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133rd General Assembly

Regular Session

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Representative Koehler

Cosponsors: Representatives Dean, Becker, Lang, Seitz, Miller, A., Plummer, Riedel, Green, Brent, Edwards, Sheehy, Abrams, Brinkman, Carfagna, Carruthers, Clites, Cross, Cupp, Cutrona, Fraizer, Galonski, Ghanbari, Ginter, Greenspan, Grendell, Hillyer, Holmes, A., Hoops, Howse, Ingram, Jones, Keller, Lanese, LaRe, Lepore-Hagan, Liston, Manning, G., McClain, Miller, J., Patterson, Patton, Perales, Reineke, Robinson, Roemer, Rogers, Russo, Smith, K., Smith, T., Stein, Stephens, Swearingen, Vitale, Weinstein, West, Wiggam

A BILL

To amend sections 9.78, 101.721, 101.921, 109.572, 1
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5120.55, 5123.169, 5123.1611, 5123.452, and 56
5502.011; to enact section 9.79; and to repeal 57
section 4743.06 of the Revised Code to revise 58
the initial occupational licensing restrictions 59
applicable to individuals convicted of criminal 60
offenses. 61

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.78, 101.721, 101.921, 109.572, 62
121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 169.17, 63
173.381, 173.391, 903.05, 921.23, 926.05, 935.06, 943.03, 64
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4778.04, 4778.14, 4779.09, 4779.091, 4779.18, 4779.28, 4781.09, 101
4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 102
5123.452, and 5502.011 be amended and section 9.79 of the 103
Revised Code be enacted to read as follows: 104

Sec. 9.78. (A) As used in this section: 105

(1) "License" means an authorization evidenced by a 106
license, certificate, registration, permit, card, or other 107
authority that is issued or conferred by a licensing authority 108
to an individual by which the individual has or claims the 109

privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. 110
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(2) "Licensing authority" means both of the following: 112

(a) A board, commission, or other entity that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession; 113
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(b) A political subdivision that issues a license or that charges a fee for an individual to practice an occupation or profession in that political subdivision. 116
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(B) An individual who has been convicted of any criminal offense may request, at any time, that a licensing authority determine whether the individual's criminal conviction disqualifies the individual from obtaining a license issued or conferred by the licensing authority. An individual making such a request shall include details of the individual's criminal conviction and any payment required by the licensing authority. A licensing authority may charge a fee of not more than twenty-five dollars for each request made under this section, to reimburse the costs it incurs in making the determination. 119
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Not later than thirty days after receiving a request under this section, the licensing authority shall inform the individual whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired. A licensing authority is not bound by a determination made under this section, if, on further investigation, the licensing authority determines that the individual's criminal convictions differ from the information presented in the determination request. 129
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(C) A licensing authority shall make all of the following 139
available to the public on the licensing authority's internet 140
web site: 141

(1) A list of all criminal offenses of which conviction of 142
that offense shall disqualify an individual from obtaining a 143
license issued or conferred by the licensing authority; 144

(2) That a disqualification referenced in division (C) (1) 145
of this section may be overcome if the individual applying for 146
the license or, as applicable, the individual's employee, holds 147
a certificate of qualification for employment issued under 148
section 2953.25 of the Revised Code or a certificate of 149
achievement and employability issued under section 2961.22 of 150
the Revised Code; 151

(3) A reference to the certificate of qualification for 152
employment web site maintained by the department of 153
rehabilitation and correction. 154

(D) A licensing authority shall include on any form, 155
policy, manual, or other material that lists criminal offenses, 156
the conviction of which would disqualify an individual from 157
obtaining a license issued or conferred by that licensing 158
authority, a statement that a disqualification may be overcome 159
by the individual applying for the license or, as applicable, by 160
the individual's employee, holding a certificate of 161
qualification for employment issued under section 2953.25 of the 162
Revised Code or a certificate of achievement and employability 163
issued under section 2961.22 of the Revised Code, including a 164
reference to the certificate of qualification for employment web 165
site maintained by the department of rehabilitation and 166
correction. 167

(E) Any predetermination form, nonconviction statement 168
form, or other form used by a licensing authority to determine 169
whether a conviction or adjudication record disqualifies an 170
applicant from obtaining a particular license shall include a 171
section requesting the applicant to provide information if they 172
are a recipient of a certificate of qualification for employment 173
under section 2953.25 of the Revised Code or a certificate of 174
achievement and employability under section 2961.22 of the 175
Revised Code. 176

(F) (1) Each licensing authority described in division (A) 177
(2) (a) of this section annually shall provide to the director of 178
administrative services the following information for each 179
license the licensing authority is authorized to issue: 180

(a) The number of applications received during the 181
previous year for the license; 182

(b) The number of those applications that resulted in a 183
license being granted; 184

(c) The number of those applications that resulted in a 185
license being denied; 186

(d) A list of criminal offenses reported by individuals 187
who were granted a license; 188

(e) A list of criminal offenses reported by individuals 189
who were denied a license; 190

(f) A list of all of the requests received by the 191
licensing authority under division (B) of this section during 192
the previous year that includes the following information: 193

(i) The number of requests for which the licensing 194
authority determined that an individual's criminal conviction 195

<u>disqualified the individual from obtaining a license issued by</u>	196
<u>the licensing authority;</u>	197
(ii) <u>The number of requests for which the licensing</u>	198
<u>authority determined that an individual's criminal conviction</u>	199
<u>did not disqualify the individual from obtaining a license</u>	200
<u>issued by the licensing authority;</u>	201
(iii) <u>A list of the offenses reported by individuals</u>	202
<u>described in division (F) (1) (f) (i) of this section;</u>	203
(iv) <u>A list of the offenses reported by individuals</u>	204
<u>described in division (F) (1) (f) (ii) of this section.</u>	205
(g) <u>Any other information the director may require.</u>	206
(2) <u>The director shall compile the information submitted</u>	207
<u>pursuant to division (F) (1) of this section and annually publish</u>	208
<u>it in a searchable format on a web site created and maintained</u>	209
<u>by the director. The director may adopt rules in accordance with</u>	210
<u>Chapter 119. of the Revised Code as the director determines</u>	211
<u>necessary to implement division (F) of this section.</u>	212
<u>Sec. 9.79. (A) As used in this section:</u>	213
(1) <u>"License" means an authorization evidenced by a</u>	214
<u>license, certificate, registration, permit, card, or other</u>	215
<u>authority that is issued or conferred by a licensing authority</u>	216
<u>to an individual by which the individual has or claims the</u>	217
<u>privilege to engage in a profession, occupation, or occupational</u>	218
<u>activity over which the licensing authority has jurisdiction.</u>	219
(2) <u>"Licensing authority" means a state agency that issues</u>	220
<u>licenses under Title XLVII or any other provision of the Revised</u>	221
<u>Code to practice an occupation or profession.</u>	222
(3) <u>"Offense of violence" has the same meaning as in</u>	223

<u>section 2901.01 of the Revised Code.</u>	224
<u>(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.</u>	225
<u>(5) "State agency" has the same meaning as in section 1.60 of the Revised Code.</u>	227
<u>(6) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.</u>	229
<u>(7) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.</u>	231
<u>(B) (1) Notwithstanding any provision of the Revised Code to the contrary, for each type of license issued or conferred by a licensing authority, the licensing authority shall establish within one hundred eighty days after the effective date of this section a list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license. The licensing authority shall make the list available to the public on the licensing authority's web site pursuant to division (C) of section 9.78 of the Revised Code. The licensing authority, in adopting the list, shall do both of the following:</u>	233
<u>(a) Identify each disqualifying offense by name or by the Revised Code section number that creates the offense;</u>	234
<u>(b) Include in the list only criminal offenses that are directly related to the duties and responsibilities of the licensed occupation.</u>	235
<u>(2) The licensing authority may include in the list an existing or former municipal ordinance or law of this or any other state or the United States that is substantially</u>	236
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<u>equivalent to any section or offense included in the list</u>	252
<u>adopted under division (B)(1) of this section.</u>	253
<u>(C)(1) Except as provided in division (C)(2) or (D) of</u>	254
<u>this section, a licensing authority shall not refuse to issue an</u>	255
<u>initial license to an individual based on any of the following:</u>	256
<u>(a) Solely or in part on a conviction of, judicial finding</u>	257
<u>of guilt of, or plea of guilty to an offense;</u>	258
<u>(b) A criminal charge that does not result in a</u>	259
<u>conviction, judicial finding of guilt, or plea of guilty;</u>	260
<u>(c) A nonspecific qualification such as "moral turpitude"</u>	261
<u>or lack of "moral character";</u>	262
<u>(d) A disqualifying offense included on the list adopted</u>	263
<u>under division (B) of this section, if consideration of that</u>	264
<u>offense occurs after the time periods permitted in division (D)</u>	265
<u>of this section.</u>	266
<u>(2) If the individual was convicted of, found guilty</u>	267
<u>pursuant to a judicial finding of, or pleaded guilty to a</u>	268
<u>disqualifying offense included in the list adopted under</u>	269
<u>division (B) of this section for the license for which the</u>	270
<u>individual applied, the licensing authority may take the</u>	271
<u>conviction, judicial finding of guilt, or plea of guilty into</u>	272
<u>consideration in accordance with division (D) of this section.</u>	273
<u>(D)(1) A licensing authority that may, under this section,</u>	274
<u>consider a conviction of, judicial finding of guilt of, or plea</u>	275
<u>of guilty to an offense in determining whether to refuse to</u>	276
<u>issue an initial license to an individual shall consider all of</u>	277
<u>the following factors and shall use a standard of clear and</u>	278
<u>convincing evidence in evaluating those factors to determine</u>	279
<u>whether the conviction, judicial finding of guilt, or plea of</u>	280

<u>guilty disqualifies the individual from receiving the license:</u>	281
<u>(a) The nature and seriousness of the offense for which</u>	282
<u>the individual was convicted, found guilty pursuant to a</u>	283
<u>judicial finding, or pleaded guilty;</u>	284
<u>(b) The passage of time since the individual committed the</u>	285
<u>offense;</u>	286
<u>(c) The relationship of the offense to the ability,</u>	287
<u>capacity, and fitness required to perform the duties and</u>	288
<u>discharge the responsibilities of the occupation;</u>	289
<u>(d) Any evidence of mitigating rehabilitation or treatment</u>	290
<u>undertaken by the individual, including whether the individual</u>	291
<u>has been issued a certificate of qualification for employment</u>	292
<u>under section 2953.25 of the Revised Code or a certificate of</u>	293
<u>achievement and employability under section 2961.22 of the</u>	294
<u>Revised Code;</u>	295
<u>(e) Whether the denial of a license is reasonably</u>	296
<u>necessary to ensure public safety.</u>	297
<u>(2) A licensing authority may take a disqualifying offense</u>	298
<u>into account only during the following time periods:</u>	299
<u>(a) For a conviction of, judicial finding of guilt of, or</u>	300
<u>plea of guilty to a disqualifying offense that is not an offense</u>	301
<u>of violence or a sexually oriented offense, five years from the</u>	302
<u>date of conviction, judicial finding of guilt, plea of guilty,</u>	303
<u>or release from incarceration, whichever is later, provided the</u>	304
<u>individual was not convicted of, found guilty pursuant to a</u>	305
<u>judicial finding of, and did not enter a plea of guilty to any</u>	306
<u>other offense during the applicable five-year period;</u>	307
<u>(b) For a conviction of, judicial finding of guilt of, or</u>	308

plea of guilty to a disqualifying offense that is an offense of 309
violence or a sexually oriented offense, any time. 310

(E) If a licensing authority refuses to issue an initial 311
license to an individual pursuant to division (D) of this 312
section, the licensing authority shall notify the individual in 313
writing of all of the following: 314

(1) The grounds and reasons for the refusal, including an 315
explanation of the licensing authority's application of the 316
factors under division (D) of this section to the evidence the 317
licensing authority used to reach the decision; 318

(2) The individual's right to a hearing regarding the 319
licensing authority's decision under section 119.06 of the 320
Revised Code; 321

(3) The earliest date the individual may reapply for a 322
license; 323

(4) Notice that evidence of rehabilitation may be 324
considered on reapplication. 325

(F) In an administrative hearing or civil action reviewing 326
a licensing authority's refusal to issue an initial license 327
under this section, the licensing authority has the burden of 328
proof on the question of whether the individual's conviction of, 329
judicial finding of guilt of, or plea of guilty to an offense 330
directly relates to the licensed occupation. 331

(G) A licensing authority that is authorized by law to 332
limit or otherwise place restrictions on a license may do so to 333
comply with the terms and conditions of a community control 334
sanction, post-release control sanction, or an intervention plan 335
established in accordance with section 2951.041 of the Revised 336
Code. 337

(H) Each licensing authority shall adopt any rules that it 338
determines are necessary to implement this section. 339

(I) This section does not apply to either of the 340
following: 341

(1) Any position for which appointment requires compliance 342
with section 109.77 of the Revised Code or in which an 343
individual may satisfy the requirements for appointment or 344
election by complying with that section; 345

(2) Any position for which federal law requires 346
disqualification from licensure or employment based on a 347
conviction of, judicial finding of guilt of, or plea of guilty 348
to an offense. 349

(J) Nothing in this section prohibits a licensing 350
authority from considering either of the following when making a 351
determination whether to issue a license to an individual: 352

(1) Past disciplinary action taken by the licensing 353
authority against the individual; 354

(2) Past disciplinary action taken against the individual 355
by an authority in another state that issues a license that is 356
substantially similar to the license for which the individual 357
applies. 358

Sec. 101.721. ~~(A) No person~~The joint legislative ethics 359
committee shall be permitted to permit a person who has been 360
convicted of or pleads guilty to an offense to register as a 361
legislative agent under division (A) or (B) of section 101.72 of 362
the Revised Code ~~if the person is convicted of or pleads guilty~~ 363
~~to committing on or after the effective date of this section any~~ 364
~~of the following offenses that is a felony:~~ 365

- ~~(1) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;~~ 366
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- ~~(2) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;~~ 368
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- ~~(3) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) of this section;~~ 374
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- ~~(4) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (2) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;~~ 378
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- ~~(5) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (A) (1) or described in division (A) (3) of this section;~~ 386
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- ~~(6) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (A) (2) or described in division (A) (4) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation that was the subject of the conspiracy, that would have constituted the~~ 389
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~~offense attempted, or constituting the violation in which the~~ 395
~~person was complicit was or would have been related to the~~ 396
~~duties of the person's public office or to the person's actions~~ 397
~~as a public official holding that public office~~ in a manner 398
consistent with section 9.79 of the Revised Code. 399

(B) (1) If a legislative agent has registered with the 400
~~joint legislative ethics committee~~ under division (A) or (B) of 401
section 101.72 of the Revised Code and, on or after ~~the~~ 402
~~effective date of this section~~ May 13, 2008, and during the 403
period during which the registration is valid, the legislative 404
agent is convicted of or pleads guilty to any felony offense 405
listed or described in division ~~(A) (1), (2), (3), (4), (5), or~~ 406
~~(6)~~ (B) (2) of this section in the circumstances specified in the 407
particular division, the joint legislative ethics committee 408
immediately upon becoming aware of the conviction or guilty plea 409
shall terminate the registration of the person as a legislative 410
agent, and, after the termination, ~~the ban imposed under~~ 411
~~division (A) of this section applies to the person~~ impose a ban 412
on the person. 413

(2) Division (B) (1) of this section applies to any of the 414
the following offenses that is a felony: 415

(a) A violation of section 2921.02, 2921.03, 2921.05, 416
2921.41, 2921.42, or 2923.32 of the Revised Code; 417

(b) A violation of section 2913.42, 2921.04, 2921.11, 418
2921.12, 2921.31, or 2921.32 of the Revised Code if the person 419
committed the violation while the person was serving in a public 420
office and the conduct constituting the violation was related to 421
the duties of the person's public office or to the person's 422
actions as a public official holding that public office; 423

(c) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (B) (2) (a) of this section; 424
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(d) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (B) (2) (b) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office; 428
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(e) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (B) (2) (a) or described in division (B) (2) (c) of this section; 436
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(f) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (B) (2) (b) or described in division (B) (2) (d) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the violation in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions as a public official holding that public office . 439
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(C) The ban imposed under division ~~(A)~~ (B) (1) of this section is a lifetime ban, and the offender is forever disqualified from registering as a legislative agent under section 101.72 of the Revised Code. 449
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(D) For purposes of ~~divisions (A) and~~ division (B) (1) of 453
this section, a violation of section 2923.32 of the Revised Code 454
or any other violation or offense that includes as an element a 455
course of conduct or the occurrence of multiple acts is 456
"committed on or after ~~the effective date of this section~~ May 457
13, 2008," if the course of conduct continues, one or more of 458
the multiple acts occurs, or the subject person's accountability 459
for the course of conduct or for one or more of the multiple 460
acts continues, on or after ~~the effective date of this section~~ 461
May 13, 2008. 462

(E) As used in this section, "public office" means any 463
elected federal, state, or local government office in this 464
state. 465

Sec. 101.921. (A) ~~No person~~ The joint legislative ethics 466
committee shall be permitted to permit a person who has been 467
convicted of or pleads guilty to an offense to register as a 468
retirement system lobbyist under division (A) or (B) of section 469
101.92 of the Revised Code ~~if the person is convicted of or~~ 470
~~pleads guilty to committing on or after the effective date of~~ 471
~~this section any felony offense listed or described in divisions~~ 472
~~(A) (1) to (6) of section 101.721 of the Revised Code in the~~ 473
~~circumstances specified in the particular division in a manner~~ 474
consistent with section 9.79 of the Revised Code. 475

(B) If a retirement system lobbyist has registered with 476
the ~~joint legislative ethics committee~~ under division (A) or (B) 477
of section 101.92 of the Revised Code, and, on or after ~~the~~ 478
~~effective date of this section~~ May 13, 2008, and during the 479
period during which the registration is valid, the retirement 480
system lobbyist is convicted of or pleads guilty to any felony 481
offense listed or described in ~~divisions (A) (1) to (6)~~ division 482

(B) (2) of section 101.721 of the Revised Code in the 483
circumstances specified in the particular division, the ~~joint-~~ 484
~~legislative ethics~~ committee immediately upon becoming aware of 485
the conviction or guilty plea shall terminate the registration 486
of the person as a retirement system lobbyist, and, after the 487
termination, ~~the ban imposed under division (A) of this section~~ 488
~~applies to the person from registering as a retirement system~~ 489
lobbyist. 490

(C) The ban imposed under division ~~(A)~~ (B) of this section 491
is a lifetime ban, and the offender is forever disqualified from 492
registering as a retirement system lobbyist under section 101.92 493
of the Revised Code. 494

(D) For purposes of ~~divisions (A) and~~ division (B) of this 495
section, a violation of section 2923.32 of the Revised Code or 496
any other violation or offense that includes as an element a 497
course of conduct or the occurrence of multiple acts is 498
"committed on or after ~~the effective date of this section~~ May 499
13, 2008," if the course of conduct continues, one or more of 500
the multiple acts occurs, or the subject person's accountability 501
for the course of conduct or for one or more of the multiple 502
acts continues, on or after ~~the effective date of this section~~ 503
May 13, 2008. 504

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 505
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 506
Code, a completed form prescribed pursuant to division (C) (1) of 507
this section, and a set of fingerprint impressions obtained in 508
the manner described in division (C) (2) of this section, the 509
superintendent of the bureau of criminal identification and 510
investigation shall conduct a criminal records check in the 511
manner described in division (B) of this section to determine 512

whether any information exists that indicates that the person 513
who is the subject of the request previously has been convicted 514
of or pleaded guilty to any of the following: 515

(a) A violation of section 2903.01, 2903.02, 2903.03, 516
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 517
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 518
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 519
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 520
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 521
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 522
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 523
sexual penetration in violation of former section 2907.12 of the 524
Revised Code, a violation of section 2905.04 of the Revised Code 525
as it existed prior to July 1, 1996, a violation of section 526
2919.23 of the Revised Code that would have been a violation of 527
section 2905.04 of the Revised Code as it existed prior to July 528
1, 1996, had the violation been committed prior to that date, or 529
a violation of section 2925.11 of the Revised Code that is not a 530
minor drug possession offense; 531

(b) A violation of an existing or former law of this 532
state, any other state, or the United States that is 533
substantially equivalent to any of the offenses listed in 534
division (A)(1)(a) of this section; 535

(c) If the request is made pursuant to section 3319.39 of 536
the Revised Code for an applicant who is a teacher, any offense 537
specified under section 9.79 of the Revised Code or in section 538
3319.31 of the Revised Code. 539

(2) On receipt of a request pursuant to section 3712.09 or 540
3721.121 of the Revised Code, a completed form prescribed 541
pursuant to division (C)(1) of this section, and a set of 542

fingerprint impressions obtained in the manner described in 543
division (C) (2) of this section, the superintendent of the 544
bureau of criminal identification and investigation shall 545
conduct a criminal records check with respect to any person who 546
has applied for employment in a position for which a criminal 547
records check is required by those sections. The superintendent 548
shall conduct the criminal records check in the manner described 549
in division (B) of this section to determine whether any 550
information exists that indicates that the person who is the 551
subject of the request previously has been convicted of or 552
pleaded guilty to any of the following: 553

(a) A violation of section 2903.01, 2903.02, 2903.03, 554
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 555
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 556
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 557
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 558
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 559
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 560
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 561
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 562

(b) An existing or former law of this state, any other 563
state, or the United States that is substantially equivalent to 564
any of the offenses listed in division (A) (2) (a) of this 565
section. 566

(3) On receipt of a request pursuant to section 173.27, 567
173.38, ~~173.381~~, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 568
or 5123.081, ~~or 5123.169~~ of the Revised Code, a completed form 569
prescribed pursuant to division (C) (1) of this section, and a 570
set of fingerprint impressions obtained in the manner described 571
in division (C) (2) of this section, the superintendent of the 572

bureau of criminal identification and investigation shall 573
conduct a criminal records check of the person for whom the 574
request is made. The superintendent shall conduct the criminal 575
records check in the manner described in division (B) of this 576
section to determine whether any information exists that 577
indicates that the person who is the subject of the request 578
previously has been convicted of, has pleaded guilty to, or 579
(except in the case of a request pursuant to section 5164.34, 580
5164.341, or 5164.342 of the Revised Code) has been found 581
eligible for intervention in lieu of conviction for any of the 582
following, regardless of the date of the conviction, the date of 583
entry of the guilty plea, or (except in the case of a request 584
pursuant to section 5164.34, 5164.341, or 5164.342 of the 585
Revised Code) the date the person was found eligible for 586
intervention in lieu of conviction: 587

(a) A violation of section 959.13, 959.131, 2903.01, 588
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 589
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 590
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 591
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 592
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 593
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 594
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 595
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 596
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 597
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 598
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 599
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 600
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 601
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 602
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 603

2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 604
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 605
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 606

(b) Felonious sexual penetration in violation of former 607
section 2907.12 of the Revised Code; 608

(c) A violation of section 2905.04 of the Revised Code as 609
it existed prior to July 1, 1996; 610

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 611
the Revised Code when the underlying offense that is the object 612
of the conspiracy, attempt, or complicity is one of the offenses 613
listed in divisions (A) (3) (a) to (c) of this section; 614

(e) A violation of an existing or former municipal 615
ordinance or law of this state, any other state, or the United 616
States that is substantially equivalent to any of the offenses 617
listed in divisions (A) (3) (a) to (d) of this section. 618

