That, based on the ordinary application of statutory law 834
and case law as it existed at the time of violation or threatened 835
violation that was the basis of the injunction, a well-informed 836
public body reasonably would believe that the public body was not 837
violating or threatening to violate this section; 838

(ii) That a well-informed public body reasonably would 839
believe that the conduct or threatened conduct that was the basis 840
of the injunction would serve the public policy that underlies the 841
authority that is asserted as permitting that conduct or 842
threatened conduct. 843

(b) If the court of common pleas does not issue an injunction 844
pursuant to division (I)(1) of this section and the court 845
determines at that time that the bringing of the action was 846
frivolous conduct, as defined in division (A) of section 2323.51 847
of the Revised Code, the court shall award to the public body all 848
court costs and reasonable attorney's fees, as determined by the 849
court. 850

(3) Irreparable harm and prejudice to the party that sought 851
the injunction shall be conclusively and irrebuttably presumed 852
upon proof of a violation or threatened violation of this section. 853

(4) A member of a public body who knowingly violates an 854
injunction issued pursuant to division (I)(1) of this section may 855
be removed from office by an action brought in the court of common 856
pleas for that purpose by the prosecuting attorney or the attorney 857

general. 858

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance."

Delete lines 1854 through 2018 885

After line 2018, insert: 886

"Sec. 173.391. (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide community-based long-term care services under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

(a) Issue a written warning;

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;

(c) Suspend referrals;

(d) Remove clients;

(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;

(f) Suspend the certification;

(g) Revoke the certification;

(h) Impose another sanction.

(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its

designee takes regarding a decision not to certify the provider 914
 under division (A)(1) of this section or a disciplinary action 915
 under divisions (A)(2)(e) to (h) of this section. 916

(B) The director of aging shall adopt rules in accordance 917
 with Chapter 119. of the Revised Code establishing certification 918
 requirements and standards for determining which type of 919
 disciplinary action to take under division (A)(2) of this section 920
 in individual situations. The rules shall establish procedures for 921
 all of the following: 922

(1) Ensuring that providers comply with sections 173.38 and 923
 173.381 of the Revised Code; 924

(2) Evaluating the services provided by the providers to 925
 ensure that the services are provided in a quality manner 926
 advantageous to the individual receiving the services; 927

(3) In a manner consistent with section 173.381 of the 928
 Revised Code, determining when to take disciplinary action under 929
 division (A)(2) of this section and which disciplinary action to 930
 take; 931

(4) Determining what constitutes another sanction for 932
 purposes of division (A)(2)(h) of this section. 933

(C) The procedures established in rules adopted under 934
 division (B)(2) of this section shall require that all of the 935
 following be considered as part of an evaluation described in 936
 division (B)(2) of this section: 937

(1) The provider's experience and financial responsibility; 938

(2) The provider's ability to comply with standards for the 939
 community-based long-term care services that the provider provides 940
 under a program the department administers; 941

(3) The provider's ability to meet the needs of the individuals served;	942 943
(4) Any other factor the director considers relevant.	944
(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.	945 946 947 948 949 950 951
(E) Subject to division <u>divisions</u> (F)(1) and (2) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:	952 953 954 955
(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:	956 957 958 959 960 961
(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.	962 963 964
(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.	965 966 967
(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:	968 969
(a) A government entity of this state, other than the	970

department of aging, has terminated or refused to renew any of the 971
 following held by, or has denied any of the following sought by, a 972
 provider: a provider agreement, license, certificate, permit, or 973
 certification. Division (E)(2)(a) of this section applies 974
 regardless of whether the provider has entered into a provider 975
 agreement in, or holds a license, certificate, permit, or 976
 certification issued by, another state. 977

(b) The provider or a principal owner or manager of the 978
 provider who provides direct care has entered a guilty plea for, 979
 or has been convicted of, an offense materially related to the 980
 medicaid program. 981

(c) A principal owner or manager of the provider who provides 982
 direct care has entered a guilty plea for, been convicted of, or 983
 been found eligible for intervention in lieu of conviction for an 984
 offense listed or described in divisions (A)(3)(a) to (e) of 985
 section 109.572 of the Revised Code, but only if the provider, 986
 principal owner, or manager does not meet standards specified by 987
 the director in rules adopted under section 173.38 of the Revised 988
 Code. 989

(d) The department or its designee is required by section 990
 173.381 of the Revised Code to deny or revoke the provider's 991
 certification. 992

(e) The United States department of health and human services 993
 has taken adverse action against the provider and that action 994
 impacts the provider's participation in the medicaid program. 995

(f) The provider has failed to enter into or renew a provider 996
 agreement with the PASSPORT administrative agency, as that term is 997
 defined in section 173.42 of the Revised Code, that administers 998
 programs on behalf of the department of aging in the region of the 999
 state in which the provider is certified to provide services. 1000

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.	1001 1002 1003
(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.	1004 1005 1006 1007
(i) The provider has ceased doing business.	1008
(j) The provider has voluntarily relinquished its certification for any reason.	1009 1010
(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code.	1011 1012 1013
(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.	1014 1015 1016 1017 1018
(F)(1) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.	1019 1020 1021 1022 1023 1024 1025 1026
<u>(2) Notwithstanding division (E)(2)(c) of this section, the director shall not refuse to certify a provider under division (A)(1) of this section because the provider was convicted of,</u>	1027 1028 1029

pleaded guilty to, or was found eligible for intervention in lieu 1030
of conviction for an offense unless the refusal is in accordance 1031
with section 9.79 of the Revised Code. 1032

(G) The director of aging may adopt rules in accordance with 1033
 Chapter 119. of the Revised Code establishing a fee to be charged 1034
 by the department of aging or its designee for certification 1035
 issued under this section. 1036

(H) Any amounts collected by the department or its designee 1037
 under this section shall be deposited in the state treasury to the 1038
 credit of the provider certification fund, which is hereby 1039
 created. Money credited to the fund shall be used to pay for 1040
 community-based long-term care services, administrative costs 1041
 associated with provider certification under this section, and 1042
 administrative costs related to the publication of the Ohio 1043
 long-term care consumer guide." 1044

Delete lines 5377 through 5578 1045

After line 5578, insert: 1046

"**Sec. 3327.10.** (A) No person shall be employed as driver of a 1047
 school bus or motor van, owned and operated by any school district 1048
 or educational service center or privately owned and operated 1049
 under contract with any school district or service center in this 1050
 state, who has not received a certificate from either the 1051
 educational service center governing board that has entered into 1052
 an agreement with the school district under section 3313.843 or 1053
 3313.845 of the Revised Code or the superintendent of the school 1054
 district, certifying that such person is at least eighteen years 1055
 of age ~~and is of good moral character~~ and is qualified physically 1056
 and otherwise for such position. The service center governing 1057
 board or the superintendent, as the case may be, shall provide for 1058

an annual physical examination that conforms with rules adopted by 1059
 the state board of education of each driver to ascertain the 1060
 driver's physical fitness for such employment. The examination 1061
 shall be performed by one of the following: 1062

(1) A person licensed under Chapter 4731. or 4734. of the 1063
 Revised Code or by another state to practice medicine and surgery, 1064
 osteopathic medicine and surgery, or chiropractic; 1065

(2) A physician assistant; 1066

(3) A certified nurse practitioner; 1067

(4) A clinical nurse specialist; 1068

(5) A certified nurse-midwife; 1069

(6) A medical examiner who is listed on the national registry 1070
 of certified medical examiners established by the federal motor 1071
 carrier safety administration in accordance with 49 C.F.R. part 1072
 390. 1073

Any certificate may be revoked by the authority granting the 1074
 same on proof that the holder has been guilty of failing to comply 1075
 with division (D)(1) of this section, or upon a conviction or a 1076
 guilty plea for a violation, or any other action, that results in 1077
 a loss or suspension of driving rights. Failure to comply with 1078
 such division may be cause for disciplinary action or termination 1079
 of employment under division (C) of section 3319.081, or section 1080
 124.34 of the Revised Code. 1081

(B) No person shall be employed as driver of a school bus or 1082
 motor van not subject to the rules of the department of education 1083
 pursuant to division (A) of this section who has not received a 1084
 certificate from the school administrator or contractor certifying 1085
 that such person is at least eighteen years of age, ~~is of good~~ 1086

~~moral character~~, and is qualified physically and otherwise for 1087
such position. Each driver shall have an annual physical 1088
examination which conforms to the state highway patrol rules, 1089
ascertaining the driver's physical fitness for such employment. 1090
The examination shall be performed by one of the following: 1091

(1) A person licensed under Chapter 4731. or 4734. of the 1092
Revised Code or by another state to practice medicine and surgery, 1093
osteopathic medicine and surgery, or chiropractic; 1094

(2) A physician assistant; 1095

(3) A certified nurse practitioner; 1096

(4) A clinical nurse specialist; 1097

(5) A certified nurse-midwife; 1098

(6) A medical examiner who is listed on the national registry 1099
of certified medical examiners established by the federal motor 1100
carrier safety administration in accordance with 49 C.F.R. part 1101
390. 1102

Any written documentation of the physical examination shall 1103
be completed by the individual who performed the examination. 1104

Any certificate may be revoked by the authority granting the 1105
same on proof that the holder has been guilty of failing to comply 1106
with division (D)(2) of this section. 1107

(C) Any person who drives a school bus or motor van must give 1108
satisfactory and sufficient bond except a driver who is an 1109
employee of a school district and who drives a bus or motor van 1110
owned by the school district. 1111

(D) No person employed as driver of a school bus or motor van 1112
under this section who is convicted of a traffic violation or who 1113
has had the person's commercial driver's license suspended shall 1114

drive a school bus or motor van until the person has filed a 1115
 written notice of the conviction or suspension, as follows: 1116

(1) If the person is employed under division (A) of this 1117
 section, the person shall file the notice with the superintendent, 1118
 or a person designated by the superintendent, of the school 1119
 district for which the person drives a school bus or motor van as 1120
 an employee or drives a privately owned and operated school bus or 1121
 motor van under contract. 1122

(2) If employed under division (B) of this section, the 1123
 person shall file the notice with the employing school 1124
 administrator or contractor, or a person designated by the 1125
 administrator or contractor. 1126

(E) In addition to resulting in possible revocation of a 1127
 certificate as authorized by divisions (A) and (B) of this 1128
 section, violation of division (D) of this section is a minor 1129
 misdemeanor. 1130

(F)(1) Not later than thirty days after June 30, 2007, each 1131
 owner of a school bus or motor van shall obtain the complete 1132
 driving record for each person who is currently employed or 1133
 otherwise authorized to drive the school bus or motor van. An 1134
 owner of a school bus or motor van shall not permit a person to 1135
 operate the school bus or motor van for the first time before the 1136
 owner has obtained the person's complete driving record. 1137
 Thereafter, the owner of a school bus or motor van shall obtain 1138
 the person's driving record not less frequently than semiannually 1139
 if the person remains employed or otherwise authorized to drive 1140
 the school bus or motor van. An owner of a school bus or motor van 1141
 shall not permit a person to resume operating a school bus or 1142
 motor van, after an interruption of one year or longer, before the 1143
 owner has obtained the person's complete driving record. 1144

(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for ten years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance.

(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the state board of education prescribing qualifications of drivers of school buses and other student transportation.

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in

rules adopted by the state board. 1175

(I) For qualified drivers who, on July 1, 2007, are employed 1176
by the owner of a school bus or motor van to drive the school bus 1177
or motor van, any instance in which the driver was convicted of or 1178
pleaded guilty to a violation of section 4511.19 of the Revised 1179
Code or a substantially equivalent municipal ordinance prior to 1180
two years prior to July 1, 2007, shall not be considered a 1181
disqualifying event with respect to division (F) of this section. 1182

(J)(1) This division applies to persons hired by a school 1183
district, educational service center, community school, chartered 1184
nonpublic school, or science, technology, engineering, and 1185
mathematics school established under Chapter 3326. of the Revised 1186
Code to operate a vehicle used for pupil transportation. 1187

For each person to whom this division applies who is hired on 1188
or after November 14, 2007, the employer shall request a criminal 1189
records check in accordance with section 3319.39 of the Revised 1190
Code and every six years thereafter. For each person to whom this 1191
division applies who is hired prior to that date, the employer 1192
shall request a criminal records check by a date prescribed by the 1193
department of education and every six years thereafter. 1194

(2) This division applies to persons hired by a public or 1195
private employer not described in division (J)(1) of this section 1196
to operate a vehicle used for pupil transportation. 1197

For each person to whom this division applies who is hired on 1198
or after November 14, 2007, the employer shall request a criminal 1199
records check prior to the person's hiring and every six years 1200
thereafter. For each person to whom this division applies who is 1201
hired prior to that date, the employer shall request a criminal 1202
records check by a date prescribed by the department and every six 1203
years thereafter. 1204

(3) Each request for a criminal records check under division 1205
 (J) of this section shall be made to the superintendent of the 1206
 bureau of criminal identification and investigation in the manner 1207
 prescribed in section 3319.39 of the Revised Code, except that if 1208
 both of the following conditions apply to the person subject to 1209
 the records check, the employer shall request the superintendent 1210
 only to obtain any criminal records that the federal bureau of 1211
 investigation has on the person: 1212

(a) The employer previously requested the superintendent to 1213
 determine whether the bureau of criminal identification and 1214
 investigation has any information, gathered pursuant to division 1215
 (A) of section 109.57 of the Revised Code, on the person in 1216
 conjunction with a criminal records check requested under section 1217
 3319.39 of the Revised Code or under division (J) of this section. 1218

(b) The person presents proof that the person has been a 1219
 resident of this state for the five-year period immediately prior 1220
 to the date upon which the person becomes subject to a criminal 1221
 records check under this section. 1222

Upon receipt of a request, the superintendent shall conduct 1223
 the criminal records check in accordance with section 109.572 of 1224
 the Revised Code as if the request had been made under section 1225
 3319.39 of the Revised Code. However, as specified in division 1226
 (B)(2) of section 109.572 of the Revised Code, if the employer 1227
 requests the superintendent only to obtain any criminal records 1228
 that the federal bureau of investigation has on the person for 1229
 whom the request is made, the superintendent shall not conduct the 1230
 review prescribed by division (B)(1) of that section. 1231

(K)(1) Until the effective date of the amendments to rule 1232
 3301-83-23 of the Ohio Administrative Code required by the second 1233
 paragraph of division (E) of section 3319.39 of the Revised Code, 1234

any person who is the subject of a criminal records check under 1235
 division (J) of this section and has been convicted of or pleaded 1236
 guilty to any offense described in division (B)(1) of section 1237
 3319.39 of the Revised Code shall not be hired or shall be 1238
 released from employment, as applicable, unless the person meets 1239
 the rehabilitation standards prescribed for nonlicensed school 1240
 personnel by rule 3301-20-03 of the Ohio Administrative Code. 1241

(2) Beginning on the effective date of the amendments to rule 1242
 3301-83-23 of the Ohio Administrative Code required by the second 1243
 paragraph of division (E) of section 3319.39 of the Revised Code, 1244
 any person who is the subject of a criminal records check under 1245
 division (J) of this section and has been convicted of or pleaded 1246
 guilty to any offense that, under the rule, disqualifies a person 1247
 for employment to operate a vehicle used for pupil transportation 1248
 shall not be hired or shall be released from employment, as 1249
 applicable, unless the person meets the rehabilitation standards 1250
 prescribed by the rule." 1251

Delete lines 5785 through 5847 1252

After line 5847, insert: 1253

"**Sec. 3710.06.** (A) Within fifteen business days after 1254
 receiving an application, the director of environmental protection 1255
 shall acknowledge receipt of the application and notify the 1256
 applicant of any deficiency in the application. Within sixty 1257
 calendar days after receiving a completed application, including 1258
 all additional information requested by the director, the director 1259
 shall issue a license or certificate or deny the application. The 1260
 director shall issue only one license or certificate that is in 1261
 effect at one time to a business entity and its principal officers 1262
 and a public entity and its principal officers. 1263

(B)(1) The director shall deny an application if it 1264
determines that the applicant has not demonstrated the ability to 1265
comply fully with all applicable federal and state requirements 1266
and all requirements, procedures, and standards established by the 1267
director in this chapter, Chapter 3704. of the Revised Code, or 1268
rules adopted under those chapters, as those chapters and rules 1269
pertain to asbestos. 1270

(2) The director shall deny any application for an asbestos 1271
hazard abatement contractor's license if the applicant or an 1272
officer or employee of the applicant has been convicted of a 1273
~~felony or found liable in a civil proceeding under any state or~~ 1274
~~federal law designed to protect the environment~~ disqualifying 1275
offense as determined under section 9.79 of the Revised Code. 1276

(3) The director shall send all denials of an application by 1277
certified mail to the applicant. If the director receives a timely 1278
request for a hearing from the applicant on the proposed denial of 1279
an application, the director shall hold a hearing in accordance 1280
with Chapter 119. of the Revised Code, as provided in division (A) 1281
of section 3710.13 of the Revised Code. 1282

(C) In an emergency that results from a sudden, unexpected 1283
event that is not a planned asbestos hazard abatement project, the 1284
director may waive the requirements for a license. For the 1285
purposes of this division, "emergency" includes operations 1286
necessitated by nonroutine failures of equipment or by actions of 1287
fire and emergency medical personnel pursuant to duties within 1288
their official capacities. Any person who performs an asbestos 1289
hazard abatement project under emergency conditions shall notify 1290
the director within three days after performance thereof. 1291

(D) Each license or certificate issued under this chapter 1292
expires one year after the date of issue, but each licensee or 1293

certificate holder may apply to the environmental protection 1294
 agency for the extension of the holder's license or certificate 1295
 under the standard renewal procedures of Chapter 4745. of the 1296
 Revised Code. 1297

To qualify for renewal of a license or certificate issued 1298
 under this chapter, each licensee or certificate holder shall send 1299
 the appropriate renewal fee set forth in division (D) of section 1300
 3710.05 of the Revised Code or as adopted by rule by the director 1301
 pursuant to division (A)(4) of section 3710.02 of the Revised 1302
 Code. 1303

Certificate holders also shall successfully complete an 1304
 annual renewal course approved by the agency pursuant to section 1305
 3710.10 of the Revised Code. 1306

(E) The director may charge a fee in addition to those 1307
 specified in division (D) of section 3710.05 of the Revised Code 1308
 or in rules adopted by the director pursuant to division (A)(4) of 1309
 section 3710.02 of the Revised Code if the licensee or certificate 1310
 holder applies for renewal after the expiration thereof or 1311
 requests a reissuance of any license or certificate, provided that 1312
 no such fee shall exceed the original fees by more than fifty per 1313
 cent." 1314

In line 6051, delete "9.79"; after "~~3734.44~~" insert "9.79" 1315

Delete lines 9174 through 9212 1316

After line 9212, insert: 1317

"**Sec. 4511.76.** (A) The department of public safety, by and 1318
 with the advice of the superintendent of public instruction, shall 1319
 adopt and enforce rules relating to the construction, design, and 1320
 equipment, including lighting equipment required by section 1321

4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section 4511.763 of the Revised Code. The rules may relate to ~~the moral character of the applicant;~~ the condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.

(E) A chartered nonpublic school may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions when one of the following applies:

(1) A student's school district of residence has declared the transportation of the student impractical pursuant to section 3327.02 of the Revised Code; or

(2) A student does not live within thirty minutes of the chartered nonpublic school and the student's school district is not required to transport the student under section 3327.01 of the

Revised Code. 1352

(F) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code. 1353-1356

(G) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree." 1357-1364

Delete lines 9213 through 9414 1365

After line 9414, insert: 1366

"Sec. 4513.34. (A)(1) The director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows: 1367-1372

(a) At a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code; 1373-1376

(b) Upon any highway under the jurisdiction of the authority granting the permit except those highways with a condition insufficient to bear the weight of the vehicle or combination of 1377-1379

vehicles as stated in the application. 1380

Issuance of a special regional heavy hauling permit is 1381
subject to the payment of a fee established by the director or 1382
local authority in accordance with this section. 1383

(2) In circumstances where a person is not eligible to 1384
receive a permit under division (A)(1) of this section, the 1385
director of transportation with respect to all highways that are a 1386
part of the state highway system and local authorities with 1387
respect to highways under their jurisdiction, upon application in 1388
writing and for good cause shown, may issue a special permit in 1389
writing authorizing the applicant to operate or move a vehicle or 1390
combination of vehicles of a size or weight of vehicle or load 1391
exceeding the maximum specified in sections 5577.01 to 5577.09 of 1392
the Revised Code, or otherwise not in conformity with sections 1393
4513.01 to 4513.37 of the Revised Code, upon any highway under the 1394
jurisdiction of the authority granting the permit. 1395

(3) For purposes of this section, the director may designate 1396
certain state highways or portions of state highways as special 1397
economic development highways. If an application submitted to the 1398
director under this section involves travel of a nonconforming 1399
vehicle or combination of vehicles upon a special economic 1400
development highway, the director, in determining whether good 1401
cause has been shown that issuance of a permit is justified, shall 1402
consider the effect the travel of the vehicle or combination of 1403
vehicles will have on the economic development in the area in 1404
which the designated highway or portion of highway is located. 1405

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 1406
Code, the holder of a permit issued by the director under this 1407
section may move the vehicle or combination of vehicles described 1408
in the permit on any highway that is a part of the state highway 1409

system when the movement is partly within and partly without the 1410
corporate limits of a municipal corporation. No local authority 1411
shall require any other permit or license or charge any license 1412
fee or other charge against the holder of a permit for the 1413
movement of a vehicle or combination of vehicles on any highway 1414
that is a part of the state highway system. The director shall not 1415
require the holder of a permit issued by a local authority to 1416
obtain a special permit for the movement of vehicles or 1417
combination of vehicles on highways within the jurisdiction of the 1418
local authority. Permits may be issued for any period of time not 1419
to exceed one year, as the director in the director's discretion 1420
or a local authority in its discretion determines advisable, or 1421
for the duration of any public construction project. 1422

(C)(1) The application for a permit issued under this section 1423
shall be in the form that the director or local authority 1424
prescribes. The director or local authority may prescribe a permit 1425
fee to be imposed and collected when any permit described in this 1426
section is issued. The permit fee may be in an amount sufficient 1427
to reimburse the director or local authority for the 1428
administrative costs incurred in issuing the permit, and also to 1429
cover the cost of the normal and expected damage caused to the 1430
roadway or a street or highway structure as the result of the 1431
operation of the nonconforming vehicle or combination of vehicles. 1432
The director, in accordance with Chapter 119. of the Revised Code, 1433
shall establish a schedule of fees for permits issued by the 1434
director under this section; however, the fee to operate a triple 1435
trailer unit, at locations authorized under federal law, shall be 1436
one hundred dollars. 1437

(2) For the purposes of this section and of rules adopted by 1438
the director under this section, milk transported in bulk by 1439
vehicle is deemed a nondivisible load. 1440

(3) For purposes of this section and of rules adopted by the 1441
 director under this section, three or fewer aluminum coils, 1442
 transported by a vehicle, are deemed a nondivisible load. The 1443
 director shall adopt rules establishing requirements for an 1444
 aluminum coil permit that are substantially similar to the 1445
 requirements for a steel coil permit under Chapter 5501:2-1 of the 1446
 Administrative Code. 1447

(D) The director or a local authority shall issue a special 1448
 regional heavy hauling permit under division (A)(1) of this 1449
 section upon application and payment of the applicable fee. 1450
 However, the director or local authority may issue or withhold a 1451
 special permit specified in division (A)(2) of this section. If a 1452
 permit is to be issued, the director or local authority may limit 1453
 or prescribe conditions of operation for the vehicle and may 1454
 require the posting of a bond or other security conditioned upon 1455
 the sufficiency of the permit fee to compensate for damage caused 1456
 to the roadway or a street or highway structure. In addition, a 1457
 local authority, as a condition of issuance of an overweight 1458
 permit, may require the applicant to develop and enter into a 1459
 mutual agreement with the local authority to compensate for or to 1460
 repair excess damage caused to the roadway by travel under the 1461
 permit. 1462

For a permit that will allow travel of a nonconforming 1463
 vehicle or combination of vehicles on a special economic 1464
 development highway, the director, as a condition of issuance, may 1465
 require the applicant to agree to make periodic payments to the 1466
 department to compensate for damage caused to the roadway by 1467
 travel under the permit. 1468

(E) Every permit issued under this section shall be carried 1469
 in the vehicle or combination of vehicles to which it refers and 1470

shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(F) The director may debar an applicant from applying for a permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following:

(1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;

(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;

(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;

(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;

(5) Attempted to influence a public employee to breach ethical conduct standards;

(6) Been convicted of a ~~criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial~~

<u>driver's license disqualifying offense as determined under section</u>	1500
<u>9.79 of the Revised Code;</u>	1501
(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;	1502 1503 1504
(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;	1505 1506 1507
(9) Failed to pay any fees associated with any permitted operation or move;	1508 1509
(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section.	1510 1511 1512
If the applicant is a partnership, association, or corporation, the director also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.	1513 1514 1515 1516 1517
The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant.	1518 1519
(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall	1520 1521 1522 1523 1524 1525 1526 1527 1528

notify the person of the decision by certified mail, return 1529
 receipt requested. The debarment period may be of any length 1530
 determined by the director, and the director may modify or rescind 1531
 the debarment at any time. During the period of debarment, the 1532
 director shall not issue, or consider issuing, a permit under this 1533
 section to any partnership, association, or corporation that is 1534
 affiliated with a debarred person. After the debarment period 1535
 expires, the person, and any partnership, association, or 1536
 corporation affiliated with the person, may reapply for a permit. 1537

(H)(1) No person shall violate the terms of a permit issued 1538
 under this section that relate to gross load limits. 1539

(2) No person shall violate the terms of a permit issued 1540
 under this section that relate to axle load by more than two 1541
 thousand pounds per axle or group of axles. 1542

(3) No person shall violate the terms of a permit issued 1543
 under this section that relate to an approved route except upon 1544
 order of a law enforcement officer or authorized agent of the 1545
 issuing authority. 1546

(I) Whoever violates division (H) of this section shall be 1547
 punished as provided in section 4513.99 of the Revised Code. 1548

(J) A permit issued by the department of transportation or a 1549
 local authority under this section for the operation of a vehicle 1550
 or combination of vehicles is valid for the purposes of the 1551
 vehicle operation in accordance with the conditions and 1552
 limitations specified on the permit. Such a permit is voidable by 1553
 law enforcement only for operation of a vehicle or combination of 1554
 vehicles in violation of the weight, dimension, or route 1555
 provisions of the permit. However, a permit is not voidable for 1556
 operation in violation of a route provision of a permit if the 1557
 operation is upon the order of a law enforcement officer." 1558

Delete lines 11551 through 11667 1559

After line 11667, insert: 1560

"Sec. 4717.05. (A) Any person who desires to be licensed as 1561
an embalmer shall apply to the board of embalmers and funeral 1562
directors on a form provided by the board. The applicant shall 1563
include with the application an initial license fee as set forth 1564
in section 4717.07 of the Revised Code and evidence, verified by 1565
oath and satisfactory to the board, that the applicant meets all 1566
of the following requirements: 1567

(1) The applicant is at least eighteen years of age ~~and of~~ 1568
~~good moral character.~~ 1569

(2) ~~If the applicant has pleaded guilty to, has been found by~~ 1570
~~a judge or jury to be guilty of, or has had a judicial finding of~~ 1571
~~eligibility for treatment in lieu of conviction entered against~~ 1572
~~the applicant in this state for aggravated murder, murder,~~ 1573
~~voluntary manslaughter, felonious assault, kidnapping, rape,~~ 1574
~~sexual battery, gross sexual imposition, aggravated arson,~~ 1575
~~aggravated robbery, or aggravated burglary, or has pleaded guilty~~ 1576
~~to, has been found by a judge or jury to be guilty of, or has had~~ 1577
~~a judicial finding of eligibility for treatment in lieu of~~ 1578
~~conviction entered against the applicant in another jurisdiction~~ 1579
~~for a substantially equivalent offense, at least five years has~~ 1580
~~elapsed since the applicant was released from incarceration, a~~ 1581
~~community control sanction, a post-release control sanction,~~ 1582
~~parole, or treatment in connection with the offense.~~ 1583

~~(3)~~ The applicant holds at least a bachelor's degree from a 1584
college or university authorized to confer degrees by the 1585
department of higher education or the comparable legal agency of 1586
another state in which the college or university is located and 1587

submits an official transcript from that college or university 1588
with the application. 1589

~~(4)~~ (3) The applicant has satisfactorily completed at least 1590
twelve months of instruction in a prescribed course in mortuary 1591
science as approved by the board and has presented to the board a 1592
certificate showing successful completion of the course. The 1593
course of mortuary science college training may be completed 1594
either before or after the completion of the educational standard 1595
set forth in division (A)~~(3)~~ (2) of this section. 1596

~~(5)~~ (4) The applicant has been certified by the board prior 1597
to beginning an embalmer apprenticeship. 1598

~~(6)~~ (5) The applicant has satisfactorily completed at least 1599
one year of apprenticeship under an embalmer licensed in this 1600
state and has participated in embalming at least twenty-five dead 1601
human bodies. 1602

~~(7)~~ (6) The applicant, upon meeting the educational standards 1603
provided for in divisions (A)~~(3)~~ (2) and ~~(4)~~ (3) of this section 1604
and completing the apprenticeship required in division (A)~~(6)~~ (5) 1605
of this section, has completed the examination for an embalmer's 1606
license required by the board. 1607

(B) Upon receiving satisfactory evidence verified by oath 1608
that the applicant meets all the requirements of division (A) of 1609
this section, the board shall issue the applicant an embalmer's 1610
license. 1611

(C) Any person who desires to be licensed as a funeral 1612
director shall apply to the board on a form prescribed by the 1613
board. The application shall include an initial license fee as set 1614
forth in section 4717.07 of the Revised Code and evidence, 1615
verified by oath and satisfactory to the board, that the applicant 1616
meets all of the following requirements: 1617

(1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A)(1) to ~~(4)~~ (3) of this section.