(4) On receipt of a request pursuant to section 2151.86 or 619
2151.904 of the Revised Code, a completed form prescribed 620
pursuant to division (C) (1) of this section, and a set of 621
fingerprint impressions obtained in the manner described in 622
division (C) (2) of this section, the superintendent of the 623
bureau of criminal identification and investigation shall 624
conduct a criminal records check in the manner described in 625
division (B) of this section to determine whether any 626
information exists that indicates that the person who is the 627
subject of the request previously has been convicted of or 628
pleaded guilty to any of the following: 629

(a) A violation of section 959.13, 2903.01, 2903.02, 630
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 631
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 632

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 633
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 634
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 635
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 636
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 637
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 638
2927.12, or 3716.11 of the Revised Code, a violation of section 639
2905.04 of the Revised Code as it existed prior to July 1, 1996, 640
a violation of section 2919.23 of the Revised Code that would 641
have been a violation of section 2905.04 of the Revised Code as 642
it existed prior to July 1, 1996, had the violation been 643
committed prior to that date, a violation of section 2925.11 of 644
the Revised Code that is not a minor drug possession offense, 645
two or more OVI or OVUAC violations committed within the three 646
years immediately preceding the submission of the application or 647
petition that is the basis of the request, or felonious sexual 648
penetration in violation of former section 2907.12 of the 649
Revised Code; 650

(b) A violation of an existing or former law of this 651
state, any other state, or the United States that is 652
substantially equivalent to any of the offenses listed in 653
division (A) (4) (a) of this section. 654

(5) Upon receipt of a request pursuant to section 5104.013 655
of the Revised Code, a completed form prescribed pursuant to 656
division (C) (1) of this section, and a set of fingerprint 657
impressions obtained in the manner described in division (C) (2) 658
of this section, the superintendent of the bureau of criminal 659
identification and investigation shall conduct a criminal 660
records check in the manner described in division (B) of this 661
section to determine whether any information exists that 662
indicates that the person who is the subject of the request has 663

been convicted of or pleaded guilty to any of the following: 664

(a) A violation of section 2151.421, 2903.01, 2903.02, 665
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 666
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 667
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 668
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 669
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 670
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 671
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 672
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 673
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 674
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 675
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 676
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 677
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 678
3716.11 of the Revised Code, felonious sexual penetration in 679
violation of former section 2907.12 of the Revised Code, a 680
violation of section 2905.04 of the Revised Code as it existed 681
prior to July 1, 1996, a violation of section 2919.23 of the 682
Revised Code that would have been a violation of section 2905.04 683
of the Revised Code as it existed prior to July 1, 1996, had the 684
violation been committed prior to that date, a violation of 685
section 2925.11 of the Revised Code that is not a minor drug 686
possession offense, a violation of section 2923.02 or 2923.03 of 687
the Revised Code that relates to a crime specified in this 688
division, or a second violation of section 4511.19 of the 689
Revised Code within five years of the date of application for 690
licensure or certification. 691

(b) A violation of an existing or former law of this 692
state, any other state, or the United States that is 693
substantially equivalent to any of the offenses or violations 694

described in division (A) (5) (a) of this section. 695

(6) Upon receipt of a request pursuant to section 5153.111 696
of the Revised Code, a completed form prescribed pursuant to 697
division (C) (1) of this section, and a set of fingerprint 698
impressions obtained in the manner described in division (C) (2) 699
of this section, the superintendent of the bureau of criminal 700
identification and investigation shall conduct a criminal 701
records check in the manner described in division (B) of this 702
section to determine whether any information exists that 703
indicates that the person who is the subject of the request 704
previously has been convicted of or pleaded guilty to any of the 705
following: 706

(a) A violation of section 2903.01, 2903.02, 2903.03, 707
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 708
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 709
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 710
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 711
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 712
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 713
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 714
Code, felonious sexual penetration in violation of former 715
section 2907.12 of the Revised Code, a violation of section 716
2905.04 of the Revised Code as it existed prior to July 1, 1996, 717
a violation of section 2919.23 of the Revised Code that would 718
have been a violation of section 2905.04 of the Revised Code as 719
it existed prior to July 1, 1996, had the violation been 720
committed prior to that date, or a violation of section 2925.11 721
of the Revised Code that is not a minor drug possession offense; 722

(b) A violation of an existing or former law of this 723
state, any other state, or the United States that is 724

substantially equivalent to any of the offenses listed in 725
division (A) (6) (a) of this section. 726

(7) On receipt of a request for a criminal records check 727
from an individual pursuant to section 4749.03 or 4749.06 of the 728
Revised Code, accompanied by a completed copy of the form 729
prescribed in division (C) (1) of this section and a set of 730
fingerprint impressions obtained in a manner described in 731
division (C) (2) of this section, the superintendent of the 732
bureau of criminal identification and investigation shall 733
conduct a criminal records check in the manner described in 734
division (B) of this section to determine whether any 735
information exists indicating that the person who is the subject 736
of the request has been convicted of or pleaded guilty to ~~a~~ 737
~~felony~~ any criminal offense in this state or in any other 738
state. If the individual indicates that a firearm will be 739
carried in the course of business, the superintendent shall 740
require information from the federal bureau of investigation as 741
described in division (B) (2) of this section. Subject to 742
division (F) of this section, the superintendent shall report 743
the findings of the criminal records check and any information 744
the federal bureau of investigation provides to the director of 745
public safety. 746

(8) On receipt of a request pursuant to section 1321.37, 747
1321.53, or 4763.05 of the Revised Code, a completed form 748
prescribed pursuant to division (C) (1) of this section, and a 749
set of fingerprint impressions obtained in the manner described 750
in division (C) (2) of this section, the superintendent of the 751
bureau of criminal identification and investigation shall 752
conduct a criminal records check with respect to any person who 753
has applied for a license, permit, or certification from the 754
department of commerce or a division in the department. The 755

superintendent shall conduct the criminal records check in the 756
manner described in division (B) of this section to determine 757
whether any information exists that indicates that the person 758
who is the subject of the request previously has been convicted 759
of or pleaded guilty to any ~~of the following: a violation of~~ 760
~~section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the~~ 761
~~Revised Code; any other criminal offense involving theft,~~ 762
~~receiving stolen property, embezzlement, forgery, fraud, passing~~ 763
~~bad checks, money laundering, or drug trafficking, or any~~ 764
~~criminal offense involving money or securities, as set forth in~~ 765
~~Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of~~ 766
~~the Revised Code; or any existing or former law of in this~~ 767
state, any other state, or the United States ~~that is~~ 768
substantially equivalent to those offenses. 769

(9) On receipt of a request for a criminal records check 770
from the treasurer of state under section 113.041 of the Revised 771
Code or from an individual under section 928.03, 4701.08, 772
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 773
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 774
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 775
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 776
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 777
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 778
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 779
Code, accompanied by a completed form prescribed under division 780
(C) (1) of this section and a set of fingerprint impressions 781
obtained in the manner described in division (C) (2) of this 782
section, the superintendent of the bureau of criminal 783
identification and investigation shall conduct a criminal 784
records check in the manner described in division (B) of this 785
section to determine whether any information exists that 786

indicates that the person who is the subject of the request has 787
been convicted of or pleaded guilty to any criminal offense in 788
this state or any other state. Subject to division (F) of this 789
section, the superintendent shall send the results of a check 790
requested under section 113.041 of the Revised Code to the 791
treasurer of state and shall send the results of a check 792
requested under any of the other listed sections to the 793
licensing board specified by the individual in the request. 794

(10) On receipt of a request pursuant to section 124.74, 795
173.381, 718.131, 1121.23, 1315.141, 1733.47, ~~or~~ 1761.26, or 796
5123.169 of the Revised Code, a completed form prescribed 797
pursuant to division (C)(1) of this section, and a set of 798
fingerprint impressions obtained in the manner described in 799
division (C)(2) of this section, the superintendent of the 800
bureau of criminal identification and investigation shall 801
conduct a criminal records check in the manner described in 802
division (B) of this section to determine whether any 803
information exists that indicates that the person who is the 804
subject of the request previously has been convicted of or 805
pleaded guilty to any criminal offense under any existing or 806
former law of this state, any other state, or the United States. 807

(11) On receipt of a request for a criminal records check 808
from an appointing or licensing authority under section 3772.07 809
of the Revised Code, a completed form prescribed under division 810
(C)(1) of this section, and a set of fingerprint impressions 811
obtained in the manner prescribed in division (C)(2) of this 812
section, the superintendent of the bureau of criminal 813
identification and investigation shall conduct a criminal 814
records check in the manner described in division (B) of this 815
section to determine whether any information exists that 816
indicates that the person who is the subject of the request 817

previously has been convicted of or pleaded guilty or no contest 818
to any offense under any existing or former law of this state, 819
any other state, or the United States that is a disqualifying 820
offense as defined in section 3772.07 of the Revised Code or 821
substantially equivalent to such an offense. 822

(12) On receipt of a request pursuant to section 2151.33 823
or 2151.412 of the Revised Code, a completed form prescribed 824
pursuant to division (C)(1) of this section, and a set of 825
fingerprint impressions obtained in the manner described in 826
division (C)(2) of this section, the superintendent of the 827
bureau of criminal identification and investigation shall 828
conduct a criminal records check with respect to any person for 829
whom a criminal records check is required under that section. 830
The superintendent shall conduct the criminal records check in 831
the manner described in division (B) of this section to 832
determine whether any information exists that indicates that the 833
person who is the subject of the request previously has been 834
convicted of or pleaded guilty to any of the following: 835

(a) A violation of section 2903.01, 2903.02, 2903.03, 836
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 837
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 838
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 839
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 840
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 841
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 842
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 843
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 844

(b) An existing or former law of this state, any other 845
state, or the United States that is substantially equivalent to 846
any of the offenses listed in division (A)(12)(a) of this 847

section. 848

(13) On receipt of a request pursuant to section 3796.12 849
of the Revised Code, a completed form prescribed pursuant to 850
division (C) (1) of this section, and a set of fingerprint 851
impressions obtained in a manner described in division (C) (2) of 852
this section, the superintendent of the bureau of criminal 853
identification and investigation shall conduct a criminal 854
records check in the manner described in division (B) of this 855
section to determine whether any information exists that 856
indicates that the person who is the subject of the request 857
previously has been convicted of or pleaded guilty to the 858
following: 859

(a) A disqualifying offense as specified in rules adopted 860
under section 9.79 and division (B) (2) (b) of section 3796.03 of 861
the Revised Code if the person who is the subject of the request 862
is an administrator or other person responsible for the daily 863
operation of, or an owner or prospective owner, officer or 864
prospective officer, or board member or prospective board member 865
of, an entity seeking a license from the department of commerce 866
under Chapter 3796. of the Revised Code; 867

(b) A disqualifying offense as specified in rules adopted 868
under section 9.79 and division (B) (2) (b) of section 3796.04 of 869
the Revised Code if the person who is the subject of the request 870
is an administrator or other person responsible for the daily 871
operation of, or an owner or prospective owner, officer or 872
prospective officer, or board member or prospective board member 873
of, an entity seeking a license from the state board of pharmacy 874
under Chapter 3796. of the Revised Code. 875

(14) On receipt of a request required by section 3796.13 876
of the Revised Code, a completed form prescribed pursuant to 877

division (C) (1) of this section, and a set of fingerprint 878
impressions obtained in a manner described in division (C) (2) of 879
this section, the superintendent of the bureau of criminal 880
identification and investigation shall conduct a criminal 881
records check in the manner described in division (B) of this 882
section to determine whether any information exists that 883
indicates that the person who is the subject of the request 884
previously has been convicted of or pleaded guilty to the 885
following: 886

(a) A disqualifying offense as specified in rules adopted 887
under division (B) (8) (a) of section 3796.03 of the Revised Code 888
if the person who is the subject of the request is seeking 889
employment with an entity licensed by the department of commerce 890
under Chapter 3796. of the Revised Code; 891

(b) A disqualifying offense as specified in rules adopted 892
under division (B) (14) (a) of section 3796.04 of the Revised Code 893
if the person who is the subject of the request is seeking 894
employment with an entity licensed by the state board of 895
pharmacy under Chapter 3796. of the Revised Code. 896

(15) On receipt of a request pursuant to section 4768.06 897
of the Revised Code, a completed form prescribed under division 898
(C) (1) of this section, and a set of fingerprint impressions 899
obtained in the manner described in division (C) (2) of this 900
section, the superintendent of the bureau of criminal 901
identification and investigation shall conduct a criminal 902
records check in the manner described in division (B) of this 903
section to determine whether any information exists indicating 904
that the person who is the subject of the request has been 905
convicted of or pleaded guilty to ~~a felony~~ any criminal offense 906
in this state or in any other state. 907

(16) On receipt of a request pursuant to division (B) of 908
section 4764.07 or division (A) of section 4735.143 of the 909
Revised Code, a completed form prescribed under division (C) (1) 910
of this section, and a set of fingerprint impressions obtained 911
in the manner described in division (C) (2) of this section, the 912
superintendent of the bureau of criminal identification and 913
investigation shall conduct a criminal records check in the 914
manner described in division (B) of this section to determine 915
whether any information exists indicating that the person who is 916
the subject of the request has been convicted of or pleaded 917
guilty to any ~~crime of moral turpitude, a felony, or an~~ 918
~~equivalent~~ criminal offense in any ~~other~~ state or the United 919
States. 920

(17) On receipt of a request for a criminal records check 921
under section 147.022 of the Revised Code, a completed form 922
prescribed under division (C) (1) of this section, and a set of 923
fingerprint impressions obtained in the manner prescribed in 924
division (C) (2) of this section, the superintendent of the 925
bureau of criminal identification and investigation shall 926
conduct a criminal records check in the manner described in 927
division (B) of this section to determine whether any 928
information exists that indicates that the person who is the 929
subject of the request previously has been convicted of or 930
pleaded guilty or no contest to any ~~disqualifying criminal~~ 931
~~offense, as defined in section 147.011 of the Revised Code, or~~ 932
~~to any offense~~ under any existing or former law of this state, 933
any other state, or the United States ~~that is substantially~~ 934
~~equivalent to such a disqualifying offense.~~ 935

(B) Subject to division (F) of this section, the 936
superintendent shall conduct any criminal records check to be 937
conducted under this section as follows: 938

(1) The superintendent shall review or cause to be 939
reviewed any relevant information gathered and compiled by the 940
bureau under division (A) of section 109.57 of the Revised Code 941
that relates to the person who is the subject of the criminal 942
records check, including, if the criminal records check was 943
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 944
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 945
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 946
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 947
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 948
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 949
5153.111 of the Revised Code, any relevant information contained 950
in records that have been sealed under section 2953.32 of the 951
Revised Code; 952

(2) If the request received by the superintendent asks for 953
information from the federal bureau of investigation, the 954
superintendent shall request from the federal bureau of 955
investigation any information it has with respect to the person 956
who is the subject of the criminal records check, including 957
fingerprint-based checks of national crime information databases 958
as described in 42 U.S.C. 671 if the request is made pursuant to 959
section 2151.86 or 5104.013 of the Revised Code or if any other 960
Revised Code section requires fingerprint-based checks of that 961
nature, and shall review or cause to be reviewed any information 962
the superintendent receives from that bureau. If a request under 963
section 3319.39 of the Revised Code asks only for information 964
from the federal bureau of investigation, the superintendent 965
shall not conduct the review prescribed by division (B) (1) of 966
this section. 967

(3) The superintendent or the superintendent's designee 968
may request criminal history records from other states or the 969

federal government pursuant to the national crime prevention and 970
privacy compact set forth in section 109.571 of the Revised 971
Code. 972

(4) The superintendent shall include in the results of the 973
criminal records check a list or description of the offenses 974
listed or described in division (A)(1), (2), (3), (4), (5), (6), 975
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 976
of this section, whichever division requires the superintendent 977
to conduct the criminal records check. The superintendent shall 978
exclude from the results any information the dissemination of 979
which is prohibited by federal law. 980

(5) The superintendent shall send the results of the 981
criminal records check to the person to whom it is to be sent 982
not later than the following number of days after the date the 983
superintendent receives the request for the criminal records 984
check, the completed form prescribed under division (C)(1) of 985
this section, and the set of fingerprint impressions obtained in 986
the manner described in division (C)(2) of this section: 987

(a) If the superintendent is required by division (A) of 988
this section (other than division (A)(3) of this section) to 989
conduct the criminal records check, thirty; 990

(b) If the superintendent is required by division (A)(3) 991
of this section to conduct the criminal records check, sixty. 992

(C)(1) The superintendent shall prescribe a form to obtain 993
the information necessary to conduct a criminal records check 994
from any person for whom a criminal records check is to be 995
conducted under this section. The form that the superintendent 996
prescribes pursuant to this division may be in a tangible 997
format, in an electronic format, or in both tangible and 998

electronic formats. 999

(2) The superintendent shall prescribe standard impression 1000
sheets to obtain the fingerprint impressions of any person for 1001
whom a criminal records check is to be conducted under this 1002
section. Any person for whom a records check is to be conducted 1003
under this section shall obtain the fingerprint impressions at a 1004
county sheriff's office, municipal police department, or any 1005
other entity with the ability to make fingerprint impressions on 1006
the standard impression sheets prescribed by the superintendent. 1007
The office, department, or entity may charge the person a 1008
reasonable fee for making the impressions. The standard 1009
impression sheets the superintendent prescribes pursuant to this 1010
division may be in a tangible format, in an electronic format, 1011
or in both tangible and electronic formats. 1012

(3) Subject to division (D) of this section, the 1013
superintendent shall prescribe and charge a reasonable fee for 1014
providing a criminal records check under this section. The 1015
person requesting the criminal records check shall pay the fee 1016
prescribed pursuant to this division. In the case of a request 1017
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1018
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1019
fee shall be paid in the manner specified in that section. 1020

(4) The superintendent of the bureau of criminal 1021
identification and investigation may prescribe methods of 1022
forwarding fingerprint impressions and information necessary to 1023
conduct a criminal records check, which methods shall include, 1024
but not be limited to, an electronic method. 1025

(D) The results of a criminal records check conducted 1026
under this section, other than a criminal records check 1027
specified in division (A)(7) of this section, are valid for the 1028

person who is the subject of the criminal records check for a 1029
period of one year from the date upon which the superintendent 1030
completes the criminal records check. If during that period the 1031
superintendent receives another request for a criminal records 1032
check to be conducted under this section for that person, the 1033
superintendent shall provide the results from the previous 1034
criminal records check of the person at a lower fee than the fee 1035
prescribed for the initial criminal records check. 1036

(E) When the superintendent receives a request for 1037
information from a registered private provider, the 1038
superintendent shall proceed as if the request was received from 1039
a school district board of education under section 3319.39 of 1040
the Revised Code. The superintendent shall apply division (A)(1) 1041
(c) of this section to any such request for an applicant who is 1042
a teacher. 1043

(F)(1) Subject to division (F)(2) of this section, all 1044
information regarding the results of a criminal records check 1045
conducted under this section that the superintendent reports or 1046
sends under division (A)(7) or (9) of this section to the 1047
director of public safety, the treasurer of state, or the 1048
person, board, or entity that made the request for the criminal 1049
records check shall relate to the conviction of the subject 1050
person, or the subject person's plea of guilty to, a criminal 1051
offense. 1052

(2) Division (F)(1) of this section does not limit, 1053
restrict, or preclude the superintendent's release of 1054
information that relates to the arrest of a person who is 1055
eighteen years of age or older, to an adjudication of a child as 1056
a delinquent child, or to a criminal conviction of a person 1057
under eighteen years of age in circumstances in which a release 1058

of that nature is authorized under division (E) (2), (3), or (4) 1059
of section 109.57 of the Revised Code pursuant to a rule adopted 1060
under division (E) (1) of that section. 1061

(G) As used in this section: 1062

(1) "Criminal records check" means any criminal records 1063
check conducted by the superintendent of the bureau of criminal 1064
identification and investigation in accordance with division (B) 1065
of this section. 1066

(2) "Minor drug possession offense" has the same meaning 1067
as in section 2925.01 of the Revised Code. 1068

(3) "OVI or OVUAC violation" means a violation of section 1069
4511.19 of the Revised Code or a violation of an existing or 1070
former law of this state, any other state, or the United States 1071
that is substantially equivalent to section 4511.19 of the 1072
Revised Code. 1073

(4) "Registered private provider" means a nonpublic school 1074
or entity registered with the superintendent of public 1075
instruction under section 3310.41 of the Revised Code to 1076
participate in the autism scholarship program or section 3310.58 1077
of the Revised Code to participate in the Jon Peterson special 1078
needs scholarship program. 1079

Sec. 121.22. (A) This section shall be liberally construed 1080
to require public officials to take official action and to 1081
conduct all deliberations upon official business only in open 1082
meetings unless the subject matter is specifically excepted by 1083
law. 1084

(B) As used in this section: 1085

(1) "Public body" means any of the following: 1086

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (B) (1) (a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B) (1) (c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(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.