(2) The applicant has been certified by the board prior to beginning a funeral director apprenticeship.

(3) The applicant, following mortuary science college training described in division (A)~~(4)~~ (3) of this section, has satisfactorily completed a one-year apprenticeship under a licensed funeral director in this state and has participated in directing at least twenty-five funerals.

(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board.

(D) In lieu of mortuary science college training required for a funeral director's license under division (C)(1) of this section, the applicant may substitute a satisfactorily completed two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals.

(E) Upon receiving satisfactory evidence that the applicant meets all the requirements of division (C) of this section, the board shall issue to the applicant a funeral director's license.

(F) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request. A funeral director or embalmer may not place the funeral director's or embalmer's license on inactive status unless the funeral director or embalmer is in good standing with the board and is in compliance with

applicable continuing education requirements. A funeral director
 or embalmer who is granted inactive status is prohibited from
 participating in any activity for which a funeral director's or
 embalmer's license is required in this state. A funeral director
 or embalmer who has been granted inactive status is exempt from
 the continuing education requirements under section 4717.09 of the
 Revised Code during the period of the inactive status.

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(G) A funeral director or embalmer who has been granted
 inactive status may not return to active status for at least two
 years following the date that the inactive status was granted.
 Following a period of at least two years of inactive status, the
 funeral director or embalmer may apply to return to active status
 upon completion of all of the following conditions:

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(1) The funeral director or embalmer files with the board a
 form prescribed by the board seeking active status and provides
 any other information as the board may request;

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(2) The funeral director or embalmer takes and passes the
 Ohio laws examination for each license being activated;

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 1664

(3) The funeral director or embalmer pays a reactivation fee
 to the board in the amount of one hundred forty dollars for each
 license being reactivated.

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~~(H) As used in this section:~~

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~~(1) "Community control sanction" has the same meaning as in
 section 2929.01 of the Revised Code.~~

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~~(2) "Post-release control sanction" has the same meaning as
 in section 2967.01 of the Revised Code."~~

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 1672

Delete lines 12088 through 12456

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After line 12456, insert:

1674

"Sec. 4723.28. (A) The board of nursing, by a vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud in passing an examination required to obtain a license or dialysis technician certificate issued by the board or to have committed fraud, misrepresentation, or deception in applying for or securing any nursing license or dialysis technician certificate issued by the board: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation.

(B) The Except as provided in section 4723.092 of the Revised Code, the board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including nursing or practice as a dialysis technician, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(2) Engaging in the practice of nursing or engaging in practice as a dialysis technician, having failed to renew a nursing license or dialysis technician certificate issued under this chapter, or while a nursing license or dialysis technician certificate is under suspension;

(3) Conviction of, a plea of guilty to, a judicial finding of 1705
 guilt of, a judicial finding of guilt resulting from a plea of no 1706
 contest to, or a judicial finding of eligibility for a pretrial 1707
 diversion or similar program or for intervention in lieu of 1708
 conviction for, a misdemeanor committed in the course of practice; 1709

(4) Conviction of, a plea of guilty to, a judicial finding of 1710
 guilt of, a judicial finding of guilt resulting from a plea of no 1711
 contest to, or a judicial finding of eligibility for a pretrial 1712
 diversion or similar program or for intervention in lieu of 1713
 conviction for, any felony or of any crime involving gross 1714
 immorality or moral turpitude; 1715

(5) Selling, giving away, or administering drugs or 1716
 therapeutic devices for other than legal and legitimate 1717
 therapeutic purposes; or conviction of, a plea of guilty to, a 1718
 judicial finding of guilt of, a judicial finding of guilt 1719
 resulting from a plea of no contest to, or a judicial finding of 1720
 eligibility for a pretrial diversion or similar program or for 1721
 intervention in lieu of conviction for, violating any municipal, 1722
 state, county, or federal drug law; 1723

(6) Conviction of, a plea of guilty to, a judicial finding of 1724
 guilt of, a judicial finding of guilt resulting from a plea of no 1725
 contest to, or a judicial finding of eligibility for a pretrial 1726
 diversion or similar program or for intervention in lieu of 1727
 conviction for, an act in another jurisdiction that would 1728
 constitute a felony or a crime of moral turpitude in Ohio; 1729

(7) Conviction of, a plea of guilty to, a judicial finding of 1730
 guilt of, a judicial finding of guilt resulting from a plea of no 1731
 contest to, or a judicial finding of eligibility for a pretrial 1732
 diversion or similar program or for intervention in lieu of 1733
 conviction for, an act in the course of practice in another 1734

jurisdiction that would constitute a misdemeanor in Ohio;	1735
(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;	1736 1737 1738 1739 1740 1741
(9) Habitual or excessive use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to provide safe nursing care or safe dialysis care;	1742 1743 1744 1745
(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances;	1746 1747 1748 1749
(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;	1750 1751 1752
(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;	1753 1754
(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	1755 1756
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	1757 1758 1759 1760 1761
(15) The suspension or termination of employment by the United States department of defense or department of veterans	1762 1763

affairs for any act that violates or would violate this chapter;	1764
(16) Violation of this chapter or any rules adopted under it;	1765
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	1766 1767
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	1768 1769 1770
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	1771 1772
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	1773 1774 1775
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	1776 1777 1778
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	1779 1780 1781
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	1782 1783 1784
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	1785 1786 1787
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an	1788 1789 1790 1791

enticement to a patient or group of patients to receive health	1792
care services from that provider;	1793
(b) Advertising that the nurse will waive the payment of all	1794
or any part of a deductible or copayment that a patient, pursuant	1795
to a health insurance or health care policy, contract, or plan	1796
that covers such nursing services, would otherwise be required to	1797
pay.	1798
(25) Failure to comply with the terms and conditions of	1799
participation in the substance use disorder monitoring program	1800
established under section 4723.35 of the Revised Code;	1801
(26) Failure to comply with the terms and conditions required	1802
under the practice intervention and improvement program	1803
established under section 4723.282 of the Revised Code;	1804
(27) In the case of an advanced practice registered nurse:	1805
(a) Engaging in activities that exceed those permitted for	1806
the nurse's nursing specialty under section 4723.43 of the Revised	1807
Code;	1808
(b) Failure to meet the quality assurance standards	1809
established under section 4723.07 of the Revised Code.	1810
(28) In the case of an advanced practice registered nurse	1811
other than a certified registered nurse anesthetist, failure to	1812
maintain a standard care arrangement in accordance with section	1813
4723.431 of the Revised Code or to practice in accordance with the	1814
standard care arrangement;	1815
(29) In the case of an advanced practice registered nurse who	1816
is designated as a clinical nurse specialist, certified	1817
nurse-midwife, or certified nurse practitioner, failure to	1818
prescribe drugs and therapeutic devices in accordance with section	1819
4723.481 of the Revised Code;	1820

(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	1821 1822
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	1823 1824 1825
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	1826 1827 1828 1829
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	1830 1831
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	1832 1833 1834
(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	1835 1836
(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	1837 1838 1839 1840
(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	1841 1842 1843
(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice.	1844 1845 1846 1847 1848 1849

(C) Disciplinary actions taken by the board under divisions 1850
 (A) and (B) of this section shall be taken pursuant to an 1851
 adjudication conducted under Chapter 119. of the Revised Code, 1852
 except that in lieu of a hearing, the board may enter into a 1853
 consent agreement with an individual to resolve an allegation of a 1854
 violation of this chapter or any rule adopted under it. A consent 1855
 agreement, when ratified by a vote of a quorum, shall constitute 1856
 the findings and order of the board with respect to the matter 1857
 addressed in the agreement. If the board refuses to ratify a 1858
 consent agreement, the admissions and findings contained in the 1859
 agreement shall be of no effect. 1860

(D) The hearings of the board shall be conducted in 1861
 accordance with Chapter 119. of the Revised Code, the board may 1862
 appoint a hearing examiner, as provided in section 119.09 of the 1863
 Revised Code, to conduct any hearing the board is authorized to 1864
 hold under Chapter 119. of the Revised Code. 1865

In any instance in which the board is required under Chapter 1866
 119. of the Revised Code to give notice of an opportunity for a 1867
 hearing and the applicant, licensee, or certificate holder does 1868
 not make a timely request for a hearing in accordance with section 1869
 119.07 of the Revised Code, the board is not required to hold a 1870
 hearing, but may adopt, by a vote of a quorum, a final order that 1871
 contains the board's findings. In the final order, the board may 1872
 order any of the sanctions listed in division (A) or (B) of this 1873
 section. 1874

(E) If a criminal action is brought against a registered 1875
 nurse, licensed practical nurse, or dialysis technician for an act 1876
 or crime described in divisions (B)(3) to (7) of this section and 1877
 the action is dismissed by the trial court other than on the 1878
 merits, the board shall conduct an adjudication to determine 1879

whether the registered nurse, licensed practical nurse, or 1880
dialysis technician committed the act on which the action was 1881
based. If the board determines on the basis of the adjudication 1882
that the registered nurse, licensed practical nurse, or dialysis 1883
technician committed the act, or if the registered nurse, licensed 1884
practical nurse, or dialysis technician fails to participate in 1885
the adjudication, the board may take action as though the 1886
registered nurse, licensed practical nurse, or dialysis technician 1887
had been convicted of the act. 1888

If the board takes action on the basis of a conviction, plea, 1889
or a judicial finding as described in divisions (B)(3) to (7) of 1890
this section that is overturned on appeal, the registered nurse, 1891
licensed practical nurse, or dialysis technician may, on 1892
exhaustion of the appeal process, petition the board for 1893
reconsideration of its action. On receipt of the petition and 1894
supporting court documents, the board shall temporarily rescind 1895
its action. If the board determines that the decision on appeal 1896
was a decision on the merits, it shall permanently rescind its 1897
action. If the board determines that the decision on appeal was 1898
not a decision on the merits, it shall conduct an adjudication to 1899
determine whether the registered nurse, licensed practical nurse, 1900
or dialysis technician committed the act on which the original 1901
conviction, plea, or judicial finding was based. If the board 1902
determines on the basis of the adjudication that the registered 1903
nurse, licensed practical nurse, or dialysis technician committed 1904
such act, or if the registered nurse, licensed practical nurse, or 1905
dialysis technician does not request an adjudication, the board 1906
shall reinstate its action; otherwise, the board shall permanently 1907
rescind its action. 1908

Notwithstanding the provision of division (C)(2) of section 1909
2953.32 of the Revised Code specifying that if records pertaining 1910

to a criminal case are sealed under that section the proceedings 1911
 in the case shall be deemed not to have occurred, sealing of the 1912
 following records on which the board has based an action under 1913
 this section shall have no effect on the board's action or any 1914
 sanction imposed by the board under this section: records of any 1915
 conviction, guilty plea, judicial finding of guilt resulting from 1916
 a plea of no contest, or a judicial finding of eligibility for a 1917
 pretrial diversion program or intervention in lieu of conviction. 1918

The board shall not be required to seal, destroy, redact, or 1919
 otherwise modify its records to reflect the court's sealing of 1920
 conviction records. 1921

(F) The board may investigate an individual's criminal 1922
 background in performing its duties under this section. As part of 1923
 such investigation, the board may order the individual to submit, 1924
 at the individual's expense, a request to the bureau of criminal 1925
 identification and investigation for a criminal records check and 1926
 check of federal bureau of investigation records in accordance 1927
 with the procedure described in section 4723.091 of the Revised 1928
 Code. 1929

(G) During the course of an investigation conducted under 1930
 this section, the board may compel any registered nurse, licensed 1931
 practical nurse, or dialysis technician or applicant under this 1932
 chapter to submit to a mental or physical examination, or both, as 1933
 required by the board and at the expense of the individual, if the 1934
 board finds reason to believe that the individual under 1935
 investigation may have a physical or mental impairment that may 1936
 affect the individual's ability to provide safe nursing care. 1937
 Failure of any individual to submit to a mental or physical 1938
 examination when directed constitutes an admission of the 1939
 allegations, unless the failure is due to circumstances beyond the 1940

individual's control, and a default and final order may be entered 1941
without the taking of testimony or presentation of evidence. 1942

If the board finds that an individual is impaired, the board 1943
shall require the individual to submit to care, counseling, or 1944
treatment approved or designated by the board, as a condition for 1945
initial, continued, reinstated, or renewed authority to practice. 1946
The individual shall be afforded an opportunity to demonstrate to 1947
the board that the individual can begin or resume the individual's 1948
occupation in compliance with acceptable and prevailing standards 1949
of care under the provisions of the individual's authority to 1950
practice. 1951

For purposes of this division, any registered nurse, licensed 1952
practical nurse, or dialysis technician or applicant under this 1953
chapter shall be deemed to have given consent to submit to a 1954
mental or physical examination when directed to do so in writing 1955
by the board, and to have waived all objections to the 1956
admissibility of testimony or examination reports that constitute 1957
a privileged communication. 1958

(H) The board shall investigate evidence that appears to show 1959
that any person has violated any provision of this chapter or any 1960
rule of the board. Any person may report to the board any 1961
information the person may have that appears to show a violation 1962
of any provision of this chapter or rule of the board. In the 1963
absence of bad faith, any person who reports such information or 1964
who testifies before the board in any adjudication conducted under 1965
Chapter 119. of the Revised Code shall not be liable for civil 1966
damages as a result of the report or testimony. 1967

(I) All of the following apply under this chapter with 1968
respect to the confidentiality of information: 1969

(1) Information received by the board pursuant to a complaint 1970

or an investigation is confidential and not subject to discovery 1971
 in any civil action, except that the board may disclose 1972
 information to law enforcement officers and government entities 1973
 for purposes of an investigation of either a licensed health care 1974
 professional, including a registered nurse, licensed practical 1975
 nurse, or dialysis technician, or a person who may have engaged in 1976
 the unauthorized practice of nursing or dialysis care. No law 1977
 enforcement officer or government entity with knowledge of any 1978
 information disclosed by the board pursuant to this division shall 1979
 divulge the information to any other person or government entity 1980
 except for the purpose of a government investigation, a 1981
 prosecution, or an adjudication by a court or government entity. 1982

(2) If an investigation requires a review of patient records, 1983
 the investigation and proceeding shall be conducted in such a 1984
 manner as to protect patient confidentiality. 1985

(3) All adjudications and investigations of the board shall 1986
 be considered civil actions for the purposes of section 2305.252 1987
 of the Revised Code. 1988

(4) Any board activity that involves continued monitoring of 1989
 an individual as part of or following any disciplinary action 1990
 taken under this section shall be conducted in a manner that 1991
 maintains the individual's confidentiality. Information received 1992
 or maintained by the board with respect to the board's monitoring 1993
 activities is not subject to discovery in any civil action and is 1994
 confidential, except that the board may disclose information to 1995
 law enforcement officers and government entities for purposes of 1996
 an investigation of a licensee or certificate holder. 1997

(J) Any action taken by the board under this section 1998
 resulting in a suspension from practice shall be accompanied by a 1999
 written statement of the conditions under which the person may be 2000

reinstated to practice. 2001

(K) When the board refuses to grant a license or certificate 2002
to an applicant, revokes a license or certificate, or refuses to 2003
reinstate a license or certificate, the board may specify that its 2004
action is permanent. An individual subject to permanent action 2005
taken by the board is forever ineligible to hold a license or 2006
certificate of the type that was refused or revoked and the board 2007
shall not accept from the individual an application for 2008
reinstatement of the license or certificate or for a new license 2009
or certificate. 2010

(L) No unilateral surrender of a nursing license or dialysis 2011
technician certificate issued under this chapter shall be 2012
effective unless accepted by majority vote of the board. No 2013
application for a nursing license or dialysis technician 2014
certificate issued under this chapter may be withdrawn without a 2015
majority vote of the board. The board's jurisdiction to take 2016
disciplinary action under this section is not removed or limited 2017
when an individual has a license or certificate classified as 2018
inactive or fails to renew a license or certificate. 2019

(M) Sanctions shall not be imposed under division (B)(24) of 2020
this section against any licensee who waives deductibles and 2021
copayments as follows: 2022

(1) In compliance with the health benefit plan that expressly 2023
allows such a practice. Waiver of the deductibles or copayments 2024
shall be made only with the full knowledge and consent of the plan 2025
purchaser, payer, and third-party administrator. Documentation of 2026
the consent shall be made available to the board upon request. 2027

(2) For professional services rendered to any other person 2028
licensed pursuant to this chapter to the extent allowed by this 2029
chapter and the rules of the board." 2030

Delete lines 13122 through 13256	2031
After line 13256, insert:	2032
" Sec. 4727.03. (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a pawnbroker's license demonstrates sufficient financial responsibility, reputation, and experience in the pawnbroker business, or in a related business, to act as a pawnbroker in compliance with this chapter. "Experience and fitness in the capacity involved" shall be determined by:	2033 2034 2035 2036 2037 2038 2039
(1) Prior or current ownership or management of, or employment in, a pawnshop;	2040 2041
(2) Demonstration to the satisfaction of the superintendent of financial institutions of a thorough working knowledge of all pawnbroker laws and rules as they relate to the actual operation of a pawnshop.	2042 2043 2044 2045
A demonstration shall include a demonstration of an ability to properly complete forms, knowledge of how to properly calculate interest and storage charges, and knowledge of legal notice and forfeiture procedures. The final determination of whether an applicant's demonstration is adequate rests with the superintendent.	2046 2047 2048 2049 2050 2051
(3) A submission by the applicant and any stockholders, owners, managers, directors, or officers of the pawnshop, and employees of the applicant to a police record check; and	2052 2053 2054
(4) Liquid assets in a minimum amount of one hundred twenty-five thousand dollars at the time of applying for initial licensure and demonstration of the ability to maintain the liquid assets at a minimum amount of seventy-five thousand dollars for	2055 2056 2057 2058

the duration of holding a valid pawnbroker's license. If an
 applicant holds a pawnbroker's license at the time of application
 or is applying for more than one license, this requirement shall
 be met separately for each license.

(B) The superintendent may grant a license to act as a
 pawnbroker to any person ~~of good character and~~ having experience
~~and fitness~~ in the capacity involved to engage in the business of
 pawnbroking upon the payment to the superintendent of a license
 fee determined by the superintendent pursuant to section 1321.20
 of the Revised Code. A license is not transferable or assignable.

(C) The superintendent may consider an application withdrawn
 and may retain the investigation fee required under division (D)
 of this section if both of the following are true:

(1) An application for a license does not contain all of the
 information required under division (B) of this section.

(2) The information is not submitted to the superintendent
 within ninety days after the superintendent requests the
 information from the applicant in writing.

(D) The superintendent shall require an applicant for a
 pawnbroker's license to pay to the superintendent a nonrefundable
 initial investigation fee of two hundred dollars, which is for the
 exclusive use of the state.

(E)(1) Except as otherwise provided in division (E)(2) of
 this section, a pawnbroker's license issued by the superintendent
 expires on the thirtieth day of June next following the date of
 its issuance, or on a different date set by the superintendent
 pursuant to section 1181.23 of the Revised Code, and may be
 renewed annually in accordance with the standard renewal procedure
 set forth in Chapter 4745. of the Revised Code. Fifty per cent of

the annual license fee shall be for the use of the state, and 2088
 fifty per cent shall be paid by the state to the municipal 2089
 corporation, or if outside the limits of any municipal 2090
 corporation, to the county, in which the office of the licensee is 2091
 located. All such fees payable to municipal corporations or 2092
 counties shall be paid annually. 2093

(2) A pawnbroker's license issued or renewed by the 2094
 superintendent on or after January 1, 2006, expires on the 2095
 thirtieth day of June in the even-numbered year next following the 2096
 date of its issuance or renewal, as applicable, and may be renewed 2097
 biennially by the thirtieth day of June in accordance with the 2098
 standard renewal procedure set forth in Chapter 4745. of the 2099
 Revised Code. Fifty per cent of the biennial license fee shall be 2100
 for the use of the state, and fifty per cent shall be paid by the 2101
 state to the municipal corporation, or if outside the limits of 2102
 any municipal corporation, to the county, in which the office of 2103
 the licensee is located. All such fees payable to municipal 2104
 corporations or counties shall be paid biennially. If deemed 2105
 necessary for participation, the superintendent may reset the 2106
 renewal date and require annual registration pursuant to section 2107
 1181.23 of the Revised Code. 2108

(F) The fee for renewal of a license shall be equivalent to 2109
 the fee for an initial license established by the superintendent 2110
 pursuant to section 1321.20 of the Revised Code. Any licensee who 2111
 wishes to renew the pawnbroker's license but who fails to do so on 2112
 or before the date the license expires shall reapply for licensure 2113
 in the same manner and pursuant to the same requirements as for 2114
 initial licensure, unless the licensee pays to the superintendent 2115
 on or before the thirty-first day of August of the year the 2116
 license expires, a late renewal penalty of one hundred dollars in 2117
 addition to the regular renewal fee. Any licensee who fails to 2118

renew the license on or before the date the license expires is 2119
 prohibited from acting as a pawnbroker until the license is 2120
 renewed or a new license is issued under this section. Any 2121
 licensee who renews a license between the first day of July and 2122
 the thirty-first day of August of the year the license expires is 2123
 not relieved from complying with this division. The superintendent 2124
 may refuse to issue to or renew the license of any licensee who 2125
 violates this division. 2126

(G) No license shall be granted to any person not a resident 2127
 of or the principal office of which is not located in the 2128
 municipal corporation or county designated in such license unless 2129
 that applicant, in writing and in due form approved by and filed 2130
 with the superintendent, first appoints an agent, a resident of 2131
 the state, and city or county where the office is to be located, 2132
 upon whom all judicial and other process, or legal notice, 2133
 directed to the applicant may be served. In case of the death, 2134
 removal from the state, or any legal disability or any 2135
 disqualification of any such agent, service of such process or 2136
 notice may be made upon the superintendent. 2137

The superintendent may, upon notice to the licensee and 2138
 reasonable opportunity to be heard, suspend or revoke any license 2139
 or assess a penalty against the licensee if the licensee, or the 2140
 licensee's officers, agents, or employees, has violated this 2141
 chapter. Any penalty shall be appropriate to the violation but in 2142
 no case shall the penalty be less than two hundred nor more than 2143
 two thousand dollars. Whenever, for any cause, a license is 2144
 suspended or revoked, the superintendent shall not issue another 2145
 license to the licensee nor to the legal spouse of the licensee, 2146
 nor to any business entity of which the licensee is an officer or 2147
 member or partner, nor to any person employed by the licensee, 2148
 until the expiration of at least two years from the date of 2149

revocation or suspension of the license. The superintendent shall
 deposit all penalties allocated pursuant to this section into the
 state treasury to the credit of the consumer finance fund.

Any proceedings for the revocation or suspension of a license
 or to assess a penalty against a licensee are subject to Chapter
 119. of the Revised Code.

(H) If a licensee surrenders or chooses not to renew the
 pawnbroker's license, the licensee shall notify the superintendent
 thirty days prior to the date on which the licensee intends to
 close the licensee's business as a pawnbroker. Prior to the date,
 the licensee shall do either of the following with respect to all
 active loans:

(1) Dispose of an active loan by selling the loan to another
 person holding a valid pawnbroker's license issued under this
 section;

(2) Reduce the rate of interest on pledged articles held as
 security for a loan to eight per cent per annum or less effective
 on the date that the pawnbroker's license is no longer valid."

Delete lines 13257 through 13358

After line 13358, insert:

"**Sec. 4728.03.** (A) As used in this section, "~~experience and~~
~~fitness~~ in the capacity involved" means that the applicant for a
 precious metals dealer's license has had sufficient financial
 responsibility, ~~reputation,~~ and experience in the business of
 precious metals dealer, or a related business, to act as a
 precious metals dealer in compliance with this chapter.

(B)(1) The division of financial institutions in the
 department of commerce may grant a precious metals dealer's

license to any person ~~of good character,~~ having experience and 2178
~~fitness~~ in the capacity involved, who demonstrates a net worth of 2179
at least ten thousand dollars and the ability to maintain that net 2180
worth during the licensure period. The superintendent of financial 2181
institutions shall compute the applicant's net worth according to 2182
generally accepted accounting principles. 2183

(2) In place of the demonstration of net worth required by 2184
division (B)(1) of this section, an applicant may obtain a surety 2185
bond issued by a surety company authorized to do business in this 2186
state if all of the following conditions are met: 2187

(a) A copy of the surety bond is filed with the division; 2188

(b) The bond is in favor of any person, and of the state for 2189
the benefit of any person, injured by any violation of this 2190
chapter; 2191

(c) The bond is in the amount of not less than ten thousand 2192
dollars. 2193

(3) Before granting a license under this division, the 2194
division shall determine that the applicant meets the requirements 2195
of division (B)(1) or (2) of this section. 2196

(C) The division shall require an applicant for a precious 2197
metals dealer's license to pay to the division a nonrefundable, 2198
initial investigation fee of two hundred dollars which shall be 2199
for the exclusive use of the state. The license fee for a precious 2200
metals dealer's license and the renewal fee shall be determined by 2201
the superintendent, provided that the fee may not exceed three 2202
hundred dollars. A license issued by the division shall expire on 2203
the last day of June next following the date of its issuance or 2204
annually on a different date set by the superintendent pursuant to 2205
section 1181.23 of the Revised Code. Fifty per cent of license 2206

fees shall be for the use of the state, and fifty per cent shall
 be paid to the municipal corporation, or if outside the limits of
 any municipal corporation, to the county in which the office of
 the licensee is located. All portions of license fees payable to
 municipal corporations or counties shall be paid as they accrue,
 by the treasurer of state, on vouchers issued by the director of
 budget and management.

(D) Every such license shall be renewed annually by the last
 day of June, or annually on a different date set by the
 superintendent pursuant to section 1181.23 of the Revised Code,
 according to the standard renewal procedure of Chapter 4745. of
 the Revised Code. No license shall be granted to any person not a
 resident of or the principal office of which is not located in the
 municipal corporation or county designated in such license,
 unless, and until such applicant shall, in writing and in due
 form, to be first approved by and filed with the division, appoint
 an agent, a resident of the state, and city or county where the
 office is to be located, upon whom all judicial and other process,
 or legal notice, directed to the applicant may be served; and in
 case of the death, removal from the state, or any legal disability
 or any disqualification of any agent, service of process or notice
 may be made upon the superintendent.

(E) The division may, pursuant to Chapter 119. of the Revised
 Code, upon notice to the licensee and after giving the licensee
 reasonable opportunity to be heard, revoke or suspend any license,
 if the licensee or the licensee's officers, agents, or employees
 violate this chapter. Whenever, for any cause, the license is
 revoked or suspended, the division shall not issue another license
 to the licensee nor to the husband or wife of the licensee, nor to
 any copartnership or corporation of which the licensee is an
 officer, nor to any person employed by the licensee, until the

expiration of at least one year from the date of revocation of the license. 2238
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(F) In conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section, the superintendent may request that the superintendent of the bureau of criminal identification and investigation investigate and determine whether the bureau has procured any information pursuant to section 109.57 of the Revised Code pertaining to the applicant. 2240
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If the superintendent of financial institutions determines that conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section will require procuring information outside the state, then, in addition to the fee established under division (C) of this section, the superintendent may require the applicant to pay any of the actual expenses incurred by the division to conduct such an investigation, provided that the superintendent shall assess the applicant a total no greater than one thousand dollars for such expenses. The superintendent may require the applicant to pay in advance of the investigation, sufficient funds to cover the estimated cost of the actual expenses. If the superintendent requires the applicant to pay investigation expenses, the superintendent shall provide to the applicant an itemized statement of the actual expenses incurred by the division to conduct the investigation. 2247
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(G)(1) Except as otherwise provided in division (G)(2) of this section a precious metals dealer licensed under this section shall maintain a net worth of at least ten thousand dollars, computed as required under division (B)(1) of this section, for as long as the licensee holds a valid precious metals dealer's 2263
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license issued pursuant to this section.	2268
(2) A licensee who obtains a surety bond under division	2269
(B)(2) of this section is exempt from the requirement of division	2270
(G)(1) of this section, but shall maintain the bond for at least	2271
two years after the date on which the licensee ceases to conduct	2272
business in this state."	2273
Delete lines 13779 through 13800	2274
After line 13800, insert:	2275
" Sec. 4730.10. (A) An individual seeking a license to	2276
practice as a physician assistant shall file with the state	2277
medical board a written application on a form prescribed and	2278
supplied by the board. The application shall include all of the	2279
following:	2280
(1) The applicant's name, residential address, business	2281
address, if any, and social security number;	2282
(2) Satisfactory proof that the applicant meets the age and	2283
moral character requirements <u>requirement</u> specified in divisions	2284
<u>division</u> (A)(1) and (2) of section 4730.11 of the Revised Code;	2285
(3) Satisfactory proof that the applicant meets either the	2286
educational requirements specified in division (B)(1) or (2) of	2287
section 4730.11 of the Revised Code or the educational or other	2288
applicable requirements specified in division (C)(1), (2), or (3)	2289
of that section;	2290
(4) Any other information the board requires.	2291
(B) At the time of making application for a license to	2292
practice, the applicant shall pay the board a fee of four hundred	2293
dollars, no part of which shall be returned. The fees shall be	2294
deposited in accordance with section 4731.24 of the Revised Code."	2295

Delete lines 13913 through 14271	2296
After line 14271, insert:	2297
" Sec. 4730.25. (A) The state medical board, by an affirmative	2298
vote of not fewer than six members, may revoke or may refuse to	2299
grant a license to practice as a physician assistant to a person	2300
found by the board to have committed fraud, misrepresentation, or	2301
deception in applying for or securing the license.	2302
	2303
(B) <u>The Except as provided in division (N) of this section,</u>	2304
<u>the</u> board, by an affirmative vote of not fewer than six members,	2305
shall, to the extent permitted by law, limit, revoke, or suspend	2306
an individual's license to practice as a physician assistant or	2307
prescriber number, refuse to issue a license to an applicant,	2308
refuse to renew a license, refuse to reinstate a license, or	2309
reprimand or place on probation the holder of a license for any of	2310
the following reasons:	2311
(1) Failure to practice in accordance with the supervising	2312
physician's supervision agreement with the physician assistant,	2313
including, if applicable, the policies of the health care facility	2314
in which the supervising physician and physician assistant are	2315
practicing;	2316
(2) Failure to comply with the requirements of this chapter,	2317
Chapter 4731. of the Revised Code, or any rules adopted by the	2318
board;	2319
(3) Violating or attempting to violate, directly or	2320
indirectly, or assisting in or abetting the violation of, or	2321
conspiring to violate, any provision of this chapter, Chapter	2322
4731. of the Revised Code, or the rules adopted by the board;	2323

(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(6) Administering drugs for purposes other than those authorized under this chapter;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be

permanently cured;	2353
(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	2354 2355 2356
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	2357 2358 2359
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	2360 2361 2362
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	2363 2364 2365
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	2366 2367 2368
(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2369 2370 2371
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2372 2373 2374
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	2375 2376 2377 2378 2379
(18) Any of the following actions taken by the state agency	2380

responsible for regulating the practice of physician assistants in	2381
another state, for any reason other than the nonpayment of fees:	2382
the limitation, revocation, or suspension of an individual's	2383
license to practice; acceptance of an individual's license	2384
surrender; denial of a license; refusal to renew or reinstate a	2385
license; imposition of probation; or issuance of an order of	2386
censure or other reprimand;	2387
(19) A departure from, or failure to conform to, minimal	2388
standards of care of similar physician assistants under the same	2389
or similar circumstances, regardless of whether actual injury to a	2390
patient is established;	2391
(20) Violation of the conditions placed by the board on a	2392
license to practice as a physician assistant;	2393
(21) Failure to use universal blood and body fluid	2394
precautions established by rules adopted under section 4731.051 of	2395
the Revised Code;	2396
(22) Failure to cooperate in an investigation conducted by	2397
the board under section 4730.26 of the Revised Code, including	2398
failure to comply with a subpoena or order issued by the board or	2399
failure to answer truthfully a question presented by the board at	2400
a deposition or in written interrogatories, except that failure to	2401
cooperate with an investigation shall not constitute grounds for	2402
discipline under this section if a court of competent jurisdiction	2403
has issued an order that either quashes a subpoena or permits the	2404
individual to withhold the testimony or evidence in issue;	2405
(23) Assisting suicide, as defined in section 3795.01 of the	2406
Revised Code;	2407
(24) Prescribing any drug or device to perform or induce an	2408
abortion, or otherwise performing or inducing an abortion;	2409

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	2410 2411 2412
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	2413 2414 2415 2416
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	2417 2418 2419
(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice.	2420 2421 2422 2423 2424 2425
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.	2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437
(D) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding	2438 2439

by the board, pursuant to an adjudication under Chapter 119. of 2440
the Revised Code, that the applicant or license holder committed 2441
the act in question. The board shall have no jurisdiction under 2442
these divisions in cases where the trial court renders a final 2443
judgment in the license holder's favor and that judgment is based 2444
upon an adjudication on the merits. The board shall have 2445
jurisdiction under these divisions in cases where the trial court 2446
issues an order of dismissal upon technical or procedural grounds. 2447

(E) The sealing of conviction records by any court shall have 2448
no effect upon a prior board order entered under the provisions of 2449
this section or upon the board's jurisdiction to take action under 2450
the provisions of this section if, based upon a plea of guilty, a 2451
judicial finding of guilt, or a judicial finding of eligibility 2452
for intervention in lieu of conviction, the board issued a notice 2453
of opportunity for a hearing prior to the court's order to seal 2454
the records. The board shall not be required to seal, destroy, 2455
redact, or otherwise modify its records to reflect the court's 2456
sealing of conviction records. 2457

(F) For purposes of this division, any individual who holds a 2458
license issued under this chapter, or applies for a license issued 2459
under this chapter, shall be deemed to have given consent to 2460
submit to a mental or physical examination when directed to do so 2461
in writing by the board and to have waived all objections to the 2462
admissibility of testimony or examination reports that constitute 2463
a privileged communication. 2464

(1) In enforcing division (B)(4) of this section, the board, 2465
upon a showing of a possible violation, may compel any individual 2466
who holds a license issued under this chapter or who has applied 2467
for a license pursuant to this chapter to submit to a mental 2468
examination, physical examination, including an HIV test, or both 2469

a mental and physical examination. The expense of the examination 2470
 is the responsibility of the individual compelled to be examined. 2471
 Failure to submit to a mental or physical examination or consent 2472
 to an HIV test ordered by the board constitutes an admission of 2473
 the allegations against the individual unless the failure is due 2474
 to circumstances beyond the individual's control, and a default 2475
 and final order may be entered without the taking of testimony or 2476
 presentation of evidence. If the board finds a physician assistant 2477
 unable to practice because of the reasons set forth in division 2478
 (B)(4) of this section, the board shall require the physician 2479
 assistant to submit to care, counseling, or treatment by 2480
 physicians approved or designated by the board, as a condition for 2481
 an initial, continued, reinstated, or renewed license. An 2482
 individual affected under this division shall be afforded an 2483
 opportunity to demonstrate to the board the ability to resume 2484
 practicing in compliance with acceptable and prevailing standards 2485
 of care. 2486

(2) For purposes of division (B)(5) of this section, if the 2487
 board has reason to believe that any individual who holds a 2488
 license issued under this chapter or any applicant for a license 2489
 suffers such impairment, the board may compel the individual to 2490
 submit to a mental or physical examination, or both. The expense 2491
 of the examination is the responsibility of the individual 2492
 compelled to be examined. Any mental or physical examination 2493
 required under this division shall be undertaken by a treatment 2494
 provider or physician qualified to conduct such examination and 2495
 chosen by the board. 2496

Failure to submit to a mental or physical examination ordered 2497
 by the board constitutes an admission of the allegations against 2498
 the individual unless the failure is due to circumstances beyond 2499
 the individual's control, and a default and final order may be 2500

entered without the taking of testimony or presentation of 2501
evidence. If the board determines that the individual's ability to 2502
practice is impaired, the board shall suspend the individual's 2503
license or deny the individual's application and shall require the 2504
individual, as a condition for initial, continued, reinstated, or 2505
renewed licensure, to submit to treatment. 2506

Before being eligible to apply for reinstatement of a license 2507
suspended under this division, the physician assistant shall 2508
demonstrate to the board the ability to resume practice or 2509
prescribing in compliance with acceptable and prevailing standards 2510
of care. The demonstration shall include the following: 2511

(a) Certification from a treatment provider approved under 2512
section 4731.25 of the Revised Code that the individual has 2513
successfully completed any required inpatient treatment; 2514

(b) Evidence of continuing full compliance with an aftercare 2515
contract or consent agreement; 2516

(c) Two written reports indicating that the individual's 2517
ability to practice has been assessed and that the individual has 2518
been found capable of practicing according to acceptable and 2519
prevailing standards of care. The reports shall be made by 2520
individuals or providers approved by the board for making such 2521
assessments and shall describe the basis for their determination. 2522

The board may reinstate a license suspended under this 2523
division after such demonstration and after the individual has 2524
entered into a written consent agreement. 2525

When the impaired physician assistant resumes practice or 2526
prescribing, the board shall require continued monitoring of the 2527
physician assistant. The monitoring shall include compliance with 2528
the written consent agreement entered into before reinstatement or 2529

with conditions imposed by board order after a hearing, and, upon
 termination of the consent agreement, submission to the board for
 at least two years of annual written progress reports made under
 penalty of falsification stating whether the physician assistant
 has maintained sobriety.

(G) If the secretary and supervising member determine that
 there is clear and convincing evidence that a physician assistant
 has violated division (B) of this section and that the
 individual's continued practice or prescribing presents a danger
 of immediate and serious harm to the public, they may recommend
 that the board suspend the individual's license without a prior
 hearing. Written allegations shall be prepared for consideration
 by the board.

The board, upon review of those allegations and by an
 affirmative vote of not fewer than six of its members, excluding
 the secretary and supervising member, may suspend a license
 without a prior hearing. A telephone conference call may be
 utilized for reviewing the allegations and taking the vote on the
 summary suspension.

The board shall issue a written order of suspension by
 certified mail or in person in accordance with section 119.07 of
 the Revised Code. The order shall not be subject to suspension by
 the court during pendency of any appeal filed under section 119.12
 of the Revised Code. If the physician assistant requests an
 adjudicatory hearing by the board, the date set for the hearing
 shall be within fifteen days, but not earlier than seven days,
 after the physician assistant requests the hearing, unless
 otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain
 in effect, unless reversed on appeal, until a final adjudicative

order issued by the board pursuant to this section and Chapter 2560
119. of the Revised Code becomes effective. The board shall issue 2561
its final adjudicative order within sixty days after completion of 2562
its hearing. Failure to issue the order within sixty days shall 2563
result in dissolution of the summary suspension order, but shall 2564
not invalidate any subsequent, final adjudicative order. 2565

(H) If the board takes action under division (B)(11), (13), 2566
or (14) of this section, and the judicial finding of guilt, guilty 2567
plea, or judicial finding of eligibility for intervention in lieu 2568
of conviction is overturned on appeal, upon exhaustion of the 2569
criminal appeal, a petition for reconsideration of the order may 2570
be filed with the board along with appropriate court documents. 2571
Upon receipt of a petition and supporting court documents, the 2572
board shall reinstate the individual's license. The board may then 2573
hold an adjudication under Chapter 119. of the Revised Code to 2574
determine whether the individual committed the act in question. 2575
Notice of opportunity for hearing shall be given in accordance 2576
with Chapter 119. of the Revised Code. If the board finds, 2577
pursuant to an adjudication held under this division, that the 2578
individual committed the act, or if no hearing is requested, it 2579
may order any of the sanctions identified under division (B) of 2580
this section. 2581

(I) The license to practice issued to a physician assistant 2582
and the physician assistant's practice in this state are 2583
automatically suspended as of the date the physician assistant 2584
pleads guilty to, is found by a judge or jury to be guilty of, or 2585
is subject to a judicial finding of eligibility for intervention 2586
in lieu of conviction in this state or treatment or intervention 2587
in lieu of conviction in another state for any of the following 2588
criminal offenses in this state or a substantially equivalent 2589
criminal offense in another jurisdiction: aggravated murder, 2590

murder, voluntary manslaughter, felonious assault, kidnapping, 2591
 rape, sexual battery, gross sexual imposition, aggravated arson, 2592
 aggravated robbery, or aggravated burglary. Continued practice 2593
 after the suspension shall be considered practicing without a 2594
 license. 2595

The board shall notify the individual subject to the 2596
 suspension by certified mail or in person in accordance with 2597
 section 119.07 of the Revised Code. If an individual whose license 2598
 is suspended under this division fails to make a timely request 2599
 for an adjudication under Chapter 119. of the Revised Code, the 2600
 board shall enter a final order permanently revoking the 2601
 individual's license to practice. 2602

(J) In any instance in which the board is required by Chapter 2603
 119. of the Revised Code to give notice of opportunity for hearing 2604
 and the individual subject to the notice does not timely request a 2605
 hearing in accordance with section 119.07 of the Revised Code, the 2606
 board is not required to hold a hearing, but may adopt, by an 2607
 affirmative vote of not fewer than six of its members, a final 2608
 order that contains the board's findings. In that final order, the 2609
 board may order any of the sanctions identified under division (A) 2610
 or (B) of this section. 2611

(K) Any action taken by the board under division (B) of this 2612
 section resulting in a suspension shall be accompanied by a 2613
 written statement of the conditions under which the physician 2614
 assistant's license may be reinstated. The board shall adopt rules 2615
 in accordance with Chapter 119. of the Revised Code governing 2616
 conditions to be imposed for reinstatement. Reinstatement of a 2617
 license suspended pursuant to division (B) of this section 2618
 requires an affirmative vote of not fewer than six members of the 2619
 board. 2620

(L) When the board refuses to grant or issue to an applicant
a license to practice as a physician assistant, revokes an
individual's license, refuses to renew an individual's license, or
refuses to reinstate an individual's license, the board may
specify that its action is permanent. An individual subject to a
permanent action taken by the board is forever thereafter
ineligible to hold the license and the board shall not accept an
application for reinstatement of the license or for issuance of a
new license.

(M) Notwithstanding any other provision of the Revised Code,
all of the following apply:

(1) The surrender of a license issued under this chapter is
not effective unless or until accepted by the board. Reinstatement
of a license surrendered to the board requires an affirmative vote
of not fewer than six members of the board.

(2) An application made under this chapter for a license may
not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance
with section 4730.14 of the Revised Code shall not remove or limit
the board's jurisdiction to take disciplinary action under this
section against the individual.

(N) The board shall not refuse to issue a license to an
applicant because of a conviction, plea of guilty, judicial
finding of guilt, judicial finding of eligibility for intervention
in lieu of conviction, or the commission of an act that
constitutes a criminal offense, unless the refusal is in
accordance with section 9.79 of the Revised Code."

Delete lines 14355 through 14364

After line 14364, insert:

"**Sec. 4731.171.** In addition to any other eligibility 2650
 requirement set forth in this chapter, each applicant for a 2651
 license to practice massage therapy or cosmetic therapy shall 2652
 comply with sections 4776.01 to 4776.04 of the Revised Code. ~~The~~ 2653
~~state medical board shall not grant to an applicant a license to~~ 2654
~~practice massage therapy or cosmetic therapy unless the board, in~~ 2655
~~its discretion, decides that the results of the criminal records~~ 2656
~~check do not make the applicant ineligible for a license issued~~ 2657
~~pursuant to section 4731.17 of the Revised Code."~~ 2658"

Delete lines 14365 through 14406 2659

After line 14406, insert: 2660

"**Sec. 4731.19.** (A) A person seeking a license to practice a 2661
 limited branch of medicine shall file with the state medical board 2662
 an application in a manner prescribed by the board. The 2663
 application shall include or be accompanied by all of the 2664
 following: 2665

(1) Evidence that the applicant is at least eighteen years of 2666
 age ~~and of good moral character;~~ 2667

(2) Evidence that the applicant has attained high school 2668
 graduation or its equivalent; 2669

(3) Evidence that the applicant holds one of the following: 2670

(a) A diploma or certificate from a school, college, or 2671
 institution in good standing as determined by the board, showing 2672
 the completion of the required courses of instruction; 2673

(b) A diploma or certificate from a school, college, or 2674
 institution in another state or jurisdiction showing completion of 2675
 a course of instruction that meets course requirements determined 2676

by the board through rules adopted under section 4731.05 of the Revised Code; 2677
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(c) During the five-year period immediately preceding the date of application, a current license, registration, or certificate in good standing in another state for massage therapy or cosmetic therapy. 2679
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(4) Evidence that the applicant has successfully passed an examination, prescribed in rules described in section 4731.16 of the Revised Code, to determine competency to practice the applicable limited branch of medicine; 2683
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(5) An attestation that the information submitted under this section is accurate and truthful and that the applicant consents to release of information; 2687
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(6) Any other information the board requires. 2690

(B) An applicant for a license to practice a limited branch of medicine shall comply with the requirements of section 4731.171 of the Revised Code. 2691
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(C) At the time of making application for a license to practice a limited branch of medicine, the applicant shall pay to the board a fee of one hundred fifty dollars, no part of which shall be returned. No application shall be considered filed until the board receives the appropriate fee. 2694
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(D) The board may investigate the application materials received under this section and contact any agency or organization for recommendations or other information about the applicant." 2699
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Delete lines 14407 through 15179 2702

After line 15179, insert: 2703

"Sec. 4731.22. (A) The state medical board, by an affirmative
 vote of not fewer than six of its members, may limit, revoke, or
 suspend a license or certificate to practice or certificate to
 recommend, refuse to grant a license or certificate, refuse to
 renew a license or certificate, refuse to reinstate a license or
 certificate, or reprimand or place on probation the holder of a
 license or certificate if the individual applying for or holding
 the license or certificate is found by the board to have committed
 fraud during the administration of the examination for a license
 or certificate to practice or to have committed fraud,
 misrepresentation, or deception in applying for, renewing, or
 securing any license or certificate to practice or certificate to
 recommend issued by the board.

(B) The Except as provided in division (P) of this section,
the board, by an affirmative vote of not fewer than six members,
 shall, to the extent permitted by law, limit, revoke, or suspend a
 license or certificate to practice or certificate to recommend,
 refuse to issue a license or certificate, refuse to renew a
 license or certificate, refuse to reinstate a license or
 certificate, or reprimand or place on probation the holder of a
 license or certificate for one or more of the following reasons:

(1) Permitting one's name or one's license or certificate to
 practice to be used by a person, group, or corporation when the
 individual concerned is not actually directing the treatment
 given;

(2) Failure to maintain minimal standards applicable to the
 selection or administration of drugs, or failure to employ
 acceptable scientific methods in the selection of drugs or other
 modalities for treatment of disease;

(3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug; 2733
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(4) Willfully betraying a professional confidence. 2740

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code. 2741
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(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in 2761
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relation to the practice of medicine and surgery, osteopathic 2763
 medicine and surgery, podiatric medicine and surgery, or a limited 2764
 branch of medicine; or in securing or attempting to secure any 2765
 license or certificate to practice issued by the board. 2766

As used in this division, "false, fraudulent, deceptive, or 2767
 misleading statement" means a statement that includes a 2768
 misrepresentation of fact, is likely to mislead or deceive because 2769
 of a failure to disclose material facts, is intended or is likely 2770
 to create false or unjustified expectations of favorable results, 2771
 or includes representations or implications that in reasonable 2772
 probability will cause an ordinarily prudent person to 2773
 misunderstand or be deceived. 2774

(6) A departure from, or the failure to conform to, minimal 2775
 standards of care of similar practitioners under the same or 2776
 similar circumstances, whether or not actual injury to a patient 2777
 is established; 2778

(7) Representing, with the purpose of obtaining compensation 2779
 or other advantage as personal gain or for any other person, that 2780
 an incurable disease or injury, or other incurable condition, can 2781
 be permanently cured; 2782

(8) The obtaining of, or attempting to obtain, money or 2783
 anything of value by fraudulent misrepresentations in the course 2784
 of practice; 2785

(9) A plea of guilty to, a judicial finding of guilt of, or a 2786
 judicial finding of eligibility for intervention in lieu of 2787
 conviction for, a felony; 2788

(10) Commission of an act that constitutes a felony in this 2789
 state, regardless of the jurisdiction in which the act was 2790
 committed; 2791

(11) A plea of guilty to, a judicial finding of guilt of, or	2792
a judicial finding of eligibility for intervention in lieu of	2793
conviction for, a misdemeanor committed in the course of practice;	2794
(12) Commission of an act in the course of practice that	2795
constitutes a misdemeanor in this state, regardless of the	2796
jurisdiction in which the act was committed;	2797
(13) A plea of guilty to, a judicial finding of guilt of, or	2798
a judicial finding of eligibility for intervention in lieu of	2799
conviction for, a misdemeanor involving moral turpitude;	2800
(14) Commission of an act involving moral turpitude that	2801
constitutes a misdemeanor in this state, regardless of the	2802
jurisdiction in which the act was committed;	2803
(15) Violation of the conditions of limitation placed by the	2804
board upon a license or certificate to practice;	2805
(16) Failure to pay license renewal fees specified in this	2806
chapter;	2807
(17) Except as authorized in section 4731.31 of the Revised	2808
Code, engaging in the division of fees for referral of patients,	2809
or the receiving of a thing of value in return for a specific	2810
referral of a patient to utilize a particular service or business;	2811
(18) Subject to section 4731.226 of the Revised Code,	2812
violation of any provision of a code of ethics of the American	2813
medical association, the American osteopathic association, the	2814
American podiatric medical association, or any other national	2815
professional organizations that the board specifies by rule. The	2816
state medical board shall obtain and keep on file current copies	2817
of the codes of ethics of the various national professional	2818
organizations. The individual whose license or certificate is	2819
being suspended or revoked shall not be found to have violated any	2820

provision of a code of ethics of an organization not appropriate 2821
to the individual's profession. 2822

For purposes of this division, a "provision of a code of 2823
ethics of a national professional organization" does not include 2824
any provision that would preclude the making of a report by a 2825
physician of an employee's use of a drug of abuse, or of a 2826
condition of an employee other than one involving the use of a 2827
drug of abuse, to the employer of the employee as described in 2828
division (B) of section 2305.33 of the Revised Code. Nothing in 2829
this division affects the immunity from civil liability conferred 2830
by that section upon a physician who makes either type of report 2831
in accordance with division (B) of that section. As used in this 2832
division, "employee," "employer," and "physician" have the same 2833
meanings as in section 2305.33 of the Revised Code. 2834

(19) Inability to practice according to acceptable and 2835
prevailing standards of care by reason of mental illness or 2836
physical illness, including, but not limited to, physical 2837
deterioration that adversely affects cognitive, motor, or 2838
perceptive skills. 2839

In enforcing this division, the board, upon a showing of a 2840
possible violation, may compel any individual authorized to 2841
practice by this chapter or who has submitted an application 2842
pursuant to this chapter to submit to a mental examination, 2843
physical examination, including an HIV test, or both a mental and 2844
a physical examination. The expense of the examination is the 2845
responsibility of the individual compelled to be examined. Failure 2846
to submit to a mental or physical examination or consent to an HIV 2847
test ordered by the board constitutes an admission of the 2848
allegations against the individual unless the failure is due to 2849
circumstances beyond the individual's control, and a default and 2850

final order may be entered without the taking of testimony or 2851
 presentation of evidence. If the board finds an individual unable 2852
 to practice because of the reasons set forth in this division, the 2853
 board shall require the individual to submit to care, counseling, 2854
 or treatment by physicians approved or designated by the board, as 2855
 a condition for initial, continued, reinstated, or renewed 2856
 authority to practice. An individual affected under this division 2857
 shall be afforded an opportunity to demonstrate to the board the 2858
 ability to resume practice in compliance with acceptable and 2859
 prevailing standards under the provisions of the individual's 2860
 license or certificate. For the purpose of this division, any 2861
 individual who applies for or receives a license or certificate to 2862
 practice under this chapter accepts the privilege of practicing in 2863
 this state and, by so doing, shall be deemed to have given consent 2864
 to submit to a mental or physical examination when directed to do 2865
 so in writing by the board, and to have waived all objections to 2866
 the admissibility of testimony or examination reports that 2867
 constitute a privileged communication. 2868

(20) Except as provided in division (F)(1)(b) of section 2869
 4731.282 of the Revised Code or when civil penalties are imposed 2870
 under section 4731.225 of the Revised Code, and subject to section 2871
 4731.226 of the Revised Code, violating or attempting to violate, 2872
 directly or indirectly, or assisting in or abetting the violation 2873
 of, or conspiring to violate, any provisions of this chapter or 2874
 any rule promulgated by the board. 2875

This division does not apply to a violation or attempted 2876
 violation of, assisting in or abetting the violation of, or a 2877
 conspiracy to violate, any provision of this chapter or any rule 2878
 adopted by the board that would preclude the making of a report by 2879
 a physician of an employee's use of a drug of abuse, or of a 2880
 condition of an employee other than one involving the use of a 2881

drug of abuse, to the employer of the employee as described in 2882
 division (B) of section 2305.33 of the Revised Code. Nothing in 2883
 this division affects the immunity from civil liability conferred 2884
 by that section upon a physician who makes either type of report 2885
 in accordance with division (B) of that section. As used in this 2886
 division, "employee," "employer," and "physician" have the same 2887
 meanings as in section 2305.33 of the Revised Code. 2888

(21) The violation of section 3701.79 of the Revised Code or 2889
 of any abortion rule adopted by the director of health pursuant to 2890
 section 3701.341 of the Revised Code; 2891

(22) Any of the following actions taken by an agency 2892
 responsible for authorizing, certifying, or regulating an 2893
 individual to practice a health care occupation or provide health 2894
 care services in this state or another jurisdiction, for any 2895
 reason other than the nonpayment of fees: the limitation, 2896
 revocation, or suspension of an individual's license to practice; 2897
 acceptance of an individual's license surrender; denial of a 2898
 license; refusal to renew or reinstate a license; imposition of 2899
 probation; or issuance of an order of censure or other reprimand; 2900

(23) The violation of section 2919.12 of the Revised Code or 2901
 the performance or inducement of an abortion upon a pregnant woman 2902
 with actual knowledge that the conditions specified in division 2903
 (B) of section 2317.56 of the Revised Code have not been satisfied 2904
 or with a heedless indifference as to whether those conditions 2905
 have been satisfied, unless an affirmative defense as specified in 2906
 division (H)(2) of that section would apply in a civil action 2907
 authorized by division (H)(1) of that section; 2908

(24) The revocation, suspension, restriction, reduction, or 2909
 termination of clinical privileges by the United States department 2910
 of defense or department of veterans affairs or the termination or 2911

suspension of a certificate of registration to prescribe drugs by 2912
the drug enforcement administration of the United States 2913
department of justice; 2914

(25) Termination or suspension from participation in the 2915
medicare or medicaid programs by the department of health and 2916
human services or other responsible agency; 2917

(26) Impairment of ability to practice according to 2918
acceptable and prevailing standards of care because of habitual or 2919
excessive use or abuse of drugs, alcohol, or other substances that 2920
impair ability to practice. 2921

For the purposes of this division, any individual authorized 2922
to practice by this chapter accepts the privilege of practicing in 2923
this state subject to supervision by the board. By filing an 2924
application for or holding a license or certificate to practice 2925
under this chapter, an individual shall be deemed to have given 2926
consent to submit to a mental or physical examination when ordered 2927
to do so by the board in writing, and to have waived all 2928
objections to the admissibility of testimony or examination 2929
reports that constitute privileged communications. 2930

If it has reason to believe that any individual authorized to 2931
practice by this chapter or any applicant for licensure or 2932
certification to practice suffers such impairment, the board may 2933
compel the individual to submit to a mental or physical 2934
examination, or both. The expense of the examination is the 2935
responsibility of the individual compelled to be examined. Any 2936
mental or physical examination required under this division shall 2937
be undertaken by a treatment provider or physician who is 2938
qualified to conduct the examination and who is chosen by the 2939
board. 2940

Failure to submit to a mental or physical examination ordered 2941

by the board constitutes an admission of the allegations against 2942
the individual unless the failure is due to circumstances beyond 2943
the individual's control, and a default and final order may be 2944
entered without the taking of testimony or presentation of 2945
evidence. If the board determines that the individual's ability to 2946
practice is impaired, the board shall suspend the individual's 2947
license or certificate or deny the individual's application and 2948
shall require the individual, as a condition for initial, 2949
continued, reinstated, or renewed licensure or certification to 2950
practice, to submit to treatment. 2951

Before being eligible to apply for reinstatement of a license 2952
or certificate suspended under this division, the impaired 2953
practitioner shall demonstrate to the board the ability to resume 2954
practice in compliance with acceptable and prevailing standards of 2955
care under the provisions of the practitioner's license or 2956
certificate. The demonstration shall include, but shall not be 2957
limited to, the following: 2958

(a) Certification from a treatment provider approved under 2959
section 4731.25 of the Revised Code that the individual has 2960
successfully completed any required inpatient treatment; 2961

(b) Evidence of continuing full compliance with an aftercare 2962
contract or consent agreement; 2963

(c) Two written reports indicating that the individual's 2964
ability to practice has been assessed and that the individual has 2965
been found capable of practicing according to acceptable and 2966
prevailing standards of care. The reports shall be made by 2967
individuals or providers approved by the board for making the 2968
assessments and shall describe the basis for their determination. 2969

The board may reinstate a license or certificate suspended 2970
under this division after that demonstration and after the 2971

individual has entered into a written consent agreement. 2972

When the impaired practitioner resumes practice, the board 2973 shall require continued monitoring of the individual. The 2974 monitoring shall include, but not be limited to, compliance with 2975 the written consent agreement entered into before reinstatement or 2976 with conditions imposed by board order after a hearing, and, upon 2977 termination of the consent agreement, submission to the board for 2978 at least two years of annual written progress reports made under 2979 penalty of perjury stating whether the individual has maintained 2980 sobriety. 2981

(27) A second or subsequent violation of section 4731.66 or 2982 4731.69 of the Revised Code; 2983

(28) Except as provided in division (N) of this section: 2984

(a) Waiving the payment of all or any part of a deductible or 2985 copayment that a patient, pursuant to a health insurance or health 2986 care policy, contract, or plan that covers the individual's 2987 services, otherwise would be required to pay if the waiver is used 2988 as an enticement to a patient or group of patients to receive 2989 health care services from that individual; 2990

(b) Advertising that the individual will waive the payment of 2991 all or any part of a deductible or copayment that a patient, 2992 pursuant to a health insurance or health care policy, contract, or 2993 plan that covers the individual's services, otherwise would be 2994 required to pay. 2995

(29) Failure to use universal blood and body fluid 2996 precautions established by rules adopted under section 4731.051 of 2997 the Revised Code; 2998