(4) "Public office" has the same meaning as in section 1116
149.011 of the Revised Code. 1117

(C) All meetings of any public body are declared to be 1118
public meetings open to the public at all times. A member of a 1119
public body shall be present in person at a meeting open to the 1120
public to be considered present or to vote at the meeting and 1121
for purposes of determining whether a quorum is present at the 1122
meeting. 1123

The minutes of a regular or special meeting of any public 1124
body shall be promptly prepared, filed, and maintained and shall 1125
be open to public inspection. The minutes need only reflect the 1126
general subject matter of discussions in executive sessions 1127
authorized under division (G) or (J) of this section. 1128

(D) This section does not apply to any of the following: 1129

(1) A grand jury; 1130

(2) An audit conference conducted by the auditor of state 1131
or independent certified public accountants with officials of 1132
the public office that is the subject of the audit; 1133

(3) The adult parole authority when its hearings are 1134
conducted at a correctional institution for the sole purpose of 1135
interviewing inmates to determine parole or pardon and the 1136
department of rehabilitation and correction when its hearings 1137
are conducted at a correctional institution for the sole purpose 1138
of making determinations under section 2967.271 of the Revised 1139
Code regarding the release or maintained incarceration of an 1140
offender to whom that section applies; 1141

(4) The organized crime investigations commission 1142
established under section 177.01 of the Revised Code; 1143

(5) Meetings of a child fatality review board established	1144
under section 307.621 of the Revised Code, meetings related to a	1145
review conducted pursuant to guidelines established by the	1146
director of health under section 3701.70 of the Revised Code,	1147
and meetings conducted pursuant to sections 5153.171 to 5153.173	1148
of the Revised Code;	1149
(6) The state medical board when determining whether to	1150
suspend a license or certificate without a prior hearing	1151
pursuant to division (G) of either section 4730.25 or 4731.22 of	1152
the Revised Code;	1153
(7) The board of nursing when determining whether to	1154
suspend a license or certificate without a prior hearing	1155
pursuant to division (B) of section 4723.281 of the Revised	1156
Code;	1157
(8) The state board of pharmacy when determining whether	1158
to suspend a license without a prior hearing pursuant to	1159
division (D) of section 4729.16 of the Revised Code;	1160
(9) The state chiropractic board when determining whether	1161
to suspend a license without a hearing pursuant to section	1162
4734.37 of the Revised Code;	1163
(10) The executive committee of the emergency response	1164
commission when determining whether to issue an enforcement	1165
order or request that a civil action, civil penalty action, or	1166
criminal action be brought to enforce Chapter 3750. of the	1167
Revised Code;	1168
(11) The board of directors of the nonprofit corporation	1169
formed under section 187.01 of the Revised Code or any committee	1170
thereof, and the board of directors of any subsidiary of that	1171
corporation or a committee thereof;	1172

(12) An audit conference conducted by the audit staff of 1173
the department of job and family services with officials of the 1174
public office that is the subject of that audit under section 1175
5101.37 of the Revised Code; 1176

(13) The occupational therapy section of the occupational 1177
therapy, physical therapy, and athletic trainers board when 1178
determining whether to suspend a license or limited permit 1179
without a hearing pursuant to division ~~(D)~~(E) of section 1180
4755.11 of the Revised Code; 1181

(14) The physical therapy section of the occupational 1182
therapy, physical therapy, and athletic trainers board when 1183
determining whether to suspend a license without a hearing 1184
pursuant to division ~~(E)~~(F) of section 4755.47 of the Revised 1185
Code; 1186

(15) The athletic trainers section of the occupational 1187
therapy, physical therapy, and athletic trainers board when 1188
determining whether to suspend a license without a hearing 1189
pursuant to division ~~(D)~~(E) of section 4755.64 of the Revised 1190
Code; 1191

(16) Meetings of the pregnancy-associated mortality review 1192
board established under section 3738.01 of the Revised Code; 1193

(17) Meetings of a fetal-infant mortality review board 1194
established under section 3707.71 of the Revised Code. 1195

(E) The controlling board, the tax credit authority, or 1196
the minority development financing advisory board, when meeting 1197
to consider granting assistance pursuant to Chapter 122. or 166. 1198
of the Revised Code, in order to protect the interest of the 1199
applicant or the possible investment of public funds, by 1200
unanimous vote of all board or authority members present, may 1201

close the meeting during consideration of the following 1202
information confidentially received by the authority or board 1203
from the applicant: 1204

(1) Marketing plans; 1205

(2) Specific business strategy; 1206

(3) Production techniques and trade secrets; 1207

(4) Financial projections; 1208

(5) Personal financial statements of the applicant or 1209
members of the applicant's immediate family, including, but not 1210
limited to, tax records or other similar information not open to 1211
public inspection. 1212

The vote by the authority or board to accept or reject the 1213
application, as well as all proceedings of the authority or 1214
board not subject to this division, shall be open to the public 1215
and governed by this section. 1216

(F) Every public body, by rule, shall establish a 1217
reasonable method whereby any person may determine the time and 1218
place of all regularly scheduled meetings and the time, place, 1219
and purpose of all special meetings. A public body shall not 1220
hold a special meeting unless it gives at least twenty-four 1221
hours' advance notice to the news media that have requested 1222
notification, except in the event of an emergency requiring 1223
immediate official action. In the event of an emergency, the 1224
member or members calling the meeting shall notify the news 1225
media that have requested notification immediately of the time, 1226
place, and purpose of the meeting. 1227

The rule shall provide that any person, upon request and 1228
payment of a reasonable fee, may obtain reasonable advance 1229

notification of all meetings at which any specific type of 1230
public business is to be discussed. Provisions for advance 1231
notification may include, but are not limited to, mailing the 1232
agenda of meetings to all subscribers on a mailing list or 1233
mailing notices in self-addressed, stamped envelopes provided by 1234
the person. 1235

(G) Except as provided in divisions (G) (8) and (J) of this 1236
section, the members of a public body may hold an executive 1237
session only after a majority of a quorum of the public body 1238
determines, by a roll call vote, to hold an executive session 1239
and only at a regular or special meeting for the sole purpose of 1240
the consideration of any of the following matters: 1241

(1) To consider the appointment, employment, dismissal, 1242
discipline, promotion, demotion, or compensation of a public 1243
employee or official, or the investigation of charges or 1244
complaints against a public employee, official, licensee, or 1245
regulated individual, unless the public employee, official, 1246
licensee, or regulated individual requests a public hearing. 1247
Except as otherwise provided by law, no public body shall hold 1248
an executive session for the discipline of an elected official 1249
for conduct related to the performance of the elected official's 1250
official duties or for the elected official's removal from 1251
office. If a public body holds an executive session pursuant to 1252
division (G) (1) of this section, the motion and vote to hold 1253
that executive session shall state which one or more of the 1254
approved purposes listed in division (G) (1) of this section are 1255
the purposes for which the executive session is to be held, but 1256
need not include the name of any person to be considered at the 1257
meeting. 1258

(2) To consider the purchase of property for public 1259

purposes, the sale of property at competitive bidding, or the 1260
sale or other disposition of unneeded, obsolete, or unfit-for- 1261
use property in accordance with section 505.10 of the Revised 1262
Code, if premature disclosure of information would give an 1263
unfair competitive or bargaining advantage to a person whose 1264
personal, private interest is adverse to the general public 1265
interest. No member of a public body shall use division (G) (2) 1266
of this section as a subterfuge for providing covert information 1267
to prospective buyers or sellers. A purchase or sale of public 1268
property is void if the seller or buyer of the public property 1269
has received covert information from a member of a public body 1270
that has not been disclosed to the general public in sufficient 1271
time for other prospective buyers and sellers to prepare and 1272
submit offers. 1273

If the minutes of the public body show that all meetings 1274
and deliberations of the public body have been conducted in 1275
compliance with this section, any instrument executed by the 1276
public body purporting to convey, lease, or otherwise dispose of 1277
any right, title, or interest in any public property shall be 1278
conclusively presumed to have been executed in compliance with 1279
this section insofar as title or other interest of any bona fide 1280
purchasers, lessees, or transferees of the property is 1281
concerned. 1282

(3) Conferences with an attorney for the public body 1283
concerning disputes involving the public body that are the 1284
subject of pending or imminent court action; 1285

(4) Preparing for, conducting, or reviewing negotiations 1286
or bargaining sessions with public employees concerning their 1287
compensation or other terms and conditions of their employment; 1288

(5) Matters required to be kept confidential by federal 1289

law or regulations or state statutes;	1290
(6) Details relative to the security arrangements and	1291
emergency response protocols for a public body or a public	1292
office, if disclosure of the matters discussed could reasonably	1293
be expected to jeopardize the security of the public body or	1294
public office;	1295
(7) In the case of a county hospital operated pursuant to	1296
Chapter 339. of the Revised Code, a joint township hospital	1297
operated pursuant to Chapter 513. of the Revised Code, or a	1298
municipal hospital operated pursuant to Chapter 749. of the	1299
Revised Code, to consider trade secrets, as defined in section	1300
1333.61 of the Revised Code;	1301
(8) To consider confidential information related to the	1302
marketing plans, specific business strategy, production	1303
techniques, trade secrets, or personal financial statements of	1304
an applicant for economic development assistance, or to	1305
negotiations with other political subdivisions respecting	1306
requests for economic development assistance, provided that both	1307
of the following conditions apply:	1308
(a) The information is directly related to a request for	1309
economic development assistance that is to be provided or	1310
administered under any provision of Chapter 715., 725., 1724.,	1311
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to	1312
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to	1313
5709.81 of the Revised Code, or that involves public	1314
infrastructure improvements or the extension of utility services	1315
that are directly related to an economic development project.	1316
(b) A unanimous quorum of the public body determines, by a	1317
roll call vote, that the executive session is necessary to	1318

protect the interests of the applicant or the possible 1319
investment or expenditure of public funds to be made in 1320
connection with the economic development project. 1321

If a public body holds an executive session to consider 1322
any of the matters listed in divisions (G) (2) to (8) of this 1323
section, the motion and vote to hold that executive session 1324
shall state which one or more of the approved matters listed in 1325
those divisions are to be considered at the executive session. 1326

A public body specified in division (B) (1) (c) of this 1327
section shall not hold an executive session when meeting for the 1328
purposes specified in that division. 1329

(H) A resolution, rule, or formal action of any kind is 1330
invalid unless adopted in an open meeting of the public body. A 1331
resolution, rule, or formal action adopted in an open meeting 1332
that results from deliberations in a meeting not open to the 1333
public is invalid unless the deliberations were for a purpose 1334
specifically authorized in division (G) or (J) of this section 1335
and conducted at an executive session held in compliance with 1336
this section. A resolution, rule, or formal action adopted in an 1337
open meeting is invalid if the public body that adopted the 1338
resolution, rule, or formal action violated division (F) of this 1339
section. 1340

(I) (1) Any person may bring an action to enforce this 1341
section. An action under division (I) (1) of this section shall 1342
be brought within two years after the date of the alleged 1343
violation or threatened violation. Upon proof of a violation or 1344
threatened violation of this section in an action brought by any 1345
person, the court of common pleas shall issue an injunction to 1346
compel the members of the public body to comply with its 1347
provisions. 1348

(2) (a) If the court of common pleas issues an injunction 1349
pursuant to division (I) (1) of this section, the court shall 1350
order the public body that it enjoins to pay a civil forfeiture 1351
of five hundred dollars to the party that sought the injunction 1352
and shall award to that party all court costs and, subject to 1353
reduction as described in division (I) (2) of this section, 1354
reasonable attorney's fees. The court, in its discretion, may 1355
reduce an award of attorney's fees to the party that sought the 1356
injunction or not award attorney's fees to that party if the 1357
court determines both of the following: 1358

(i) That, based on the ordinary application of statutory 1359
law and case law as it existed at the time of violation or 1360
threatened violation that was the basis of the injunction, a 1361
well-informed public body reasonably would believe that the 1362
public body was not violating or threatening to violate this 1363
section; 1364

(ii) That a well-informed public body reasonably would 1365
believe that the conduct or threatened conduct that was the 1366
basis of the injunction would serve the public policy that 1367
underlies the authority that is asserted as permitting that 1368
conduct or threatened conduct. 1369

(b) If the court of common pleas does not issue an 1370
injunction pursuant to division (I) (1) of this section and the 1371
court determines at that time that the bringing of the action 1372
was frivolous conduct, as defined in division (A) of section 1373
2323.51 of the Revised Code, the court shall award to the public 1374
body all court costs and reasonable attorney's fees, as 1375
determined by the court. 1376

(3) Irreparable harm and prejudice to the party that 1377
sought the injunction shall be conclusively and irrebuttably 1378

presumed upon proof of a violation or threatened violation of 1379
this section. 1380

(4) A member of a public body who knowingly violates an 1381
injunction issued pursuant to division (I)(1) of this section 1382
may be removed from office by an action brought in the court of 1383
common pleas for that purpose by the prosecuting attorney or the 1384
attorney general. 1385

(J)(1) Pursuant to division (C) of section 5901.09 of the 1386
Revised Code, a veterans service commission shall hold an 1387
executive session for one or more of the following purposes 1388
unless an applicant requests a public hearing: 1389

(a) Interviewing an applicant for financial assistance 1390
under sections 5901.01 to 5901.15 of the Revised Code; 1391

(b) Discussing applications, statements, and other 1392
documents described in division (B) of section 5901.09 of the 1393
Revised Code; 1394

(c) Reviewing matters relating to an applicant's request 1395
for financial assistance under sections 5901.01 to 5901.15 of 1396
the Revised Code. 1397

(2) A veterans service commission shall not exclude an 1398
applicant for, recipient of, or former recipient of financial 1399
assistance under sections 5901.01 to 5901.15 of the Revised 1400
Code, and shall not exclude representatives selected by the 1401
applicant, recipient, or former recipient, from a meeting that 1402
the commission conducts as an executive session that pertains to 1403
the applicant's, recipient's, or former recipient's application 1404
for financial assistance. 1405

(3) A veterans service commission shall vote on the grant 1406
or denial of financial assistance under sections 5901.01 to 1407

5901.15 of the Revised Code only in an open meeting of the 1408
commission. The minutes of the meeting shall indicate the name, 1409
address, and occupation of the applicant, whether the assistance 1410
was granted or denied, the amount of the assistance if 1411
assistance is granted, and the votes for and against the 1412
granting of assistance. 1413

Sec. 121.621. (A) ~~No person~~ The joint legislative ethics 1414
committee shall be permitted ~~permit a person who has been~~ 1415
convicted of or pleaded guilty to an offense to register as an 1416
executive agency lobbyist under division (A) or (B) of section 1417
121.62 of the Revised Code ~~if the person is convicted of or~~ 1418
~~pleads guilty to committing on or after the effective date of~~ 1419
~~this section any felony offense listed or described in divisions~~ 1420
~~(A) (1) to (6) of section 101.721 of the Revised Code in the~~ 1421
~~circumstances specified in the particular division in a manner~~ 1422
consistent with section 9.79 of the Revised Code. 1423

(B) If an executive agency lobbyist has registered with 1424
the ~~joint legislative ethics~~ committee under division (A) or (B) 1425
of section 121.62 of the Revised Code and, on or after ~~the~~ 1426
~~effective date of this section~~ May 13, 2008, and during the 1427
period during which the registration is valid, the executive 1428
agency lobbyist is convicted of or pleads guilty to any felony 1429
offense listed or described in ~~divisions (A) (1) to (6)~~ division 1430
(B) (2) of section 101.721 of the Revised Code in the 1431
circumstances specified in the particular division, the ~~joint~~ 1432
~~legislative ethics~~ committee immediately upon becoming aware of 1433
the conviction or guilty plea shall terminate the registration 1434
of the person as an executive agency lobbyist, and, after the 1435
termination, ~~the ban imposed under division (A) of this section~~ 1436
~~applies to the person~~ from registering as an executive agency 1437
lobbyist. 1438

(C) The ban imposed under ~~divisions (A) and division~~ (B) 1439
of this section is a lifetime ban, and the offender is forever 1440
disqualified from registering as an executive agency lobbyist 1441
under section 121.62 of the Revised Code. 1442

(D) For purposes of ~~divisions (A) and division~~ (B) of this 1443
section, a violation of section 2923.32 of the Revised Code or 1444
any other violation or offense that includes as an element a 1445
course of conduct or the occurrence of multiple acts is 1446
"committed on or after ~~the effective date of this section~~ May 1447
13, 2008," if the course of conduct continues, one or more of 1448
the multiple acts occurs, or the subject person's accountability 1449
for the course of conduct or for one or more of the multiple 1450
acts continues, on or after ~~the effective date of this section~~ 1451
May 13, 2008. 1452

Sec. 147.01. (A) The secretary of state may appoint and 1453
commission as notaries public as many persons who meet the 1454
qualifications of division (B) of this section as the secretary 1455
of state considers necessary. 1456

(B) In order for a person to qualify to be appointed and 1457
commissioned as a notary public, the person shall demonstrate to 1458
the secretary of state that the person satisfies all of the 1459
following: 1460

(1) The person has attained the age of eighteen years. 1461

(2) (a) Except as provided in division (B) (2) (b) of this 1462
section, the person is a legal resident of this state. 1463

(b) The person is not a legal resident of this state, but 1464
is an attorney admitted to the practice of law in this state by 1465
the Ohio supreme court, and has the person's principal place of 1466
business or the person's primary practice in this state. 1467

(3) (a) Except as provided in division (B) (3) (b) of this section, the person has submitted a criminal records check report completed within the preceding six months in accordance with section 147.022 of the Revised Code demonstrating that the applicant has not been convicted of or pleaded guilty or no contest to a disqualifying offense, ~~or any offense under an existing or former law of this state, any other state, or the United States that is substantially equivalent to such a disqualifying offense~~ as determined in accordance with section 9.79 of the Revised Code.

(b) An attorney admitted to the practice of law in this state shall not be required to submit a criminal records check when applying to be appointed a notary public.

(4) (a) Except as provided in divisions (B) (4) (b) and (c) of this section, the person has successfully completed an educational program and passed a test administered by the entities authorized by the secretary of state as required under section 147.021 of the Revised Code.

(b) An attorney who is commissioned as a notary public in this state prior to ~~the effective date of this amendment~~ September 20, 2019, shall not be required to complete an education program or pass a test as required in division (B) (4) (a) of this section.

(c) Any attorney who applies to become commissioned as a notary public in this state after ~~the effective date of this amendment~~ September 20, 2019, shall not be required to pass a test as required in division (B) (4) (a) of this section, but shall be required to complete an education program required by that division.

(C) A notary public shall be appointed and commissioned as a notary public for the state. The secretary of state may revoke a commission issued to a notary public upon presentation of satisfactory evidence of official misconduct or incapacity.

(D) The secretary of state shall oversee the processing of notary public applications and shall issue all notary public commissions. The secretary of state shall oversee the creation and maintenance of the online database of notaries public commissioned in this state pursuant to section 147.051 of the Revised Code. The secretary of state may perform all other duties as required by this section. The entities authorized by the secretary of state pursuant to section 147.021 or 147.63 of the Revised Code shall administer the educational program and required test or course of instruction and examination, as applicable.

(E) All submissions to the secretary of state for receiving and renewing commissions, or notifications made under section 147.05 of the Revised Code, shall be done electronically.

Sec. 147.011. As used in this chapter:

(A) "Acknowledgment" means a notarial act in which the signer of the notarized document acknowledges all of the following:

- (1) That the signer has signed the document;
- (2) That the signer understands the document;
- (3) That the signer is aware of the consequences of executing the document by signing it.

(B) "Criminal records check" has the same meaning as in

section 109.572 of the Revised Code. 1525

~~(C) "Disqualifying offense" means a crime of moral~~ 1526
~~turpitude as defined in section 4776.10 of the Revised Code and~~ 1527
~~a violation of a provision of Chapter 2913. of the Revised Code.~~ 1528

~~(D)~~"Jurat" means a notarial act in which both of the 1529
following are met: 1530

(1) The signer of the notarized document is required to 1531
give an oath or affirmation that the statement in the notarized 1532
document is true and correct; 1533

(2) The signer signs the notarized document in the 1534
presence of a notary public. 1535

~~(E)~~(D) "Notarial certificate" means the part of, or 1536
attachment to, a document that is completed by the notary public 1537
and upon which the notary public places the notary public's 1538
signature and seal. 1539

Sec. 147.05. (A) The secretary of state shall maintain a 1540
record of the commissions of each notary public appointed and 1541
commissioned by the secretary of state under this chapter and 1542
make a proper index to that record. 1543

The governor's office shall transfer to the secretary of 1544
state's office, on or after June 6, 2001, the record of notaries 1545
public formerly kept by the governor's office under section 1546
107.10 of the Revised Code. The secretary of state's office 1547
shall maintain that record together with the record and index of 1548
commissions of notaries public required by this division. 1549

(B) If a notary public legally changes the notary public's 1550
name or address after having been commissioned as a notary 1551
public, the notary public shall notify the secretary of state 1552

within thirty days after the name or address change. Such a 1553
notification shall be on a form prescribed by the secretary of 1554
state. 1555

(C) A notary who resigns the person's commission shall 1556
deliver to the secretary of state, on a form prescribed by the 1557
secretary of state, a written notice indicating the effective 1558
date of resignation. 1559

(D) (1) A notary shall inform the secretary of state of 1560
being convicted of or pleading guilty or no contest to ~~any~~ 1561
~~disqualifying offense, as defined in section 147.011 a crime of~~ 1562
moral turpitude as defined in section 4776.10 of the Revised 1563
Code, a violation of a provision of Chapter 2913. of the Revised 1564
Code, or any offense under an existing or former law of this 1565
state, any other state, or the United States that is 1566
substantially equivalent to such a disqualifying offense during 1567
the term of the notary's commission. 1568

(2) The secretary of state shall revoke the commission of 1569
any person who is convicted of or pleads guilty or no contest to 1570
a disqualifying offense, including an attorney licensed to 1571
practice law in this state. 1572

Sec. 169.16. (A) No person, on behalf of any other person, 1573
shall engage in any activity for the purpose of locating, 1574
delivering, recovering, or assisting in the recovery of 1575
unclaimed funds or contents of a safe deposit box, and receive a 1576
fee, compensation, commission, or other remuneration for such 1577
activity, without first having obtained a certificate of 1578
registration from the director of commerce in accordance with 1579
this section. 1580

(B) An application for a certificate of registration shall 1581

be in writing and in the form prescribed by the director. The 1582
application shall be accompanied by a recent full-face color 1583
photograph of the applicant and notarized ~~character~~ reference 1584
letters from two reputable ~~character~~ witnesses. The application 1585
shall, at a minimum, provide all of the following: 1586

(1) The applicant's full name, home address, and work 1587
address; 1588

(2) The name, address, and telephone number of the two 1589
~~character~~ witnesses who have provided the ~~character~~ reference 1590
letters; 1591

(3) A statement that the applicant has not, during the 1592
~~ten-year~~ five-year period immediately preceding the submission 1593
of the application, violated division (A) of this section on or 1594
after the effective date of this section, or division (C) of 1595
section 169.13 of the Revised Code, ~~or;~~ 1596

(4) A statement that the applicant has not been convicted 1597
of, or pleaded guilty to, any felony or any disqualifying 1598
offense involving moral turpitude, including theft, attempted 1599
theft, falsification, tampering with records, securing writings- 1600
by deception, fraud, forgery, and perjury as determined in 1601
accordance with section 9.79 of the Revised Code; 1602

~~(4)~~ (5) The notarized signature of the applicant 1603
immediately following an acknowledgment that any false or 1604
perjured statement subjects the applicant to criminal liability 1605
under section 2921.13 of the Revised Code. 1606

(C) Upon the filing of the application with the division 1607
of unclaimed funds, the division may investigate the applicant 1608
to verify the information provided in the application and to 1609
determine the applicant's eligibility for a certificate of 1610

registration under this section. False information on an 1611
application is grounds for the denial or revocation of the 1612
applicant's certificate of registration. 1613

(D) The director shall issue a certificate of registration 1614
to an applicant if the director finds that the following 1615
conditions are met: 1616

(1) The applicant has not, during the ~~ten-year~~ five-year 1617
period immediately preceding the submission of the application, 1618
violated division (A) of this section on or after the effective 1619
date of this section, or division (C) of section 169.13 of the 1620
Revised Code, ~~or~~; 1621

(2) The applicant has not been convicted of, or pleaded 1622
guilty to, any felony or any disqualifying offense involving 1623
moral turpitude, including theft, attempted theft, 1624
falsification, tampering with records, securing writings by 1625
deception, fraud, forgery, and perjury as determined in 1626
accordance with section 9.79 of the Revised Code. 1627

~~(2)~~ (3) The applicant's ~~character and~~ general fitness 1628
command the confidence of the public and warrant the belief that 1629
the applicant's business will be conducted honestly and fairly. 1630

(E) The certificate of registration issued pursuant to 1631
division (D) of this section may be renewed annually if the 1632
director finds that the following conditions are met: 1633

(1) The applicant submits a renewal application form 1634
prescribed by the director. 1635

(2) The applicant meets the conditions set forth in 1636
~~division (D)~~ divisions (D) (1) and (3) of this section. 1637

(3) The applicant has not, during the ten-year period 1638

immediately preceding the submission of the renewal application 1639
but excluding any time before the initial issuance of the 1640
certificate of registration, been convicted of, or pleaded 1641
guilty to, any felony or any offense involving moral turpitude, 1642
including theft, attempted theft, falsification, tampering with 1643
records, securing writings by deception, fraud, forgery, and 1644
perjury. 1645

(4) The applicant's certificate of registration is not 1646
subject to an order of revocation by the director. 1647

Sec. 169.17. (A) After notice and an opportunity for a 1648
hearing conducted in accordance with Chapter 119. of the Revised 1649
Code and except as provided in division (B) of this section, the 1650
director of commerce shall revoke or refuse to issue or renew a 1651
certificate of registration if the director finds either of the 1652
following: 1653

(1) During the immediately preceding ten-year period, the 1654
person violated division (A) of section 169.16 on or after the 1655
effective date of this section, or division (C) of section 1656
169.13 of the Revised Code, or has been convicted of, or pleaded 1657
guilty to, any felony or any offense involving moral turpitude, 1658
including theft, attempted theft, falsification, tampering with 1659
records, securing writings by deception, fraud, forgery, and 1660
perjury. 1661