(30) Failure to provide notice to, and receive acknowledgment 2999 of the notice from, a patient when required by section 4731.143 of 3000

the Revised Code prior to providing nonemergency professional	3001
services, or failure to maintain that notice in the patient's	3002
medical record;	3003
(31) Failure of a physician supervising a physician assistant	3004
to maintain supervision in accordance with the requirements of	3005
Chapter 4730. of the Revised Code and the rules adopted under that	3006
chapter;	3007
(32) Failure of a physician or podiatrist to enter into a	3008
standard care arrangement with a clinical nurse specialist,	3009
certified nurse-midwife, or certified nurse practitioner with whom	3010
the physician or podiatrist is in collaboration pursuant to	3011
section 4731.27 of the Revised Code or failure to fulfill the	3012
responsibilities of collaboration after entering into a standard	3013
care arrangement;	3014
(33) Failure to comply with the terms of a consult agreement	3015
entered into with a pharmacist pursuant to section 4729.39 of the	3016
Revised Code;	3017
(34) Failure to cooperate in an investigation conducted by	3018
the board under division (F) of this section, including failure to	3019
comply with a subpoena or order issued by the board or failure to	3020
answer truthfully a question presented by the board in an	3021
investigative interview, an investigative office conference, at a	3022
deposition, or in written interrogatories, except that failure to	3023
cooperate with an investigation shall not constitute grounds for	3024
discipline under this section if a court of competent jurisdiction	3025
has issued an order that either quashes a subpoena or permits the	3026
individual to withhold the testimony or evidence in issue;	3027
(35) Failure to supervise an oriental medicine practitioner	3028
or acupuncturist in accordance with Chapter 4762. of the Revised	3029
Code and the board's rules for providing that supervision;	3030

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	3031 3032 3033
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	3034 3035
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	3036 3037
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	3038 3039 3040
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	3041 3042 3043
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	3044 3045 3046 3047
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	3048 3049 3050 3051
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	3052 3053 3054 3055
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or	3056 3057 3058 3059

2919.202 of the Revised Code;	3060
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	3061 3062 3063 3064 3065
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	3066 3067 3068 3069
(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	3070 3071 3072 3073 3074
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	3075 3076 3077 3078
(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	3079 3080 3081 3082
(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;	3083 3084 3085 3086 3087
(51) Owning a facility, clinic, or other location that is	3088

subject to licensure as a category III terminal distributor of 3089
 dangerous drugs with an office-based opioid treatment 3090
 classification unless that place is licensed with the 3091
 classification; 3092

(52) A pattern of continuous or repeated violations of 3093
 division (E)(2) or (3) of section 3963.02 of the Revised Code. 3094

(C) Disciplinary actions taken by the board under divisions 3095
 (A) and (B) of this section shall be taken pursuant to an 3096
 adjudication under Chapter 119. of the Revised Code, except that 3097
 in lieu of an adjudication, the board may enter into a consent 3098
 agreement with an individual to resolve an allegation of a 3099
 violation of this chapter or any rule adopted under it. A consent 3100
 agreement, when ratified by an affirmative vote of not fewer than 3101
 six members of the board, shall constitute the findings and order 3102
 of the board with respect to the matter addressed in the 3103
 agreement. If the board refuses to ratify a consent agreement, the 3104
 admissions and findings contained in the consent agreement shall 3105
 be of no force or effect. 3106

A telephone conference call may be utilized for ratification 3107
 of a consent agreement that revokes or suspends an individual's 3108
 license or certificate to practice or certificate to recommend. 3109
 The telephone conference call shall be considered a special 3110
 meeting under division (F) of section 121.22 of the Revised Code. 3111

If the board takes disciplinary action against an individual 3112
 under division (B) of this section for a second or subsequent plea 3113
 of guilty to, or judicial finding of guilt of, a violation of 3114
 section 2919.123 of the Revised Code, the disciplinary action 3115
 shall consist of a suspension of the individual's license or 3116
 certificate to practice for a period of at least one year or, if 3117
 determined appropriate by the board, a more serious sanction 3118

involving the individual's license or certificate to practice. Any 3119
 consent agreement entered into under this division with an 3120
 individual that pertains to a second or subsequent plea of guilty 3121
 to, or judicial finding of guilt of, a violation of that section 3122
 shall provide for a suspension of the individual's license or 3123
 certificate to practice for a period of at least one year or, if 3124
 determined appropriate by the board, a more serious sanction 3125
 involving the individual's license or certificate to practice. 3126

(D) For purposes of divisions (B)(10), (12), and (14) of this 3127
 section, the commission of the act may be established by a finding 3128
 by the board, pursuant to an adjudication under Chapter 119. of 3129
 the Revised Code, that the individual committed the act. The board 3130
 does not have jurisdiction under those divisions if the trial 3131
 court renders a final judgment in the individual's favor and that 3132
 judgment is based upon an adjudication on the merits. The board 3133
 has jurisdiction under those divisions if the trial court issues 3134
 an order of dismissal upon technical or procedural grounds. 3135

(E) The sealing of conviction records by any court shall have 3136
 no effect upon a prior board order entered under this section or 3137
 upon the board's jurisdiction to take action under this section 3138
 if, based upon a plea of guilty, a judicial finding of guilt, or a 3139
 judicial finding of eligibility for intervention in lieu of 3140
 conviction, the board issued a notice of opportunity for a hearing 3141
 prior to the court's order to seal the records. The board shall 3142
 not be required to seal, destroy, redact, or otherwise modify its 3143
 records to reflect the court's sealing of conviction records. 3144

(F)(1) The board shall investigate evidence that appears to 3145
 show that a person has violated any provision of this chapter or 3146
 any rule adopted under it. Any person may report to the board in a 3147
 signed writing any information that the person may have that 3148

appears to show a violation of any provision of this chapter or 3149
 any rule adopted under it. In the absence of bad faith, any person 3150
 who reports information of that nature or who testifies before the 3151
 board in any adjudication conducted under Chapter 119. of the 3152
 Revised Code shall not be liable in damages in a civil action as a 3153
 result of the report or testimony. Each complaint or allegation of 3154
 a violation received by the board shall be assigned a case number 3155
 and shall be recorded by the board. 3156

(2) Investigations of alleged violations of this chapter or 3157
 any rule adopted under it shall be supervised by the supervising 3158
 member elected by the board in accordance with section 4731.02 of 3159
 the Revised Code and by the secretary as provided in section 3160
 4731.39 of the Revised Code. The president may designate another 3161
 member of the board to supervise the investigation in place of the 3162
 supervising member. No member of the board who supervises the 3163
 investigation of a case shall participate in further adjudication 3164
 of the case. 3165

(3) In investigating a possible violation of this chapter or 3166
 any rule adopted under this chapter, or in conducting an 3167
 inspection under division (E) of section 4731.054 of the Revised 3168
 Code, the board may question witnesses, conduct interviews, 3169
 administer oaths, order the taking of depositions, inspect and 3170
 copy any books, accounts, papers, records, or documents, issue 3171
 subpoenas, and compel the attendance of witnesses and production 3172
 of books, accounts, papers, records, documents, and testimony, 3173
 except that a subpoena for patient record information shall not be 3174
 issued without consultation with the attorney general's office and 3175
 approval of the secretary and supervising member of the board. 3176

(a) Before issuance of a subpoena for patient record 3177
 information, the secretary and supervising member shall determine 3178

whether there is probable cause to believe that the complaint 3179
 filed alleges a violation of this chapter or any rule adopted 3180
 under it and that the records sought are relevant to the alleged 3181
 violation and material to the investigation. The subpoena may 3182
 apply only to records that cover a reasonable period of time 3183
 surrounding the alleged violation. 3184

(b) On failure to comply with any subpoena issued by the 3185
 board and after reasonable notice to the person being subpoenaed, 3186
 the board may move for an order compelling the production of 3187
 persons or records pursuant to the Rules of Civil Procedure. 3188

(c) A subpoena issued by the board may be served by a 3189
 sheriff, the sheriff's deputy, or a board employee or agent 3190
 designated by the board. Service of a subpoena issued by the board 3191
 may be made by delivering a copy of the subpoena to the person 3192
 named therein, reading it to the person, or leaving it at the 3193
 person's usual place of residence, usual place of business, or 3194
 address on file with the board. When serving a subpoena to an 3195
 applicant for or the holder of a license or certificate issued 3196
 under this chapter, service of the subpoena may be made by 3197
 certified mail, return receipt requested, and the subpoena shall 3198
 be deemed served on the date delivery is made or the date the 3199
 person refuses to accept delivery. If the person being served 3200
 refuses to accept the subpoena or is not located, service may be 3201
 made to an attorney who notifies the board that the attorney is 3202
 representing the person. 3203

(d) A sheriff's deputy who serves a subpoena shall receive 3204
 the same fees as a sheriff. Each witness who appears before the 3205
 board in obedience to a subpoena shall receive the fees and 3206
 mileage provided for under section 119.094 of the Revised Code. 3207

(4) All hearings, investigations, and inspections of the 3208

board shall be considered civil actions for the purposes of 3209
 section 2305.252 of the Revised Code. 3210

(5) A report required to be submitted to the board under this 3211
 chapter, a complaint, or information received by the board 3212
 pursuant to an investigation or pursuant to an inspection under 3213
 division (E) of section 4731.054 of the Revised Code is 3214
 confidential and not subject to discovery in any civil action. 3215

The board shall conduct all investigations or inspections and 3216
 proceedings in a manner that protects the confidentiality of 3217
 patients and persons who file complaints with the board. The board 3218
 shall not make public the names or any other identifying 3219
 information about patients or complainants unless proper consent 3220
 is given or, in the case of a patient, a waiver of the patient 3221
 privilege exists under division (B) of section 2317.02 of the 3222
 Revised Code, except that consent or a waiver of that nature is 3223
 not required if the board possesses reliable and substantial 3224
 evidence that no bona fide physician-patient relationship exists. 3225

The board may share any information it receives pursuant to 3226
 an investigation or inspection, including patient records and 3227
 patient record information, with law enforcement agencies, other 3228
 licensing boards, and other governmental agencies that are 3229
 prosecuting, adjudicating, or investigating alleged violations of 3230
 statutes or administrative rules. An agency or board that receives 3231
 the information shall comply with the same requirements regarding 3232
 confidentiality as those with which the state medical board must 3233
 comply, notwithstanding any conflicting provision of the Revised 3234
 Code or procedure of the agency or board that applies when it is 3235
 dealing with other information in its possession. In a judicial 3236
 proceeding, the information may be admitted into evidence only in 3237
 accordance with the Rules of Evidence, but the court shall require 3238

that appropriate measures are taken to ensure that confidentiality 3239
 is maintained with respect to any part of the information that 3240
 contains names or other identifying information about patients or 3241
 complainants whose confidentiality was protected by the state 3242
 medical board when the information was in the board's possession. 3243
 Measures to ensure confidentiality that may be taken by the court 3244
 include sealing its records or deleting specific information from 3245
 its records. 3246

(6) On a quarterly basis, the board shall prepare a report 3247
 that documents the disposition of all cases during the preceding 3248
 three months. The report shall contain the following information 3249
 for each case with which the board has completed its activities: 3250

(a) The case number assigned to the complaint or alleged 3251
 violation; 3252

(b) The type of license or certificate to practice, if any, 3253
 held by the individual against whom the complaint is directed; 3254

(c) A description of the allegations contained in the 3255
 complaint; 3256

(d) The disposition of the case. 3257

The report shall state how many cases are still pending and 3258
 shall be prepared in a manner that protects the identity of each 3259
 person involved in each case. The report shall be a public record 3260
 under section 149.43 of the Revised Code. 3261

(G) If the secretary and supervising member determine both of 3262
 the following, they may recommend that the board suspend an 3263
 individual's license or certificate to practice or certificate to 3264
 recommend without a prior hearing: 3265

(1) That there is clear and convincing evidence that an 3266
 individual has violated division (B) of this section; 3267

(2) That the individual's continued practice presents a 3268
 danger of immediate and serious harm to the public. 3269

Written allegations shall be prepared for consideration by 3270
 the board. The board, upon review of those allegations and by an 3271
 affirmative vote of not fewer than six of its members, excluding 3272
 the secretary and supervising member, may suspend a license or 3273
 certificate without a prior hearing. A telephone conference call 3274
 may be utilized for reviewing the allegations and taking the vote 3275
 on the summary suspension. 3276

The board shall issue a written order of suspension by 3277
 certified mail or in person in accordance with section 119.07 of 3278
 the Revised Code. The order shall not be subject to suspension by 3279
 the court during pendency of any appeal filed under section 119.12 3280
 of the Revised Code. If the individual subject to the summary 3281
 suspension requests an adjudicatory hearing by the board, the date 3282
 set for the hearing shall be within fifteen days, but not earlier 3283
 than seven days, after the individual requests the hearing, unless 3284
 otherwise agreed to by both the board and the individual. 3285

Any summary suspension imposed under this division shall 3286
 remain in effect, unless reversed on appeal, until a final 3287
 adjudicative order issued by the board pursuant to this section 3288
 and Chapter 119. of the Revised Code becomes effective. The board 3289
 shall issue its final adjudicative order within seventy-five days 3290
 after completion of its hearing. A failure to issue the order 3291
 within seventy-five days shall result in dissolution of the 3292
 summary suspension order but shall not invalidate any subsequent, 3293
 final adjudicative order. 3294

(H) If the board takes action under division (B)(9), (11), or 3295
 (13) of this section and the judicial finding of guilt, guilty 3296
 plea, or judicial finding of eligibility for intervention in lieu 3297

of conviction is overturned on appeal, upon exhaustion of the 3298
 criminal appeal, a petition for reconsideration of the order may 3299
 be filed with the board along with appropriate court documents. 3300
 Upon receipt of a petition of that nature and supporting court 3301
 documents, the board shall reinstate the individual's license or 3302
 certificate to practice. The board may then hold an adjudication 3303
 under Chapter 119. of the Revised Code to determine whether the 3304
 individual committed the act in question. Notice of an opportunity 3305
 for a hearing shall be given in accordance with Chapter 119. of 3306
 the Revised Code. If the board finds, pursuant to an adjudication 3307
 held under this division, that the individual committed the act or 3308
 if no hearing is requested, the board may order any of the 3309
 sanctions identified under division (B) of this section. 3310

(I) The license or certificate to practice issued to an 3311
 individual under this chapter and the individual's practice in 3312
 this state are automatically suspended as of the date of the 3313
 individual's second or subsequent plea of guilty to, or judicial 3314
 finding of guilt of, a violation of section 2919.123 of the 3315
 Revised Code. In addition, the license or certificate to practice 3316
 or certificate to recommend issued to an individual under this 3317
 chapter and the individual's practice in this state are 3318
 automatically suspended as of the date the individual pleads 3319
 guilty to, is found by a judge or jury to be guilty of, or is 3320
 subject to a judicial finding of eligibility for intervention in 3321
 lieu of conviction in this state or treatment or intervention in 3322
 lieu of conviction in another jurisdiction for any of the 3323
 following criminal offenses in this state or a substantially 3324
 equivalent criminal offense in another jurisdiction: aggravated 3325
 murder, murder, voluntary manslaughter, felonious assault, 3326
 kidnapping, rape, sexual battery, gross sexual imposition, 3327
 aggravated arson, aggravated robbery, or aggravated burglary. 3328

Continued practice after suspension shall be considered practicing 3329
without a license or certificate. 3330

The board shall notify the individual subject to the 3331
suspension by certified mail or in person in accordance with 3332
section 119.07 of the Revised Code. If an individual whose license 3333
or certificate is automatically suspended under this division 3334
fails to make a timely request for an adjudication under Chapter 3335
119. of the Revised Code, the board shall do whichever of the 3336
following is applicable: 3337

(1) If the automatic suspension under this division is for a 3338
second or subsequent plea of guilty to, or judicial finding of 3339
guilt of, a violation of section 2919.123 of the Revised Code, the 3340
board shall enter an order suspending the individual's license or 3341
certificate to practice for a period of at least one year or, if 3342
determined appropriate by the board, imposing a more serious 3343
sanction involving the individual's license or certificate to 3344
practice. 3345

(2) In all circumstances in which division (I)(1) of this 3346
section does not apply, enter a final order permanently revoking 3347
the individual's license or certificate to practice. 3348

(J) If the board is required by Chapter 119. of the Revised 3349
Code to give notice of an opportunity for a hearing and if the 3350
individual subject to the notice does not timely request a hearing 3351
in accordance with section 119.07 of the Revised Code, the board 3352
is not required to hold a hearing, but may adopt, by an 3353
affirmative vote of not fewer than six of its members, a final 3354
order that contains the board's findings. In that final order, the 3355
board may order any of the sanctions identified under division (A) 3356
or (B) of this section. 3357

(K) Any action taken by the board under division (B) of this 3358

section resulting in a suspension from practice shall be 3359
 accompanied by a written statement of the conditions under which 3360
 the individual's license or certificate to practice may be 3361
 reinstated. The board shall adopt rules governing conditions to be 3362
 imposed for reinstatement. Reinstatement of a license or 3363
 certificate suspended pursuant to division (B) of this section 3364
 requires an affirmative vote of not fewer than six members of the 3365
 board. 3366

(L) When the board refuses to grant or issue a license or 3367
 certificate to practice to an applicant, revokes an individual's 3368
 license or certificate to practice, refuses to renew an 3369
 individual's license or certificate to practice, or refuses to 3370
 reinstate an individual's license or certificate to practice, the 3371
 board may specify that its action is permanent. An individual 3372
 subject to a permanent action taken by the board is forever 3373
 thereafter ineligible to hold a license or certificate to practice 3374
 and the board shall not accept an application for reinstatement of 3375
 the license or certificate or for issuance of a new license or 3376
 certificate. 3377

(M) Notwithstanding any other provision of the Revised Code, 3378
 all of the following apply: 3379

(1) The surrender of a license or certificate issued under 3380
 this chapter shall not be effective unless or until accepted by 3381
 the board. A telephone conference call may be utilized for 3382
 acceptance of the surrender of an individual's license or 3383
 certificate to practice. The telephone conference call shall be 3384
 considered a special meeting under division (F) of section 121.22 3385
 of the Revised Code. Reinstatement of a license or certificate 3386
 surrendered to the board requires an affirmative vote of not fewer 3387
 than six members of the board. 3388

(2) An application for a license or certificate made under 3389
the provisions of this chapter may not be withdrawn without 3390
approval of the board. 3391

(3) Failure by an individual to renew a license or 3392
certificate to practice in accordance with this chapter or a 3393
certificate to recommend in accordance with rules adopted under 3394
section 4731.301 of the Revised Code shall not remove or limit the 3395
board's jurisdiction to take any disciplinary action under this 3396
section against the individual. 3397

(4) At the request of the board, a license or certificate 3398
holder shall immediately surrender to the board a license or 3399
certificate that the board has suspended, revoked, or permanently 3400
revoked. 3401

(N) Sanctions shall not be imposed under division (B)(28) of 3402
this section against any person who waives deductibles and 3403
copayments as follows: 3404

(1) In compliance with the health benefit plan that expressly 3405
allows such a practice. Waiver of the deductibles or copayments 3406
shall be made only with the full knowledge and consent of the plan 3407
purchaser, payer, and third-party administrator. Documentation of 3408
the consent shall be made available to the board upon request. 3409

(2) For professional services rendered to any other person 3410
authorized to practice pursuant to this chapter, to the extent 3411
allowed by this chapter and rules adopted by the board. 3412

(O) Under the board's investigative duties described in this 3413
section and subject to division (F) of this section, the board 3414
shall develop and implement a quality intervention program 3415
designed to improve through remedial education the clinical and 3416
communication skills of individuals authorized under this chapter 3417

to practice medicine and surgery, osteopathic medicine and 3418
 surgery, and podiatric medicine and surgery. In developing and 3419
 implementing the quality intervention program, the board may do 3420
 all of the following: 3421

(1) Offer in appropriate cases as determined by the board an 3422
 educational and assessment program pursuant to an investigation 3423
 the board conducts under this section; 3424

(2) Select providers of educational and assessment services, 3425
 including a quality intervention program panel of case reviewers; 3426

(3) Make referrals to educational and assessment service 3427
 providers and approve individual educational programs recommended 3428
 by those providers. The board shall monitor the progress of each 3429
 individual undertaking a recommended individual educational 3430
 program. 3431

(4) Determine what constitutes successful completion of an 3432
 individual educational program and require further monitoring of 3433
 the individual who completed the program or other action that the 3434
 board determines to be appropriate; 3435

(5) Adopt rules in accordance with Chapter 119. of the 3436
 Revised Code to further implement the quality intervention 3437
 program. 3438

An individual who participates in an individual educational 3439
 program pursuant to this division shall pay the financial 3440
 obligations arising from that educational program. 3441

(P) The board shall not refuse to issue a license to an 3442
 applicant because of a conviction, plea of guilty, judicial 3443
 finding of guilt, judicial finding of eligibility for intervention 3444
 in lieu of conviction, or the commission of an act that 3445
 constitutes a criminal offense, unless the refusal is in 3446

accordance with section 9.79 of the Revised Code." 3447

Delete lines 15180 through 15249 3448

After line 15249, insert: 3449

"**Sec. 4731.291.** (A) An individual seeking to pursue an 3450
 internship, residency, clinical fellowship program, or elective 3451
 clinical rotation in this state, who does not hold a license to 3452
 practice medicine and surgery or osteopathic medicine or surgery 3453
 issued under this chapter, shall apply to the state medical board 3454
 for a training certificate. The application shall be made on forms 3455
 that the board shall furnish and shall be accompanied by an 3456
 application fee of one hundred thirty dollars. 3457

An applicant for a training certificate shall furnish to the 3458
 board all of the following: 3459

(1) Evidence satisfactory to the board that the applicant is 3460
 at least eighteen years of age ~~and is of good moral character.~~ 3461

(2) Evidence satisfactory to the board that the applicant has 3462
 been accepted or appointed to participate in this state in one of 3463
 the following: 3464

(a) An internship, residency, or clinical fellowship program 3465
 accredited by either the accreditation council for graduate 3466
 medical education of the American medical association or the 3467
 American osteopathic association; 3468

(b) A clinical fellowship program that is not accredited as 3469
 described in division (A)(2)(a) of this section, but is conducted 3470
 at an institution with a residency program that is accredited as 3471
 described in that division and is in a clinical field the same as 3472
 or related to the clinical field of the fellowship program; 3473

(c) An elective clinical rotation that lasts not more than 3474

one year and is offered to interns, residents, or clinical fellows 3475
 participating in programs that are located outside this state and 3476
 meet the requirements of division (A)(2)(a) or (b) of this 3477
 section. 3478

(3) Information identifying the beginning and ending dates of 3479
 the period for which the applicant has been accepted or appointed 3480
 to participate in the internship, residency, or clinical 3481
 fellowship program; 3482

(4) Any other information that the board requires. 3483

(B) If no grounds for denying a license or certificate under 3484
 section 4731.22 of the Revised Code apply, and the applicant meets 3485
 the requirements of division (A) of this section, the board shall 3486
 issue a training certificate to the applicant. The board shall not 3487
 require an examination as a condition of receiving a training 3488
 certificate. 3489

A training certificate issued pursuant to this section shall 3490
 be valid only for three years, but may be renewed by the board for 3491
 one additional three-year period. To renew a training certificate, 3492
 the holder shall apply to the board on or before the certificate's 3493
 expiration date. 3494

The fee for renewal of a training certificate shall be one 3495
 hundred dollars. A late application may be submitted not more than 3496
 thirty days after the certificate's expiration date. In such a 3497
 case, the holder shall include with the application a 3498
 one-hundred-fifty-dollar reinstatement fee. 3499

(C) The holder of a valid training certificate shall be 3500
 entitled to perform such acts as may be prescribed by or 3501
 incidental to the holder's internship, residency, or clinical 3502
 fellowship program, but the holder shall not be entitled otherwise 3503

to engage in the practice of medicine and surgery or osteopathic
 medicine and surgery in this state. The holder shall limit
 activities under the certificate to the programs of the hospitals
 or facilities for which the training certificate is issued. The
 holder shall train only under the supervision of the physicians
 responsible for supervision as part of the internship, residency,
 or clinical fellowship program.

A training certificate may be revoked by the board upon
 proof, satisfactory to the board, that the holder thereof has
 engaged in practice in this state outside the scope of the
 internship, residency, or clinical fellowship program for which
 the training certificate has been issued, or upon proof,
 satisfactory to the board, that the holder thereof has engaged in
 unethical conduct or that there are grounds for action against the
 holder under section 4731.22 of the Revised Code.

(D) The board may adopt rules as the board finds necessary to
 effect the purpose of this section."

Delete lines 15250 through 15472

After line 15472, insert:

"Sec. 4731.299. (A) The state medical board may issue,
 without examination, to an applicant who meets all of the
 requirements of this section an expedited license to practice
 medicine and surgery or osteopathic medicine and surgery by
 endorsement.

(B) An individual who seeks an expedited license by
 endorsement shall file with the board a written application on a
 form prescribed and supplied by the board. The application shall
 include all of the information the board considers necessary to
 process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall do both of the following:	3533
(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:	3534
(a) Has passed one of the following:	3535
(i) Steps one, two, and three of the United States medical licensing examination;	3536
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	3537
(iii) Any other medical licensing examination recognized by the board.	3538
(b) During the five-year period immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;	3539
(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;	3540
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	3541
(2) Certify to the board that all of the following are the case:	3542
(a) Not more than two malpractice claims, which resulted in a finding of liability or in payment, have been filed against the applicant during the ten-year period immediately preceding the date of application and no malpractice claim against the applicant during that ten-year period has resulted in total payment of more	3543
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than five hundred thousand dollars. 3561

~~(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.08 of the Revised Code.~~ 3562
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3564

~~(e)~~ The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care. 3565
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~~(d)~~ (c) No adverse action has been taken against the applicant by a health care institution. 3568
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~~(e)~~ (d) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. 3570
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~~(f)~~ (e) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application. 3574
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~~(g)~~ (f) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 3578
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3580

(D) An applicant for an expedited license by endorsement shall comply with section 4731.08 of the Revised Code. 3581
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(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 3583
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(F) The secretary and supervising member of the board shall review all applications received under this section. 3587
3588

If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited license by endorsement, the application shall be treated as an application under section 4731.09 of the Revised Code.

(G) Each license issued by the board under this section shall be signed by the president and secretary of the board and attested by the board's seal.

(H) Within sixty days after September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.09 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section."

Delete lines 15533 through 15595

After line 15595, insert:

"Sec. 4731.573. (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in podiatric medicine and surgery in this state, who does not hold a license to practice podiatric medicine and surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of one hundred thirty dollars.

An applicant for a training certificate shall furnish to the board all of the following:

(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age ~~and is of good moral character;~~

(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following:

(a) An internship, residency, or clinical fellowship program accredited by either the council on podiatric medical education or the American podiatric medical association;

(b) A clinical fellowship program that is not accredited as described in division (A)(2)(a) of this section, but is conducted at an institution with a residency program that is accredited as described in that division and is in a clinical field the same as or related to the clinical field of the fellowship program.

(3) Information identifying the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program;

(4) Any other information that the board requires.

(B) If no grounds for denying a license or certificate under section 4731.22 of the Revised Code apply and the applicant meets the requirements of division (A) of this section, the board shall issue a training certificate to the applicant. The board shall not require an examination as a condition of receiving a training certificate.

A training certificate issued pursuant to this section shall be valid only for three years, but may be renewed by the board for one additional three-year period. To renew a training certificate, the holder shall apply to the board on or before the certificate's expiration date.

The fee for renewal of a training certificate shall be one hundred dollars. A late application may be submitted not more than

thirty days after the certificate's expiration date. In such a 3646
 case, the holder shall include with the application a 3647
 one-hundred-fifty-dollar reinstatement fee. 3648

(C) The holder of a valid training certificate shall be 3649
 entitled to perform such acts as may be prescribed by or 3650
 incidental to the holder's internship, residency, or clinical 3651
 fellowship program, but the holder shall not be entitled otherwise 3652
 to engage in the practice of podiatric medicine and surgery in 3653
 this state. The holder shall limit activities under the 3654
 certificate to the programs of the hospitals or facilities for 3655
 which the training certificate is issued. The holder shall train 3656
 only under the supervision of the podiatrists responsible for 3657
 supervision as part of the internship, residency, or clinical 3658
 fellowship program. A training certificate may be revoked by the 3659
 board upon proof, satisfactory to the board, that the holder 3660
 thereof has engaged in practice in this state outside the scope of 3661
 the internship, residency, or clinical fellowship program for 3662
 which the training certificate has been issued, or upon proof, 3663
 satisfactory to the board, that the holder thereof has engaged in 3664
 unethical conduct or that there are grounds for action against the 3665
 holder under section 4731.22 of the Revised Code. 3666

(D) The board may adopt rules as the board finds necessary to 3667
 effect the purpose of this section." 3668

Delete lines 16734 through 16911 3669

After line 16911, insert: 3670

"**Sec. 4735.09.** (A) Application for a license as a real estate 3671
 salesperson shall be made to the superintendent of real estate on 3672
 forms furnished by the superintendent and signed by the applicant. 3673
 The application shall be in the form prescribed by the 3674

superintendent and shall contain such information as is required 3675
by this chapter and the rules of the Ohio real estate commission. 3676
The application shall be accompanied by the recommendation of the 3677
real estate broker with whom the applicant is associated or with 3678
whom the applicant intends to be associated, certifying that the 3679
applicant is honest, and truthful, ~~and of good reputation, has not~~ 3680
~~been convicted of a felony or a crime involving moral turpitude,~~ 3681
and has not been finally adjudged by a court to have violated any 3682
municipal, state, or federal civil rights laws relevant to the 3683
protection of purchasers or sellers of real estate, which 3684
conviction or adjudication the applicant has not disclosed to the 3685
superintendent, and recommending that the applicant be admitted to 3686
the real estate salesperson examination. 3687

(B) A fee of eighty-one dollars shall accompany the 3688
application, which fee includes the fee for the initial year of 3689
the licensing period, if a license is issued. The initial year of 3690
the licensing period commences at the time the license is issued 3691
and ends on the applicant's first birthday thereafter. The 3692
application fee shall be nonrefundable. A fee of eighty-one 3693
dollars shall be charged by the superintendent for each successive 3694
application made by the applicant. One dollar of each application 3695
fee shall be credited to the real estate education and research 3696
fund. 3697

(C) There shall be no limit placed on the number of times an 3698
applicant may retake the examination. 3699

(D) The superintendent, with the consent of the commission, 3700
may enter into an agreement with a recognized national testing 3701
service to administer the real estate salesperson's examination 3702
under the superintendent's supervision and control, consistent 3703
with the requirements of this chapter as to the contents of the 3704
examination. 3705

If the superintendent, with the consent of the commission, 3706
enters into an agreement with a national testing service to 3707
administer the real estate salesperson's examination, the 3708
superintendent may require an applicant to pay the testing 3709
service's examination fee directly to the testing service. If the 3710
superintendent requires the payment of the examination fee 3711
directly to the testing service, each applicant shall submit to 3712
the superintendent a processing fee in an amount determined by the 3713
Ohio real estate commission pursuant to division (A)(1) of section 3714
4735.10 of the Revised Code. 3715

(E) The superintendent shall issue a real estate 3716
salesperson's license when satisfied that the applicant has 3717
received a passing score on each portion of the salesperson's 3718
examination as determined by rule by the real estate commission, 3719
except that the superintendent may waive one or more of the 3720
requirements of this section in the case of an applicant who is a 3721
licensed real estate salesperson in another state pursuant to a 3722
reciprocity agreement with the licensing authority of the state 3723
from which the applicant holds a valid real estate salesperson's 3724
license. 3725

(F) No applicant for a salesperson's license shall take the 3726
salesperson's examination who has not established to the 3727
satisfaction of the superintendent that the applicant: 3728

(1) Is honest, and truthful, ~~and of good reputation;~~ 3729

(2)(a) Has not been convicted of a ~~felony or crime of moral~~ 3730
~~turpitude or, if the applicant has been so convicted, the~~ 3731
~~superintendent has disregarded the conviction because the~~ 3732
~~applicant has proven to the superintendent, by a preponderance of~~ 3733
~~the evidence, that the applicant's activities and employment~~ 3734
~~record since the conviction show that the applicant is honest,~~ 3735

~~truthful, and of good reputation, and there is no basis in fact~~ 3736
~~for believing that the applicant again will violate the laws~~ 3737
involved disqualifying offense as determined in accordance with 3738
section 9.79 of the Revised Code; 3739

(b) Has not been finally adjudged by a court to have violated 3740
any municipal, state, or federal civil rights laws relevant to the 3741
protection of purchasers or sellers of real estate or, if the 3742
applicant has been so adjudged, at least two years have passed 3743
since the court decision and the superintendent has disregarded 3744
the adjudication because the applicant has proven, by a 3745
preponderance of the evidence, that the applicant is honest, and 3746
~~truthful, and of good reputation,~~ and there is no basis in fact 3747
for believing that the applicant again will violate the laws 3748
involved. 3749

(3) Has not, during any period in which the applicant was 3750
licensed under this chapter, violated any provision of, or any 3751
rule adopted pursuant to this chapter, or, if the applicant has 3752
violated such provision or rule, has established to the 3753
satisfaction of the superintendent that the applicant will not 3754
again violate such provision or rule; 3755

(4) Is at least eighteen years of age; 3756

(5) If born after the year 1950, has a high school diploma or 3757
a certificate of high school equivalence issued by the department 3758
of education; 3759

(6) Has successfully completed at an institution of higher 3760
education all of the following credit-eligible courses by either 3761
classroom instruction or distance education: 3762

(a) Forty hours of instruction in real estate practice; 3763

(b) Forty hours of instruction that includes the subjects of 3764

Ohio real estate law, municipal, state, and federal civil rights 3765
law, new case law on housing discrimination, desegregation issues, 3766
and methods of eliminating the effects of prior discrimination. If 3767
feasible, the instruction in Ohio real estate law shall be taught 3768
by a member of the faculty of an accredited law school. If 3769
feasible, the instruction in municipal, state, and federal civil 3770
rights law, new case law on housing discrimination, desegregation 3771
issues, and methods of eliminating the effects of prior 3772
discrimination shall be taught by a staff member of the Ohio civil 3773
rights commission who is knowledgeable with respect to those 3774
subjects. The requirements of this division do not apply to an 3775
applicant who is admitted to practice before the supreme court. 3776

(c) Twenty hours of instruction in real estate appraisal; 3777

(d) Twenty hours of instruction in real estate finance. 3778

(G)(1) Successful completion of the instruction required by 3779
division (F)(6) of this section shall be determined by the law in 3780
effect on the date the instruction was completed. 3781

(2) Division (F)(6)(c) of this section does not apply to any 3782
new applicant who holds a valid Ohio real estate appraiser license 3783
or certificate issued prior to the date of application for a real 3784
estate salesperson's license. 3785

(H) Only for noncredit course offerings, an institution of 3786
higher education shall obtain approval from the appropriate state 3787
authorizing entity prior to offering a real estate course that is 3788
designed and marketed as satisfying the salesperson license 3789
education requirements of division (F)(6) of this section. The 3790
state authorizing entity may consult with the superintendent in 3791
reviewing the course for compliance with this section. 3792

(I) Any person who has not been licensed as a real estate 3793

salesperson or broker within a four-year period immediately
preceding the person's current application for the salesperson's
examination shall have successfully completed the prelicensure
instruction required by division (F)(6) of this section within a
ten-year period immediately preceding the person's current
application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate
salesperson's license to a licensee, but not later than twelve
months after the date of issue of a real estate salesperson
license to a licensee, the licensee shall submit proof
satisfactory to the superintendent, on forms made available by the
superintendent, of the completion of twenty hours of instruction
that shall be completed in schools, seminars, and educational
institutions approved by the commission. The instruction shall
include, but is not limited to, current practices relating to
commercial real estate, property management, short sales, and land
contracts; contract law; federal and state programs; economic
conditions; and fiduciary responsibility. Approval of the
curriculum and providers shall be granted according to rules
adopted pursuant to section 4735.10 of the Revised Code and may be
taken through classroom instruction or distance education.

If proof of completion of the required instruction is not
submitted within twelve months of the date a license is issued
under this section, the licensee's license is suspended
automatically without the taking of any action by the
superintendent. The superintendent immediately shall notify the
broker with whom such salesperson is associated of the suspension
of the salesperson's license. A salesperson whose license has been
suspended under this division shall have twelve months after the
date of the suspension of the salesperson's license to submit
proof of successful completion of the instruction required under

this division. No such license shall be reactivated by the 3825
 superintendent until it is established, to the satisfaction of the 3826
 superintendent, that the requirements of this division have been 3827
 met and that the licensee is in compliance with this chapter. A 3828
 licensee's license is revoked automatically without the taking of 3829
 any action by the superintendent when the licensee fails to submit 3830
 the required proof of completion of the education requirements 3831
 under division (I) of this section within twelve months of the 3832
 date the license is suspended. 3833

(K) Examinations shall be administered with reasonable 3834
 accommodations in accordance with the requirements of the 3835
 "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 3836
 U.S.C. 12189. The contents of an examination shall be consistent 3837
 with the classroom instructional requirements of division (F)(6) 3838
 of this section. An applicant who has completed the classroom 3839
 instructional requirements of division (F)(6) of this section at 3840
 the time of application shall be examined no later than twelve 3841
 months after the applicant is notified of the applicant's 3842
 admission to the examination." 3843

Delete lines 17009 through 17178 3844

After line 17178, insert: 3845

"Sec. 4735.13. (A) Every real estate broker licensed under 3846
 this chapter shall have and maintain a definite place of business 3847
 in this state. A post office box address is not a definite place 3848
 of business for purposes of this section. The license of a real 3849
 estate broker shall be prominently displayed in the office or 3850
 place of business of the broker, and no license shall authorize 3851
 the licensee to do business except from the location specified in 3852
 it. If the broker maintains more than one place of business within 3853

the state, the broker shall apply for and procure a duplicate 3854
 license for each branch office maintained by the broker. Each 3855
 branch office shall be in the charge of a licensed broker or 3856
 salesperson. The branch office license shall be prominently 3857
 displayed at the branch office location. 3858

(B) The license of each real estate salesperson shall be 3859
 mailed to and remain in the possession of the licensed broker with 3860
 whom the salesperson is or is to be associated until the licensee 3861
 places the license on inactive or resigned status or until the 3862
 salesperson leaves the brokerage or is terminated. The broker 3863
 shall keep each salesperson's license in a way that it can, and 3864
 shall on request, be made immediately available for public 3865
 inspection at the office or place of business of the broker. 3866
 Except as provided in divisions (G) and (H) of this section, 3867
 immediately upon the salesperson's leaving the association or 3868
 termination of the association of a real estate salesperson with 3869
 the broker, the broker shall return the salesperson's license to 3870
 the superintendent of real estate. 3871

The failure of a broker to return the license of a real 3872
 estate salesperson or broker who leaves or who is terminated, via 3873
 certified mail return receipt requested, within three business 3874
 days of the receipt of a written request from the superintendent 3875
 for the return of the license, is prima-facie evidence of 3876
 misconduct under division (A)(6) of section 4735.18 of the Revised 3877
 Code. 3878

(C) A licensee shall notify the superintendent in writing 3879
 within fifteen days of any of the following occurrences: 3880

- (1) The licensee is convicted of a felony. 3881
- (2) The licensee is convicted of a crime involving moral 3882
 turpitude. 3883

(3) The licensee is found to have violated any federal, 3884
state, or municipal civil rights law pertaining to discrimination 3885
in housing. 3886

(4) The licensee is found to have engaged in a discriminatory 3887
practice pertaining to housing accommodations described in 3888
division (H) of section 4112.02 of the Revised Code. 3889

(5) The licensee is the subject of an order by the department 3890
of commerce, the department of insurance, or the department of 3891
agriculture revoking or permanently surrendering any professional 3892
license, certificate, or registration. 3893

(6) The licensee is the subject of an order by any government 3894
agency concerning real estate, financial matters, or the 3895
performance of fiduciary duties with respect to any license, 3896
certificate, or registration. 3897

If a licensee fails to notify the superintendent within the 3898
required time, the superintendent immediately may suspend the 3899
license of the licensee. 3900

Any court that convicts a licensee of a violation of any 3901
municipal civil rights law pertaining to housing discrimination 3902
also shall notify the Ohio civil rights commission within fifteen 3903
days of the conviction. 3904

(D) In case of any change of business location, a broker 3905
shall give notice to the superintendent, on a form prescribed by 3906
the superintendent, within thirty days after the change of 3907
location, whereupon the superintendent shall issue new licenses 3908
for the unexpired period without charge. If a broker changes a 3909
business location without giving the required notice and without 3910
receiving new licenses that action is prima-facie evidence of 3911
misconduct under division (A)(6) of section 4735.18 of the Revised 3912

Code. 3913

(E) If a real estate broker desires to associate with another 3914
 real estate broker in the capacity of a real estate salesperson, 3915
 the broker shall apply to the superintendent to deposit the 3916
 broker's real estate broker's license with the superintendent and 3917
 for the issuance of a real estate salesperson's license. The 3918
 application shall be made on a form prescribed by the 3919
 superintendent and shall be accompanied by the recommendation of 3920
 the real estate broker with whom the applicant intends to become 3921
 associated and a fee of thirty-four dollars for the real estate 3922
 salesperson's license. One dollar of the fee shall be credited to 3923
 the real estate education and research fund. If the superintendent 3924
 is satisfied that the applicant is honest, and truthful, ~~and of~~ 3925
~~good reputation~~, has not been convicted of a ~~felony or a crime~~ 3926
~~involving moral turpitude~~ disqualifying offense as determined in 3927
accordance with section 9.79 of the Revised Code, and has not been 3928
 finally adjudged by a court to have violated any municipal, state, 3929
 or federal civil rights laws relevant to the protection of 3930
 purchasers or sellers of real estate, and that the association of 3931
 the real estate broker and the applicant will be in the public 3932
 interest, the superintendent shall grant the application and issue 3933
 a real estate salesperson's license to the applicant. Any license 3934
 so deposited with the superintendent shall be subject to this 3935
 chapter. A broker who intends to deposit the broker's license with 3936
 the superintendent, as provided in this section, shall give 3937
 written notice of this fact in a format prescribed by the 3938
 superintendent to all salespersons associated with the broker when 3939
 applying to place the broker's license on deposit. 3940

(F) If a real estate broker desires to become a member or 3941
 officer of a partnership, association, limited liability company, 3942
 limited liability partnership, or corporation that is or intends 3943

to become a licensed real estate broker, the broker shall notify 3944
 the superintendent of the broker's intentions. The notice of 3945
 intention shall be on a form prescribed by the superintendent and 3946
 shall be accompanied by a fee of thirty-four dollars. One dollar 3947
 of the fee shall be credited to the real estate education and 3948
 research fund. 3949

A licensed real estate broker who is a member or officer of a 3950
 partnership, association, limited liability company, limited 3951
 liability partnership, or corporation shall only act as a real 3952
 estate broker for such partnership, association, limited liability 3953
 company, limited liability partnership, or corporation. 3954

(G)(1) If a real estate broker or salesperson enters the 3955
 armed forces, the broker or salesperson may place the broker's or 3956
 salesperson's license on deposit with the Ohio real estate 3957
 commission. The licensee shall not be required to renew the 3958
 license until the renewal date that follows the date of discharge 3959
 from the armed forces. Any license deposited with the commission 3960
 shall be subject to this chapter. 3961

Any licensee whose license is on deposit under this division 3962
 and who fails to meet the continuing education requirements of 3963
 section 4735.141 of the Revised Code because the licensee is in 3964
 the armed forces shall satisfy the commission that the licensee 3965
 has complied with the continuing education requirements within 3966
 twelve months of the licensee's first birthday after discharge or 3967
 within the amount of time equal to the total number of months the 3968
 licensee spent on active duty, whichever is greater. The licensee 3969
 shall submit proper documentation of active duty service and the 3970
 length of that active duty service to the superintendent. The 3971
 extension shall not exceed the total number of months that the 3972
 licensee served in active duty. The superintendent shall notify 3973

the licensee of the licensee's obligations under section 4735.141 3974
of the Revised Code at the time the licensee applies for 3975
reactivation of the licensee's license. 3976

(2) If a licensee is a spouse of a member of the armed forces 3977
and the spouse's service resulted in the licensee's absence from 3978
this state, both of the following apply: 3979

(a) The licensee shall not be required to renew the license 3980
until the renewal date that follows the date of the spouse's 3981
discharge from the armed forces. 3982

(b) If the licensee fails to meet the continuing education 3983
requirements of section 4735.141 of the Revised Code, the licensee 3984
shall satisfy the commission that the licensee has complied with 3985
the continuing education requirements within twelve months after 3986
the licensee's first birthday after the spouse's discharge or 3987
within the amount of time equal to the total number of months the 3988
licensee's spouse spent on active duty, whichever is greater. The 3989
licensee shall submit proper documentation of the spouse's active 3990
duty service and the length of that active duty service. This 3991
extension shall not exceed the total number of months that the 3992
licensee's spouse served in active duty. 3993

(3) In the case of a licensee as described in division (G)(2) 3994
of this section, who holds the license through a reciprocity 3995
agreement with another state, the spouse's service shall have 3996
resulted in the licensee's absence from the licensee's state of 3997
residence for the provisions of that division to apply. 3998

(4) As used in this division, "armed forces" means the armed 3999
forces of the United States or reserve component of the armed 4000
forces of the United States including the Ohio national guard or 4001
the national guard of any other state. 4002

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent."

Delete lines 17179 through 17304

After line 17304, insert:

"**Sec. 4735.27.** (A) An application to act as a foreign real estate dealer shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:

(1) The name and address of the applicant;

(2) A description of the applicant, including, if the applicant is a partnership, unincorporated association, or any similar form of business organization, the names and the residence and business addresses of all partners, officers, directors, trustees, or managers of the organization, and the limitation of the liability of any partner or member; and if the applicant is a corporation, a list of its officers and directors, and the residence and business addresses of each, and, if it is a foreign corporation, a copy of its articles of incorporation in addition;

(3) The location and addresses of the principal office and all other offices of the applicant;

(4) A general description of the business of the applicant prior to the application, including a list of states in which the

applicant is a licensed foreign real estate dealer; 4031

(5) The names and addresses of all salespersons of the 4032
applicant at the date of the application; 4033

(6) The nature of the business of the applicant, and its 4034
places of business, for the ten-year period preceding the date of 4035
application. 4036

(B) Every nonresident applicant shall name a person within 4037
this state upon whom process against the applicant may be served 4038
and shall give the complete residence and business address of the 4039
person designated. Every applicant shall file an irrevocable 4040
written consent, executed and acknowledged by an individual duly 4041
authorized to give such consent, that actions growing out of a 4042
fraud committed by the applicant in connection with the sale in 4043
this state of foreign real estate may be commenced against it, in 4044
the proper court of any county in this state in which a cause of 4045
action for such fraud may arise or in which the plaintiff in such 4046
action may reside, by serving on the secretary of state any proper 4047
process or pleading authorized by the laws of this state, in the 4048
event that the applicant if a resident of this state, or the 4049
person designated by the nonresident applicant, cannot be found at 4050
the address given. The consent shall stipulate that the service of 4051
process on the secretary of state shall be taken in all courts to 4052
be as valid and binding as if service had been made upon the 4053
foreign real estate dealer. If the applicant is a corporation or 4054
an unincorporated association, the consent shall be accompanied by 4055
a certified copy of the resolution of the board of directors, 4056
trustees, or managers of the corporation or association, 4057
authorizing such individual to execute the consent. 4058

(C) The superintendent may investigate any applicant for a 4059
dealer's license, and may require any additional information the 4060

superintendent considers necessary to determine the ~~business~~ 4061
~~repute and~~ qualifications of the applicant to act as a foreign 4062
real estate dealer. If the application for a dealer's license 4063
involves investigation outside this state, the superintendent may 4064
require the applicant to advance sufficient funds to pay any of 4065
the actual expenses of the investigation, and an itemized 4066
statement of such expense shall be furnished to the applicant. 4067

(D) Every applicant shall take a written examination, 4068
prescribed and conducted by the superintendent, which covers the 4069
applicant's knowledge of the principles of real estate practice, 4070
real estate law, financing and appraisal, real estate transactions 4071
and instruments relating to them, canons of business ethics 4072
relating to real estate transactions, and the duties of foreign 4073
real estate dealers and salespersons. The fee for the examination, 4074
when administered by the superintendent, is one hundred one 4075
dollars. If the applicant does not appear for the examination, the 4076
fee shall be forfeited and a new application and fee shall be 4077
filed, unless good cause for the failure to appear is shown to the 4078
superintendent. The requirement of an examination may be waived in 4079
whole or in part by the superintendent if an applicant is licensed 4080
as a real estate broker by any state. 4081

Any applicant who fails the examination twice shall wait six 4082
months before applying to retake the examination. 4083

(E) No person shall take the foreign real estate dealer's 4084
examination who has not established to the satisfaction of the 4085
superintendent that the person: 4086

(1) ~~Has not been convicted of a felony or a crime of moral~~ 4087
~~turpitude or, if the applicant has been so convicted, the~~ 4088
~~superintendent has disregarded the conviction because the~~ 4089
~~applicant has proven to the superintendent, by a preponderance of~~ 4090

~~the evidence, that the applicant's activities and employment~~ 4091
~~record since the conviction show that the applicant is honest,~~ 4092
~~truthful, and of good reputation, and there is no basis in fact~~ 4093
~~for believing that the applicant again will violate the laws~~ 4094
~~involved disqualifying offense as determined in accordance with~~ 4095
~~section 9.79 of the Revised Code;~~ 4096

(2) Has not been finally adjudged by a court to have violated 4097
any municipal, state, or federal civil rights laws relevant to the 4098
protection of purchasers or sellers of real estate or, if the 4099
applicant has been so adjudged, at least two years have passed 4100
since the court decision and the superintendent has disregarded 4101
the adjudication because the applicant has proven, by a 4102
preponderance of the evidence, that the applicant's activities and 4103
employment record since the adjudication show that the applicant 4104
is honest, and truthful, ~~and of good reputation~~, and there is no 4105
basis in fact for believing that the applicant again will violate 4106
the laws involved; 4107

(3) Has not, during any period for which the applicant was 4108
licensed under this chapter or any former section of the Revised 4109
Code applicable to licensed foreign real estate dealers or 4110
salespersons, violated any provision of, or any rule adopted 4111
pursuant to, this chapter or that section, or, if the applicant 4112
has violated any such provision or rule, has established to the 4113
satisfaction of the superintendent that the applicant will not 4114
again violate the provision or rule. 4115

(F) If the superintendent finds that an applicant for a 4116
license as a foreign real estate dealer, or each named member, 4117
manager, or officer of a partnership, association, or corporate 4118
applicant is at least eighteen years of age, ~~is of good business~~ 4119
~~repute~~, has passed the examination required under this section or 4120
has had the requirement of an examination waived, and appears 4121

otherwise qualified, the superintendent shall issue a license to 4122
 the applicant to engage in business in this state as a foreign 4123
 real estate dealer. Dealers licensed pursuant to this section 4124
 shall employ as salespersons of foreign real estate only persons 4125
 licensed pursuant to section 4735.28 of the Revised Code. If at 4126
 any time such salespersons resign or are discharged or new 4127
 salespersons are added, the dealer forthwith shall notify the 4128
 superintendent and shall file with the division of real estate the 4129
 names and addresses of new salespersons. 4130

(G) If the applicant merely is renewing the applicant's 4131
 license for the previous year, the application need contain only 4132
 the information required by divisions (A)(2), (3), and (6) of this 4133
 section." 4134

Delete lines 17305 through 17386 4135

After line 17386, insert: 4136

"**Sec. 4735.28.** (A) An application to act as a foreign real 4137
 estate salesperson shall be in writing and filed with the 4138
 superintendent of real estate. It shall be in the form the 4139
 superintendent prescribes and shall contain the following 4140
 information: 4141

(1) The name and complete residence and business addresses of 4142
 the applicant; 4143

(2) The name of the foreign real estate dealer who is 4144
 employing the applicant or who intends to employ the applicant; 4145

(3) The age and education of the applicant, and the 4146
 applicant's experience in the sale of foreign real estate; whether 4147
 the applicant has ever been licensed by the superintendent, and if 4148
 so, when; whether the applicant has ever been refused a license by 4149
 the superintendent; and whether the applicant has ever been 4150

licensed or refused a license or any similar permit by any 4151
 division or superintendent of real estate, by whatsoever name 4152
 known or designated, anywhere; 4153

(4) The nature of the employment, and the names and addresses 4154
 of the employers, of the applicant for the period of ten years 4155
 immediately preceding the date of the application. 4156

(B) Every applicant shall take a written examination, 4157
 prescribed and conducted by the superintendent, which covers the 4158
 applicant's knowledge of the principles of real estate practice, 4159
 real estate law, financing and appraisal, real estate transactions 4160
 and instruments relating to them, canons of business ethics 4161
 relating to real estate transactions, and the duties of foreign 4162
 real estate salespersons. The fee for the examination, when 4163
 administered by the superintendent, is sixty-eight dollars. If the 4164
 applicant does not appear for the examination, the fee shall be 4165
 forfeited and a new application and fee shall be filed, unless 4166
 good cause for the failure to appear is shown to the 4167
 superintendent. The requirement of an examination may be waived in 4168
 whole or in part by the superintendent if an applicant is licensed 4169
 as a real estate broker or salesperson by any state. 4170

Any applicant who fails the examination twice shall wait six 4171
 months before applying to retake the examination. 4172

(C) No person shall take the foreign real estate 4173
 salesperson's examination who has not established to the 4174
 satisfaction of the superintendent that the person: 4175

(1) ~~Has not been convicted of a felony or a crime of moral~~ 4176
~~turpitude or, if the applicant has been so convicted, the~~ 4177
~~superintendent has disregarded the conviction because the~~ 4178
~~applicant has proven to the superintendent, by a preponderance of~~ 4179
~~the evidence, that the applicant's activities and employment~~ 4180

~~record since the conviction show that the applicant is honest,~~ 4181
~~truthful, and of good reputation, and there is no basis in fact~~ 4182
~~for believing that the applicant again will violate the laws~~ 4183
~~involved disqualifying offense as determined in accordance with~~ 4184
~~section 9.79 of the Revised Code;~~ 4185

(2) Has not been finally adjudged by a court to have violated 4186
any municipal, state, or federal civil rights laws relevant to the 4187
protection of purchasers or sellers of real estate or, if the 4188
applicant has been so adjudged, at least two years have passed 4189
since the court decision and the superintendent has disregarded 4190
the adjudication because the applicant has proven, by a 4191
preponderance of the evidence, that the applicant's activities and 4192
employment record since the adjudication show that the applicant 4193
is honest, and truthful, ~~and of good reputation,~~ and there is no 4194
basis in fact for believing that the applicant will again violate 4195
the laws; 4196

(3) Has not, during any period for which the applicant was 4197
licensed under this chapter or any former section of the Revised 4198
Code applicable to licensed foreign real estate dealers or 4199
salespersons, violated any provision of, or any rule adopted 4200
pursuant to, this chapter or that section, or, if the applicant 4201
has violated any such provision or rule, has established to the 4202
satisfaction of the superintendent that the applicant will not 4203
again violate the provision or rule. 4204

(D) Every salesperson of foreign real estate shall be 4205
licensed by the superintendent of real estate and shall be 4206
employed only by the licensed foreign real estate dealer specified 4207
on the salesperson's license. 4208

(E) If the superintendent finds that the applicant ~~is of good~~ 4209
~~business repute,~~ appears to be qualified to act as a foreign real 4210

estate salesperson, and has fully complied with the provisions of 4211
 this chapter, and that the dealer in the application is a licensed 4212
 foreign real estate dealer, the superintendent, upon payment of 4213
 the fees prescribed by section 4735.15 of the Revised Code, shall 4214
 issue a license to the applicant authorizing the applicant to act 4215
 as a salesperson for the dealer named in the application." 4216

Delete lines 18566 through 18688 4217

After line 18688, insert: 4218

"**Sec. 4751.20.** (A) Subject to section 4751.32 of the Revised 4219
 Code, the board of executives of long-term services and supports 4220
 shall issue a nursing home administrator license to an individual 4221
 under this section if all of the following requirements are 4222
 satisfied: 4223

(1) The individual has submitted to the board a completed 4224
 application for the license in accordance with rules adopted under 4225
 section 4751.04 of the Revised Code. 4226

(2) If the individual is required by rules adopted under 4227
 section 4751.04 of the Revised Code to serve as a nursing home 4228
 administrator in training, the individual has paid to the board 4229
 the administrator in training fee of fifty dollars. 4230

(3) The individual is at least twenty-one years of age. 4231

(4) The individual has successfully completed educational 4232
 requirements and work experience specified in rules adopted under 4233
 section 4751.04 of the Revised Code, including, if so required by 4234
 the rules, experience obtained as a nursing home administrator in 4235
 training. 4236

(5) ~~The individual is of good moral character.~~ 4237

~~(6)~~ The individual has complied with section 4776.02 of the 4238

Revised Code regarding a criminal records check.	4239
(7) (6) The board, in its discretion <u>accordance with section 9.79 of the Revised Code</u> , has determined that the results of the criminal records check do not make the individual ineligible for the license.	4240 4241 4242 4243
(8) (7) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.	4244 4245
(9) (8) The individual has paid to the board a license fee of two hundred fifty dollars.	4246 4247
(10) (9) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.	4248 4249 4250
(B) A nursing home administrator 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 authorized to practice nursing home administration while the license is valid.	4251 4252 4253 4254 4255
Sec. 4751.202. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue a temporary nursing home administrator license to an individual if all of the following requirements are satisfied:	4256 4257 4258 4259
(1) The operator of a nursing home has requested that the board issue a temporary nursing home administrator license to the individual to authorize the individual to temporarily practice nursing home administration at the nursing home because of a vacancy in the position of nursing home administrator at the nursing home resulting from a death, illness, or other unexpected cause.	4260 4261 4262 4263 4264 4265 4266

(2) The individual is at least twenty-one years of age.	4267
(3) The individual is of good moral character.	4268
(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.	4269 4270
(5) (4) The board, in its discretion <u>accordance with section 9.79 of the Revised Code</u> , has determined that the results of the criminal records check do not make the individual ineligible for the license.	4271 4272 4273 4274
(6) (5) The individual has paid to the board a fee for the temporary license of one hundred dollars.	4275 4276
(7) (6) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.	4277 4278 4279
(B) A temporary nursing home administrator 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 authorized to practice nursing home administration while the temporary license is valid.	4280 4281 4282 4283 4284 4285
(C) Except as provided in section 4751.32 of the Revised Code, a temporary nursing home administrator license is valid for a period of time the board shall specify on the temporary license. That period shall not exceed one hundred eighty days. If that period is less than one hundred eighty days, the individual holding the temporary license may apply to the board for renewal of the temporary license in accordance with rules the board shall adopt under section 4751.04 of the Revised Code. Except as provided in section 4751.32 of the Revised Code, a renewed temporary nursing home administrator license is valid for a period	4286 4287 4288 4289 4290 4291 4292 4293 4294 4295

of time the board shall specify on the renewed temporary license. 4296
 That period shall not exceed the difference between one hundred 4297
 eighty days and the number of days for which the original 4298
 temporary license was valid. A renewed temporary nursing home 4299
 administrator license shall not be renewed. A licensed temporary 4300
 nursing home administrator who intends to continue to practice 4301
 nursing home administration after the temporary license, 4302
 including, if applicable, the renewed temporary license, expires 4303
 must obtain a nursing home administrator license under section 4304
 4751.20 of the Revised Code. 4305

Sec. 4751.21. (A) Subject to section 4751.32 of the Revised 4306
 Code, the board of executives of long-term services and supports 4307
 shall issue a health services executive license to an individual 4308
 if all of the following requirements are satisfied: 4309