(2) The person's character and general fitness do not 1662
command the confidence of the public or warrant the belief that 1663
the person's business will be conducted honestly and fairly. 1664

(B) The director shall not refuse to issue a license to a 1665
person for reasons related to the person's character. The 1666
director shall not refuse to issue a license to a person because 1667

of a conviction of or plea of guilty to an offense unless the 1668
refusal is in accordance with section 9.79 of the Revised Code. 1669

(C) The director may investigate alleged violations of 1670
division (C) of section 169.13 or division (A) of section 169.16 1671
of the Revised Code or complaints concerning any such violation. 1672
The director may make application to the court of common pleas 1673
for an order enjoining any such violation and, upon a showing by 1674
the director that a person has committed or is about to commit 1675
such a violation, the court shall grant an injunction, 1676
restraining order, or other appropriate relief. 1677

~~(C)~~ (D) In conducting any investigation pursuant to this 1678
section, the director may compel, by subpoena, witnesses to 1679
testify in relation to any matter over which the director has 1680
jurisdiction and may require the production of any book, record, 1681
or other document pertaining to that matter. If a person fails 1682
to file any statement or report, obey any subpoena, give 1683
testimony, produce any book, record, or other document as 1684
required by a subpoena, or permit photocopying of any book, 1685
record, or other document subpoenaed, the court of common pleas 1686
of any county in this state, upon application made to it by the 1687
director, shall compel obedience by attachment proceedings for 1688
contempt, as in the case of disobedience of the requirements of 1689
a subpoena issued from the court or a refusal to testify 1690
therein. 1691

~~(D)~~ (E) If the director determines that a person is 1692
engaged in or is believed to be engaged in activities that may 1693
constitute a violation of division (C) of section 169.13 or 1694
division (A) of section 169.16 of the Revised Code, the 1695
director, after notice and a hearing conducted in accordance 1696
with Chapter 119. of the Revised Code, may issue a cease and 1697

desist order. Such an order shall be enforceable in the court of 1698
common pleas. 1699

Sec. 173.381. (A) As used in this section: 1700

(1) "Community-based long-term care services" means 1701
community-based long-term care services, as defined in section 1702
173.14 of the Revised Code, that are provided under a program 1703
the department of aging administers. 1704

(2) "Community-based long-term care services certificate" 1705
means a certificate issued under section 173.391 of the Revised 1706
Code. 1707

(3) "Community-based long-term care services contract or 1708
grant" means a contract or grant awarded under section 173.392 1709
of the Revised Code. 1710

(4) "Criminal records check" has the same meaning as in 1711
section 109.572 of the Revised Code. 1712

(5) "~~Disqualifying Post-issuance disqualifying offense~~" 1713
means any of the offenses listed or described in divisions (A) 1714
(3) (a) to (e) of section 109.572 of the Revised Code. 1715

(6) "Provider" has the same meaning as in section 173.39 1716
of the Revised Code. 1717

(7) "Self-employed provider" means a provider who works 1718
for the provider's self and has no employees. 1719

(B) This section does not apply to any individual who is 1720
subject to a database review or criminal records check under 1721
section 3701.881 of the Revised Code. 1722

(C) (1) The Except as provided in division (C) (3) of this 1723
section, the department of aging or its designee shall take the 1724

following actions when the circumstances specified in division	1725
(C) (2) of this section apply:	1726
(a) Refuse to issue a community-based long-term care	1727
services certificate to a self-employed provider;	1728
(b) Revoke a self-employed provider's community-based	1729
long-term care services certificate;	1730
(c) Refuse to award a community-based long-term care	1731
services contract or grant to a self-employed provider;	1732
(d) Terminate a self-employed provider's community-based	1733
long-term care services contract or grant awarded on or after	1734
September 15, 2014.	1735
(2) The following are the circumstances that require the	1736
department of aging or its designee to take action under	1737
division (C) (1) of this section:	1738
(a) A review of the databases listed in division (E) of	1739
this section reveals any of the following:	1740
(i) That the self-employed provider is included in one or	1741
more of the databases listed in divisions (E) (1) to (5) of this	1742
section;	1743
(ii) That there is in the state nurse aide registry	1744
established under section 3721.32 of the Revised Code a	1745
statement detailing findings by the director of health that the	1746
self-employed provider abused, neglected, or exploited a long-	1747
term care facility or residential care facility resident or	1748
misappropriated property of such a resident;	1749
(iii) That the self-employed provider is included in one	1750
or more of the databases, if any, specified in rules adopted	1751
under this section and the rules require the department or its	1752

designee to take action under division (C) (1) of this section if 1753
a self-employed provider is included in such a database. 1754

(b) After the self-employed provider is provided, pursuant 1755
to division (F) (2) (a) of this section, a copy of the form 1756
prescribed pursuant to division (C) (1) of section 109.572 of the 1757
Revised Code and the standard impression sheet prescribed 1758
pursuant to division (C) (2) of that section, the self-employed 1759
provider fails to complete the form or provide the self-employed 1760
provider's fingerprint impressions on the standard impression 1761
sheet. 1762

(c) Unless the self-employed provider meets standards 1763
specified in rules adopted under this section, the self-employed 1764
provider is found by a criminal records check required by this 1765
section to have been convicted of, pleaded guilty to, or been 1766
found eligible for intervention in lieu of conviction for a 1767
post-issuance disqualifying offense. 1768

(3) The department of aging or its designee shall not 1769
refuse to issue an initial community-based long-term care 1770
services certificate or an initial community-based long-term 1771
care services contract or grant to a self-employed provider 1772
because the provider was convicted of, pleaded guilty to, or was 1773
found eligible for intervention in lieu of conviction for an 1774
offense unless the refusal is in accordance with section 9.79 of 1775
the Revised Code. 1776

(D) The department of aging or its designee shall inform 1777
each self-employed provider of both of the following at the time 1778
of the self-employed provider's initial application for a 1779
community-based long-term care services certificate or initial 1780
bid for a community-based long-term care services contract or 1781
grant: 1782

(1) That a review of the databases listed in division (E) 1783
of this section will be conducted to determine whether the 1784
department or its designee is required by division (C) of this 1785
section to refuse to issue or award a community-based long-term 1786
care services certificate or community-based long-term care 1787
services contract or grant to the self-employed provider; 1788

(2) That, unless the database review reveals that the 1789
department or its designee is required to refuse to issue or 1790
award a community-based long-term care services certificate or 1791
community-based long-term care services contract or grant to the 1792
self-employed provider, a criminal records check of the self- 1793
employed provider will be conducted and the self-employed 1794
provider is required to provide a set of the self-employed 1795
provider's fingerprint impressions as part of the criminal 1796
records check. 1797

(E) As a condition of issuing or awarding a community- 1798
based long-term care services certificate or community-based 1799
long-term care services contract or grant to a self-employed 1800
provider, the department of aging or its designee shall conduct 1801
a database review of the self-employed provider in accordance 1802
with rules adopted under this section. If rules adopted under 1803
this section so require, the department or its designee shall 1804
conduct a database review of a self-employed provider in 1805
accordance with the rules as a condition of not revoking or 1806
terminating the self-employed provider's community-based long- 1807
term care services certificate or community-based long-term care 1808
services contract or grant. A database review shall determine 1809
whether the self-employed provider is included in any of the 1810
following: 1811

(1) The excluded parties list system that is maintained by 1812

the United States general services administration pursuant to 1813
subpart 9.4 of the federal acquisition regulation and available 1814
at the federal web site known as the system for award 1815
management; 1816

(2) The list of excluded individuals and entities 1817
maintained by the office of inspector general in the United 1818
States department of health and human services pursuant to the 1819
"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; 1820

(3) The registry of developmental disabilities employees 1821
established under section 5123.52 of the Revised Code; 1822

(4) The internet-based sex offender and child-victim 1823
offender database established under division (A)(11) of section 1824
2950.13 of the Revised Code; 1825

(5) The internet-based database of inmates established 1826
under section 5120.66 of the Revised Code; 1827

(6) The state nurse aide registry established under 1828
section 3721.32 of the Revised Code; 1829

(7) Any other database, if any, specified in rules adopted 1830
under this section. 1831

(F)(1) As a condition of issuing or awarding a community- 1832
based long-term care services certificate or community-based 1833
long-term care services contract or grant to a self-employed 1834
provider, the department of aging or its designee shall request 1835
that the superintendent of the bureau of criminal identification 1836
and investigation conduct a criminal records check of the self- 1837
employed provider. If rules adopted under this section so 1838
require, the department or its designee shall request that the 1839
superintendent conduct a criminal records check of a self- 1840
employed provider at times specified in the rules as a condition 1841

of not revoking or terminating the self-employed provider's 1842
community-based long-term care services certificate or 1843
community-based long-term care services contract or grant. 1844
However, the department or its designee is not required to 1845
request the criminal records check of the self-employed provider 1846
if the department or its designee, because of circumstances 1847
specified in division (C) (2) (a) of this section, is required to 1848
refuse to issue or award a community-based long-term care 1849
services certificate or community-based long-term care services 1850
contract or grant to the self-employed provider or to revoke or 1851
terminate the self-employed provider's certificate or contract 1852
or grant. 1853

If a self-employed provider for whom a criminal records 1854
check request is required by this section does not present proof 1855
of having been a resident of this state for the five-year period 1856
immediately prior to the date the criminal records check is 1857
requested or provide evidence that within that five-year period 1858
the superintendent has requested information about the self- 1859
employed provider from the federal bureau of investigation in a 1860
criminal records check, the department or its designee shall 1861
request that the superintendent obtain information from the 1862
federal bureau of investigation as part of the criminal records 1863
check. Even if a self-employed provider for whom a criminal 1864
records check request is required by this section presents proof 1865
of having been a resident of this state for the five-year 1866
period, the department or its designee may request that the 1867
superintendent include information from the federal bureau of 1868
investigation in the criminal records check. 1869

(2) The department or its designee shall do all of the 1870
following: 1871

(a) Provide to each self-employed provider for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section; 1872
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(b) Obtain the completed form and standard impression sheet from the self-employed provider; 1877
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(c) Forward the completed form and standard impression sheet to the superintendent. 1879
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(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau. 1881
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(G) The report of any criminal records check of a self-employed provider conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 1889
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(1) The self-employed provider or the self-employed provider's representative; 1894
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(2) The department of aging, the department's designee, or a representative of the department or its designee; 1896
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(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or 1898
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1900

provides, community-based long-term care services under a 1901
component of the medicaid program that the department of aging 1902
administers; 1903

(4) A court, hearing officer, or other necessary 1904
individual involved in a case dealing with any of the following: 1905

(a) A refusal to issue or award a community-based long- 1906
term services certificate or community-based long-term care 1907
services contract or grant to the self-employed provider; 1908

(b) A revocation or termination of the self-employed 1909
provider's community-based long-term care services certificate 1910
or community-based long-term care services contract or grant; 1911

(c) A civil or criminal action regarding a program the 1912
department of aging administers. 1913

(H) In a tort or other civil action for damages that is 1914
brought as the result of an injury, death, or loss to person or 1915
property caused by a self-employed provider, both of the 1916
following shall apply: 1917

(1) If the department of aging or its designee, in good 1918
faith and reasonable reliance on the report of a criminal 1919
records check requested under this section, issued or awarded a 1920
community-based long-term care services certificate or 1921
community-based long-term care services contract or grant to the 1922
self-employed provider or did not revoke or terminate the self- 1923
employed provider's certificate or contract or grant, the 1924
department and its designee shall not be found negligent solely 1925
because of its reliance on the report, even if the information 1926
in the report is determined later to have been incomplete or 1927
inaccurate. 1928

(2) If the department or its designee in good faith issued 1929

or awarded a community-based long-term care services certificate 1930
or community-based long-term care services contract or grant to 1931
the self-employed provider ~~or~~ because the self-employed provider 1932
satisfied a determination under section 9.79 of the Revised 1933
Code, the department and its designee shall not be found 1934
negligent solely because the self-employed provider has been 1935
convicted of, pleaded guilty to, or been found eligible for 1936
intervention in lieu of conviction for an offense specified by 1937
the department under section 9.79 of the Revised Code. 1938

(3) If the department or its designee in good faith did 1939
not revoke or terminate the self-employed provider's certificate 1940
or contract or grant because the self-employed provider meets 1941
standards specified in rules adopted under this section, the 1942
department and its designee shall not be found negligent solely 1943
because the self-employed provider has been convicted of, 1944
pleaded guilty to, or been found eligible for intervention in 1945
lieu of conviction for a post-issuance disqualifying offense. 1946

(I) The director of aging shall adopt rules in accordance 1947
with Chapter 119. of the Revised Code to implement this section. 1948

(1) The rules may do the following: 1949

(a) Require self-employed providers who have been issued 1950
or awarded community-based long-term care services certificates 1951
or community-based long-term care services contracts or grants 1952
to undergo database reviews and criminal records checks under 1953
this section; 1954

(b) If the rules require self-employed providers who have 1955
been issued or awarded community-based long-term care services 1956
certificates or community-based long-term care services 1957
contracts or grants to undergo database reviews and criminal 1958

records checks under this section, exempt one or more classes of 1959
such self-employed providers from the requirements; 1960

(c) For the purpose of division (E) (7) of this section, 1961
specify other databases that are to be checked as part of a 1962
database review conducted under this section. 1963

(2) The rules shall specify all of the following: 1964

(a) The procedures for conducting database reviews under 1965
this section; 1966

(b) If the rules require self-employed providers who have 1967
been issued or awarded community-based long-term care services 1968
certificates or community-based long-term care services 1969
contracts or grants to undergo database reviews and criminal 1970
records checks under this section, the times at which the 1971
database reviews and criminal records checks are to be 1972
conducted; 1973

(c) If the rules specify other databases to be checked as 1974
part of the database reviews, the circumstances under which the 1975
department of aging or its designee is required to refuse to 1976
issue or award a community-based long-term care services 1977
certificate or community-based long-term care services contract 1978
or grant to a self-employed provider or to revoke or terminate a 1979
self-employed provider's certificate or contract or grant when 1980
the self-employed provider is found by a database review to be 1981
included in one or more of those databases; 1982

(d) Standards that a self-employed provider must meet for 1983
the department or its designee ~~to be permitted to issue or award~~ 1984
~~a community-based long-term care services certificate or~~ 1985
~~community-based long-term care services contract or grant to the~~ 1986
~~self-employed provider or~~ not to revoke or terminate the self- 1987

employed provider's certificate or contract or grant if the 1988
self-employed provider is found by a criminal records check 1989
required by this section to have been convicted of, pleaded 1990
guilty to, or been found eligible for intervention in lieu of 1991
conviction for a post-issuance disqualifying offense. 1992

Sec. 173.391. (A) Subject to section 173.381 of the 1993
Revised Code, the department of aging or its designee shall do 1994
all of the following in accordance with Chapter 119. of the 1995
Revised Code: 1996

(1) Certify a provider to provide community-based long- 1997
term care services under a program the department administers if 1998
the provider satisfies the requirements for certification 1999
established by rules adopted under division (B) of this section 2000
and pays the fee, if any, established by rules adopted under 2001
division (G) of this section; 2002

(2) When required to do so by rules adopted under division 2003
(B) of this section, take one or more of the following 2004
disciplinary actions against a provider certified under division 2005
(A) (1) of this section: 2006

(a) Issue a written warning; 2007

(b) Require the submission of a plan of correction or 2008
evidence of compliance with requirements identified by the 2009
department; 2010

(c) Suspend referrals; 2011

(d) Remove clients; 2012

(e) Impose a fiscal sanction such as a civil monetary 2013
penalty or an order that unearned funds be repaid; 2014

(f) Suspend the certification; 2015

(g) Revoke the certification;	2016
(h) Impose another sanction.	2017
(3) Except as provided in division (E) of this section,	2018
hold hearings when there is a dispute between the department or	2019
its designee and a provider concerning actions the department or	2020
its designee takes regarding a decision not to certify the	2021
provider under division (A) (1) of this section or a disciplinary	2022
action under divisions (A) (2) (e) to (h) of this section.	2023
(B) The director of aging shall adopt rules in accordance	2024
with Chapter 119. of the Revised Code establishing certification	2025
requirements and standards for determining which type of	2026
disciplinary action to take under division (A) (2) of this	2027
section in individual situations. The rules shall establish	2028
procedures for all of the following:	2029
(1) Ensuring that providers comply with sections 173.38	2030
and 173.381 of the Revised Code;	2031
(2) Evaluating the services provided by the providers to	2032
ensure that the services are provided in a quality manner	2033
advantageous to the individual receiving the services;	2034
(3) In a manner consistent with section 173.381 of the	2035
Revised Code, determining when to take disciplinary action under	2036
division (A) (2) of this section and which disciplinary action to	2037
take;	2038
(4) Determining what constitutes another sanction for	2039
purposes of division (A) (2) (h) of this section.	2040
(C) The procedures established in rules adopted under	2041
division (B) (2) of this section shall require that all of the	2042
following be considered as part of an evaluation described in	2043

division (B) (2) of this section:	2044
(1) The provider's experience and financial responsibility;	2045 2046
(2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers;	2047 2048 2049
(3) The provider's ability to meet the needs of the individuals served;	2050 2051
(4) Any other factor the director considers relevant.	2052
(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.	2053 2054 2055 2056 2057 2058 2059
(E) Subject to division <u>divisions</u> (F) <u>(1) and (2)</u> 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:	2060 2061 2062 2063
(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:	2064 2065 2066 2067 2068 2069
(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been	2070 2071

obtained or maintained. 2072

(b) The provider agreement, license, certificate, permit, 2073
or certification has been denied, revoked, not renewed, or 2074
suspended or has been otherwise restricted. 2075

(2) The provider's certification under this section has 2076
been denied, suspended, or revoked for any of the following 2077
reasons: 2078

(a) A government entity of this state, other than the 2079
department of aging, has terminated or refused to renew any of 2080
the following held by, or has denied any of the following sought 2081
by, a provider: a provider agreement, license, certificate, 2082
permit, or certification. Division (E) (2) (a) of this section 2083
applies regardless of whether the provider has entered into a 2084
provider agreement in, or holds a license, certificate, permit, 2085
or certification issued by, another state. 2086

(b) The provider or a principal owner or manager of the 2087
provider who provides direct care has entered a guilty plea for, 2088
or has been convicted of, an offense materially related to the 2089
medicaid program. 2090

(c) A principal owner or manager of the provider who 2091
provides direct care has entered a guilty plea for, been 2092
convicted of, or been found eligible for intervention in lieu of 2093
conviction for an offense listed or described in divisions (A) 2094
(3) (a) to (e) of section 109.572 of the Revised Code, but only 2095
if the provider, principal owner, or manager does not meet 2096
standards specified by the director in rules adopted under 2097
section 173.38 of the Revised Code. 2098

(d) The department or its designee is required by section 2099
173.381 of the Revised Code to deny or revoke the provider's 2100

certification. 2101

(e) The United States department of health and human 2102
services has taken adverse action against the provider and that 2103
action impacts the provider's participation in the medicaid 2104
program. 2105

(f) The provider has failed to enter into or renew a 2106
provider agreement with the PASSPORT administrative agency, as 2107
that term is defined in section 173.42 of the Revised Code, that 2108
administers programs on behalf of the department of aging in the 2109
region of the state in which the provider is certified to 2110
provide services. 2111

(g) The provider has not billed or otherwise submitted a 2112
claim to the department for payment under the medicaid program 2113
in at least two years. 2114

(h) The provider denied or failed to provide the 2115
department or its designee access to the provider's facilities 2116
during the provider's normal business hours for purposes of 2117
conducting an audit or structural compliance review. 2118

(i) The provider has ceased doing business. 2119

(j) The provider has voluntarily relinquished its 2120
certification for any reason. 2121

(3) The provider's provider agreement with the department 2122
of medicaid has been suspended under section 5164.36 of the 2123
Revised Code. 2124

(4) The provider's provider agreement with the department 2125
of medicaid is denied or revoked because the provider or its 2126
owner, officer, authorized agent, associate, manager, or 2127
employee has been convicted of an offense that caused the 2128

provider agreement to be suspended under section 5164.36 of the Revised Code. 2129
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(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. 2131
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(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, pleaded guilty to, or was found eligible for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 2139
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section. 2145
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(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for community-based long-term care services, administrative costs associated with provider certification under this section, and administrative costs related to the publication of the Ohio long-term care consumer guide. 2149
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Sec. 903.05. (A) Each application for a permit to install 2157

or permit to operate a concentrated animal feeding facility that 2158
is submitted by an applicant who has not owned or operated a 2159
concentrated animal feeding facility in this state for at least 2160
two of the five years immediately preceding the submission of 2161
the application shall be accompanied by all of the following: 2162

(1) A listing of all animal feeding facilities that the 2163
applicant or any person identified by the applicant under 2164
division (C)(1) of section 903.02 or 903.03 of the Revised Code 2165
owns, has owned, has operated, or is operating in this state; 2166

(2) A listing of the animal feeding facilities that the 2167
applicant or any person identified by the applicant under 2168
division (C)(1) of section 903.02 or 903.03 of the Revised Code 2169
owns, has owned, has operated, or is operating elsewhere in the 2170
United States and that are regulated under the Federal Water 2171
Pollution Control Act together with a listing of the animal 2172
feeding facilities that the applicant or any such person owns, 2173
has owned, has operated, or is operating outside the United 2174
States; 2175

(3) A listing of all administrative enforcement orders 2176
issued to the applicant or any person identified by the 2177
applicant under division (C)(1) of section 903.02 or 903.03 of 2178
the Revised Code, all civil actions in which the applicant or 2179
any such person was determined by the trier of fact to be liable 2180
in damages or was the subject of injunctive relief or another 2181
type of civil relief, and all criminal actions in which the 2182
applicant or any such person pleaded guilty or was convicted, 2183
during the five years immediately preceding the submission of 2184
the application, in connection with any violation of the Federal 2185
Water Pollution Control Act, the "Safe Drinking Water Act," as 2186
defined in section 6109.01 of the Revised Code, or any other 2187

applicable state laws pertaining to environmental protection 2188
that was alleged to have occurred or to be occurring at any 2189
animal feeding facility that the applicant or any such person 2190
owns, has owned, has operated, or is operating in the United 2191
States or with any violation of the environmental laws of 2192
another country that was alleged to have occurred or to be 2193
occurring at any animal feeding facility that the applicant or 2194
any such person owns, has owned, has operated, or is operating 2195
outside the United States. 2196

The lists of animal feeding facilities owned or operated 2197
by the applicant or any person identified by the applicant under 2198
division (C) (1) of section 903.02 or 903.03 of the Revised Code 2199
within or outside this state or outside the United States shall 2200
include, respectively, all such facilities owned or operated by 2201
the applicant or any such person during the five-year period 2202
immediately preceding the submission of the application. 2203

(B) If the applicant for a permit to install or permit to 2204
operate or any person identified by the applicant under division 2205
(C) (1) of section 903.02 or 903.03 of the Revised Code has been 2206
involved in any prior activity involving the operation of an 2207
animal feeding facility, the director of agriculture may, except 2208
as provided in division (E) of this section, deny the 2209
application if the director finds from the application, the 2210
information submitted under divisions (A) (1) to (3) of this 2211
section, pertinent information submitted to the director, and 2212
other pertinent information obtained by the director at the 2213
director's discretion that the applicant and any such person, in 2214
the operation of animal feeding facilities, have a history of 2215
substantial noncompliance with the Federal Water Pollution 2216
Control Act, the "Safe Drinking Water Act," as defined in 2217
section 6109.01 of the Revised Code, any other applicable state 2218

laws pertaining to environmental protection, or the 2219
environmental laws of another country that indicates that the 2220
applicant or any such person lacks sufficient reliability, 2221
expertise, and competence to operate the proposed new or 2222
modified concentrated animal feeding facility in substantial 2223
compliance with this chapter and rules adopted under it. 2224

(C) A person who seeks to acquire or operate a 2225
concentrated animal feeding facility that has been issued an 2226
installation permit that has been transferred from the director 2227
of environmental protection to the director of agriculture, a 2228
permit to install, or a permit to operate shall submit to the 2229
director the information specified in divisions (A) (1) to (3) of 2230
this section prior to the transfer of the permit. The permit 2231
shall not, except as provided in division (E) of this section, 2232
be transferred as otherwise provided in division (I) of section 2233
903.09 of the Revised Code if the director finds from the 2234
information submitted under divisions (A) (1) to (3) of this 2235
section, pertinent information submitted to the director, and 2236
other pertinent information obtained by the director at the 2237
director's discretion that the person, in the operation of 2238
animal feeding facilities, has a history of substantial 2239
noncompliance with the Federal Water Pollution Control Act, the 2240
"Safe Drinking Water Act," as defined in section 6109.01 of the 2241
Revised Code, any other applicable state laws pertaining to 2242
environmental protection, or the environmental laws of another 2243
country that indicates that the person lacks sufficient 2244
reliability, expertise, and competence to operate the 2245
concentrated animal feeding facility in substantial compliance 2246
with this chapter and rules adopted under it. 2247

(D) An owner or operator of a concentrated animal feeding 2248
facility that has been issued an installation permit that has 2249

been transferred from the director of environmental protection 2250
to the director of agriculture, a permit to install, or a permit 2251
to operate shall submit to the director notice of any proposed 2252
change in the persons identified to the director under division 2253
(C) (1) of section 903.02 or 903.03 of the Revised Code, as 2254
applicable. The director may deny approval of the proposed 2255
change if the director finds from the information submitted 2256
under divisions (A) (1) to (3) of this section, pertinent 2257
information submitted to the director, and other pertinent 2258
information obtained by the director at the director's 2259
discretion that the proposed person, in the operation of animal 2260
feeding facilities, has a history of substantial noncompliance 2261
with the Federal Water Pollution Control Act, the "Safe Drinking 2262
Water Act," as defined in section 6109.01 of the Revised Code, 2263
any other applicable state laws pertaining to environmental 2264
protection, or the environmental laws of another country that 2265
indicates that the person lacks sufficient reliability, 2266
expertise, and competence to operate the concentrated animal 2267
feeding facility in substantial compliance with this chapter and 2268
rules adopted under it. 2269

(E) The director shall not deny an application for or a 2270
transfer of a permit to install or a permit to operate a 2271
concentrated animal feeding facility because of a criminal 2272
conviction unless the refusal is in accordance with section 9.79 2273
of the Revised Code. 2274

Sec. 921.23. ~~The~~ (A) Except as provided in division (B) of 2275
this section, the director of agriculture may suspend, prior to 2276
a hearing, for not longer than ten days, and after the 2277
opportunity for a hearing may deny, suspend, revoke, refuse to 2278
renew, or modify any provision of any license, permit, or 2279
registration issued pursuant to this chapter if the director 2280

finds that the applicant or the holder of a license, permit, or 2281
registration is no longer qualified, has violated any provision 2282
of this chapter or rules adopted under it, has been found guilty 2283
of violating the federal act, or has been convicted of a 2284
misdemeanor involving moral turpitude or of a felony. 2285

(B) The director shall not deny a license, permit, or 2286
registration issued pursuant to this chapter because an 2287
applicant was convicted of or pleaded guilty to an offense 2288
unless the refusal is in accordance with section 9.79 of the 2289
Revised Code. 2290

Sec. 926.05. (A) Each person desiring to obtain or renew a 2291
handler's license shall file an application annually with the 2292
director of agriculture at such times, on such forms, and 2293
containing such information as the director prescribes, 2294
including, if applicable, the appointment of a statutory agent 2295
under section 926.051 of the Revised Code. 2296

(B) Each application for a license or license renewal 2297
shall be accompanied by an application fee of two hundred 2298
dollars for the first facility operated by the applicant plus 2299
one hundred dollars for each additional facility operated by the 2300
same applicant and by an examination fee, established by rule of 2301
the director pursuant to section 926.02 of the Revised Code, for 2302
each facility operated by the applicant. "Facility" means all 2303
warehouse storage located on one premises, including any 2304
additional warehouse storage located within one thousand yards 2305
of that premises. The director may charge fees for examinations 2306
in an amount not to exceed those fees charged by the United 2307
States department of agriculture for comparable examinations. 2308

The director shall deposit all fees collected under this 2309
section in the commodity handler regulatory program fund created 2310

in section 926.19 of the Revised Code. 2311

(C) The director shall approve or reject each application 2312
for a license within fifteen days after receipt thereof, 2313
provided that such application is in proper form and contains 2314
the information required under division (A) of this section. A 2315
rejection of an application shall be accompanied by a statement 2316
from the director of the additional requirements necessary for a 2317
license. The applicant may resubmit the application without 2318
payment of any additional fee. 2319

(D) A handler's license shall expire on the date 2320
prescribed by rule of the director. Whenever the director 2321
considers it advisable to cancel the unexpired portion of an 2322
outstanding license in order to renew it according to a new or 2323
existing system of expiration dates, the director shall refund 2324
to the handler the unexpired portion of the fees paid under 2325
division (B) of this section. Whenever the director issues an 2326
initial license on a date that does not conform to the existing 2327
system, the director shall issue the license for a period of 2328
time, not less than six nor more than eighteen months, that 2329
makes the date conform to the existing system. The application 2330
fee for that initial license shall be proportionate to the fee 2331
for a one-year license. 2332

(E) An application for renewal of a handler's license 2333
shall be filed with the director not later than thirty days 2334
before the current license expires. An applicant who fails to 2335
file a renewal application in time shall pay a late fee of one 2336
dollar for each day the application is late or fifteen dollars, 2337
whichever is greater. A renewal license shall not be issued 2338
until a late fee that is due has been paid. 2339

(F) The director, with the approval of the commodity 2340

advisory commission, may, except as provided in division (G) of 2341
this section, revoke or refuse to issue or renew a handler's 2342
license if any of the following occurred within five years 2343
before the application for the license or renewal was filed: 2344

(1) The applicant, or the spouse, parent, sibling, or 2345
child of the applicant, or a manager employed by the applicant, 2346
or any other individual materially involved in the agricultural 2347
commodity handling business of the applicant was a principal in 2348
a receivership or insolvency that resulted in losses to 2349
creditors or to the agricultural commodity depositors fund 2350
established in section 926.16 of the Revised Code; 2351

(2) The applicant pled guilty to or was convicted of any 2352
felony or charge of embezzlement under the laws of this state, 2353
any other state, or of the United States; 2354

(3) The applicant made a delivery of commodities not 2355
authorized under this chapter; 2356

(4) The applicant's license under the "United States 2357
Warehouse Act," 39 Stat. 486 (1916), 7 U.S.C. 241, as amended, 2358
was revoked or canceled due to a violation of that act. 2359

(G) The director shall not refuse to issue a handler's 2360
license because an applicant was convicted of or pleaded guilty 2361
to an offense unless the refusal is in accordance with section 2362
9.79 of the Revised Code. 2363

Sec. 935.06. (A) Not later than ninety days after receipt 2364
of an application under section 935.05 of the Revised Code, the 2365
director of agriculture shall issue or deny a wildlife shelter 2366
permit. The director shall issue a permit to an applicant only 2367
if all of the following apply: 2368

(1) The applicant is eighteen years of age or older. 2369

(2) The applicant has registered the dangerous wild animal 2370
or animals that are the subject of the application under section 2371
935.04 of the Revised Code. 2372

(3) The applicant is in compliance with the standards of 2373
care established in rules adopted under division (A) (2) of 2374
section 935.17 of the Revised Code. 2375

(4) The applicant has sterilized each male dangerous wild 2376
animal that is possessed by the applicant. However, a dangerous 2377
wild animal is not required to be sterilized if a veterinarian 2378
that is qualified to provide veterinary care to the dangerous 2379
wild animal determines that the sterilization is medically 2380
contraindicated and the applicant has submitted a copy of the 2381
veterinarian's written determination with the applicant's 2382
application. 2383

(5) The applicant has signed an affidavit attesting that 2384
the applicant will not allow members of the public to be in 2385
physical contact with a dangerous wild animal possessed by the 2386
applicant. Division (A) (5) of this section does not apply to an 2387
employee of the applicant or a volunteer who has entered into a 2388
written agreement with the applicant to work for or volunteer 2389
for the applicant and assists in the care of a dangerous wild 2390
animal or animals specified in division (C) (20) of section 2391
935.01 of the Revised Code possessed by the applicant if the 2392
care is provided under the direction of the applicant. 2393

(6) The applicant has not been convicted of or pleaded 2394
guilty to a ~~felony drug abuse offense, an offense of violence~~ 2395
~~that is a felony, or a violation of section 959.13 or 959.131 of~~ 2396
~~the Revised Code or of section 2927.21 of the Revised Code as~~ 2397
~~that section existed prior to its repeal by S.B. 310 of the~~ 2398
~~129th general assembly, a disqualifying offense as determined by~~ 2399

~~a~~ in accordance with section 9.79 of the Revised Code and a 2400
criminal records check performed in accordance with division (B) 2401
of this section. 2402

(7) The facility at which a dangerous wild animal or 2403
dangerous wild animals will be maintained under the permit 2404
consists of at least one acre. Division (A) (7) of this section 2405
does not apply to either of the following: 2406

(a) Dangerous wild animals specified in division (C) (20) 2407
of section 935.01 of the Revised Code; 2408

(b) An applicant to whom the director issues a written 2409
waiver stating that the acreage requirement does not apply to 2410
the applicant. 2411

(8) The applicant has signed an affidavit attesting that 2412
the facility at which a dangerous wild animal or dangerous wild 2413
animals will be maintained under the permit and the conditions 2414
in which each dangerous wild animal will be kept in that 2415
facility are in compliance with this chapter and rules. 2416

(9) The applicant has submitted a complete application 2417
that meets the requirements established in section 935.05 of the 2418
Revised Code. 2419

(10) The applicant has submitted the applicable fee under 2420
section 935.05 of the Revised Code. 2421

If a permit is issued, the director shall assign a unique 2422
identification number to the permit. 2423

(B) Prior to issuing or denying a wildlife shelter permit, 2424
the director shall submit a request to the bureau of criminal 2425
identification and investigation in the office of the attorney 2426
general for a criminal records check of the applicant for the 2427

permit. Upon receipt of a request, the superintendent of the 2428
bureau shall conduct a criminal records check in the manner 2429
described in division (B) of section 109.572 of the Revised Code 2430
to determine whether any information exists that indicates that 2431
the applicant previously has been convicted of or pleaded guilty 2432
to any of the following: 2433

(1) A felony drug abuse offense; 2434

(2) An offense of violence that is a felony; 2435

(3) A violation of section 959.13 or 959.131 of the 2436
Revised Code or of section 2927.21 of the Revised Code as that 2437
section existed prior to its repeal by S.B. 310 of the 129th 2438
general assembly. 2439

The applicant is responsible for paying all costs 2440
associated with the criminal records check. 2441

(C) If a permit application is denied, two hundred fifty 2442
dollars of the permit application fee shall be retained by the 2443
director as payment for the reasonable expense of processing the 2444
application, and the remainder of the fee shall be returned to 2445
the applicant. 2446

(D) Not later than the first day of December of each year, 2447
a permit holder shall apply to the director, on a form 2448
prescribed and provided by the director, for a renewal of the 2449
permit if the permit holder intends to retain possession of the 2450
dangerous wild animal or animals that are identified in the 2451
permit. Not later than thirty days after receipt of an 2452
application for renewal, the director shall renew or deny the 2453
renewal of the permit. The director shall renew the permit if 2454
the permit holder complies with this chapter and rules and pays 2455
a renewal fee in the same amount as the fee established for the 2456

initial permit in section 935.05 of the Revised Code. If a 2457
renewal permit is denied, two hundred fifty dollars of the 2458
renewal fee shall be retained by the director as payment for the 2459
reasonable expense of processing the application, and the 2460
remainder of the renewal fee shall be returned to the applicant. 2461

(E) If the director denies an application for a permit or 2462
a renewal of a permit, the director shall notify the person of 2463
the denial, the grounds for the denial, and the person's right 2464
to an adjudication under Chapter 119. of the Revised Code. 2465

(F) If a person does not appeal the determination of the 2466
director to deny an application for a permit or a renewal of a 2467
permit or if the determination of the director is affirmed under 2468
Chapter 119. of the Revised Code, not later than thirty days 2469
after the decision not to appeal or after the determination is 2470
affirmed, as applicable, the person shall transfer the dangerous 2471
wild animal or animals that the person possesses to a humane 2472
society, wildlife sanctuary, rescue facility, facility that is 2473
an accredited member of either the association of zoos and 2474
aquariums or the zoological association of America, or facility 2475
that is located in another state and that complies with that 2476
state's applicable laws. After the transfer has occurred, the 2477
person shall submit proof to the director that the dangerous 2478
wild animal or animals were transferred and shall specify the 2479
society, sanctuary, or facility to which the animal or animals 2480
were transferred. 2481

The person is responsible for all costs associated with 2482
the transfer of the dangerous wild animal or animals. 2483

(G) If a person that has been issued a wildlife shelter 2484
permit under this section or a wildlife propagation permit under 2485
section 935.07 of the Revised Code dies, the person's next of 2486

kin shall do one of the following: 2487

(1) If the next of kin wishes to possess the dangerous 2488
wild animal or animals, obtain a wildlife shelter permit under 2489
this section or a wildlife propagation permit under section 2490
935.07 of the Revised Code, as applicable. That next of kin 2491
shall comply with this chapter and rules, except that, with 2492
respect to the next of kin's initial permit, the person need not 2493
pay the applicable permit application fee. 2494

(2) If the deceased person has a last will and testament 2495
that specifies that the dangerous wild animal or animals 2496
possessed by the person are to be transferred to another person 2497
that has been issued a wildlife shelter permit, wildlife 2498
propagation permit, or rescue facility permit issued under this 2499
chapter, transfer the dangerous wild animal or animals to the 2500
applicable permit holder; 2501

(3) Transfer the dangerous wild animal or animals that 2502
were possessed by the deceased person in accordance with 2503
division (F) of this section. 2504

(H) All fees collected under this section shall be 2505
credited to the dangerous and restricted animal fund created in 2506
section 935.25 of the Revised Code. 2507

Sec. 943.03. (A) (1) Application for a license as a dealer 2508
or broker shall be made in writing to the department of 2509
agriculture. The application shall state the nature of the 2510
business, the municipal corporation, township, and county, and 2511
the post-office address of the location where the business is to 2512
be conducted, the name of any employee authorized to act in the 2513
dealer's or broker's behalf, and such additional information as 2514
the department prescribes. 2515

The applicant shall satisfy the department of the 2516
applicant's ~~character and~~ good faith in seeking to engage in 2517
such business. The department shall issue to the applicant a 2518
license to conduct the business of a dealer or broker at the 2519
place named in the application. Licenses, unless revoked, shall 2520
expire annually on the thirty-first day of March and shall be 2521
renewed according to the standard renewal procedure of sections 2522
4745.01 to 4745.03 of the Revised Code. 2523

(2) No license shall be issued by the department to a 2524
dealer or broker having weighing facilities until the applicant 2525
has filed with the department a copy of a scale test certificate 2526
showing the weighing facilities to be in satisfactory condition, 2527
a copy of the license of each weigher employed by the applicant, 2528
and a certificate of inspection by the department showing 2529
livestock market facilities to be in satisfactory sanitary 2530
condition. 2531

(3) Except as provided in division (A) (4) of this section, 2532
no license shall be issued by the department until the applicant 2533
has furnished proof of financial responsibility. Except as 2534
provided in division (C) of this section, such proof may be in 2535
the following forms: 2536

(a) A bond of a surety company authorized to do business 2537
in this state in the form prescribed by and to the satisfaction 2538
of the department, conditioned for the payment of a judgment 2539
against the applicant furnishing the bond and arising out of the 2540
failure of such dealer or broker to pay for the livestock 2541
purchased for the dealer's or broker's own or for the accounts 2542
of others or to pay when due to the person entitled thereto the 2543
gross amount, less lawful charges, for which all of the 2544
livestock is sold. The amount of bond required, the termination 2545

of the bond, and the limitation on filing claims against the 2546
dealer or broker or their surety shall be the same as prescribed 2547
in division (B) of this section. 2548

(b) A deposit with a trustee acceptable to the department 2549
of the required amount in money or negotiable bonds of the 2550
United States or of this state or of a political subdivision of 2551
this state of that par or face value, or any combination 2552
thereof, for the purpose of securing the payment of a judgment 2553
against the dealer or broker furnishing the deposit and arising 2554
out of the failure of the dealer or broker to pay for the 2555
livestock purchased for the dealer's or broker's own or for the 2556
accounts of others, or to pay when due to the person entitled 2557
thereto the gross amount, less lawful charges, for which all of 2558
the livestock is sold. The deposit shall be made under a deposit 2559
agreement acceptable to the department. The deposit is not 2560
subject to attachment for any other claim or levy of execution 2561
upon a judgment based on any other claims. 2562

(4) An applicant for a license as a dealer or broker of 2563
poultry is not required to maintain financial responsibility or 2564
furnish proof of financial responsibility. 2565

(B) Any person damaged by failure of a dealer or broker to 2566
pay for the livestock purchased for the dealer's or broker's or 2567
for the accounts of others or to pay when due to the person 2568
entitled thereto the gross amount, less lawful charges, for 2569
which all of the livestock is sold may maintain an action 2570
against the broker or dealer and the sureties on the bonds, or 2571
the trustee, provided for in this section. The aggregate 2572
liability of the sureties or trustee for all such damage shall 2573
not exceed the amount of the bond or deposit. 2574

Unless the person damaged files a claim with the dealer or 2575

broker and the sureties or trustee within sixty days from the 2576
date of the transaction on which the claim is based, the person 2577
shall be barred from maintaining an action on the bond or for 2578
the application of the deposit. Upon the filing of a claim, the 2579
claimant shall notify the department of that action. 2580

The amount of the bond or deposit shall not be less than 2581
the nearest multiple of one thousand dollars above the average 2582
daily value of livestock sold by the dealer or broker for the 2583
accounts of others and livestock purchased by the dealer or 2584
broker for the dealer's or broker's or for the accounts of 2585
others on the dealer's or broker's ten largest business days 2586
during the preceding twelve months or such part thereof as the 2587
dealer or broker was purchasing, selling, or exchanging 2588
livestock. In no case shall the amount of the bond or deposit 2589
total less than ten thousand dollars. 2590

Whenever the amount of bond or deposit calculated as above 2591
specified exceeds fifty thousand dollars, the amount of the bond 2592
shall be fifty thousand dollars plus ten per cent of the 2593
valuation in excess of fifty thousand dollars. 2594

In no case shall the bond or deposit covering the business 2595
of the dealer or broker be less than the amount specified above 2596
or such higher amount as may be specified by the "Packer and 2597
Stockyards Act of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as 2598
amended. 2599

Whenever in the judgment of the department the business 2600
volume of the licensee is such as to render the bond or deposit 2601
inadequate, the amount of the bond or deposit shall be adjusted, 2602
upon thirty days' notice, to meet sections 943.01 to 943.18 of 2603
the Revised Code and rules adopted under them. All of the bonds 2604
or deposit agreements shall contain a provision requiring that 2605

at least thirty days' prior notice in writing be given to the 2606
department and the packers and stockyards administration of the 2607
United States department of agriculture by the party terminating 2608
the bonds or deposit agreements in order to effect termination, 2609
except that a bond may be terminated as of the effective date of 2610
a replacement bond. 2611

The termination of a bond shall not release the parties 2612
from any liability arising out of facts or transactions 2613
occurring prior to the termination date. 2614

The termination of a deposit agreement shall neither 2615
release the party furnishing the deposit from any liability 2616
arising out of acts or transactions occurring prior to the 2617
termination date, nor shall the trustee permit the withdrawal of 2618
the deposit until after sixty days after the termination date, 2619
and then only if no claims under the agreement have been filed 2620
with the trustee. If any claims have been filed with the 2621
trustee, the withdrawal of the deposit shall not be permitted 2622
until the claims have been satisfied or released and evidence of 2623
the satisfaction or release filed with the trustee. 2624

(C) If approved by the director of agriculture, in lieu of 2625
the bond or deposit required in division (A) (3) of this section, 2626
a broker or dealer subject to the "Packers and Stockyards Act of 2627
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended, may furnish 2628
proof in a manner and form acceptable to the director that the 2629
broker or dealer has an irrevocable letter of credit on file 2630
with the packers and stockyards administration under regulations 2631
adopted by the packers and stockyards administration in 9 C.F.R. 2632
201.35, as amended. 2633

(D) No licensed livestock dealer or broker shall employ as 2634
an employee a person who, as a dealer or broker, previously 2635

defaulted on contracts pertaining to the purchase, exchange, or 2636
sale of livestock until the licensee does both of the following: 2637

(1) Increases the value of the dealer's or broker's bond, 2638
deposit, or letter of credit, in addition to the amount of any 2639
other bond, deposit, or letter of credit required by this 2640
section, by an amount equal to that owed by such person for the 2641
purchase, exchange, or sale of livestock prior to being employed 2642
by the licensee; 2643

(2) Signs and files with the director an agreement that 2644
guarantees, without condition, all contracts pertaining to the 2645
purchase, exchange, or sale of livestock made by such person 2646
while in the employ of the licensee. The agreement shall be in 2647
addition to any other proof of financial responsibility required 2648
by this section. The director shall prescribe the form and 2649
content of the agreement. 2650

(E) No licensed livestock dealer or broker shall employ a 2651
person whose dealer's or broker's license was revoked or is 2652
suspended. 2653

Sec. 943.031. (A) Application for a license as a small 2654
dealer shall be made in writing to the department of 2655
agriculture. The application shall state the nature of the 2656
business, the municipal corporation or township, county, and 2657
post-office address of the location where the business is to be 2658
conducted, the name of any employee who is authorized to act in 2659
the small dealer's behalf, and any additional information that 2660
the department prescribes. 2661

(B) The applicant shall satisfy the department of the 2662
applicant's ~~character and~~ good faith in seeking to engage in the 2663
business of a small dealer. The department then shall issue to 2664

the applicant a license to conduct the business of a small dealer at the place named in the application. Licenses, unless revoked, shall expire annually on the thirty-first day of March and shall be renewed according to the standard renewal procedure established in sections 4745.01 to 4745.03 of the Revised Code.

(C) No license shall be issued by the department to a small dealer having weighing facilities until the applicant has filed with the department a copy of a scale test certificate showing the weighing facilities to be in satisfactory condition, a copy of the license of each weigher employed by the applicant, and a certificate of inspection by the department showing livestock market facilities to be in satisfactory sanitary condition.

(D) No licensed small dealer shall employ as an employee a person who, as a small dealer, dealer, or broker, previously defaulted on contracts pertaining to the purchase, exchange, or sale of livestock until the licensee signs and files with the director an agreement that guarantees, without condition, all contracts pertaining to the purchase, exchange, or sale of livestock made by the person while in the employ of the licensee. The director shall prescribe the form and content of the agreement.

(E) A licensed small dealer is not required to maintain financial responsibility or furnish proof of financial responsibility.