(1) The individual has submitted to the board a completed 4310
 application for the license in accordance with rules adopted under 4311
 section 4751.04 of the Revised Code. 4312

(2) The individual is a licensed nursing home administrator. 4313

(3) The individual has obtained the health services executive 4314
 qualification through the national association of long-term care 4315
 administrator boards. 4316

(4) The individual has complied with section 4776.02 of the 4317
 Revised Code regarding a criminal records check. 4318

(5) The board, in ~~its discretion~~ accordance with section 9.79 4319
of the Revised Code, has determined that the results of the 4320
 criminal records check do not make the individual ineligible for 4321
 the license. 4322

(6) The individual has paid to the board a license fee of one 4323

hundred dollars. 4324

(B) A health services executive license shall certify that 4325
 the individual to whom it was issued has met the applicable 4326
 requirements of this chapter and any applicable rules adopted 4327
 under section 4751.04 of the Revised Code and is a licensed health 4328
 services executive while the license is valid. 4329

Sec. 4751.32. (A) The Except as provided in division (D) of 4330
this section, the board of executives of long-term services and 4331
 supports may take any of the actions authorized by division (B) of 4332
 this section against an individual who has applied for or holds a 4333
 nursing home administrator license, temporary nursing home 4334
 administrator license, or health services executive license if any 4335
 of the following apply to the individual: 4336

(1) The individual has failed to satisfy any requirement 4337
 established by this chapter or the rules adopted under section 4338
 4751.04 of the Revised Code that must be satisfied to obtain the 4339
 license or temporary license. 4340

(2) The individual has violated, or failed to comply with a 4341
 requirement of, this chapter or a rule adopted under section 4342
 4751.04 of the Revised Code regarding the practice of nursing home 4343
 administration, including the requirements of sections 4751.40 and 4344
 4751.41 of the Revised Code. 4345

(3) The individual is unfit or incompetent to practice 4346
 nursing home administration, serve in a leadership position at a 4347
 long-term services and supports setting, or direct the practices 4348
 of others in such a setting by reason of negligence, habits, or 4349
 other causes, including the individual's habitual or excessive use 4350
 or abuse of drugs, alcohol, or other substances. 4351

(4) The individual has acted in a manner inconsistent with 4352

the health and safety of either of the following:	4353
(a) The residents of the nursing home at which the individual practices nursing home administration;	4354 4355
(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.	4356 4357 4358 4359
(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:	4360 4361 4362
(a) A felony;	4363
(b) An offense of moral turpitude that constitutes a misdemeanor in this state.	4364 4365
(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.	4366 4367 4368 4369
(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting.	4370 4371 4372 4373 4374
(8) The individual has substantially deviated from the board's code of ethics.	4375 4376
(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee:	4377 4378 4379
(a) Denied, refused to renew or reinstate, limited, revoked,	4380

or suspended, or accepted the surrender of, a license or other	4381
authorization to practice;	4382
(b) Imposed probation;	4383
(c) Issued a censure or other reprimand.	4384
(10) The individual has failed to do any of the following:	4385
(a) Cooperate with an investigation conducted by the board	4386
under section 4751.31 of the Revised Code;	4387
(b) Respond to or comply with a subpoena issued by the board	4388
in an investigation of the individual;	4389
(c) Comply with any disciplinary action the board has taken	4390
against the individual pursuant to this section.	4391
(B) The following are the actions that the board may take for	4392
the purpose of division (A) of this section:	4393
(1) Deny the individual any of the following:	4394
(a) A nursing home administrator license under section	4395
4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;	4396
(b) A temporary nursing home administrator license under	4397
section 4751.202 or 4751.23 of the Revised Code;	4398
(c) A health services executive license under section	4399
4751.21, 4751.23, or 4751.25 of the Revised Code.	4400
(2) Suspend the individual's nursing home administrator	4401
license, temporary nursing home administrator license, or health	4402
services executive license;	4403
(3) Revoke the individual's nursing home administrator	4404
license, temporary nursing home administrator license, or health	4405
services executive license, either permanently or for a period of	4406
time the board specifies;	4407

(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	4408
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(5) Place the individual on probation;	4411
(6) Issue a written reprimand of the individual;	4412
(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code.	4413
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(C) The board shall take actions authorized by division (B) of this section in accordance with Chapter 119. of the Revised Code, except that the board may enter into a consent agreement with an individual to resolve an alleged violation of this chapter or a rule adopted under section 4751.04 of the Revised Code in lieu of making an adjudication regarding the alleged violation. A consent agreement constitutes the board's findings and order with respect to the matter addressed in the consent agreement if the board ratifies the consent agreement. Any admissions or findings included in a proposed consent agreement have no force or effect if the board refuses to ratify the consent agreement.	4416
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<u>(D) The board shall not refuse to issue an initial nursing home administrator license, temporary nursing home administrator license, or health services executive license, unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	4427
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Delete lines 19515 through 19558	4431
After line 19558, insert:	4432
" Sec. 4757.10. (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter.	4433
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(B) The board shall adopt rules that do all of the following:	4436
(1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;	4437 4438 4439
(2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;	4440 4441 4442
(3) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;	4443 4444 4445
(4) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	4446 4447
(5) <u>(4)</u> Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;	4448 4449 4450 4451 4452 4453
(6) <u>(5)</u> Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code;	4454 4455 4456
(7) <u>(6)</u> Provide for voluntary registration of all of the following:	4457 4458
(a) Master's level counselor trainees enrolled in practice and internships;	4459 4460
(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;	4461 4462
(c) Master's level marriage and family therapist trainees	4463

enrolled in practice and internships. 4464

~~(8)~~ (7) Establish a schedule of deadlines for renewal. 4465

(C) Rules adopted under division (B)~~(7)~~ (6) of this section 4466
shall not require a trainee to register with the board, and if a 4467
trainee has not registered, shall prohibit any adverse effect with 4468
respect to a trainee's application for licensure by the board. 4469

(D) All rules adopted under this section shall be adopted in 4470
accordance with Chapter 119. of the Revised Code. When it adopts 4471
rules under this section or any other section of this chapter, the 4472
board may consider standards established by any national 4473
association or other organization representing the interests of 4474
those involved in professional counseling, social work, or 4475
marriage and family therapy." 4476

Delete lines 19575 through 19709 4477

After line 19709, insert: 4478

"Sec. 4757.22. (A) The counselors professional standards 4479
committee of the counselor, social worker, and marriage and family 4480
therapist board shall issue a license to practice as a licensed 4481
professional clinical counselor to each applicant who submits a 4482
properly completed application, pays the fee established under 4483
section 4757.31 of the Revised Code, and meets the requirements 4484
specified in division (B) of this section. 4485

(B)(1) To be eligible for a licensed professional clinical 4486
counselor license, an individual must meet the following 4487
requirements: 4488

(a) ~~The individual must be of good moral character.~~ 4489

~~(b)~~ The individual must hold a graduate degree in counseling 4490
as described in division (B)(2) of this section. 4491

(e) <u>(b)</u> The individual must complete a minimum of ninety	4492
quarter hours or sixty semester hours of graduate credit in	4493
counselor training acceptable to the committee, including	4494
instruction in the following areas:	4495
(i) Clinical psychopathology, personality, and abnormal	4496
behavior;	4497
(ii) Evaluation of mental and emotional disorders;	4498
(iii) Diagnosis of mental and emotional disorders;	4499
(iv) Methods of prevention, intervention, and treatment of	4500
mental and emotional disorders.	4501
(d) <u>(c)</u> The individual must complete, in either a private or	4502
clinical counseling setting, supervised experience in counseling	4503
that is of a type approved by the committee, is supervised by a	4504
licensed professional clinical counselor or other qualified	4505
professional approved by the committee, and is in the following	4506
amounts:	4507
(i) In the case of an individual holding only a master's	4508
degree, not less than two years of experience, which must be	4509
completed after the award of the master's degree;	4510
(ii) In the case of an individual holding a doctorate, not	4511
less than one year of experience, which must be completed after	4512
the award of the doctorate.	4513
(e) <u>(d)</u> The individual must pass a field evaluation that	4514
meets the following requirements:	4515
(i) Has been completed by the applicant's instructors,	4516
employers, supervisors, or other persons determined by the	4517
committee to be competent to evaluate an individual's professional	4518
competence;	4519

(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders.

~~(f)~~ (e) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor.

(2) To meet the requirement of division (B)(1)~~(b)~~ (a) of this section, a graduate degree in counseling obtained from a counseling program in this state after January 1, 2018, must be from one of the following:

(a) A counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.

(3) All of the following meet the educational requirements of division (B)(1)~~(e)~~ (b) of this section:

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;

(c) A graduate degree in counseling issued by another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;

- (d) A counseling education program approved by the board in accordance with rules adopted under division (G) of this section. 4548
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- (C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following: 4550
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- (1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development; 4553
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- (2) Participation in a supervised practicum and clinical internship in counseling. 4558
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- (D) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license to practice as a licensed professional clinical counselor. 4560
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- (E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code. 4565
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- (F) The board shall adopt any rules necessary for the committee to implement this section. The rules shall do both of the following: 4570
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- (1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved; 4573
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- (2) Establish course content requirements for qualifying 4576

counseling degrees issued by institutions in other states from 4577
 clinical mental health counseling programs, clinical 4578
 rehabilitation counseling programs, and addiction counseling 4579
 programs that are not accredited by the council for accreditation 4580
 of counseling and related educational programs. 4581

Rules adopted under this division shall be adopted in 4582
 accordance with Chapter 119. of the Revised Code. 4583

(G)(1) The board may adopt rules to temporarily approve a 4584
 counseling education program created after January 1, 2018, that 4585
 has not been accredited by the council for accreditation of 4586
 counseling and related educational programs. If the board adopts 4587
 rules under this division, the board shall do all of the following 4588
 in the rules: 4589

(a) Create an application process under which a program 4590
 administrator may apply to the board for approval of the program; 4591

(b) Identify the educational requirements that an individual 4592
 must satisfy to receive a graduate degree in counseling from the 4593
 approved program; 4594

(c) Establish a time period during which an individual may 4595
 use an unaccredited degree granted under the program to satisfy 4596
 the requirements of divisions (B)(1)~~(b)~~ (a) and ~~(c)~~ (b) of this 4597
 section; 4598

(d) Specify that, if the program is denied accreditation, a 4599
 student enrolled in the program before the accreditation is denied 4600
 may apply for licensure before completing the program and, on 4601
 receiving a degree from the program, is considered to satisfy 4602
 divisions (B)(1)~~(b)~~ (a) and ~~(c)~~ (b) of this section. 4603

(2) A degree from a counseling education program approved by 4604
 the board pursuant to the rules adopted under division (G)(1) of 4605

this section satisfies the requirements of divisions (B)(1)~~(b)~~ (a) 4606
 and ~~(e)~~ (b) of this section for the time period approved by the 4607
 board." 4608

Delete lines 19710 through 19837 4609

After line 19837, insert: 4610

"**Sec. 4757.23.** (A) The counselors professional standards 4611
 committee of the counselor, social worker, and marriage and family 4612
 therapist board shall issue a license as a licensed professional 4613
 counselor to each applicant who submits a properly completed 4614
 application, pays the fee established under section 4757.31 of the 4615
 Revised Code, and meets the requirements established under 4616
 division (B) of this section. 4617

(B)(1) To be eligible for a license as a licensed 4618
 professional counselor, an individual must meet the following 4619
 requirements: 4620

~~(a) The individual must be of good moral character.~~ 4621

~~(b)~~ The individual must hold a graduate degree in counseling 4622
 as described in division (B)(2) of this section. 4623

~~(e)~~ (b) The individual must complete a minimum of ninety 4624
 quarter hours or sixty semester hours of graduate credit in 4625
 counselor training acceptable to the committee, which the 4626
 individual may complete while working toward receiving a graduate 4627
 degree in counseling, or subsequent to receiving the degree, and 4628
 which shall include training in the following areas: 4629

(i) Clinical psychopathology, personality, and abnormal 4630
 behavior; 4631

(ii) Evaluation of mental and emotional disorders; 4632

(iii) Diagnosis of mental and emotional disorders;	4633
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	4634 4635
(d) <u>(c)</u> The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.	4636 4637 4638
(2) To meet the requirement of division (B)(1) (b) <u>(a)</u> of this section, a graduate degree in counseling obtained from a counseling program in this state after January 1, 2018, must be from one of the following:	4639 4640 4641 4642
(a) A counseling program accredited by the council for accreditation of counseling and related educational programs;	4643 4644
(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.	4645 4646 4647
(3) All of the following meet the educational requirements of division (B)(1) (e) <u>(b)</u> of this section:	4648 4649
(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	4650 4651 4652
(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	4653 4654 4655
(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;	4656 4657 4658 4659 4660

(d) A counseling education program approved by the board in accordance with rules adopted under division (G) of this section. 4661
4662

(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following: 4663
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(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development; 4666
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(2) Participation in a supervised practicum and clinical internship in counseling. 4671
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(D) The committee may issue a temporary license to practice as a licensed professional counselor to an applicant who meets all of the requirements to be licensed under this section as follows: 4673
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(1) Pending the receipt of transcripts or action by the committee to issue a license as a licensed professional counselor; 4676
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(2) For a period not to exceed ninety days, to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant has met the academic requirements for the applicant's degree and the projected date the applicant will receive the applicant's transcript showing a conferred degree. 4678
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On application to the committee, a temporary license issued under division (D)(2) of this section may be renewed for good cause shown. 4684
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(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission 4687
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to the licensing examination may appeal the denial in accordance 4690
with Chapter 119. of the Revised Code. 4691

(F) The board shall adopt any rules necessary for the 4692
committee to implement this section. The rules shall do both of 4693
the following: 4694

(1) Establish criteria for the committee to use in 4695
determining whether an applicant's training should be accepted and 4696
supervised experience approved; 4697

(2) Establish course content requirements for qualifying 4698
counseling degrees issued by institutions in other states from 4699
clinical mental health counseling programs, clinical 4700
rehabilitation counseling programs, and addiction counseling 4701
programs that are not accredited by the council for accreditation 4702
of counseling and related educational programs. 4703

Rules adopted under this division shall be adopted in 4704
accordance with Chapter 119. of the Revised Code. 4705

(G)(1) The board may adopt rules to temporarily approve a 4706
counseling education program created after January 1, 2018, that 4707
has not been accredited by the council for accreditation of 4708
counseling and related educational programs. If the board adopts 4709
rules under this division, the board shall do all of the following 4710
in the rules: 4711

(a) Create an application process under which a program 4712
administrator may apply to the board for approval of the program; 4713

(b) Identify the educational requirements that an individual 4714
must satisfy to receive a graduate degree in counseling from the 4715
approved program; 4716

(c) Establish a time period during which an individual may 4717
use an unaccredited degree granted under the program to satisfy 4718

the requirements of divisions (B)(1)~~(b)~~ (a) and ~~(e)~~ (b) of this 4719
section; 4720

(d) Specify that, if the program is denied accreditation, a 4721
student enrolled in the program before the accreditation is denied 4722
may apply for licensure before completing the program and, on 4723
receiving a degree from the program, is considered to satisfy 4724
divisions (B)(1)~~(b)~~ (a) and ~~(e)~~ (b) of this section. 4725

(2) A degree from a counseling education program approved by 4726
the board pursuant to the rules adopted under division (G)(1) of 4727
this section satisfies the requirements of divisions (B)(1)~~(b)~~ (a) 4728
and ~~(e)~~ (b) of this section for the time period approved by the 4729
board." 4730

Delete lines 20317 through 20378 4731

After line 20378, insert: 4732

"**Sec. 4759.02.** (A) Except as otherwise provided in this 4733
section or in section 4759.10 of the Revised Code, no person shall 4734
practice, offer to practice, or hold self forth to practice 4735
dietetics unless the person has been licensed under section 4736
4759.06 of the Revised Code. 4737

(B) Except for a person licensed under section 4759.06 of the 4738
Revised Code, or as otherwise provided in this section or in 4739
section 4759.10 of the Revised Code: 4740

(1) No person shall use the title "dietitian"; 4741

(2) No person except for a person licensed under Title XLVII 4742
of the Revised Code, when acting within the scope of their 4743
practice, shall use any other title, designation, words, letters, 4744
abbreviation, or insignia or combination of any title, 4745
designation, words, letters, abbreviation, or insignia tending to 4746

indicate that the person is practicing dietetics. 4747

(C) Notwithstanding division (B) of this section, a person 4748
 who is a dietitian registered by the commission on dietetic 4749
 registration and who does not violate division (A) of this section 4750
 may use the designation "registered dietitian" and the 4751
 abbreviation "R.D." 4752

(D) Division (A) of this section does not apply to: 4753

(1) A student enrolled in an academic program that is in 4754
 compliance with division (A)~~(4)~~ (3) of section 4759.06 of the 4755
 Revised Code who is engaging in the practice of dietetics under 4756
 the supervision of a dietitian licensed under section 4759.06 of 4757
 the Revised Code or a dietitian registered by the commission on 4758
 dietetic registration, as part of the academic program; 4759

(2) A person participating in the pre-professional experience 4760
 required by division (A)~~(5)~~ (4) of section 4759.06 of the Revised 4761
 Code; 4762

(3) A person holding a limited permit under division (G) of 4763
 section 4759.06 of the Revised Code. 4764

(E) The attorney general, the prosecuting attorney of any 4765
 county in which the offense was committed or the offender resides, 4766
 the state medical board, or any other person having knowledge of a 4767
 person who either directly or by complicity is in violation of 4768
 this section, may, in accordance with provisions of the Revised 4769
 Code governing injunctions, maintain an action in the name of the 4770
 state to enjoin any person from engaging either directly or by 4771
 complicity in the unlawful activity by applying for an injunction 4772
 in the Franklin county court of common pleas or any other court of 4773
 competent jurisdiction. 4774

Prior to application for such injunction, the secretary of 4775

the state medical board shall notify the person allegedly engaged 4776
 either directly or by complicity in the unlawful activity by 4777
 registered mail that the secretary has received information 4778
 indicating that the person is so engaged. The person shall answer 4779
 the secretary within thirty days showing that the person is either 4780
 properly licensed for the stated activity or that the person is 4781
 not in violation of this chapter. If the answer is not forthcoming 4782
 within thirty days after notice by the secretary, the secretary 4783
 shall request that the attorney general, the prosecuting attorney 4784
 of the county in which the offense was committed or the offender 4785
 resides, or the state medical board proceed as authorized in this 4786
 section. 4787

Upon the filing of a verified petition in court, the court 4788
 shall conduct a hearing on the petition and shall give the same 4789
 preference to this proceeding as is given all proceedings under 4790
 Chapter 119. of the Revised Code, irrespective of the position of 4791
 the proceeding on the calendar of the court. Injunction 4792
 proceedings shall be in addition to, and not in lieu of, all 4793
 penalties and other remedies provided under this chapter." 4794

Delete lines 20437 through 20525 4795

After line 20525, insert: 4796

"**Sec. 4759.06.** (A) The state medical board shall issue a 4797
 license to practice dietetics to an applicant who meets all of the 4798
 following requirements: 4799

(1) Has satisfactorily completed an application for licensure 4800
 in accordance with rules adopted under division (A) of section 4801
 4759.05 of the Revised Code; 4802

(2) Has paid the fee required under division (A) of section 4803
 4759.08 of the Revised Code; 4804

(3) ~~Is of good moral character;~~ 4805

~~(4)~~ Has received a baccalaureate or higher degree from an 4806
institution of higher education that is approved by the board or a 4807
regional accreditation agency that is recognized by the council on 4808
postsecondary accreditation, and has completed a program 4809
consistent with the academic standards for dietitians established 4810
by the academy of nutrition and dietetics; 4811

~~(5)~~(4) Has successfully completed a pre-professional dietetic 4812
experience approved by the academy of nutrition and dietetics, or 4813
experience approved by the board under division (A)(3) of section 4814
4759.05 of the Revised Code; 4815

~~(6)~~ (5) Has passed the examination approved by the board 4816
under division (A)(1) of section 4759.05 of the Revised Code. 4817

(B) The board shall waive the requirements of divisions 4818
(A)~~(4)~~(3), ~~(5)~~(4), and ~~(6)~~ (5) of this section and any rules 4819
adopted under division (A)(6) of section 4759.05 of the Revised 4820
Code if the applicant presents satisfactory evidence to the board 4821
of current registration as a registered dietitian with the 4822
commission on dietetic registration. 4823

(C)(1) The board shall issue a license to practice dietetics 4824
to an applicant who meets the requirements of division (A) of this 4825
section. A license shall be valid for a two-year period unless 4826
revoked or suspended by the board and shall expire on the date 4827
that is two years after the date of issuance. A license may be 4828
renewed for additional two-year periods. 4829

(2) The board shall renew an applicant's license if the 4830
applicant has paid the license renewal fee specified in section 4831
4759.08 of the Revised Code and certifies to the board that the 4832
applicant has met the continuing education requirements adopted 4833

under division (A)(5) of section 4759.05 of the Revised Code. The 4834
renewal shall be pursuant to the standard renewal procedure of 4835
sections 4745.01 to 4745.03 of the Revised Code. 4836

At least one month before a license expires, the board shall 4837
provide a renewal notice. Failure of any person to receive a 4838
notice of renewal from the board shall not excuse the person from 4839
the requirements contained in this section. Each person holding a 4840
license shall give notice to the board of a change in the license 4841
holder's residence address, business address, or electronic mail 4842
address not later than thirty days after the change occurs. 4843

(D) Any person licensed to practice dietetics by the former 4844
Ohio board of dietetics before January 21, 2018, may continue to 4845
practice dietetics in this state under that license if the person 4846
continues to meet the requirements to renew a license under this 4847
chapter and renews the license through the state medical board. 4848

The state medical board may take any of the following 4849
actions, as provided in section 4759.07 of the Revised Code, 4850
against the holder of a license to practice dietetics issued 4851
before January 21, 2018, by the former Ohio board of dietetics: 4852

- (1) Limit, revoke, or suspend the holder's license; 4853
- (2) Refuse to renew or reinstate the holder's license; 4854
- (3) Reprimand the holder or place the holder on probation. 4855

(E) The board may require a random sample of dietitians to 4856
submit materials documenting that the continuing education 4857
requirements adopted under division (A)(5) of section 4759.05 of 4858
the Revised Code have been met. 4859

This division does not limit the board's authority to conduct 4860
investigations pursuant to section 4759.07 of the Revised Code. 4861

(F)(1) If, through a random sample conducted under division 4862
 (E) of this section or any other means, the board finds that an 4863
 individual who certified completion of the number of hours and 4864
 type of continuing education required to renew, reinstate, or 4865
 restore a license to practice did not complete the requisite 4866
 continuing education, the board may do either of the following: 4867

(a) Take disciplinary action against the individual under 4868
 section 4759.07 of the Revised Code, impose a civil penalty, or 4869
 both; 4870

(b) Permit the individual to agree in writing to complete the 4871
 continuing education and pay a civil penalty. 4872

~~(4)~~(2) The board's finding in any disciplinary action taken 4873
 under division (F)(1)(a) of this section shall be made pursuant to 4874
 an adjudication under Chapter 119. of the Revised Code and by an 4875
 affirmative vote of not fewer than six of its members. 4876

~~(5)~~(3) A civil penalty imposed under division (F)(1)(a) of 4877
 this section or paid under division (F)(1)(b) of this section 4878
 shall be in an amount specified by the board of not more than five 4879
 thousand dollars. The board shall deposit civil penalties in 4880
 accordance with section 4731.24 of the Revised Code. 4881

(G)(1) The board may grant a limited permit to a person who 4882
 has completed the education and pre-professional requirements of 4883
 divisions (A)~~(4)~~ (3) and ~~(5)~~ (4) of this section and who presents 4884
 evidence to the board of having applied to take the examination 4885
 approved by the board under division (A)(1) of section 4759.05 of 4886
 the Revised Code. An application for a limited permit shall be 4887
 made on forms that the board shall furnish and shall be 4888
 accompanied by the limited permit fee specified in section 4759.08 4889
 of the Revised Code. 4890

(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division (G)(1) of this section, the board shall issue a limited permit to the applicant.

A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules.

(3) A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code."

Delete lines 20897 through 20930

After line 20930, insert:

"Sec. 4760.03. (A) An individual seeking a license to practice as an anesthesiologist assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following information:

(1) Evidence satisfactory to the board that the applicant is at least twenty-one years of age ~~and of good moral character;~~

(2) Evidence satisfactory to the board that the applicant has successfully completed the training necessary to prepare individuals to practice as anesthesiologist assistants, as

specified in section 4760.031 of the Revised Code; 4919

(3) Evidence satisfactory to the board that the applicant 4920
holds current certification from the national commission for 4921
certification of anesthesiologist assistants and that the 4922
requirements for receiving the certification included passage of 4923
an examination to determine the individual's competence to 4924
practice as an anesthesiologist assistant; 4925

(4) Any other information the board considers necessary to 4926
process the application and evaluate the applicant's 4927
qualifications. 4928

(B) At the time of making application for a license, the 4929
applicant shall pay the board a fee of one hundred dollars, no 4930
part of which shall be returned. 4931

(C) The board shall review all applications received under 4932
this section. Not later than sixty days after receiving a complete 4933
application, the board shall determine whether an applicant meets 4934
the requirements to receive a license. The board shall not issue a 4935
license to an applicant unless the applicant is certified by the 4936
national commission for certification of anesthesiologist 4937
assistants or a successor organization that is recognized by the 4938
board." 4939

Delete lines 20931 through 20940 4940

After line 20940, insert: 4941

"**Sec. 4760.032.** In addition to any other eligibility 4942
requirement set forth in this chapter, each applicant for a 4943
license to practice as an anesthesiologist assistant shall comply 4944
with sections 4776.01 to 4776.04 of the Revised Code. ~~The state 4945
medical board shall not grant to an applicant a license to 4946~~

~~practice as an anesthesiologist assistant unless the board, in its~~ 4947
~~discretion, decides that the results of the criminal records check~~ 4948
~~do not make the applicant ineligible for a license issued pursuant~~ 4949
~~to section 4760.04 of the Revised Code."~~ 4950

Delete lines 20941 through 21277 4951

After line 21277, insert: 4952

"**Sec. 4760.13.** (A) The state medical board, by an affirmative 4953
vote of not fewer than six members, may revoke or may refuse to 4954
grant a license to practice as an anesthesiologist assistant to a 4955
person found by the board to have committed fraud, 4956
misrepresentation, or deception in applying for or securing the 4957
license. 4958

(B) The board, by an affirmative vote of not fewer than six 4959
members, shall, except as provided in division (C) of this 4960
section, and to the extent permitted by law, limit, revoke, or 4961
suspend an individual's license to practice as an anesthesiologist 4962
assistant, refuse to issue a license to an applicant, refuse to 4963
renew a license, refuse to reinstate a license, or reprimand or 4964
place on probation the holder of a license for any of the 4965
following reasons: 4966

(1) Permitting the holder's name or license to be used by 4967
another person; 4968

(2) Failure to comply with the requirements of this chapter, 4969
Chapter 4731. of the Revised Code, or any rules adopted by the 4970
board; 4971

(3) Violating or attempting to violate, directly or 4972
indirectly, or assisting in or abetting the violation of, or 4973
conspiring to violate, any provision of this chapter, Chapter 4974
4731. of the Revised Code, or the rules adopted by the board; 4975

- (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 4976
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- (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 4980
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- (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 4984
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- (7) Willfully betraying a professional confidence; 4988
- (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant. 4989
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- As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 4992
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- (9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 5000
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- (10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of 5003
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conviction for, a felony;	5005
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	5006 5007 5008
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	5009 5010 5011
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	5012 5013 5014
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	5015 5016 5017
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	5018 5019 5020
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	5021 5022 5023 5024 5025
(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	5026 5027 5028 5029 5030 5031 5032 5033

(18) Violation of the conditions placed by the board on a license to practice;	5034 5035
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	5036 5037 5038
(20) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	5039 5040 5041 5042 5043 5044 5045 5046 5047
(21) Failure to comply with any code of ethics established by the national commission for the certification of anesthesiologist assistants;	5048 5049 5050
(22) Failure to notify the state medical board of the revocation or failure to maintain certification from the national commission for certification of anesthesiologist assistants.	5051 5052 5053
(C) <u>The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	5054 5055 5056 5057 5058
(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent	5059 5060 5061 5062

agreement with an anesthesiologist assistant or applicant to 5063
resolve an allegation of a violation of this chapter or any rule 5064
adopted under it. A consent agreement, when ratified by an 5065
affirmative vote of not fewer than six members of the board, shall 5066
constitute the findings and order of the board with respect to the 5067
matter addressed in the agreement. If the board refuses to ratify 5068
a consent agreement, the admissions and findings contained in the 5069
consent agreement shall be of no force or effect. 5070

~~(D)~~ (E) For purposes of divisions (B)(11), (14), and (15) of 5071
this section, the commission of the act may be established by a 5072
finding by the board, pursuant to an adjudication under Chapter 5073
119. of the Revised Code, that the applicant or license holder 5074
committed the act in question. The board shall have no 5075
jurisdiction under these divisions in cases where the trial court 5076
renders a final judgment in the license holder's favor and that 5077
judgment is based upon an adjudication on the merits. The board 5078
shall have jurisdiction under these divisions in cases where the 5079
trial court issues an order of dismissal on technical or 5080
procedural grounds. 5081

~~(E)~~ (F) The sealing of conviction records by any court shall 5082
have no effect on a prior board order entered under the provisions 5083
of this section or on the board's jurisdiction to take action 5084
under the provisions of this section if, based upon a plea of 5085
guilty, a judicial finding of guilt, or a judicial finding of 5086
eligibility for intervention in lieu of conviction, the board 5087
issued a notice of opportunity for a hearing prior to the court's 5088
order to seal the records. The board shall not be required to 5089
seal, destroy, redact, or otherwise modify its records to reflect 5090
the court's sealing of conviction records. 5091