Sec. 943.05. (A) (1) The director of agriculture may, except as provided in division (A) (2) of this section, refuse to grant or may suspend a small dealer's, dealer's, or broker's license, without prior hearing, after determining from evidence presented to the director that there is reasonable cause to

believe any of the following situations exist:	2695
(1) <u>(a)</u> Where the applicant or licensee or an employee has violated the laws of the state or official regulations governing the interstate or intrastate movement, shipment, or transportation of animals, or has been convicted of a crime involving moral turpitude or convicted of a felony;	2696 2697 2698 2699 2700
(2) <u>(b)</u> Where there have been false or misleading statements as to the health or physical condition of the animals with regard to official tests or quantity of animals, or the practice of fraud or misrepresentation in connection therewith or in the buying or receiving of animals or receiving, selling, exchanging, soliciting, or negotiating the sale, resale, exchange, weighing, or shipment of animals;	2701 2702 2703 2704 2705 2706 2707
(3) <u>(c)</u> Where the applicant or licensee acts as a small dealer, dealer, or broker for a person attempting to conduct business in violation of section 943.02 of the Revised Code, after the notice of the violation has been given to the licensee by the department of agriculture;	2708 2709 2710 2711 2712
(4) <u>(d)</u> Where the applicant or licensee or employee fails to practice measures of sanitation, disinfection, and inspection as required by sections 943.01 to 943.18 of the Revised Code, or prescribed by the department, of premises or vehicles used for the yarding, holding, or transporting of animals;	2713 2714 2715 2716 2717
(5) <u>(e)</u> Where there has been a failure to keep records required by the department or where there is a refusal on the part of the applicant or licensee or employee to produce records of transactions in the carrying on of the business for which the license is granted;	2718 2719 2720 2721 2722
(6) <u>(f)</u> Where the applicant or licensee providing weighing	2723

facilities used for, in connection with, or incident to the 2724
purchase or sale of livestock for the account of the licensee or 2725
others, fails to maintain and operate the weighing facilities in 2726
accordance with sections 943.08 and 943.10 of the Revised Code; 2727

~~(7)~~ (g) Where the applicant or licensee in the conduct of 2728
the business covered by the license fails to maintain and 2729
operate weighing facilities in accordance with sections 943.08 2730
and 943.10 of the Revised Code or fails to cause its livestock 2731
to be weighed by licensed weighers as provided in those 2732
sections; 2733

~~(8)~~ (h) With regard to a dealer or broker licensee, where 2734
the licensee fails to maintain a bond or deposit, or letter of 2735
credit, if applicable, or fails to adjust the bond or deposit 2736
upon thirty days' notice or refuses or neglects to pay the fees 2737
or inspection charges required to be paid; 2738

~~(9)~~ (i) Where the licensee has been suspended by order of 2739
the secretary of agriculture of the United States department of 2740
agriculture under provisions of the "Packers and Stockyards Act 2741
of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended; 2742

~~(10)~~ (j) With regard to a dealer or broker licensee, where 2743
the surety company, trustee, or issuer of a letter of credit of 2744
the licensee issues a notice of termination of the licensee's 2745
bond agreement, deposit agreement, or letter of credit; 2746

~~(11)~~ (k) Where the applicant has had a small dealer's, 2747
dealer's, or broker's license revoked or has had a small 2748
dealer's, dealer's, or broker's license suspended two or more 2749
times in the previous five years. 2750

(2) The director shall not refuse to grant a small 2751
dealer's, dealer's, or broker's license because of an 2752

applicant's criminal conviction unless the refusal is in 2753
accordance with section 9.79 of the Revised Code. 2754

(B) When the director refuses to grant or suspends a small 2755
dealer's, dealer's, or broker's license, the director or the 2756
director's designee may hand deliver the order. The licensee to 2757
whom a suspension order is issued shall be afforded a hearing in 2758
accordance with Chapter 119. of the Revised Code, after which 2759
the director shall reinstate, revoke, or suspend for a longer or 2760
indefinite period the suspended license. 2761

Sec. 956.03. (A) The director of agriculture shall adopt 2762
rules in accordance with Chapter 119. of the Revised Code 2763
establishing all of the following: 2764

(1) Requirements and procedures governing high volume 2765
breeders, including the licensing and inspection of and record 2766
keeping by high volume breeders, in addition to the requirements 2767
and procedures established in this chapter. The rules shall 2768
include a requirement that a high volume breeder keep and 2769
maintain a record of veterinary care for each dog kept, housed, 2770
and maintained by the high volume breeder. The rules shall 2771
require the records to be kept and maintained for three years 2772
after the care is provided by a veterinarian. 2773

(2) Requirements and procedures for conducting background 2774
investigations of each applicant for a license issued under 2775
section 956.04 of the Revised Code in order to determine if the 2776
applicant has been convicted of or pleaded guilty to ~~any of the~~ 2777
~~violations specified in division (A) (2) of section 956.15 of the~~ 2778
~~Revised Code~~ an offense the director determines is a 2779
disqualifying offense under section 9.79 of the Revised Code; 2780

(3) Requirements and procedures governing dog brokers, 2781

including the licensing of and record keeping by dog brokers, in 2782
addition to the requirements and procedures established in this 2783
chapter; 2784

(4) The form of applications for licenses issued under 2785
this chapter and the information that is required to be 2786
submitted in the applications; 2787

(5) The form of an application for registration and 2788
registration renewal as an animal rescue for dogs under this 2789
chapter and the information that is required to be provided with 2790
a registration or registration renewal, including the name and 2791
address of each foster home that an animal rescue for dogs 2792
utilizes; 2793

(6) A requirement that each high volume breeder submit to 2794
the director, with an application for a high volume breeder 2795
license, evidence of insurance or, in the alternative, evidence 2796
of a surety bond payable to the state to ensure compliance with 2797
this chapter and rules adopted under it. The face value of the 2798
insurance coverage or bond shall be in the following amounts: 2799

(a) Five thousand dollars for high volume breeders 2800
keeping, housing, and maintaining not more than twenty-five 2801
adult dogs; 2802

(b) Ten thousand dollars for high volume breeders keeping, 2803
housing, and maintaining at least twenty-six adult dogs, but not 2804
more than fifty adult dogs; 2805

(c) Fifty thousand dollars for high volume breeders 2806
keeping, housing, and maintaining more than fifty adult dogs. 2807

The rules shall require that the insurance be payable to 2808
the state or that the surety bond be subject to redemption by 2809
the state, as applicable, upon a suspension or revocation of a 2810

high volume breeder license for the purpose of paying for the 2811
maintenance and care of dogs that are seized or otherwise 2812
impounded from the high volume breeder in accordance with this 2813
chapter. 2814

(7) (a) For high volume breeders, standards of care 2815
governing all of the following: 2816

(i) Housing; 2817

(ii) Nutrition; 2818

(iii) Exercise; 2819

(iv) Grooming; 2820

(v) Biosecurity and disease control; 2821

(vi) Waste management; 2822

(vii) Whelping; 2823

(viii) Any other general standards of care for dogs. 2824

(b) In adopting rules under division (A) (7) (a) of this 2825
section, the director shall consider the following factors, 2826
without limitation: 2827

(i) Best management practices for the care and well-being 2828
of dogs; 2829

(ii) Biosecurity; 2830

(iii) The prevention of disease; 2831

(iv) Morbidity and mortality data; 2832

(v) Generally accepted veterinary medical standards and 2833
ethical standards established by the American veterinary medical 2834
association; 2835

(vi) Standards established by the United States department 2836
of agriculture under the federal animal welfare act as defined 2837
in section 959.131 of the Revised Code. 2838

(8) Procedures for inspections conducted under section 2839
956.10 of the Revised Code in addition to the procedures 2840
established in that section, and procedures for making records 2841
of the inspections; 2842

(9) (a) A requirement that an in-state retailer of a puppy 2843
or adult dog provide to the purchaser the complete name, 2844
address, and telephone number of all high volume breeders, dog 2845
brokers, and private owners that kept, housed, or maintained the 2846
puppy or adult dog prior to its coming into the possession of 2847
the retailer or proof that the puppy or adult dog was acquired 2848
through an animal rescue for dogs, animal shelter for dogs, or 2849
humane society, or a valid health certificate from the state of 2850
origin pertaining to the puppy or adult dog; 2851

(b) A requirement that an out-of-state retailer of a puppy 2852
or adult dog that is conducting business in this state provide 2853
to the purchaser a valid health certificate from the state of 2854
origin pertaining to the puppy or adult dog and the complete 2855
name, address, and telephone number of all breeders, brokers, 2856
and private owners that kept, housed, or maintained the puppy or 2857
adult dog prior to its coming into the possession of the 2858
retailer or proof that the puppy or adult dog was acquired 2859
through an animal rescue for dogs, animal shelter for dogs, or 2860
humane society in this state or another state. 2861

(10) A requirement that a high volume breeder or a dog 2862
broker who advertises the sale of a puppy or adult dog include 2863
with the advertisement the vendor number assigned by the tax 2864
commissioner to the high volume breeder or to the dog broker if 2865

the sale of the puppy or dog is subject to the tax levied under 2866
Chapter 5739. of the Revised Code; 2867

(11) A requirement that a licensed high volume breeder and 2868
a licensed dog broker comply with Chapter 5739. of the Revised 2869
Code. The rules shall authorize the director to suspend or 2870
revoke a license for failure to comply with that chapter. The 2871
director shall work in conjunction with the tax commissioner for 2872
the purposes of rules adopted under this division. 2873

(12) Requirements and procedures governing pet stores, 2874
including requirements and procedures governing the initial 2875
licensing of pet stores and the renewal of pet store licenses; 2876

(13) The application form for a license issued under 2877
division (A) of section 956.21 of the Revised Code and the 2878
information that is required to be submitted in the application; 2879

(14) Requirements governing permanent implanted 2880
identification microchips for dogs to be sold at a pet store and 2881
by a dog broker; 2882

(15) Any other requirements and procedures that are 2883
determined by the director to be necessary for the 2884
administration and enforcement of this chapter and rules adopted 2885
under it. However, rules adopted under this division shall not 2886
establish additional requirements and procedures governing 2887
animal rescues for dogs other than those adopted under division 2888
(A) (5) of this section. 2889

(B) The director of agriculture may adopt rules in 2890
accordance with Chapter 119. of the Revised Code establishing 2891
disease testing protocols and vaccination requirements for dogs 2892
to be sold at a pet store. 2893

Sec. 956.15. (A) The director of agriculture shall deny an 2894

application for a license that is submitted under section 956.04 2895
or 956.05 of the Revised Code for either of the following 2896
reasons: 2897

(1) The applicant for the license has violated any 2898
provision of this chapter or a rule adopted under it if the 2899
violation materially threatens the health or welfare of a dog. 2900

(2) The applicant, ~~in the past twenty years,~~ has been 2901
convicted of or pleaded guilty to ~~violating section 959.01,~~ 2902
~~959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the~~ 2903
~~Revised Code or an equivalent municipal ordinance, or, in the~~ 2904
~~past twenty years, has been convicted of or pleaded guilty to~~ 2905
~~violating more than once section 2919.25 of the Revised Code or~~ 2906
~~an equivalent municipal ordinance~~ a disqualifying offense as 2907
determined in accordance with section 9.79 of the Revised Code. 2908

(B) The director may suspend or revoke a license issued 2909
under this chapter for violation of any provision of this 2910
chapter or a rule adopted or order issued under it if the 2911
violation materially threatens the health and welfare of a dog. 2912

(C) An application or a license shall not be denied, 2913
suspended, or revoked under this section without a written order 2914
of the director stating the findings on which the denial, 2915
suspension, or revocation is based. A copy of the order shall be 2916
sent to the applicant or license holder by certified mail or may 2917
be provided to the applicant or license holder by personal 2918
service. In addition, the person to whom a denial, suspension, 2919
or revocation applies may request an adjudication hearing under 2920
Chapter 119. of the Revised Code. The director shall comply with 2921
such a request. The determination of the director at an 2922
adjudication hearing may be appealed in accordance with section 2923
119.12 of the Revised Code, except that the determination may be 2924

appealed only to the environmental division of the Franklin 2925
county municipal court. 2926

Sec. 1119.05. (A) (1) For each representative office a 2927
foreign bank proposes to operate, the foreign bank shall first 2928
submit to the superintendent of financial institutions an 2929
application for preliminary approval of the representative 2930
office. The superintendent shall approve or disapprove the 2931
application within sixty days after accepting the application. 2932

(2) In determining whether to approve or disapprove the 2933
foreign bank's application, the superintendent shall consider 2934
all of the following: 2935

(a) Whether the foreign bank is subject to comprehensive 2936
supervision and regulation on a consolidated basis by the 2937
appropriate authorities in the country that granted its banking 2938
charter; 2939

(b) Whether the management of the foreign bank and the 2940
proposed management of the representative office are adequate; 2941

(c) Whether any controlling person of the foreign bank, 2942
each director and executive officer of the foreign bank, and 2943
each director and executive officer of any controlling person of 2944
the foreign bank is competent and of ~~good character and~~ sound 2945
financial standing; 2946

(d) Whether the capital and financial resources of the 2947
foreign bank are adequate; 2948

(e) Whether the foreign bank is currently operating in 2949
compliance with applicable laws, regulations, and orders; 2950

(f) Whether it is reasonable to believe the foreign bank 2951
will operate the representative office in compliance with 2952

applicable laws, regulations, and orders;	2953
(g) Any other reasonable criteria the superintendent may prescribe.	2954 2955
(B) The superintendent shall issue a license to a foreign bank to operate the representative office if all of the following have occurred:	2956 2957 2958
(1) The superintendent has approved the foreign bank's application for preliminary approval to operate the representative office under division (A) of this section.	2959 2960 2961
(2) The foreign bank has met all conditions of the superintendent's preliminary approval.	2962 2963
(3) The foreign bank has delivered to the superintendent an appointment of an agent for service of process, the agent's acknowledgment of the appointment, and the foreign bank's agreement to service of process upon the superintendent if reasonable efforts to serve the foreign bank's agent or place of business in this state are unsuccessful.	2964 2965 2966 2967 2968 2969
Sec. 1119.08. (A) (1) For each agency or branch a foreign bank proposes to operate, the foreign bank shall first submit to the superintendent of financial institutions an application for preliminary approval of the agency or branch. The superintendent shall determine whether to approve or disapprove the application within sixty days after accepting the application.	2970 2971 2972 2973 2974 2975
(2) In determining whether to approve or disapprove the foreign bank's application, the superintendent shall consider all of the following:	2976 2977 2978
(a) Whether the foreign bank is subject to comprehensive supervision and regulation on a consolidated basis by the	2979 2980

appropriate authorities in the country that granted its banking charter;	2981 2982
(b) Whether the management of the foreign bank and the proposed management of the agency or branch are adequate;	2983 2984
(c) Whether any controlling person of the foreign bank, each director and executive officer of the foreign bank, and each director and executive officer of any controlling person of the foreign bank is competent and of good character and sound financial standing;	2985 2986 2987 2988 2989
(d) Whether the capital and financial resources of the foreign bank are adequate;	2990 2991
(e) Whether the foreign bank is currently operating in a safe and sound manner, and is in compliance with applicable laws, regulations, and orders;	2992 2993 2994
(f) Whether it is reasonable to believe the foreign bank will operate the agency or branch in a safe and sound manner, and in compliance with applicable laws, regulations, and orders;	2995 2996 2997
(g) Any other reasonable criteria the superintendent may prescribe.	2998 2999
(B) The superintendent shall issue a license to a foreign bank to operate the agency or branch if the following have occurred:	3000 3001 3002
(1) The superintendent has approved the foreign bank's application for preliminary approval to operate the agency or branch under division (A) of this section.	3003 3004 3005
(2) The foreign bank has met all conditions of the superintendent's preliminary approval.	3006 3007

(3) The foreign bank has delivered to the superintendent 3008
an appointment of an agent for service of process, the agent's 3009
acknowledgment of the appointment, and the foreign bank's 3010
agreement to service of process upon the superintendent if 3011
reasonable efforts to serve the foreign bank's agent or place of 3012
business in this state are unsuccessful. 3013

(4) The foreign bank has pledged assets as required under 3014
section 1119.09 of the Revised Code and maintains assets in this 3015
state as required by section 1119.10 of the Revised Code. 3016

Sec. 1315.04. (A) (1) After accepting an application for a 3017
money transmitter license described in section 1315.03 of the 3018
Revised Code, the superintendent of financial institutions shall 3019
examine all the facts and circumstances relating to the 3020
application. 3021

(2) At the applicant's expense, the superintendent may 3022
conduct an on-site examination of the applicant's books, 3023
records, and operations. If the superintendent requests, the 3024
applicant shall advance to the superintendent the 3025
superintendent's estimate of the cost of the on-site 3026
examination, with any unconsumed portion to be returned to the 3027
applicant. 3028

(3) The applicant shall pay the cost of its examination 3029
described in division (A) of this section, or any balance of the 3030
cost of its examination in the case of an applicant that 3031
advanced the estimated cost of its examination, within fourteen 3032
days after receiving an invoice for payment. 3033

(B) In making a determination on an application described 3034
in division (A) (1) of this section, the superintendent shall 3035
consider all of the following: 3036

(1) The applicant's financial condition;	3037
(2) The applicant's business practices;	3038
(3) The applicant's and its directors', executive officers', and controlling persons' experience, competence, character, and history of compliance with applicable laws.	3039 3040 3041
(C) The superintendent shall not approve an application described in division (A)(1) of this section if the applicant does not meet both of the following requirements:	3042 3043 3044
(1) The applicant is a legally established business entity that is capitalized separately and distinctly from every other legal entity and is qualified to do business in this state.	3045 3046 3047
(2) The applicant has a minimum net worth of not less than five hundred thousand dollars, calculated according to generally accepted accounting principles, but excluding any assets that the superintendent disqualifies and including any off-balance sheet liabilities that the superintendent requires.	3048 3049 3050 3051 3052
(D)(1) In approving an application for a money transmitter license, the superintendent may impose any condition the superintendent determines to be appropriate.	3053 3054 3055
(2) When an applicant has satisfied all prior conditions imposed by the superintendent in approving the applicant's application for a money transmitter license and has provided a security device as required by section 1315.07 of the Revised Code, the superintendent shall issue the applicant a money transmitter license. A license issued pursuant to this section remains in force and effect until surrendered by the licensee pursuant to section 1315.18 of the Revised Code or suspended or revoked by the superintendent pursuant to section 1315.151 of the Revised Code.	3056 3057 3058 3059 3060 3061 3062 3063 3064 3065

(E) On or before the first day of July of each year, each
licensee shall pay to the superintendent an annual fee for
carrying on the business as a money transmitter, which fee is
established by the superintendent pursuant to division (B) of
section 1315.13 of the Revised Code.

Sec. 1315.101. (A) After accepting an application to
acquire control of a licensee described in section 1315.10 of
the Revised Code, the superintendent of financial institutions
shall examine all of the facts and circumstances relating to the
application.

(B) The superintendent shall approve the application
described in division (A) of this section if the superintendent
determines both of the following:

(1) The competence, and experience, ~~and character~~ of the
applicant or applicants seeking to acquire control of a licensee
and the applicant's or applicants' general fitness to operate
the licensee or person in control of the licensee in a lawful
and proper manner are acceptable.

(2) The interests of the public are not jeopardized by the
change of control.

Sec. 1315.23. (A) Upon the filing of an application for an
original license to engage in the business of cashing checks,
and the payment of the fees for investigation and licensure, the
superintendent of financial institutions shall investigate the
financial condition and responsibility, ~~character,~~ and general
fitness of the applicant. As part of that investigation, the
superintendent shall request that the superintendent of the
bureau of criminal identification and investigation investigate
and determine, with respect to the applicant, whether the bureau

has any information gathered under section 109.57 of the Revised Code that pertains to that applicant.

(B) The superintendent shall issue a license, which shall apply to all check-cashing business locations of the applicant, if the superintendent determines that the applicant meets all the following requirements:

(1) The applicant is financially sound and has a net worth of at least twenty-five thousand dollars. The applicant's net worth shall be computed according to generally accepted accounting principles. The applicant shall maintain a net worth of at least twenty-five thousand dollars throughout the licensure period.

(2) The applicant ~~is a person of good character and has~~ the ability and fitness in the capacity involved to engage in the business of cashing checks.

(3) The applicant has not been convicted of, or has not pleaded guilty or no contest to, a felony disqualifying offense determined in accordance with section 9.79 of the Revised Code.

(4) The applicant has never had a check-cashing license revoked.

(C) (1) A license issued to a check-cashing business shall remain in full force and effect through the thirty-first day of December following its date of issuance, unless earlier surrendered, suspended, or revoked.

(2) Each check-cashing business shall conspicuously post and at all times display in every business location its check-cashing license. No check-cashing license is transferable or assignable.