~~(F)~~ (G) For purposes of this division, any individual who 5092
holds a license to practice issued under this chapter, or applies 5093

for a license to practice, shall be deemed to have given consent 5094
to submit to a mental or physical examination when directed to do 5095
so in writing by the board and to have waived all objections to 5096
the admissibility of testimony or examination reports that 5097
constitute a privileged communication. 5098

(1) In enforcing division (B)(5) of this section, the board, 5099
on a showing of a possible violation, may compel any individual 5100
who holds a license to practice issued under this chapter or who 5101
has applied for a license to practice pursuant to this chapter to 5102
submit to a mental or physical examination, or both. A physical 5103
examination may include an HIV test. The expense of the 5104
examination is the responsibility of the individual compelled to 5105
be examined. Failure to submit to a mental or physical examination 5106
or consent to an HIV test ordered by the board constitutes an 5107
admission of the allegations against the individual unless the 5108
failure is due to circumstances beyond the individual's control, 5109
and a default and final order may be entered without the taking of 5110
testimony or presentation of evidence. If the board finds an 5111
anesthesiologist assistant unable to practice because of the 5112
reasons set forth in division (B)(5) of this section, the board 5113
shall require the anesthesiologist assistant to submit to care, 5114
counseling, or treatment by physicians approved or designated by 5115
the board, as a condition for an initial, continued, reinstated, 5116
or renewed license to practice. An individual affected by this 5117
division shall be afforded an opportunity to demonstrate to the 5118
board the ability to resume practicing in compliance with 5119
acceptable and prevailing standards of care. 5120

(2) For purposes of division (B)(6) of this section, if the 5121
board has reason to believe that any individual who holds a 5122
license to practice issued under this chapter or any applicant for 5123
a license to practice suffers such impairment, the board may 5124

compel the individual to submit to a mental or physical
 examination, or both. The expense of the examination is the
 responsibility of the individual compelled to be examined. Any
 mental or physical examination required under this division shall
 be undertaken by a treatment provider or physician qualified to
 conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered
 by the board constitutes an admission of the allegations against
 the individual unless the failure is due to circumstances beyond
 the individual's control, and a default and final order may be
 entered without the taking of testimony or presentation of
 evidence. If the board determines that the individual's ability to
 practice is impaired, the board shall suspend the individual's
 license or deny the individual's application and shall require the
 individual, as a condition for an initial, continued, reinstated,
 or renewed license to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license
 suspended under this division, the anesthesiologist assistant
 shall demonstrate to the board the ability to resume practice in
 compliance with acceptable and prevailing standards of care. The
 demonstration shall include the following:

(a) Certification from a treatment provider approved under
 section 4731.25 of the Revised Code that the individual has
 successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare
 contract or consent agreement;

(c) Two written reports indicating that the individual's
 ability to practice has been assessed and that the individual has
 been found capable of practicing according to acceptable and
 prevailing standards of care. The reports shall be made by

individuals or providers approved by the board for making such 5155
 assessments and shall describe the basis for their determination. 5156

The board may reinstate a license suspended under this 5157
 division after such demonstration and after the individual has 5158
 entered into a written consent agreement. 5159

When the impaired anesthesiologist assistant resumes 5160
 practice, the board shall require continued monitoring of the 5161
 anesthesiologist assistant. The monitoring shall include 5162
 monitoring of compliance with the written consent agreement 5163
 entered into before reinstatement or with conditions imposed by 5164
 board order after a hearing, and, on termination of the consent 5165
 agreement, submission to the board for at least two years of 5166
 annual written progress reports made under penalty of 5167
 falsification stating whether the anesthesiologist assistant has 5168
 maintained sobriety. 5169

~~(G)~~ (H) If the secretary and supervising member determine 5170
 that there is clear and convincing evidence that an 5171
 anesthesiologist assistant has violated division (B) of this 5172
 section and that the individual's continued practice presents a 5173
 danger of immediate and serious harm to the public, they may 5174
 recommend that the board suspend the individual's license without 5175
 a prior hearing. Written allegations shall be prepared for 5176
 consideration by the board. 5177

The board, on review of the allegations and by an affirmative 5178
 vote of not fewer than six of its members, excluding the secretary 5179
 and supervising member, may suspend a license without a prior 5180
 hearing. A telephone conference call may be utilized for reviewing 5181
 the allegations and taking the vote on the summary suspension. 5182

The board shall issue a written order of suspension by 5183
 certified mail or in person in accordance with section 119.07 of 5184

the Revised Code. The order shall not be subject to suspension by
the court during pendency of any appeal filed under section 119.12
of the Revised Code. If the anesthesiologist assistant requests an
adjudicatory hearing by the board, the date set for the hearing
shall be within fifteen days, but not earlier than seven days,
after the anesthesiologist assistant requests the hearing, unless
otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain
in effect, unless reversed on appeal, until a final adjudicative
order issued by the board pursuant to this section and Chapter
119. of the Revised Code becomes effective. The board shall issue
its final adjudicative order within sixty days after completion of
its hearing. Failure to issue the order within sixty days shall
result in dissolution of the summary suspension order, but shall
not invalidate any subsequent, final adjudicative order.

~~(H)~~ (I) If the board takes action under division (B)(11),
(13), or (14) of this section, and the judicial finding of guilt,
guilty plea, or judicial finding of eligibility for intervention
in lieu of conviction is overturned on appeal, on exhaustion of
the criminal appeal, a petition for reconsideration of the order
may be filed with the board along with appropriate court
documents. On receipt of a petition and supporting court
documents, the board shall reinstate the license to practice. The
board may then hold an adjudication under Chapter 119. of the
Revised Code to determine whether the individual committed the act
in question. Notice of opportunity for hearing shall be given in
accordance with Chapter 119. of the Revised Code. If the board
finds, pursuant to an adjudication held under this division, that
the individual committed the act, or if no hearing is requested,
it may order any of the sanctions specified in division (B) of
this section.

~~(I)~~ (J) The license to practice of an anesthesiologist 5216
 assistant and the assistant's practice in this state are 5217
 automatically suspended as of the date the anesthesiologist 5218
 assistant pleads guilty to, is found by a judge or jury to be 5219
 guilty of, or is subject to a judicial finding of eligibility for 5220
 intervention in lieu of conviction in this state or treatment of 5221
 intervention in lieu of conviction in another jurisdiction for any 5222
 of the following criminal offenses in this state or a 5223
 substantially equivalent criminal offense in another jurisdiction: 5224
 aggravated murder, murder, voluntary manslaughter, felonious 5225
 assault, kidnapping, rape, sexual battery, gross sexual 5226
 imposition, aggravated arson, aggravated robbery, or aggravated 5227
 burglary. Continued practice after the suspension shall be 5228
 considered practicing without a license. 5229

The board shall notify the individual subject to the 5230
 suspension by certified mail or in person in accordance with 5231
 section 119.07 of the Revised Code. If an individual whose license 5232
 is suspended under this division fails to make a timely request 5233
 for an adjudication under Chapter 119. of the Revised Code, the 5234
 board shall enter a final order permanently revoking the 5235
 individual's license to practice. 5236

~~(J)~~ (K) In any instance in which the board is required by 5237
 Chapter 119. of the Revised Code to give notice of opportunity for 5238
 hearing and the individual subject to the notice does not timely 5239
 request a hearing in accordance with section 119.07 of the Revised 5240
 Code, the board is not required to hold a hearing, but may adopt, 5241
 by an affirmative vote of not fewer than six of its members, a 5242
 final order that contains the board's findings. In the final 5243
 order, the board may order any of the sanctions identified under 5244
 division (A) or (B) of this section. 5245

~~(K)~~ (L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the anesthesiologist assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

~~(L)~~ (M) When the board refuses to grant or issue a license to practice as an anesthesiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an anesthesiologist assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

~~(M)~~ (N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4760.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual."

Delete lines 21311 through 21375 5276

After line 21375, insert: 5277

"**Sec. 4761.05.** (A) The state medical board shall issue a 5278
license to any applicant who complies with the requirements of 5279
section 4761.04 of the Revised Code, files the prescribed 5280
application form, and pays the fee or fees required under section 5281
4761.07 of the Revised Code. The license entitles the holder to 5282
practice respiratory care. 5283

(B)(1) The board shall issue a limited permit to any 5284
applicant who ~~meets the requirements of division (A)(1) of section~~ 5285
~~4761.04 of the Revised Code,~~ files an application on a form 5286
furnished by the board, pays the fee required under section 5287
4761.07 of the Revised Code, and meets either of the following 5288
requirements: 5289

(a) Is enrolled in and is in good standing in a respiratory 5290
care educational program approved by the board that meets the 5291
requirements of division (A)~~(2)~~ (1) of section 4761.04 of the 5292
Revised Code leading to a degree or certificate of completion or 5293
is a graduate of the program; 5294

(b) Is employed as a provider of respiratory care in this 5295
state and was employed as a provider of respiratory care in this 5296
state prior to March 14, 1989. 5297

(2) If no grounds apply under section 4761.09 of the Revised 5298
Code for denying a limited permit to the applicant and the 5299
applicant meets the requirements of division (B) of this section, 5300
the board shall issue a limited permit to the applicant. 5301

The limited permit authorizes the holder to provide 5302
respiratory care under the supervision of a respiratory care 5303

professional. A person issued a limited permit under division 5304
(B)(1)(a) of this section may practice respiratory care under the 5305
limited permit for not more than three years after the date the 5306
limited permit is issued, except that the limited permit shall 5307
cease to be valid one year following the date of receipt of a 5308
certificate of completion from a board-approved respiratory care 5309
education program or immediately if the holder discontinues 5310
participation in the educational program. 5311

The holder shall notify the board as soon as practicable when 5312
the holder completes a board-approved respiratory care education 5313
program or discontinues participation in the educational program. 5314

This division does not require a student enrolled in an 5315
educational program leading to a degree or certificate of 5316
completion in respiratory care approved by the board to obtain a 5317
limited permit to perform any duties that are part of the required 5318
course of study. 5319

(3) A person issued a limited permit under division (B)(1)(b) 5320
of this section may practice under a limited permit for not more 5321
than three years, except that this restriction does not apply to a 5322
permit holder who, on March 14, 1989, has been employed as a 5323
provider of respiratory care for an average of not less than 5324
twenty-five hours per week for a period of not less than five 5325
years by a hospital. 5326

(4) During the three-year period in which a person may 5327
practice under a limited permit, the person shall apply for 5328
renewal on an annual basis in accordance with section 4761.06 of 5329
the Revised Code. 5330

(5) The board may revoke a limited permit upon proof 5331
satisfactory to the board that the permit holder has engaged in 5332
practice in this state outside the scope of the permit, that the 5333

holder has engaged in unethical conduct, or that there are grounds 5334
 for action against the holder under section 4761.09 of the Revised 5335
 Code. 5336

(C) The holder of a license or limited permit issued under 5337
 this section shall either provide verification of licensure or 5338
 permit status from the board's internet web site on request or 5339
 prominently display a wall certificate in the license holder's 5340
 office or place where the majority of the holder's practice is 5341
 conducted." 5342

Delete lines 21391 through 21471 5343

After line 21471, insert: 5344

"**Sec. 4761.06.** (A) Each license to practice respiratory care 5345
 shall expire on the date that is two years after the date of 5346
 issuance and may be renewed for additional two-year periods. Each 5347
 limited permit to practice respiratory care shall be renewed 5348
 annually. Each person seeking to renew a license or limited permit 5349
 to practice respiratory care shall apply to the state medical 5350
 board in a manner prescribed by the board. Licenses and limited 5351
 permits shall be renewed in accordance with the standard renewal 5352
 procedure of Chapter 4745. of the Revised Code. The board shall 5353
 renew a license if the holder pays the license renewal fee 5354
 prescribed under section 4761.07 of the Revised Code and certifies 5355
 that the holder has completed the continuing education or 5356
 reexamination requirements of division (B) of this section. 5357

At least one month before a license expires, the board shall 5358
 provide to the license holder a renewal notice. Failure of any 5359
 license holder to receive a notice of renewal from the board shall 5360
 not excuse the holder from the requirements contained in this 5361
 section. Each license holder shall give notice to the board of a 5362

change in the holder's residence address, business address, or 5363
 electronic mail address not later than thirty days after the 5364
 change occurs. 5365

The board shall renew a limited permit if the holder pays the 5366
 limited permit renewal fee prescribed under section 4761.07 of the 5367
 Revised Code and does either of the following: 5368

(1) If the limited permit was issued on the basis of division 5369
 (B)(1)(a) of section 4761.05 of the Revised Code, certifies that 5370
 the holder is enrolled and in good standing in an educational 5371
 program that meets the requirements of division (A)~~(2)~~ (1) of 5372
 section 4761.04 of the Revised Code or has graduated from such a 5373
 program; 5374

(2) If the limited permit was issued on the basis of division 5375
 (B)(1)(b) of section 4761.05 of the Revised Code, certifies that 5376
 the applicant is employed as a provider of respiratory care under 5377
 the supervision of a respiratory care professional. 5378

(B) On or before the annual renewal date, the holder of a 5379
 limited permit issued under division (B)(1)(b) of section 4761.05 5380
 of the Revised Code shall certify to the board that the holder has 5381
 satisfactorily completed the number of hours of continuing 5382
 education required by the board, which shall not be less than 5383
 three nor more than ten hours of continuing education acceptable 5384
 to the board. 5385

On or before the date a license expires, a license holder 5386
 shall certify to the board that the license holder has 5387
 satisfactorily completed the number of hours of continuing 5388
 education required by the board, which shall be not less than six 5389
 nor more than twenty hours of continuing education acceptable to 5390
 the board, or has passed a reexamination in accordance with the 5391
 board's renewal requirements. 5392

(C)(1) A license to practice respiratory care that is not 5393
renewed on or before its expiration date is automatically 5394
suspended on its expiration date. Continued practice after 5395
suspension shall be considered as practicing in violation of 5396
section 4761.10 of the Revised Code. 5397

(2) If a license has been suspended pursuant to division 5398
(C)(1) of this section for two years or less, it may be 5399
reinstated. The board shall reinstate the license upon the 5400
applicant's submission of a complete renewal application and 5401
payment of a reinstatement fee of one hundred dollars. 5402

If a license has been suspended pursuant to division (C)(1) 5403
of this section for more than two years, it may be restored. 5404
Subject to section 4761.061 of the Revised Code, the board may 5405
restore the license upon an applicant's submission of a complete 5406
restoration application and a restoration fee of one hundred 5407
twenty-five dollars and compliance with sections 4776.01 to 5408
4776.04 of the Revised Code. The board shall not restore a license 5409
unless the board, in its discretion, decides that the results of 5410
the criminal records check do not make the applicant ineligible 5411
for a license issued pursuant to division (A) of this section. 5412

(D)(1) The board may require a random sample of limited 5413
permit holders to submit materials documenting that the holder has 5414
completed the number of hours of continuing education as described 5415
in division (B) of this section. 5416

(2) The board may require a random sample of license holders 5417
to submit materials documenting that the holder has completed the 5418
number of hours of continuing education as described in division 5419
(B) of this section or has passed a reexamination. 5420

(3) Division (D)(1) or (2) of this section does not limit the 5421
board's authority to conduct investigations pursuant to section 5422

4731.22 of the Revised Code.	5423
(E)(1) If, through a random sample conducted under division	5424
(D) of this section or any other means, the board finds that an	5425
individual who certified passing the reexamination or completion	5426
of the number of hours and type of continuing education required	5427
to renew, reinstate, or restore a limited permit or license did	5428
not pass the reexamination or complete the requisite continuing	5429
education, the board may do either of the following:	5430
(a) Take disciplinary action against the individual under	5431
section 4761.09 of the Revised Code, impose a civil penalty, or	5432
both;	5433
(b) Permit the individual to agree in writing to pass the	5434
reexamination or complete the continuing education and pay a civil	5435
penalty.	5436
(2) The board's finding in any disciplinary action taken	5437
under division (E)(1)(a) of this section shall be made pursuant to	5438
an adjudication under Chapter 119. of the Revised Code and by an	5439
affirmative vote of not fewer than six of its members.	5440
(3) A civil penalty imposed under division (E)(1)(a) of this	5441
section or paid under division (E)(1)(b) of this section shall be	5442
in an amount specified by the board of not more than five thousand	5443
dollars. The board shall deposit civil penalties in accordance	5444
with section 4731.24 of the Revised Code."	5445
Delete lines 21868 through 21934	5446
After line 21934, insert:	5447
" Sec. 4762.03. (A) An individual seeking a license to	5448
practice as an oriental medicine practitioner or license to	5449
practice as an acupuncturist shall file with the state medical	5450

board a written application on a form prescribed and supplied by 5451
the board. 5452

(B) To be eligible for the license, an applicant shall meet 5453
all of the following conditions, as applicable: 5454

(1) The applicant shall submit evidence satisfactory to the 5455
board that the applicant is at least eighteen years of age ~~and of~~ 5456
~~good moral character.~~ 5457

(2) In the case of an applicant seeking a license to practice 5458
as an oriental medicine practitioner, the applicant shall submit 5459
evidence satisfactory to the board of both of the following: 5460

(a) That the applicant holds a current and active designation 5461
from the national certification commission for acupuncture and 5462
oriental medicine as either a diplomate in oriental medicine or 5463
diplomate of acupuncture and Chinese herbology; 5464

(b) That the applicant has successfully completed, in the 5465
two-year period immediately preceding application for the license 5466
to practice, one course approved by the commission on federal food 5467
and drug administration dispensary and compounding guidelines and 5468
procedures. 5469

(3) In the case of an applicant seeking a license to practice 5470
as an acupuncturist, the applicant shall submit evidence 5471
satisfactory to the board that the applicant holds a current and 5472
active designation from the national certification commission for 5473
acupuncture and oriental medicine as a diplomate in acupuncture. 5474

(4) The applicant shall demonstrate to the board proficiency 5475
in spoken English by satisfying one of the following requirements: 5476

(a) Passing the examination described in section 4731.142 of 5477
the Revised Code; 5478

(b) Submitting evidence satisfactory to the board that the 5479

applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture;

(c) Submitting evidence satisfactory to the board that the applicant, in seeking a designation from the national certification commission for acupuncture and oriental medicine as a diplomate of oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate of acupuncture, has successfully completed in English the examination required for such a designation by the national certification commission for acupuncture and oriental medicine;

(d) In the case of an applicant seeking a license to practice as an oriental medicine practitioner, submitting evidence satisfactory to the board that the applicant has previously held a license to practice as an acupuncturist issued under section 4762.04 of the Revised Code.

(5) The applicant shall submit to the board any other information the board requires.

(6) The applicant shall pay to the board a fee of one hundred dollars, no part of which may be returned to the applicant.

(C) The board shall review all applications received under this section. The board shall determine whether an applicant meets the requirements to receive a license not later than sixty days after receiving a complete application."

Delete lines 21935 through 21944

After line 21944, insert:

"**Sec. 4762.031.** In addition to any other eligibility 5508
 requirement set forth in this chapter, each applicant for a 5509
 license to practice as an oriental medicine practitioner or 5510
 license to practice as an acupuncturist shall comply with sections 5511
 4776.01 to 4776.04 of the Revised Code. ~~The state medical board~~ 5512
~~shall not grant to an applicant a license to practice unless the~~ 5513
~~board, in its discretion, decides that the results of the criminal~~ 5514
~~records check do not make the applicant ineligible for a license~~ 5515
~~issued pursuant to section 4762.04 of the Revised Code."~~ 5516

Delete lines 21945 through 22303 5517

After line 22303, insert: 5518

"**Sec. 4762.13.** (A) The state medical board, by an affirmative 5519
 vote of not fewer than six members, may revoke or may refuse to 5520
 grant a license to practice as an oriental medicine practitioner 5521
 or license to practice as an acupuncturist to a person found by 5522
 the board to have committed fraud, misrepresentation, or deception 5523
 in applying for or securing the license. 5524

(B) The board, by an affirmative vote of not fewer than six 5526
 members, shall, except as provided in division (C) of this 5527
section, and to the extent permitted by law, limit, revoke, or 5528
 suspend an individual's license to practice, refuse to issue a 5529
 license to an applicant, refuse to renew a license, refuse to 5530
 reinstate a license, or reprimand or place on probation the holder 5531
 of a license for any of the following reasons: 5532

(1) Permitting the holder's name or license to be used by 5533
 another person; 5534

(2) Failure to comply with the requirements of this chapter, 5535

Chapter 4731. of the Revised Code, or any rules adopted by the board;	5536 5537
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	5538 5539 5540 5541
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	5542 5543 5544 5545
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	5546 5547 5548 5549
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	5550 5551 5552 5553
(7) Willfully betraying a professional confidence;	5554
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.	5555 5556 5557 5558
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable	5559 5560 5561 5562 5563 5564

probability will cause an ordinarily prudent person to	5565
misunderstand or be deceived.	5566
(9) Representing, with the purpose of obtaining compensation	5567
or other advantage personally or for any other person, that an	5568
incurable disease or injury, or other incurable condition, can be	5569
permanently cured;	5570
(10) The obtaining of, or attempting to obtain, money or a	5571
thing of value by fraudulent misrepresentations in the course of	5572
practice;	5573
(11) A plea of guilty to, a judicial finding of guilt of, or	5574
a judicial finding of eligibility for intervention in lieu of	5575
conviction for, a felony;	5576
(12) Commission of an act that constitutes a felony in this	5577
state, regardless of the jurisdiction in which the act was	5578
committed;	5579
(13) A plea of guilty to, a judicial finding of guilt of, or	5580
a judicial finding of eligibility for intervention in lieu of	5581
conviction for, a misdemeanor committed in the course of practice;	5582
(14) A plea of guilty to, a judicial finding of guilt of, or	5583
a judicial finding of eligibility for intervention in lieu of	5584
conviction for, a misdemeanor involving moral turpitude;	5585
(15) Commission of an act in the course of practice that	5586
constitutes a misdemeanor in this state, regardless of the	5587
jurisdiction in which the act was committed;	5588
(16) Commission of an act involving moral turpitude that	5589
constitutes a misdemeanor in this state, regardless of the	5590
jurisdiction in which the act was committed;	5591
(17) A plea of guilty to, a judicial finding of guilt of, or	5592

a judicial finding of eligibility for intervention in lieu of 5593
conviction for violating any state or federal law regulating the 5594
possession, distribution, or use of any drug, including 5595
trafficking in drugs; 5596

(18) Any of the following actions taken by the state agency 5597
responsible for regulating the practice of oriental medicine or 5598
acupuncture in another jurisdiction, for any reason other than the 5599
nonpayment of fees: the limitation, revocation, or suspension of 5600
an individual's license to practice; acceptance of an individual's 5601
license surrender; denial of a license; refusal to renew or 5602
reinstate a license; imposition of probation; or issuance of an 5603
order of censure or other reprimand; 5604

(19) Violation of the conditions placed by the board on a 5605
license to practice as an oriental medicine practitioner or 5606
license to practice as an acupuncturist; 5607

(20) Failure to use universal blood and body fluid 5608
precautions established by rules adopted under section 4731.051 of 5609
the Revised Code; 5610

(21) Failure to cooperate in an investigation conducted by 5611
the board under section 4762.14 of the Revised Code, including 5612
failure to comply with a subpoena or order issued by the board or 5613
failure to answer truthfully a question presented by the board at 5614
a deposition or in written interrogatories, except that failure to 5615
cooperate with an investigation shall not constitute grounds for 5616
discipline under this section if a court of competent jurisdiction 5617
has issued an order that either quashes a subpoena or permits the 5618
individual to withhold the testimony or evidence in issue; 5619

(22) Failure to comply with the standards of the national 5620
certification commission for acupuncture and oriental medicine 5621
regarding professional ethics, commitment to patients, commitment 5622

to the profession, and commitment to the public; 5623

(23) Failure to have adequate professional liability 5624
insurance coverage in accordance with section 4762.22 of the 5625
Revised Code; 5626

(24) Failure to maintain a current and active designation as 5627
a diplomate in oriental medicine, diplomate of acupuncture and 5628
Chinese herbology, or diplomate in acupuncture, as applicable, 5629
from the national certification commission for acupuncture and 5630
oriental medicine, including revocation by the commission of the 5631
individual's designation, failure by the individual to meet the 5632
commission's requirements for redesignation, or failure to notify 5633
the board that the appropriate designation has not been 5634
maintained. 5635

(C) The board shall not refuse to issue a certificate to an 5636
applicant because of a plea of guilty to, a judicial finding of 5637
guilt of, or a judicial finding of eligibility for intervention in 5638
lieu of conviction for an offense unless the refusal is in 5639
accordance with section 9.79 of the Revised Code. 5640

(D) Disciplinary actions taken by the board under divisions 5641
(A) and (B) of this section shall be taken pursuant to an 5642
adjudication under Chapter 119. of the Revised Code, except that 5643
in lieu of an adjudication, the board may enter into a consent 5644
agreement with an oriental medicine practitioner or acupuncturist 5645
or applicant to resolve an allegation of a violation of this 5646
chapter or any rule adopted under it. A consent agreement, when 5647
ratified by an affirmative vote of not fewer than six members of 5648
the board, shall constitute the findings and order of the board 5649
with respect to the matter addressed in the agreement. If the 5650
board refuses to ratify a consent agreement, the admissions and 5651
findings contained in the consent agreement shall be of no force 5652

or effect. 5653

~~(D)~~ (E) For purposes of divisions (B)(12), (15), and (16) of 5654
this section, the commission of the act may be established by a 5655
finding by the board, pursuant to an adjudication under Chapter 5656
119. of the Revised Code, that the applicant or license holder 5657
committed the act in question. The board shall have no 5658
jurisdiction under these divisions in cases where the trial court 5659
renders a final judgment in the license holder's favor and that 5660
judgment is based upon an adjudication on the merits. The board 5661
shall have jurisdiction under these divisions in cases where the 5662
trial court issues an order of dismissal upon technical or 5663
procedural grounds. 5664

~~(E)~~ (F) The sealing of conviction records by any court shall 5665
have no effect upon a prior board order entered under the 5666
provisions of this section or upon the board's jurisdiction to 5667
take action under the provisions of this section if, based upon a 5668
plea of guilty, a judicial finding of guilt, or a judicial finding 5669
of eligibility for intervention in lieu of conviction, the board 5670
issued a notice of opportunity for a hearing or entered into a 5671
consent agreement prior to the court's order to seal the records. 5672
The board shall not be required to seal, destroy, redact, or 5673
otherwise modify its records to reflect the court's sealing of 5674
conviction records. 5675

~~(F)~~ (G) For purposes of this division, any individual who 5676
holds a license to practice issued under this chapter, or applies 5677
for a license to practice, shall be deemed to have given consent 5678
to submit to a mental or physical examination when directed to do 5679
so in writing by the board and to have waived all objections to 5680
the admissibility of testimony or examination reports that 5681
constitute a privileged communication. 5682

(1) In enforcing division (B)(5) of this section, the board, 5683
upon a showing of a possible violation, may compel any individual 5684
who holds a license to practice issued under this chapter or who 5685
has applied for a license pursuant to this chapter to submit to a 5686
mental examination, physical examination, including an HIV test, 5687
or both a mental and physical examination. The expense of the 5688
examination is the responsibility of the individual compelled to 5689
be examined. Failure to submit to a mental or physical examination 5690
or consent to an HIV test ordered by the board constitutes an 5691
admission of the allegations against the individual unless the 5692
failure is due to circumstances beyond the individual's control, 5693
and a default and final order may be entered without the taking of 5694
testimony or presentation of evidence. If the board finds an 5695
oriental medicine practitioner or acupuncturist unable to practice 5696
because of the reasons set forth in division (B)(5) of this 5697
section, the board shall require the individual to submit to care, 5698
counseling, or treatment by physicians approved or designated by 5699
the board, as a condition for an initial, continued, reinstated, 5700
or renewed license to practice. An individual affected by this 5701
division shall be afforded an opportunity to demonstrate to the 5702
board the ability to resume practicing in compliance with 5703
acceptable and prevailing standards of care. 5704

(2) For purposes of division (B)(6) of this section, if the 5705
board has reason to believe that any individual who holds a 5706
license to practice issued under this chapter or any applicant for 5707
a license suffers such impairment, the board may compel the 5708
individual to submit to a mental or physical examination, or both. 5709
The expense of the examination is the responsibility of the 5710
individual compelled to be examined. Any mental or physical 5711
examination required under this division shall be undertaken by a 5712
treatment provider or physician qualified to conduct such 5713

examination and chosen by the board. 5714

Failure to submit to a mental or physical examination ordered 5715
by the board constitutes an admission of the allegations against 5716
the individual unless the failure is due to circumstances beyond 5717
the individual's control, and a default and final order may be 5718
entered without the taking of testimony or presentation of 5719
evidence. If the board determines that the individual's ability to 5720
practice is impaired, the board shall suspend the individual's 5721
license or deny the individual's application and shall require the 5722
individual, as a condition for an initial, continued, reinstated, 5723
or renewed license, to submit to treatment. 5724

Before being eligible to apply for reinstatement of a license 5725
suspended under this division, the oriental medicine practitioner 5726
or acupuncturist shall demonstrate to the board the ability to 5727
resume practice in compliance with acceptable and prevailing 5728
standards of care. The demonstration shall include the following: 5729

(a) Certification from a treatment provider approved under 5730
section 4731.25 of the Revised Code that the individual has 5731
successfully completed any required inpatient treatment; 5732

(b) Evidence of continuing full compliance with an aftercare 5733
contract or consent agreement; 5734

(c) Two written reports indicating that the individual's 5735
ability to practice has been assessed and that the individual has 5736
been found capable of practicing according to acceptable and 5737
prevailing standards of care. The reports shall be made by 5738
individuals or providers approved by the board for making such 5739
assessments and shall describe the basis for their determination. 5740

The board may reinstate a license suspended under this 5741
division after such demonstration and after the individual has 5742

entered into a written consent agreement. 5743

When the impaired individual resumes practice, the board 5744
shall require continued monitoring of the individual. The 5745
monitoring shall include monitoring of compliance with the written 5746
consent agreement entered into before reinstatement or with 5747
conditions imposed by board order after a hearing, and, upon 5748
termination of the consent agreement, submission to the board for 5749
at least two years of annual written progress reports made under 5750
penalty of falsification stating whether the individual has 5751
maintained sobriety. 5752

~~(G)~~ (H) If the secretary and supervising member determine 5753
both of the following, they may recommend that the board suspend 5754
an individual's license to practice without a prior hearing: 5755

(1) That there is clear and convincing evidence that an 5756
oriental medicine practitioner or acupuncturist has violated 5757
division (B) of this section; 5758

(2) That the individual's continued practice presents a 5759
danger of immediate and serious harm to the public. 5760

Written allegations shall be prepared for consideration by 5761
the board. The board, upon review of the allegations and by an 5762
affirmative vote of not fewer than six of its members, excluding 5763
the secretary and supervising member, may suspend a license 5764
without a prior hearing. A telephone conference call may be 5765
utilized for reviewing the allegations and taking the vote on the 5766
summary suspension. 5767

The board shall issue a written order of suspension by 5768
certified mail or in person in accordance with section 119.07 of 5769
the Revised Code. The order shall not be subject to suspension by 5770
the court during pendency of any appeal filed under section 119.12 5771

of the Revised Code. If the oriental medicine practitioner or 5772
 acupuncturist requests an adjudicatory hearing by the board, the 5773
 date set for the hearing shall be within fifteen days, but not 5774
 earlier than seven days, after the hearing is requested, unless 5775
 otherwise agreed to by both the board and the license holder. 5776

A summary suspension imposed under this division shall remain 5777
 in effect, unless reversed on appeal, until a final adjudicative 5778
 order issued by the board pursuant to this section and Chapter 5779
 119. of the Revised Code becomes effective. The board shall issue 5780
 its final adjudicative order within sixty days after completion of 5781
 its hearing. Failure to issue the order within sixty days shall 5782
 result in dissolution of the summary suspension order, but shall 5783
 not invalidate any subsequent, final adjudicative order. 5784

~~(H)~~ (I) If the board takes action under division (B)(11), 5785
 (13), or (14) of this section, and the judicial finding of guilt, 5786
 guilty plea, or judicial finding of eligibility for intervention 5787
 in lieu of conviction is overturned on appeal, upon exhaustion of 5788
 the criminal appeal, a petition for reconsideration of the order 5789
 may be filed with the board along with appropriate court 5790
 documents. Upon receipt of a petition and supporting court 5791
 documents, the board shall reinstate the license. The board may 5792
 then hold an adjudication under Chapter 119. of the Revised Code 5793
 to determine whether the individual committed the act in question. 5794
 Notice of opportunity for hearing shall be given in accordance 5795
 with Chapter 119. of the Revised Code. If the board finds, 5796
 pursuant to an adjudication held under this division, that the 5797
 individual committed the act, or if no hearing is requested, it 5798
 may order any of the sanctions specified in division (B) of this 5799
 section. 5800

~~(I)~~ (J) The license to practice of an oriental medicine 5801

practitioner or acupuncturist and the practitioner's or 5802
 acupuncturist's practice in this state are automatically suspended 5803
 as of the date the practitioner or acupuncturist pleads guilty to, 5804
 is found by a judge or jury to be guilty of, or is subject to a 5805
 judicial finding of eligibility for intervention in lieu of 5806
 conviction in this state or treatment or intervention in lieu of 5807
 conviction in another jurisdiction for any of the following 5808
 criminal offenses in this state or a substantially equivalent 5809
 criminal offense in another jurisdiction: aggravated murder, 5810
 murder, voluntary manslaughter, felonious assault, kidnapping, 5811
 rape, sexual battery, gross sexual imposition, aggravated arson, 5812
 aggravated robbery, or aggravated burglary. Continued practice 5813
 after the suspension shall be considered practicing without a 5814
 license. 5815

The board shall notify the individual subject to the 5816
 suspension by certified mail or in person in accordance with 5817
 section 119.07 of the Revised Code. If an individual whose license 5818
 is suspended under this division fails to make a timely request 5819
 for an adjudication under Chapter 119. of the Revised Code, the 5820
 board shall enter a final order permanently revoking the 5821
 individual's license. 5822

~~(J)~~ (K) In any instance in which the board is required by 5823
 Chapter 119. of the Revised Code to give notice of opportunity for 5824
 hearing and the individual subject to the notice does not timely 5825
 request a hearing in accordance with section 119.07 of the Revised 5826
 Code, the board is not required to hold a hearing, but may adopt, 5827
 by an affirmative vote of not fewer than six of its members, a 5828
 final order that contains the board's findings. In the final 5829
 order, the board may order any of the sanctions identified under 5830
 division (A) or (B) of this section. 5831

~~(K)~~ (L) Any action taken by the board under division (B) of 5832

this section resulting in a suspension shall be accompanied by a 5833
 written statement of the conditions under which the license may be 5834
 reinstated. The board shall adopt rules in accordance with Chapter 5835
 119. of the Revised Code governing conditions to be imposed for 5836
 reinstatement. Reinstatement of a license suspended pursuant to 5837
 division (B) of this section requires an affirmative vote of not 5838
 fewer than six members of the board. 5839

~~(L)~~ (M) When the board refuses to grant or issue a license to 5840
 an applicant, revokes an individual's license, refuses to renew an 5841
 individual's license, or refuses to reinstate an individual's 5842
 license, the board may specify that its action is permanent. An 5843
 individual subject to a permanent action taken by the board is 5844
 forever thereafter ineligible to hold a license to practice as an 5845
 oriental medicine practitioner or license to practice as an 5846
 acupuncturist and the board shall not accept an application for 5847
 reinstatement of the license or for issuance of a new license. 5848

~~(M)~~ (N) Notwithstanding any other provision of the Revised 5849
 Code, all of the following apply: 5850

(1) The surrender of a license to practice as an oriental 5851
 medicine practitioner or license to practice as an acupuncturist 5852
 issued under this chapter is not effective unless or until 5853
 accepted by the board. Reinstatement of a license surrendered to 5854
 the board requires an affirmative vote of not fewer than six 5855
 members of the board. 5856

(2) An application made under this chapter for a license may 5857
 not be withdrawn without approval of the board. 5858

(3) Failure by an individual to renew a license in accordance 5859
 with section 4762.06 of the Revised Code shall not remove or limit 5860
 the board's jurisdiction to take disciplinary action under this 5861
 section against the individual." 5862

Delete lines 23385 through 23426	5863
After line 23426, insert:	5864
" Sec. 4774.03. (A) An individual seeking a license to	5865
practice as a radiologist assistant shall file with the state	5866
medical board a written application on a form prescribed and	5867
supplied by the board. The application shall include all the	5868
information the board considers necessary to process the	5869
application, including evidence satisfactory to the board that the	5870
applicant meets the requirements specified in division (B) of this	5871
section.	5872
At the time an application is submitted, the applicant shall	5873
pay the board the application fee specified by the board in rules	5874
adopted under section 4774.11 of the Revised Code. No part of the	5875
fee shall be returned.	5876
(B) To be eligible to receive a license to practice as a	5877
radiologist assistant, an applicant shall meet all of the	5878
following requirements:	5879
(1) Be at least eighteen years of age and of good moral	5880
character;	5881
(2) Hold a current, valid license as a radiographer under	5882
Chapter 4773. of the Revised Code;	5883
(3) Have attained a baccalaureate degree or postbaccalaureate	5884
certificate from an advanced academic program encompassing a	5885
nationally recognized radiologist assistant curriculum that	5886
includes a radiologist-directed clinical preceptorship;	5887
(4) Hold current certification as a registered radiologist	5888
assistant from the American registry of radiologic technologists	5889
and have attained the certification by meeting the standard	5890

certification requirements established by the registry, including 5891
the registry's requirements for documenting clinical education in 5892
the form of a clinical portfolio and passing an examination to 5893
determine competence to practice; 5894

(5) Hold current certification in advanced cardiac life 5895
support. 5896

(C) The board shall review all applications received under 5897
this section. Not later than sixty days after receiving an 5898
application the board considers to be complete, the board shall 5899
determine whether the applicant meets the requirements to receive 5900
a license to practice as a radiologist assistant." 5901

Delete lines 23427 through 23435 5902

After line 23435, insert: 5903

"**Sec. 4774.031.** In addition to any other eligibility 5904
requirement set forth in this chapter, each applicant for a 5905
license to practice as a radiologist assistant shall comply with 5906
sections 4776.01 to 4776.04 of the Revised Code. ~~The state medical 5907
board shall not grant to an applicant a license to practice as a 5908
radiologist assistant unless the board, in its discretion, decides 5909
that the results of the criminal records check do not make the 5910
applicant ineligible for a license issued pursuant to section 5911
4774.04 of the Revised Code. "~~ 5912

Delete lines 23436 through 23780 5913

After line 23780, insert: 5914

"**Sec. 4774.13.** (A) The state medical board, by an affirmative 5915
vote of not fewer than six members, may revoke or may refuse to 5916
grant a license to practice as a radiologist assistant to an 5917

individual found by the board to have committed fraud, 5918
 misrepresentation, or deception in applying for or securing the 5919
 license. 5920

(B) The board, by an affirmative vote of not fewer than six 5921
 members, shall, except as provided in division (C) of this 5922
section, and to the extent permitted by law, limit, revoke, or 5923
 suspend an individual's license to practice as a radiologist 5924
 assistant, refuse to issue a license to an applicant, refuse to 5925
 renew a license, refuse to reinstate a license, or reprimand or 5926
 place on probation the holder of a license for any of the 5927
 following reasons: 5928

(1) Permitting the holder's name or license to be used by 5929
 another person; 5930

(2) Failure to comply with the requirements of this chapter, 5931
 Chapter 4731. of the Revised Code, or any rules adopted by the 5932
 board; 5933

(3) Violating or attempting to violate, directly or 5934
 indirectly, or assisting in or abetting the violation of, or 5935
 conspiring to violate, any provision of this chapter, Chapter 5936
 4731. of the Revised Code, or the rules adopted by the board; 5937

(4) A departure from, or failure to conform to, minimal 5938
 standards of care of similar practitioners under the same or 5939
 similar circumstances whether or not actual injury to the patient 5940
 is established; 5941

(5) Inability to practice according to acceptable and 5942
 prevailing standards of care by reason of mental illness or 5943
 physical illness, including physical deterioration that adversely 5944
 affects cognitive, motor, or perceptive skills; 5945

(6) Impairment of ability to practice according to acceptable 5946

and prevailing standards of care because of habitual or excessive	5947
use or abuse of drugs, alcohol, or other substances that impair	5948
ability to practice;	5949
(7) Willfully betraying a professional confidence;	5950
(8) Making a false, fraudulent, deceptive, or misleading	5951
statement in securing or attempting to secure a license to	5952
practice as a radiologist assistant.	5953
As used in this division, "false, fraudulent, deceptive, or	5954
misleading statement" means a statement that includes a	5955
misrepresentation of fact, is likely to mislead or deceive because	5956
of a failure to disclose material facts, is intended or is likely	5957
to create false or unjustified expectations of favorable results,	5958
or includes representations or implications that in reasonable	5959
probability will cause an ordinarily prudent person to	5960
misunderstand or be deceived.	5961
(9) The obtaining of, or attempting to obtain, money or a	5962
thing of value by fraudulent misrepresentations in the course of	5963
practice;	5964
(10) A plea of guilty to, a judicial finding of guilt of, or	5965
a judicial finding of eligibility for intervention in lieu of	5966
conviction for, a felony;	5967
(11) Commission of an act that constitutes a felony in this	5968
state, regardless of the jurisdiction in which the act was	5969
committed;	5970
(12) A plea of guilty to, a judicial finding of guilt of, or	5971
a judicial finding of eligibility for intervention in lieu of	5972
conviction for, a misdemeanor committed in the course of practice;	5973
(13) A plea of guilty to, a judicial finding of guilt of, or	5974
a judicial finding of eligibility for intervention in lieu of	5975

conviction for, a misdemeanor involving moral turpitude;	5976
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	5977 5978 5979
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	5980 5981 5982
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	5983 5984 5985 5986 5987
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	5988 5989 5990 5991 5992 5993 5994 5995
(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant;	5996 5997
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	5998 5999 6000
(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at	6001 6002 6003 6004

a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code;

(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;

(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.

(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted

under it. A consent agreement, when ratified by an affirmative 6035
vote of not fewer than six members of the board, shall constitute 6036
the findings and order of the board with respect to the matter 6037
addressed in the agreement. If the board refuses to ratify a 6038
consent agreement, the admissions and findings contained in the 6039
consent agreement shall be of no force or effect. 6040

~~(D)~~ (E) For purposes of divisions (B)(11), (14), and (15) of 6041
this section, the commission of the act may be established by a 6042
finding by the board, pursuant to an adjudication under Chapter 6043
119. of the Revised Code, that the applicant or license holder 6044
committed the act in question. The board shall have no 6045
jurisdiction under these divisions in cases where the trial court 6046
renders a final judgment in the license holder's favor and that 6047
judgment is based upon an adjudication on the merits. The board 6048
shall have jurisdiction under these divisions in cases where the 6049
trial court issues an order of dismissal on technical or 6050
procedural grounds. 6051

~~(E)~~ (F) The sealing of conviction records by any court shall 6052
have no effect on a prior board order entered under the provisions 6053
of this section or on the board's jurisdiction to take action 6054
under the provisions of this section if, based upon a plea of 6055
guilty, a judicial finding of guilt, or a judicial finding of 6056
eligibility for intervention in lieu of conviction, the board 6057
issued a notice of opportunity for a hearing prior to the court's 6058
order to seal the records. The board shall not be required to 6059
seal, destroy, redact, or otherwise modify its records to reflect 6060
the court's sealing of conviction records. 6061

~~(F)~~ (G) For purposes of this division, any individual who 6062
holds a license to practice as a radiologist assistant issued 6063
under this chapter, or applies for a license, shall be deemed to 6064
have given consent to submit to a mental or physical examination 6065

when directed to do so in writing by the board and to have waived 6066
all objections to the admissibility of testimony or examination 6067
reports that constitute a privileged communication. 6068

(1) In enforcing division (B)(5) of this section, the board, 6069
on a showing of a possible violation, may compel any individual 6070
who holds a license to practice as a radiologist assistant issued 6071
under this chapter or who has applied for a license to submit to a 6072
mental or physical examination, or both. A physical examination 6073
may include an HIV test. The expense of the examination is the 6074
responsibility of the individual compelled to be examined. Failure 6075
to submit to a mental or physical examination or consent to an HIV 6076
test ordered by the board constitutes an admission of the 6077
allegations against the individual unless the failure is due to 6078
circumstances beyond the individual's control, and a default and 6079
final order may be entered without the taking of testimony or 6080
presentation of evidence. If the board finds a radiologist 6081
assistant unable to practice because of the reasons set forth in 6082
division (B)(5) of this section, the board shall require the 6083
radiologist assistant to submit to care, counseling, or treatment 6084
by physicians approved or designated by the board, as a condition 6085
for an initial, continued, reinstated, or renewed license. An 6086
individual affected by this division shall be afforded an 6087
opportunity to demonstrate to the board the ability to resume 6088
practicing in compliance with acceptable and prevailing standards 6089
of care. 6090

(2) For purposes of division (B)(6) of this section, if the 6091
board has reason to believe that any individual who holds a 6092
license to practice as a radiologist assistant issued under this 6093
chapter or any applicant for a license suffers such impairment, 6094
the board may compel the individual to submit to a mental or 6095
physical examination, or both. The expense of the examination is 6096

the responsibility of the individual compelled to be examined. Any 6097
mental or physical examination required under this division shall 6098
be undertaken by a treatment provider or physician qualified to 6099
conduct such examination and chosen by the board. 6100

Failure to submit to a mental or physical examination ordered 6101
by the board constitutes an admission of the allegations against 6102
the individual unless the failure is due to circumstances beyond 6103
the individual's control, and a default and final order may be 6104
entered without the taking of testimony or presentation of 6105
evidence. If the board determines that the individual's ability to 6106
practice is impaired, the board shall suspend the individual's 6107
license or deny the individual's application and shall require the 6108
individual, as a condition for an initial, continued, reinstated, 6109
or renewed license to practice, to submit to treatment. 6110

Before being eligible to apply for reinstatement of a license 6111
suspended under this division, the radiologist assistant shall 6112
demonstrate to the board the ability to resume practice in 6113
compliance with acceptable and prevailing standards of care. The 6114
demonstration shall include the following: 6115

(a) Certification from a treatment provider approved under 6116
section 4731.25 of the Revised Code that the individual has 6117
successfully completed any required inpatient treatment; 6118

(b) Evidence of continuing full compliance with an aftercare 6119
contract or consent agreement; 6120

(c) Two written reports indicating that the individual's 6121
ability to practice has been assessed and that the individual has 6122
been found capable of practicing according to acceptable and 6123
prevailing standards of care. The reports shall be made by 6124
individuals or providers approved by the board for making such 6125
assessments and shall describe the basis for their determination. 6126

The board may reinstate a license suspended under this 6127
division after such demonstration and after the individual has 6128
entered into a written consent agreement. 6129

When the impaired radiologist assistant resumes practice, the 6130
board shall require continued monitoring of the radiologist 6131
assistant. The monitoring shall include monitoring of compliance 6132
with the written consent agreement entered into before 6133
reinstatement or with conditions imposed by board order after a 6134
hearing, and, on termination of the consent agreement, submission 6135
to the board for at least two years of annual written progress 6136
reports made under penalty of falsification stating whether the 6137
radiologist assistant has maintained sobriety. 6138

~~(G)~~ (H) If the secretary and supervising member determine 6139
that there is clear and convincing evidence that a radiologist 6140
assistant has violated division (B) of this section and that the 6141
individual's continued practice presents a danger of immediate and 6142
serious harm to the public, they may recommend that the board 6143
suspend the individual's license to practice without a prior 6144
hearing. Written allegations shall be prepared for consideration 6145
by the board. 6146

The board, on review of the allegations and by an affirmative 6147
vote of not fewer than six of its members, excluding the secretary 6148
and supervising member, may suspend a license without a prior 6149
hearing. A telephone conference call may be utilized for reviewing 6150
the allegations and taking the vote on the summary suspension. 6151

The board shall issue a written order of suspension by 6152
certified mail or in person in accordance with section 119.07 of 6153
the Revised Code. The order shall not be subject to suspension by 6154
the court during pendency of any appeal filed under section 119.12 6155
of the Revised Code. If the radiologist assistant requests an 6156

adjudicatory hearing by the board, the date set for the hearing 6157
 shall be within fifteen days, but not earlier than seven days, 6158
 after the radiologist assistant requests the hearing, unless 6159
 otherwise agreed to by both the board and the license holder. 6160

A summary suspension imposed under this division shall remain 6161
 in effect, unless reversed on appeal, until a final adjudicative 6162
 order issued by the board pursuant to this section and Chapter 6163
 119. of the Revised Code becomes effective. The board shall issue 6164
 its final adjudicative order within sixty days after completion of 6165
 its hearing. Failure to issue the order within sixty days shall 6166
 result in dissolution of the summary suspension order, but shall 6167
 not invalidate any subsequent, final adjudicative order. 6168

~~(H)~~ (I) If the board takes action under division (B)(10), 6169
 (12), or (13) of this section, and the judicial finding of guilt, 6170
 guilty plea, or judicial finding of eligibility for intervention 6171
 in lieu of conviction is overturned on appeal, on exhaustion of 6172
 the criminal appeal, a petition for reconsideration of the order 6173
 may be filed with the board along with appropriate court 6174
 documents. On receipt of a petition and supporting court 6175
 documents, the board shall reinstate the license to practice as a 6176
 radiologist assistant. The board may then hold an adjudication 6177
 under Chapter 119. of the Revised Code to determine whether the 6178
 individual committed the act in question. Notice of opportunity 6179
 for hearing shall be given in accordance with Chapter 119. of the 6180
 Revised Code. If the board finds, pursuant to an adjudication held 6181
 under this division, that the individual committed the act, or if 6182
 no hearing is requested, it may order any of the sanctions 6183
 specified in division (B) of this section. 6184

~~(I)~~ (J) The license to practice of a radiologist assistant 6185
 and the assistant's practice in this state are automatically 6186

suspended as of the date the radiologist assistant pleads guilty 6187
to, is found by a judge or jury to be guilty of, or is subject to 6188
a judicial finding of eligibility for intervention in lieu of 6189
conviction in this state or treatment of intervention in lieu of 6190
conviction in another jurisdiction for any of the following 6191
criminal offenses in this state or a substantially equivalent 6192
criminal offense in another jurisdiction: aggravated murder, 6193
murder, voluntary manslaughter, felonious assault, kidnapping, 6194
rape, sexual battery, gross sexual imposition, aggravated arson, 6195
aggravated robbery, or aggravated burglary. Continued practice 6196
after the suspension shall be considered practicing without a 6197
license. 6198

The board shall notify the individual subject to the 6199
suspension by certified mail or in person in accordance with 6200
section 119.07 of the Revised Code. If an individual whose license 6201
is suspended under this division fails to make a timely request 6202
for an adjudication under Chapter 119. of the Revised Code, the 6203
board shall enter a final order permanently revoking the 6204
individual's license. 6205

~~(J)~~ (K) In any instance in which the board is required by 6206
Chapter 119. of the Revised Code to give notice of opportunity for 6207
hearing and the individual subject to the notice does not timely 6208
request a hearing in accordance with section 119.07 of the Revised 6209
Code, the board is not required to hold a hearing, but may adopt, 6210
by an affirmative vote of not fewer than six of its members, a 6211
final order that contains the board's findings. In the final 6212
order, the board may order any of the sanctions identified under 6213
division (A) or (B) of this section. 6214

~~(K)~~ (L) Any action taken by the board under division (B) of 6215
this section resulting in a suspension shall be accompanied by a 6216
written statement of the conditions under which the radiologist 6217

assistant's license may be reinstated. The board shall adopt rules 6218
 in accordance with Chapter 119. of the Revised Code governing 6219
 conditions to be imposed for reinstatement. Reinstatement of a 6220
 license suspended pursuant to division (B) of this section 6221
 requires an affirmative vote of not fewer than six members of the 6222
 board. 6223

~~(L)~~ (M) When the board refuses to grant or issue a license to 6224
 practice as a radiologist assistant to an applicant, revokes an 6225
 individual's license, refuses to renew an individual's license, or 6226
 refuses to reinstate an individual's license, the board may 6227
 specify that its action is permanent. An individual subject to a 6228
 permanent action taken by the board is forever thereafter 6229
 ineligible to hold a license to practice as a radiologist 6230
 assistant and the board shall not accept an application for 6231
 reinstatement of the license or for issuance of a new license. 6232

~~(M)~~ (N) Notwithstanding any other provision of the Revised 6233
 Code, all of the following apply: 6234

(1) The surrender of a license to practice as a radiologist 6235
 assistant issued under this chapter is not effective unless or 6236
 until accepted by the board. Reinstatement of a license 6237
 surrendered to the board requires an affirmative vote of not fewer 6238
 than six members of the board. 6239

(2) An application made under this chapter for a license to 6240
 practice may not be withdrawn without approval of the board. 6241

(3) Failure by an individual to renew a license to practice 6242
 in accordance with section 4774.06 of the Revised Code shall not 6243
 remove or limit the board's jurisdiction to take disciplinary 6244
 action under this section against the individual." 6245

Delete lines 23860 through 23898 6246

After line 23898, insert: 6247

"**Sec. 4778.03.** (A) An individual seeking a license to 6248
practice as a genetic counselor shall file with the state medical 6249
board an application in a manner prescribed by the board. The 6250
application shall include all the information the board considers 6251
necessary to process the application, including evidence 6252
satisfactory to the board that the applicant meets the 6253
requirements specified in division (B) of this section. 6254

At the time an application is submitted, the applicant shall 6255
pay the board an application fee of two hundred dollars. No part 6256
of the fee shall be returned to the applicant or transferred for 6257
purposes of another application. 6258

(B)~~(1)~~ To be eligible to receive a license to practice as a 6259
genetic counselor, an applicant shall demonstrate to the board 6260
that the applicant meets all of the following requirements: 6261

~~(a) (1) Is at least eighteen years of age and of good moral~~ 6262
~~character;~~ 6263

~~(b) Except as provided in division (B)(2) of this section,~~ 6264
~~has~~ (2) Has attained a master's degree or higher degree from a 6265
genetic counseling graduate program accredited by the American 6266
board of genetic counseling, inc.; 6267

~~(c) (3) Is a certified genetic counselor;~~ 6268

~~(d) (4) Has satisfied any other requirements established by~~ 6269
the board in rules adopted under section 4778.12 of the Revised 6270
Code. 6271

~~(2) In the case of an applicant who files an application not~~ 6272
~~later than December 31, 2013, and meets all eligibility~~ 6273
~~requirements other than the requirement specified in division~~ 6274

~~(B)(1)(b) of this section, the applicant is eligible for a license
to practice as a genetic counselor if the applicant has attained a
master's or higher degree in education or in a field that the
state medical board considers to be closely related to genetic
counseling.~~

(C) The board shall review all applications received under
this section. Not later than sixty days after receiving an
application it considers complete, the board shall determine
whether the applicant meets the requirements for a license to
practice as a genetic counselor."

Delete lines 24924 through 24992

After line 24992, insert:

"**Sec. 5502.011.** (A) As used in this section, "department of
public safety" and "department" include all divisions within the
department of public safety.

(B) The director of public safety is the chief executive and
administrative officer of the department. The director may
establish policies governing the department, the performance of
its employees and officers, the conduct of its business, and the
custody, use, and preservation of departmental records, papers,
books, documents, and property. The director also may authorize
and approve investigations to be conducted by any of the
department's divisions. Whenever the Revised Code imposes a duty
upon or requires an action of the department, the director may
perform the action or duty in the name of the department or direct
such performance to be performed by the director's designee.

(C) In addition to any other duties enumerated in the Revised
Code, the director or the director's designee shall do all of the
following:

- (1) Administer and direct the performance of the duties of the department; 6304
6305
- (2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department; 6306
6307
6308
- (3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering into contracts, agreements, and other business arrangements; 6309
6310
6311
6312
- (4) Make appointments for the department as needed to comply with requirements of the Revised Code; 6313
6314
- (5) Approve employment actions of the department, including appointments, promotions, discipline, investigations, and terminations; 6315
6316
6317
- (6) Accept, hold, and use, for the benefit of the department, any gift, donation, bequest, or devise, and may agree to and perform all conditions of the gift, donation, bequest, or devise, that are not contrary to law; 6318
6319
6320
6321
- (7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources; 6322
6323
6324
- (8) Develop a list of disqualifying offenses for licensure as a private investigator or a security guard provider pursuant to sections 9.79, 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised Code; 6325
6326
6327
6328
- (9) Do all other acts necessary or desirable to carry out this chapter. 6329
6330
- (D)(1) The director of public safety may assess a reasonable 6331

fee, plus the amount of any charge or fee passed on from a 6332
financial institution, on a drawer or indorser for each of the 6333
following: 6334

(a) A check, draft, or money order that is returned or 6335
dishonored; 6336

(b) An automatic bank transfer that is declined, due to 6337
insufficient funds or for any other reason; 6338

(c) Any financial transaction device that is returned or 6339
dishonored for any reason. 6340

(2) The director shall deposit any fee collected under this 6341
division in an appropriate fund as determined by the director 6342
based on the tax, fee, or fine being paid. 6343

(3) As used in this division, "financial transaction device" 6344
has the same meaning as in section 113.40 of the Revised Code. 6345

(E)(1) The director shall establish a homeland security 6346
advisory council to advise the director on homeland security, 6347
including homeland security funding efforts. 6348

(2) The advisory council shall consist of the following 6349
members, who shall serve without compensation: 6350

(a) The secretary of state; 6351

(b) State and local government officials, appointed by the 6352
director, who have homeland security or emergency management 6353
responsibilities and who represent first responders; 6354

(c) Any other members appointed by the director." 6355

In line 25018, delete "4731.292, 4731.296" 6356

In line 25023, delete ", 4751.04, 4751.05" and insert ", 6357
4751.20, 4751.202, 4751.21, 4751.32" 6358

In line 25051, delete "Am. Sub." 6359

Delete lines 25052 and 25053 6360

In line 25054, before "General Assembly" insert "both H.B. 166 and S.B. 57 of the 133rd" 6361

6362

The motion was _____ agreed to.

SYNOPSIS

LSC Technical 6363

R.C. 109.572, 121.22, 173.391, 3327.10, 3710.06, 3734.42, 6364

4511.76, 4513.34, 4717.05, 4723.28, 4727.03, 4728.03, 4730.10, 6365

4730.25, 4731.171, 4731.19, 4731.22, 4731.291, 4731.292, 4731.296, 6366

4731.299, 4731.573, 4735.09, 4735.13, 4735.27, 4735.28, 4751.04, 6367

4751.05, 4751.20, 4751.202, 4751.21, 4751.32, 4757.10, 4757.22, 6368

4757.23, 4759.02, 4759.06, 4760.03, 4760.032, 4760.13, 4761.05, 6369

4761.06, 4762.03, 4762.031, 4762.13, 4774.03, 4774.031, 4774.13, 6370

4778.03, and 5502.011 6371

Updates or removes Revised Code sections that have been 6372

amended or repealed since the bill's introduction. 6373