(D) A check-cashing business voluntarily may surrender its 3123
license at any time by giving written notice to the 3124
superintendent and sending, by certified mail, to the 3125
superintendent all license documents issued to it pursuant to 3126
sections 1315.21 to 1315.28 of the Revised Code. 3127

(E) (1) A check-cashing business annually may apply to the 3128
superintendent for a renewal of its license on or after the 3129
first day of December of the year in which its existing license 3130
expires. 3131

(2) If a check-cashing business files an application for a 3132
renewal license with the superintendent before the first day of 3133
January of any year, the license sought to be renewed shall 3134
continue in full force and effect until the issuance by the 3135
superintendent of the renewal license applied for or until ten 3136
days after the superintendent has given the check-cashing 3137
business notice of the superintendent's refusal to issue a 3138
renewal license. 3139

(F) The superintendent may, except as otherwise provided 3140
in this division, suspend, revoke, or refuse an original or 3141
renewal license for failure to comply with this section or for 3142
any violation of section 1315.28 of the Revised Code. If a 3143
suspension, revocation, or refusal of an original or renewal 3144
license is based on a violation of section 1315.28 of the 3145
Revised Code that is committed, without the licensee's 3146
knowledge, at a check-cashing business location of the licensee, 3147
the suspension or revocation applies only to that check-cashing 3148
business location. In all other cases, a suspension, revocation, 3149
or refusal of an original or renewal license applies to all 3150
check-cashing business locations of the licensee. The 3151
superintendent shall not refuse an original license to an 3152

applicant because of a criminal conviction unless the refusal is 3153
in accordance with section 9.79 of the Revised Code. 3154

(G) No original or renewal license shall be suspended, 3155
revoked, or refused except after a hearing in accordance with 3156
Chapter 119. of the Revised Code. In suspending a license under 3157
this division, the superintendent shall establish the length of 3158
the suspension, provided that no suspension may be for a period 3159
exceeding one year. The superintendent's decision to revoke, 3160
suspend, or refuse an original or renewal license may be 3161
appealed pursuant to Chapter 119. of the Revised Code. 3162

(H) Upon revocation of a license, the licensee shall 3163
immediately send, by certified mail, all license documents 3164
issued pursuant to sections 1310.21 to 1310.28 of the Revised 3165
Code to the superintendent. 3166

(I) The superintendent may, in lieu of a suspension or 3167
revocation of a license, impose a fine of not more than one 3168
thousand dollars for each violation. 3169

Sec. 1321.04. Upon the filing of an application under 3170
section 1321.03 of the Revised Code and payment of fees pursuant 3171
to section 1321.20 of the Revised Code, the division of 3172
financial institutions shall investigate the facts concerning 3173
the applicant and the requirements provided for in divisions (A) 3174
and (B) of this section. 3175

The division shall approve the application and issue and 3176
deliver a license to the applicant if the division finds both of 3177
the following: 3178

(A) That the financial responsibility, experience, 3179
~~reputation,~~ and general fitness of the applicant and of the 3180
members thereof, if the applicant is a partnership or an 3181

association, and of the officers and directors thereof, if the 3182
applicant is a corporation, are such as to warrant the belief 3183
that the business will be operated lawfully, honestly, and 3184
fairly under sections 1321.01 to 1321.19 of the Revised Code and 3185
within the purposes of those sections, that the applicant has 3186
fully complied with those sections, and that the applicant is 3187
qualified to act as a licensed lender; 3188

(B) That the applicant has available for the operation of 3189
such business cash or moneys deposited in a readily accessible 3190
fund or account of not less than twenty-five thousand dollars. 3191

If the division does not so find, it shall enter an order 3192
denying such application and forthwith notify the applicant of 3193
the denial, the grounds for the denial, and the applicant's 3194
reasonable opportunity to be heard on the action in accordance 3195
with Chapter 119. of the Revised Code. In the event of denial, 3196
the division shall return the license fee but shall retain the 3197
investigation fee. 3198

Sec. 1321.37. (A) Application for an original or renewal 3199
license to make short-term loans shall be in writing, under 3200
oath, and in the form prescribed by the superintendent of 3201
financial institutions, and shall contain the name and address 3202
of the applicant, the location where the business of making 3203
loans is to be conducted, and any further information as the 3204
superintendent requires. At the time of making an application 3205
for an original license, the applicant shall pay to the 3206
superintendent a nonrefundable investigation fee of two hundred 3207
dollars. No investigation fee or any portion thereof shall be 3208
refunded after an original license has been issued. The 3209
application for an original or renewal license shall be 3210
accompanied by an original or renewal license fee, for each 3211

business location of one thousand dollars, except that 3212
applications for original licenses issued on or after the first 3213
day of July for any year shall be accompanied by an original 3214
license fee of five hundred dollars, and except that an 3215
application for an original or renewal license, for a nonprofit 3216
corporation that is incorporated under Chapter 1702. of the 3217
Revised Code, shall be accompanied by an original or renewal 3218
license fee, for each business location, that is one-half of the 3219
fee otherwise required. All fees paid to the superintendent 3220
pursuant to this division shall be deposited into the state 3221
treasury to the credit of the consumer finance fund. 3222

(B) Upon the filing of an application for an original 3223
license and, with respect to an application filed for a renewal 3224
license, on a schedule determined by the superintendent by rule 3225
adopted pursuant to section 1321.43 of the Revised Code, and the 3226
payment of fees in accordance with division (A) of this section, 3227
the superintendent shall investigate the facts concerning the 3228
applicant and the requirements provided by this division. The 3229
superintendent shall request the superintendent of the bureau of 3230
criminal identification and investigation, or a vendor approved 3231
by the bureau, to conduct a criminal records check based on the 3232
applicant's fingerprints in accordance with section 109.572 of 3233
the Revised Code. Notwithstanding division (K) of section 121.08 3234
of the Revised Code, the superintendent of financial 3235
institutions shall request that criminal record information from 3236
the federal bureau of investigation be obtained as part of the 3237
criminal records check. The superintendent of financial 3238
institutions shall conduct a civil records check. The 3239
superintendent shall approve an application and issue an 3240
original or renewal license to the applicant if the 3241
superintendent finds all of the following: 3242

(1) The financial responsibility, experience, ~~reputation,~~ 3243
and general fitness of the applicant are such as to warrant the 3244
belief that the business of making loans will be operated 3245
lawfully, honestly, and fairly under sections 1321.35 to 1321.48 3246
of the Revised Code and within the purposes of those sections; 3247
that the applicant has fully complied with those sections and 3248
any rule or order adopted or issued pursuant to section 1321.43 3249
of the Revised Code; and that the applicant is qualified to 3250
engage in the business of making loans under sections 1321.35 to 3251
1321.48 of the Revised Code. 3252

(2) The applicant is financially sound and has a net worth 3253
of not less than one hundred thousand dollars, or in the case of 3254
a nonprofit corporation that is incorporated under Chapter 1702. 3255
of the Revised Code, a net worth of not less than fifty thousand 3256
dollars. The applicant's net worth shall be computed according 3257
to generally accepted accounting principles. 3258

(3) The applicant has never had revoked a license to make 3259
loans under sections 1321.35 to 1321.48 of the Revised Code, 3260
under former sections 1315.35 to 1315.44 of the Revised Code, or 3261
to do business under sections 1315.21 to 1315.30 of the Revised 3262
Code. 3263

(4) Neither the applicant nor any senior officer, or 3264
partner of the applicant, has pleaded guilty to or been 3265
convicted of ~~any criminal offense involving theft, receiving~~ 3266
~~stolen property, embezzlement, forgery, fraud, passing bad~~ 3267
~~checks, money laundering, or drug trafficking, or any criminal~~ 3268
~~offense involving money or securities or any violation of an~~ 3269
~~existing or former law of this state, any other state, or the~~ 3270
~~United States that substantially is equivalent to a criminal~~ 3271
~~offense described in that division. However, if the applicant or~~ 3272

~~any of those other persons has pleaded guilty to or been~~ 3273
~~convicted of any such offense other than theft, the~~ 3274
~~superintendent shall not consider the offense if the applicant~~ 3275
~~has proven to the superintendent, by a preponderance of the~~ 3276
~~evidence, that the applicant's or other person's activities and~~ 3277
~~employment record since the conviction show that the applicant~~ 3278
~~or other person is honest, truthful, and of good reputation, and~~ 3279
~~there is no basis in fact for believing that the applicant or~~ 3280
~~other person will commit such an offense again~~ 3281
offense as determined in accordance with section 9.79 of the 3282
Revised Code. 3283

(5) Neither the applicant nor any senior officer, or 3284
partner of the applicant, has been subject to any adverse 3285
judgment for conversion, embezzlement, misappropriation of 3286
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 3287
duty, or if the applicant or any of those other persons has been 3288
subject to such a judgment, the applicant has proven to the 3289
superintendent, by a preponderance of the evidence, that the 3290
applicant's or other person's activities and employment record 3291
since the judgment show that the applicant or other person is 3292
honest, ~~and~~ truthful, ~~and of good reputation,~~ and there is no 3293
basis in fact for believing that the applicant or other person 3294
will be subject to such a judgment again. 3295

(C) If the superintendent finds that the applicant does 3296
not meet the requirements of division (B) of this section, or 3297
the superintendent finds that the applicant knowingly or 3298
repeatedly contracts with or employs persons to directly engage 3299
in lending activities who have been convicted of a felony crime 3300
listed in division (B) (5) of this section, the superintendent 3301
shall issue an order denying the application for an original or 3302
renewal license and giving the applicant an opportunity for a 3303

hearing on the denial in accordance with Chapter 119. of the 3304
Revised Code. The superintendent shall notify the applicant of 3305
the denial, the grounds for the denial, and the applicant's 3306
opportunity for a hearing. If the application is denied, the 3307
superintendent shall return the annual license fee but shall 3308
retain the investigation fee. 3309

(D) No person licensed under sections 1321.35 to 1321.48 3310
of the Revised Code shall conduct business in this state unless 3311
the licensee has obtained and maintains in effect at all times a 3312
corporate surety bond issued by a bonding company or insurance 3313
company authorized to do business in this state. The bond shall 3314
be in favor of the superintendent and in the penal sum of at 3315
least one hundred thousand dollars, or in the case of a 3316
nonprofit corporation that is incorporated under Chapter 1702. 3317
of the Revised Code, in the amount of fifty thousand dollars. 3318
The term of the bond shall coincide with the term of the 3319
license. The licensee shall file a copy of the bond with the 3320
superintendent. The bond shall be for the exclusive benefit of 3321
any borrower injured by a violation by a licensee or any 3322
employee of a licensee, of any provision of sections 1321.35 to 3323
1321.48 of the Revised Code. 3324

Sec. 1321.53. (A) (1) An application for a certificate of 3325
registration under sections 1321.51 to 1321.60 of the Revised 3326
Code shall contain an undertaking by the applicant to abide by 3327
those sections. The application shall be in writing, under oath, 3328
and in the form prescribed by the division of financial 3329
institutions, and shall contain any information that the 3330
division may require. Applicants that are foreign corporations 3331
shall obtain and maintain a license pursuant to Chapter 1703. of 3332
the Revised Code before a certificate is issued or renewed. 3333

(2) Upon the filing of the application and the payment by 3334
the applicant of a nonrefundable two-hundred-dollar 3335
investigation fee and a nonrefundable three-hundred-dollar 3336
annual registration fee, the division shall investigate the 3337
relevant facts. If the application involves investigation 3338
outside this state, the applicant may be required by the 3339
division to advance sufficient funds to pay any of the actual 3340
expenses of such investigation, when it appears that these 3341
expenses will exceed two hundred dollars. An itemized statement 3342
of any of these expenses which the applicant is required to pay 3343
shall be furnished to the applicant by the division. No 3344
certificate shall be issued unless all the required fees have 3345
been submitted to the division. 3346

(3) The investigation undertaken upon application shall 3347
include both a civil and criminal records check of the applicant 3348
including any individual whose identity is required to be 3349
disclosed in the application. Where the applicant is a business 3350
entity the superintendent shall have the authority to require a 3351
civil and criminal background check of those persons that in the 3352
determination of the superintendent have the authority to direct 3353
and control the operations of the applicant. 3354

(4) (a) Notwithstanding division (K) of section 121.08 of 3355
the Revised Code, the superintendent of financial institutions 3356
shall obtain a criminal history records check and, as part of 3357
that records check, request that criminal record information 3358
from the federal bureau of investigation be obtained. To fulfill 3359
this requirement, the superintendent shall request the 3360
superintendent of the bureau of criminal identification and 3361
investigation, or a vendor approved by the bureau, to conduct a 3362
criminal records check based on the applicant's fingerprints or, 3363
if the fingerprints are unreadable, based on the applicant's 3364

social security number, in accordance with section 109.572 of 3365
the Revised Code. 3366

(b) Any fee required under division (C) (3) of section 3367
109.572 of the Revised Code shall be paid by the applicant. 3368

(5) If an application for a certificate of registration 3369
does not contain all of the information required under division 3370
(A) of this section, and if such information is not submitted to 3371
the division within ninety days after the superintendent 3372
requests the information in writing, including by electronic 3373
transmission or facsimile, the superintendent may consider the 3374
application withdrawn. 3375

(6) If the division finds that the financial 3376
responsibility, experience, ~~character~~, and general fitness of 3377
the applicant command the confidence of the public and warrant 3378
the belief that the business will be operated honestly and 3379
fairly in compliance with the purposes of sections 1321.51 to 3380
1321.60 of the Revised Code and the rules adopted thereunder, 3381
and that the applicant has the applicable net worth and assets 3382
required by division (B) of this section, the division shall 3383
thereupon issue a certificate of registration to the applicant. 3384
The superintendent shall not use a credit score as the sole 3385
basis for a registration denial. 3386

(a) (i) Certificates of registration issued on or after 3387
July 1, 2010, shall annually expire on the thirty-first day of 3388
December, unless renewed by the filing of a renewal application 3389
and payment of a three-hundred-dollar nonrefundable annual 3390
registration fee and any assessment as determined by the 3391
superintendent pursuant to division (A) (6) (a) (ii) of this 3392
section on or before the last day of December of each year. No 3393
other fee or assessment shall be required of a registrant by the 3394

state or any political subdivision of this state. 3395

(ii) If the renewal fees billed by the superintendent 3396
pursuant to division (A) (6) (a) (i) of this section are less than 3397
the estimated expenditures of the consumer finance section of 3398
the division of financial institutions, as determined by the 3399
superintendent, for the following fiscal year, the 3400
superintendent may assess each registrant at a rate sufficient 3401
to equal in the aggregate the difference between the renewal 3402
fees billed and the estimated expenditures. Each registrant 3403
shall pay the assessed amount to the superintendent prior to the 3404
last day of June. In no case shall the assessment exceed ten 3405
cents per each one hundred dollars of interest (excluding 3406
charge-off recoveries), points, loan origination charges, and 3407
credit line charges collected by that registrant during the 3408
previous calendar year. If such an assessment is imposed, it 3409
shall not be less than two hundred fifty dollars per registrant 3410
and shall not exceed thirty thousand dollars less the total 3411
renewal fees paid pursuant to division (A) (6) (a) (i) of this 3412
section by each registrant. 3413

(b) Registrants shall timely file renewal applications on 3414
forms prescribed by the division and provide any further 3415
information that the division may require. If a renewal 3416
application does not contain all of the information required 3417
under this section, and if that information is not submitted to 3418
the division within ninety days after the superintendent 3419
requests the information in writing, including by electronic 3420
transmission or facsimile, the superintendent may consider the 3421
application withdrawn. 3422

(c) Renewal shall not be granted if the applicant's 3423
certificate of registration is subject to an order of 3424

suspension, revocation, or an unpaid and past due fine imposed 3425
by the superintendent. 3426

(d) If the division finds the applicant does not meet the 3427
conditions set forth in this section, it shall issue a notice of 3428
intent to deny the application, and forthwith notify the 3429
applicant of the denial, the grounds for the denial, and the 3430
applicant's reasonable opportunity to be heard on the action in 3431
accordance with Chapter 119. of the Revised Code. 3432

(7) If there is a change of five per cent or more in the 3433
ownership of a registrant, the division may make any 3434
investigation necessary to determine whether any fact or 3435
condition exists that, if it had existed at the time of the 3436
original application for a certificate of registration, the fact 3437
or condition would have warranted the division to deny the 3438
application under division (A) (6) of this section. If such a 3439
fact or condition is found, the division may, in accordance with 3440
Chapter 119. of the Revised Code, revoke the registrant's 3441
certificate. 3442

(B) Each registrant that engages in lending under sections 3443
1321.51 to 1321.60 of the Revised Code shall maintain both of 3444
the following: 3445

(1) A net worth of at least fifty thousand dollars; 3446

(2) For each certificate of registration, assets of at 3447
least fifty thousand dollars either in use or readily available 3448
for use in the conduct of the business. 3449

(C) Not more than one place of business shall be 3450
maintained under the same certificate, but the division may 3451
issue additional certificates to the same registrant upon 3452
compliance with sections 1321.51 to 1321.60 of the Revised Code, 3453

governing the issuance of a single certificate. No change in the 3454
place of business of a registrant to a location outside the 3455
original municipal corporation shall be permitted under the same 3456
certificate without the approval of a new application, the 3457
payment of the registration fee and, if required by the 3458
superintendent, the payment of an investigation fee of two 3459
hundred dollars. When a registrant wishes to change its place of 3460
business within the same municipal corporation, it shall give 3461
written notice of the change in advance to the division, which 3462
shall provide a certificate for the new address without cost. If 3463
a registrant changes its name, prior to making loans under the 3464
new name it shall give written notice of the change to the 3465
division, which shall provide a certificate in the new name 3466
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 3467
not limit the loans of any registrant to residents of the 3468
community in which the registrant's place of business is 3469
situated. Each certificate shall be kept conspicuously posted in 3470
the place of business of the registrant and is not transferable 3471
or assignable. 3472

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 3473
apply to any of the following: 3474

(1) Entities chartered and lawfully doing business under 3475
the authority of any law of this state, another state, or the 3476
United States as a bank, savings bank, trust company, savings 3477
and loan association, or credit union, or a subsidiary of any 3478
such entity, which subsidiary is regulated by a federal banking 3479
agency and is owned and controlled by such a depository 3480
institution; 3481

(2) Life, property, or casualty insurance companies 3482
licensed to do business in this state; 3483

(3) Any person that is a lender making a loan pursuant to 3484
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of 3485
the Revised Code or a business loan as described in division (B) 3486
(6) of section 1343.01 of the Revised Code; 3487

(4) Any political subdivision, or any governmental or 3488
other public entity, corporation, instrumentality, or agency, in 3489
or of the United States or any state of the United States, or 3490
any entity described in division (B) (3) of section 1343.01 of 3491
the Revised Code; 3492

(5) A college or university, or controlled entity of a 3493
college or university, as those terms are defined in section 3494
1713.05 of the Revised Code. 3495

(E) No person engaged in the business of selling tangible 3496
goods or services related to tangible goods may receive or 3497
retain a certificate under sections 1321.51 to 1321.60 of the 3498
Revised Code for such place of business. 3499

Sec. 1321.64. (A) An application for a license shall 3500
contain an undertaking by the applicant to abide by those 3501
sections. The application shall be in writing, under oath, and 3502
in the form prescribed by the superintendent of financial 3503
institutions, and shall contain any information that the 3504
superintendent may require. Applicants that are foreign 3505
corporations shall obtain and maintain a license pursuant to 3506
Chapter 1703. of the Revised Code before a license is issued or 3507
renewed. 3508

(B) Upon the filing of the application and the payment by 3509
the applicant of a nonrefundable investigation fee of two 3510
hundred dollars, a nonrefundable annual registration fee of 3511
three hundred dollars, and any additional fee required by the 3512

NMLSR, the division of financial institutions shall investigate 3513
the relevant facts. If the application involves investigation 3514
outside this state, the applicant may be required by the 3515
division to advance sufficient funds to pay any of the actual 3516
expenses of the investigation when it appears that these 3517
expenses will exceed two hundred dollars. An itemized statement 3518
of any of these expenses which the applicant is required to pay 3519
shall be furnished to the applicant by the division. A license 3520
shall not be issued unless all the required fees have been 3521
submitted to the division. 3522

(C) (1) The investigation undertaken upon receipt of an 3523
application shall include both a civil and criminal records 3524
check of any control person. 3525

(2) (a) Notwithstanding division (K) of section 121.08 of 3526
the Revised Code, the superintendent shall obtain a criminal 3527
records check on each control person and, as part of that 3528
records check, request that criminal records information from 3529
the federal bureau of investigation be obtained. To fulfill this 3530
requirement, the superintendent shall do either of the 3531
following: 3532

(i) Request the superintendent of the bureau of criminal 3533
identification and investigation, or a vendor approved by the 3534
bureau, to conduct a criminal records check based on the control 3535
person's fingerprints or, if the fingerprints are unreadable, 3536
based on the control person's social security number, in 3537
accordance with section 109.572 of the Revised Code; 3538

(ii) Authorize the NMLSR to request a criminal records 3539
check of the control person. 3540

(b) Any fee required under division (C) (3) of section 3541

109.572 of the Revised Code or by the NMLSR shall be paid by the 3542
applicant. 3543

(D) If an application for a license does not contain all 3544
of the information required under division (A) of this section, 3545
and if such information is not submitted to the division or to 3546
the NMLSR within ninety days after the superintendent or the 3547
NMLSR requests the information in writing, including by 3548
electronic transmission or facsimile, the superintendent may 3549
consider the application withdrawn. 3550

(E) If the superintendent of financial institutions finds 3551
that the financial responsibility, experience, ~~character,~~ and 3552
general fitness of the applicant command the confidence of the 3553
public and warrant the belief that the business will be operated 3554
honestly and fairly in compliance with the purposes of sections 3555
1321.62 to 1321.702 of the Revised Code and the rules adopted 3556
thereunder, and that the applicant has the requisite net worth 3557
and assets required under section 1321.65 of the Revised Code, 3558
the superintendent shall issue a license to the applicant. The 3559
license shall be valid until the thirty-first day of December of 3560
the year in which it is issued. A person may be licensed under 3561
both sections 1321.51 to 1321.60 and sections 1321.62 to 3562
1321.702 of the Revised Code. 3563

(F) If the superintendent finds that the applicant does 3564
not meet the conditions set forth in this section, the 3565
superintendent shall issue a notice of intent to deny the 3566
application, and promptly notify the applicant of the denial, 3567
the grounds for the denial, and the applicant's reasonable 3568
opportunity to be heard on the action in accordance with Chapter 3569
119. of the Revised Code. 3570

Sec. 1321.74. (A) Application for a license as a premium 3571

finance company shall be in writing, under oath, in the form 3572
prescribed by the division of financial institutions. An 3573
applicant also shall provide the form of premium finance 3574
agreement it intends to use in doing business under sections 3575
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3576
application and the payment of the license fee, and upon deposit 3577
of an investigation fee not to exceed three hundred dollars if 3578
the investigation can be conducted in this state or the 3579
estimated costs of the investigation if it must be conducted 3580
outside this state, the division shall make an investigation of 3581
each applicant and shall issue a license if the applicant is 3582
qualified in accordance with sections 1321.71 to 1321.83 of the 3583
Revised Code. An itemized statement of any investigation 3584
expenses incurred which the applicant is required to pay shall 3585
be furnished the applicant by the division, and only the actual 3586
cost of such investigation shall be paid by the applicant, but 3587
at no time shall the investigation fee be less than two hundred 3588
dollars. If the division does not so find, it shall, within a 3589
reasonable period of time after it has received the application, 3590
at the request of the applicant, give the applicant opportunity 3591
for a hearing conducted in accordance with Chapter 119. of the 3592
Revised Code. 3593

(B) (1) The division shall, except as provided in division 3594
(B) (2) of this section, issue or renew a license when it is 3595
satisfied that the applicant: 3596

~~(1)~~ (a) Is competent and trustworthy and intends to act in 3597
good faith in the capacity involved by the license applied for; 3598

~~(2)~~ (b) Has a good business reputation and has had 3599
experience, training, or education so as to be qualified in the 3600
business for which the license is applied for; 3601

~~(3)~~ (c) If a corporation, is a corporation incorporated 3602
under the laws of this state or is a foreign corporation 3603
authorized to transact business in this state; 3604

~~(4)~~ (d) Has a net worth of at least fifty thousand 3605
dollars, as determined in accordance with generally accepted 3606
accounting principles; 3607

~~(5)~~ (e) With respect to the issuance of a license, has 3608
filed with the division a form of premium finance agreement that 3609
complies with sections 1321.71 to 1321.83 of the Revised Code. 3610

(2) The division shall not refuse to issue a license to an 3611
applicant because of a criminal conviction unless the refusal is 3612
in accordance with section 9.79 of the Revised Code. 3613

(C) Not more than one place of business shall be 3614
maintained under the same license, but the division may issue 3615
additional licenses to the same licensee upon compliance with 3616
sections 1321.71 to 1321.83 of the Revised Code. 3617

No change in the place of business of a licensee to a 3618
location outside the original municipal corporation shall be 3619
permitted under the same license without the approval of a new 3620
application, the payment of the license fee as determined by the 3621
superintendent of financial institutions pursuant to section 3622
1321.20 of the Revised Code, and, if required by the 3623
superintendent, the payment of an investigation fee of two 3624
hundred dollars. If a licensee wishes to change its place of 3625
business within the same municipal corporation, it shall give 3626
written notice of the change in advance to the division, which 3627
shall provide a license for the new address without cost. If a 3628
licensee changes its name, it shall give, prior to entering into 3629
or otherwise acquiring premium finance agreements under the new 3630

name, written notice of the change to the division, which shall 3631
provide a license in the new name, without cost. 3632

Each license shall be kept conspicuously posted in the 3633
place of business of the licensee and is not transferable or 3634
assignable. 3635

Sec. 1322.10. (A) Upon the conclusion of the investigation 3636
required under division (B) of section 1322.09 of the Revised 3637
Code, the superintendent of financial institutions shall issue a 3638
certificate of registration to the applicant if the 3639
superintendent finds that the following conditions are met: 3640

(1) The application is accompanied by the application fee 3641
and any fee required by the nationwide mortgage licensing system 3642
and registry. 3643

(a) If a check or other draft instrument is returned to 3644
the superintendent for insufficient funds, the superintendent 3645
shall notify the applicant by certified mail, return receipt 3646
requested, that the application will be withdrawn unless the 3647
applicant, within thirty days after receipt of the notice, 3648
submits the application fee and a one-hundred-dollar penalty to 3649
the superintendent. If the applicant does not submit the 3650
application fee and penalty within that time period, or if any 3651
check or other draft instrument used to pay the fee or penalty 3652
is returned to the superintendent for insufficient funds, the 3653
application shall be withdrawn. 3654

(b) If a check or other draft instrument is returned to 3655
the superintendent for insufficient funds after the certificate 3656
of registration has been issued, the superintendent shall notify 3657
the registrant by certified mail, return receipt requested, that 3658
the certificate of registration issued in reliance on the check 3659

or other draft instrument will be canceled unless the 3660
registrant, within thirty days after receipt of the notice, 3661
submits the application fee and a one-hundred-dollar penalty to 3662
the superintendent. If the registrant does not submit the 3663
application fee and penalty within that time period, or if any 3664
check or other draft instrument used to pay the fee or penalty 3665
is returned to the superintendent for insufficient funds, the 3666
certificate of registration shall be canceled immediately 3667
without a hearing, and the registrant shall cease activity as a 3668
mortgage broker. 3669

(2) If the application is for a location that is a 3670
residence, evidence that the use of the residence to transact 3671
business as a mortgage lender or mortgage broker is not 3672
prohibited. 3673

(3) The applicant maintains all necessary filings and 3674
approvals required by the secretary of state. 3675

(4) The applicant complies with the surety bond 3676
requirements of section 1322.32 of the Revised Code. 3677

(5) The applicant has not made a material misstatement of 3678
fact or material omission of fact in the application. 3679

(6) Neither the applicant nor any person whose identity is 3680
required to be disclosed on an application for a certificate of 3681
registration has had such a certificate of registration or 3682
mortgage loan originator license, or any comparable authority, 3683
revoked in any governmental jurisdiction or has pleaded guilty 3684
or nolo contendere to or been convicted of ~~any of the following~~ 3685
~~in a domestic, foreign, or military court:~~ 3686

~~(a) During the seven-year period immediately preceding the~~ 3687
~~date of application for the certificate of registration, a~~ 3688

~~misdemeanor involving theft or any felony,~~ 3689

~~(b) At any time prior to the date the application for the~~ 3690
~~certificate of registration is approved, a felony involving an~~ 3691
~~act of fraud, dishonesty, a breach of trust, theft, or money~~ 3692
~~laundering a disqualifying offense as determined in accordance~~ 3693
~~with section 9.79 of the Revised Code.~~ 3694

(7) The applicant's operations manager successfully 3695
completed the examination required by section 1322.27 of the 3696
Revised Code. 3697

(8) The applicant's financial responsibility, experience, 3698
~~character,~~ and general fitness command the confidence of the 3699
public and warrant the belief that the business will be operated 3700
honestly, fairly, and efficiently in compliance with the 3701
purposes of this chapter and the rules adopted thereunder. The 3702
superintendent shall not use a credit score or a bankruptcy as 3703
the sole basis for registration denial. 3704

(B) For purposes of determining whether an applicant that 3705
is a partnership, corporation, or other business entity or 3706
association has met the conditions set forth in divisions (A) (6) 3707
and (8) of this section, the superintendent shall determine 3708
which partners, shareholders, or persons named in the 3709
application must meet those conditions. This determination shall 3710
be based on the extent and nature of the partner's, 3711
shareholder's, or person's ownership interest in the 3712
partnership, corporation, or other business entity or 3713
association that is the applicant and on whether the person is 3714
in a position to direct, control, or adversely influence the 3715
operations of the applicant. 3716

(C) The certificate of registration issued pursuant to 3717

division (A) of this section may be renewed annually on or 3718
before the thirty-first day of December if the superintendent 3719
finds that all of the following conditions are met: 3720

(1) The renewal application is accompanied by a 3721
nonrefundable renewal fee of five hundred dollars for each 3722
location of an office to be maintained by the applicant in 3723
accordance with division (A) of section 1322.07 of the Revised 3724
Code and any fee required by the nationwide mortgage licensing 3725
system and registry. If a check or other draft instrument is 3726
returned to the superintendent for insufficient funds, the 3727
superintendent shall notify the registrant by certified mail, 3728
return receipt requested, that the certificate of registration 3729
renewed in reliance on the check or other draft instrument will 3730
be canceled unless the registrant, within thirty days after 3731
receipt of the notice, submits the renewal fee and a one- 3732
hundred-dollar penalty to the superintendent. If the registrant 3733
does not submit the renewal fee and penalty within that time 3734
period, or if any check or other draft instrument used to pay 3735
the fee or penalty is returned to the superintendent for 3736
insufficient funds, the certificate of registration shall be 3737
canceled immediately without a hearing and the registrant shall 3738
cease activity as a mortgage broker. 3739

(2) The operations manager designated under section 3740
1322.12 of the Revised Code has completed at least eight hours 3741
of continuing education as required under section 1322.28 of the 3742
Revised Code. 3743

(3) The applicant meets the conditions set forth in 3744
divisions (A) (2) ~~to~~, (3), (4), (5), (7), and (8) of this 3745
section. 3746

(4) Neither the applicant nor any person whose identity is 3747

required to be disclosed on the renewal application has had a 3748
certificate of registration or mortgage loan originator license, 3749
or any comparable authority, revoked in any governmental 3750
jurisdiction or has pleaded guilty or nolo contendere to or been 3751
convicted of any of the following in a domestic, foreign, or 3752
military court: 3753

(a) During the seven-year period immediately preceding the 3754
date of the renewal application but excluding any time before 3755
the certificate of registration was issued, a misdemeanor 3756
involving theft or any felony; 3757

(b) At any time between the date of the original 3758
certificate of registration and the date of the renewal 3759
application, a felony involving an act of fraud, dishonesty, a 3760
breach of trust, theft, or money laundering. 3761

(5) The applicant's certificate of registration is not 3762
subject to an order of suspension or an unpaid and past due fine 3763
imposed by the superintendent. 3764

(D) (1) Subject to division (D) (2) of this section, if a 3765
renewal fee or additional fee required by the nationwide 3766
mortgage licensing system and registry is received by the 3767
superintendent after the thirty-first day of December, the 3768
certificate of registration shall not be considered renewed, and 3769
the applicant shall cease activity as a mortgage lender or 3770
mortgage broker. 3771

(2) Division (D) (1) of this section shall not apply if the 3772
applicant, not later than forty-five days after the renewal 3773
deadline, submits the renewal fee or additional fee and a one- 3774
hundred-dollar penalty to the superintendent. 3775

(E) Certificates of registration issued under this chapter 3776

annually expire on the thirty-first day of December. 3777

(F) The pardon or expungement of a conviction shall not be 3778
considered a conviction for purposes of this section. ~~When~~ 3779
~~determining the eligibility of an applicant, the superintendent~~ 3780
~~may consider the underlying crime, facts, or circumstances~~ 3781
~~connected with a pardoned or expunged conviction.~~ 3782

Sec. 1322.21. (A) Upon the conclusion of the investigation 3783
required under division (C) of section 1322.20 of the Revised 3784
Code, the superintendent of financial institutions shall issue a 3785
mortgage loan originator license to the applicant if the 3786
superintendent finds that the following conditions are met: 3787

(1) The application is accompanied by the application fee 3788
and any fee required by the nationwide mortgage licensing system 3789
and registry. 3790

(a) If a check or other draft instrument is returned to 3791
the superintendent for insufficient funds, the superintendent 3792
shall notify the applicant by certified mail, return receipt 3793
requested, that the application will be withdrawn unless the 3794
applicant, within thirty days after receipt of the notice, 3795
submits the application fee and a one-hundred-dollar penalty to 3796
the superintendent. If the applicant does not submit the 3797
application fee and penalty within that time period, or if any 3798
check or other draft instrument used to pay the fee or penalty 3799
is returned to the superintendent for insufficient funds, the 3800
application shall be withdrawn. 3801

(b) If a check or other draft instrument is returned to 3802
the superintendent for insufficient funds after the license has 3803
been issued, the superintendent shall notify the licensee by 3804
certified mail, return receipt requested, that the license 3805

issued in reliance on the check or other draft instrument will 3806
be canceled unless the licensee, within thirty days after 3807
receipt of the notice, submits the application fee and a one- 3808
hundred-dollar penalty to the superintendent. If the licensee 3809
does not submit the application fee and penalty within that time 3810
period, or if any check or other draft instrument used to pay 3811
the fee or penalty is returned to the superintendent for 3812
insufficient funds, the license shall be canceled immediately 3813
without a hearing, and the licensee shall cease activity as a 3814
loan originator. 3815

(2) The applicant has not made a material misstatement of 3816
fact or material omission of fact in the application. 3817

(3) The applicant has not been convicted of or pleaded 3818
guilty or nolo contendere to ~~any of the following in a domestic,~~ 3819
~~foreign, or military court:~~ 3820

~~(a) During the seven year period immediately preceding the~~ 3821
~~date of application for the license, a misdemeanor involving~~ 3822
~~theft or any felony;~~ 3823

~~(b) At any time prior to the date the application for the~~ 3824
~~license is approved, a felony involving an act of fraud,~~ 3825
~~dishonesty, a breach of trust, theft, or money laundering a~~ 3826
disqualifying offense as determined in accordance with section 3827
9.79 of the Revised Code. 3828

(4) The applicant completed the prelicensing instruction 3829
set forth in division (B) of section 1322.20 of the Revised 3830
Code. 3831

(5) The applicant's financial responsibility, ~~character,~~ 3832
and general fitness command the confidence of the public and 3833
warrant the belief that the business will be operated honestly 3834

and fairly in compliance with the purposes of this chapter. The 3835
superintendent shall not use a credit score or bankruptcy as the 3836
sole basis for a license denial. 3837

(6) The applicant is in compliance with the surety bond 3838
requirements of section 1322.32 of the Revised Code. 3839

(7) The applicant has not had a mortgage loan originator 3840
license, or comparable authority, revoked in any governmental 3841
jurisdiction. 3842

(B) The license issued under division (A) of this section 3843
may be renewed annually on or before the thirty-first day of 3844
December if the superintendent finds that all of the following 3845
conditions are met: 3846

(1) The renewal application is accompanied by a 3847
nonrefundable renewal fee of one hundred fifty dollars and any 3848
fee required by the nationwide mortgage licensing system and 3849
registry. If a check or other draft instrument is returned to 3850
the superintendent for insufficient funds, the superintendent 3851
shall notify the licensee by certified mail, return receipt 3852
requested, that the license renewed in reliance on the check or 3853
other draft instrument will be canceled unless the licensee, 3854
within thirty days after receipt of the notice, submits the 3855
renewal fee and a one-hundred-dollar penalty to the 3856
superintendent. If the licensee does not submit the renewal fee 3857
and penalty within that time period, or if any check or other 3858
draft instrument used to pay the fee or penalty is returned to 3859
the superintendent for insufficient funds, the license shall be 3860
canceled immediately without a hearing, and the licensee shall 3861
cease activity as a loan originator. 3862

(2) The applicant has completed at least eight hours of 3863

continuing education as required under section 1322.28 of the Revised Code. 3864
3865

(3) The applicant meets the conditions set forth in 3866
divisions (A) (2) ~~to~~, (4), (5), (6), and (7) of this section. 3867

(4) The applicant has not been convicted of or pleaded 3868
guilty or nolo contendere to any of the following in a domestic, 3869
foreign, or military court: 3870

(a) During the seven-year period immediately preceding the 3871
date of the renewal application but excluding any time before 3872
the license was issued, a misdemeanor involving theft or any 3873
felony; 3874

(b) At any time between the date of the original license 3875
and the date of the renewal application, a felony involving an 3876
act of fraud, dishonesty, a breach of trust, theft, or money 3877
laundering. 3878

(5) The applicant's license is not subject to an order of 3879
suspension or an unpaid and past due fine imposed by the 3880
superintendent. 3881

(C) (1) Subject to division (C) (2) of this section, if a 3882
license renewal application fee, including any fee required by 3883
the nationwide mortgage licensing system and registry, is 3884
received by the superintendent after the thirty-first day of 3885
December, the license shall not be considered renewed, and the 3886
applicant shall cease activity as a mortgage loan originator. 3887

(2) Division (C) (1) of this section shall not apply if the 3888
applicant, not later than forty-five days after the renewal 3889
deadline, submits the renewal application and any other required 3890
fees and a one-hundred-dollar penalty to the superintendent. 3891

(D) Mortgage originator licenses annually expire on the 3892
thirty-first day of December. 3893

(E) The pardon or expungement of a conviction shall not be 3894
considered a conviction for purposes of this section. When 3895
determining the eligibility of an applicant, the superintendent 3896
may consider the underlying crime, facts, or circumstances 3897
connected with a pardoned or expunged conviction. 3898

Sec. 1322.24. (A) As used in this section: 3899

(1) "Out-of-state mortgage loan originator" means an 3900
individual to whom both of the following apply: 3901

(a) The individual holds a valid mortgage loan originator 3902
license, or comparable authority, issued pursuant to the law of 3903
any other state of the United States. 3904

(b) The individual is registered, fingerprinted, and 3905
maintains a unique identifier through the nationwide mortgage 3906
licensing system and registry. 3907

(2) "Sponsor" means a registrant that employs or is 3908
associated with an applicant for a temporary mortgage loan 3909
originator license and, during the term of the applicant's 3910
temporary license, covers the applicant under its corporate 3911
surety bond or requires the applicant to obtain and maintain a 3912
corporate surety bond. 3913

(B) The superintendent of financial institutions may, in 3914
accordance with this section, issue to an out-of-state mortgage 3915
loan originator a temporary mortgage loan originator license 3916
that enables the licensee to engage in the business of a 3917
mortgage loan originator while the individual completes the 3918
requirements necessary to meet the conditions set forth in 3919
section 1322.21 of the Revised Code for a mortgage loan 3920

originator license. A temporary mortgage loan originator license 3921
shall be valid for a term of not more than one hundred twenty 3922
days from the date of issuance. A temporary mortgage loan 3923
originator license may not be renewed. 3924

(C) An application for a temporary mortgage loan 3925
originator license shall be in writing, under oath, and in a 3926
form that meets the requirements of the nationwide mortgage 3927
licensing system and registry. The application shall be 3928
accompanied by a nonrefundable application fee, the amount of 3929
which shall be determined by the superintendent in rule, and a 3930
certification that, as of the date of application, the applicant 3931
meets the following conditions: 3932

(1) The applicant has at least two years of experience in 3933
the field of residential mortgage lending in the five years 3934
immediately preceding the date of application for the temporary 3935
mortgage loan originator license. 3936

(2) The applicant has not previously applied for a 3937
temporary mortgage loan originator license in this state. 3938

(3) The applicant has not had a mortgage loan originator 3939
license, or comparable authority, revoked in any governmental 3940
jurisdiction. For purposes of division (C)(3) of this section, a 3941
subsequent formal vacation of such a revocation shall not be 3942
considered a revocation. 3943

(4) The applicant has not been convicted of, or pleaded 3944
guilty or nolo contendere to, ~~any of the following in a~~ 3945
~~domestic, foreign, or military court:~~ 3946

~~(a) During the seven-year period immediately preceding the~~ 3947
~~date of application, a misdemeanor involving theft or any~~ 3948
~~felony;~~ 3949

~~(b) At any time prior to the date of application, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.~~

For purposes of division (C) (4) of this section, any conviction for which the applicant has received a pardon shall not be considered a conviction.

(D) The superintendent shall issue a temporary mortgage loan originator license to the applicant if the superintendent finds that all of the following conditions are met:

(1) The application is accompanied by the application fee and the certification described in division (C) of this section.

(2) The applicant is registered, fingerprinted, and has a valid unique identifier through the nationwide mortgage licensing system and registry as of the date of application.

(3) The applicant has authorized the nationwide mortgage licensing system and registry to obtain a credit report for submission to the superintendent.

(4) The applicant has a sponsor that certifies employment of, or association with, the applicant and has signed the application.

(E) The sponsor of a temporary licensee shall have an affirmative duty to supervise the conduct of the temporary licensee in the same manner as is required of its other licensees. If the temporary licensee's employment or association with the sponsor is terminated, the sponsor shall notify the division of financial institutions of the termination through the nationwide mortgage licensing system and registry. Upon the division's receipt of the notice, the sponsor shall no longer be

held responsible for the conduct of the temporary licensee. 3979

Sec. 1533.342. (A) The chief of the division of wildlife, 3980
with the approval of the wildlife council, may limit the type 3981
and number of commercial fishing licenses to be issued for 3982
fishing in the Lake Erie fishing district and other water 3983
wherein nets are licensed by law, except that such limitations 3984
shall not prohibit any person who was issued an Ohio commercial 3985
fishing license in the prior fishing season from being issued, 3986
upon satisfaction of the qualifications established in division 3987
(C) of this section and proper application, a license of the 3988
same type for the current fishing season unless the issuance of 3989
such a license is prohibited by this chapter or Chapter 1531. of 3990
the Revised Code or division rule. 3991

In limiting the number and type of licenses, the chief and 3992
the council shall give consideration to the number and type of 3993
licenses needed to harvest the fish determined to be 3994
harvestable; the capacity of the boats and characteristics of 3995
the equipment owned or used by the applicant; and any other 3996
facts or data relating to the protection, preservation, 3997
management, and utilization of fish species in a biologically 3998
sound manner. 3999

(B) The chief, in prescribing forms for license 4000
applications, may require the applicant to list information 4001
relating to the kind and condition of boats and fishing 4002
equipment proposed to be used by the applicant, port or ports of 4003
entry, years of commercial fishing experience, quantity and 4004
kinds of fish taken during the previous five years, conviction 4005
records relating to Chapter 1531. and this chapter of the 4006
Revised Code and division rules, and any other facts the chief 4007
determines necessary to assist the chief in determining whether 4008

or not the applicant may engage in commercial fishing in 4009
accordance with those chapters and division rules. All questions 4010
shall be answered fully and completely by the applicant. The 4011
application shall be sworn to and signed by the applicant before 4012
a person authorized to administer oaths. 4013

(C) Any person, prior to making application for an Ohio 4014
commercial fishing license, first shall satisfy the following 4015
qualifications to the satisfaction of the chief: over eighteen 4016
years of age; no prior conviction of or plea of guilty on or 4017
after ~~the effective date of this amendment~~ October 10, 2007, to 4018
a ~~felony concerning commercial fishing activities for a~~ 4019
~~violation of state or federal law~~ disqualifying offense as 4020
determined in accordance with section 9.79 of the Revised Code; 4021
ninety days Ohio residency immediately preceding application; 4022
two years commercial fishing gear experience or holder of an 4023
Ohio commercial license of another gear; and posting of a one 4024
thousand dollar performance bond or cash deposit in a like 4025
amount. In the event the person does not meet these pre- 4026
application qualifications or does meet those qualifications, 4027
but a license is not granted, the bond or cash deposit 4028
immediately shall be returned by the division. In the event the 4029
person is granted a license, the bond or cash deposit shall be 4030
held by the division during the term of the license. 4031

(D) In determining the terms and conditions of any 4032
commercial fishing license, the chief, with the approval of the 4033
wildlife council, may do both of the following: 4034

(1) Fix by species, the weight, number, or size of fish to 4035
be taken; 4036

(2) Specify the home port and up to two alternate ports at 4037
which the licensee shall land the licensee's catch, as listed on 4038

the licensee's application. 4039

(E) Any wildlife officer, or other division employee 4040
designated by the chief to inspect commercial fishing 4041
operations, may enter upon any property used, owned, or leased 4042
by the holder of a commercial fishing license and may inspect 4043
any boat, net, seine, or other equipment used in commercial 4044
fishing; any building or premises used to hold, store, repair, 4045
or build commercial fishing gear or equipment; and any building 4046
or premises used in boxing, storing, or processing fish. No 4047
person shall assault, threaten, abuse, or interfere with any 4048
wildlife officer or designated inspector when carrying out an 4049
inspection under authority of this section, nor shall any person 4050
prohibit such an inspection. 4051

(F) No person shall fail to comply with this section or a 4052
division rule adopted pursuant thereto. 4053

(G) No person having been issued a commercial fishing 4054
license shall fail to comply with all terms, specifications, and 4055
conditions set forth in the license. 4056

(H) (1) In addition to other penalties provided in the 4057
Revised Code, the license of any person who is convicted of 4058
assaulting, threatening, abusing, or interfering with any person 4059
inspecting by authority of this section is suspended upon such 4060
conviction by operation of law for a period of eighteen fishing 4061
season months immediately following that conviction. 4062

(2) In addition to other penalties provided in the Revised 4063
Code, the license of any person who is convicted of two 4064
violations of provisions of this section relating to inspection 4065
or terms and conditions of any commercial fishing license that 4066
occurred within a twelve-month period is suspended upon the 4067

second such conviction by operation of law for a period of sixty 4068
fishing season days immediately following that conviction. 4069

(3) In addition to other penalties provided in the Revised 4070
Code, the license of any person who is convicted of three or 4071
more violations of provisions of this section relating to 4072
inspection or terms and conditions of any commercial fishing 4073
licenses that occurred within a twelve-month period is suspended 4074
upon the third or subsequent such conviction by operation of law 4075
for a period of eighteen fishing season months immediately 4076
following that conviction. 4077

(I) During any period of suspension, no person shall use 4078
or engage in fishing with commercial gear owned, used, or 4079
controlled at the time of conviction by the licensee whose 4080
license has been suspended. 4081

Sec. 1533.631. Any person may apply for a permit to handle 4082
commercial fish, or other fish that may be bought or sold under 4083
the Revised Code or division rule, at wholesale. Prior to making 4084
application for such a permit, a person first shall satisfy the 4085
following qualifications to the satisfaction of the chief of the 4086
division of wildlife: over eighteen years of age, no prior 4087
conviction of or plea of guilty on or after ~~the effective date~~ 4088
~~of this amendment October 10, 2007,~~ to a ~~felony concerning~~ 4089
~~commercial fishing activities for a violation of state or~~ 4090
~~federal law~~ disqualifying offense as determined in accordance 4091
with section 9.79 of the Revised Code, and ninety days Ohio 4092
residency immediately preceding application. The chief shall 4093
issue an annual permit granting the applicant the privilege to 4094
handle such fish at wholesale at one or more designated premises 4095
upon satisfaction of the pre-application qualifications, filing 4096
of an application on a form prescribed by the chief, and payment 4097

of a fee of sixty-five dollars. No person or a person's agent 4098
shall handle at wholesale any fresh water fish or part thereof 4099
unless a permit has been issued for the calendar year in which 4100
the fish is handled at wholesale for the premises at which the 4101
fish is handled. 4102

A fish is handled at wholesale for purposes of this 4103
section when it is on a premises within the state and is being 4104
held, stored, handled, or processed for the purpose of sale to a 4105
person who resells the fish. 4106

The permit required by this section shall be issued 4107
subject to the right of entry and inspection of the designated 4108
premises of the permittee by any law enforcement officer 4109
authorized by section 1531.13 of the Revised Code to enforce the 4110
laws and rules of the division of wildlife. Such an officer may 4111
enter and inspect the designated premises and any box, package, 4112
or receptacle, and the contents thereof, for the purpose of 4113
determining whether any provision of this chapter or Chapter 4114
1531. of the Revised Code or division rule is being violated. 4115

No person holding a permit under this section shall remove 4116
a label required by section 1533.301 of the Revised Code unless 4117
the box, package, or receptacle bearing the label has been 4118
opened or unless the label is replaced with another label that 4119
meets the requirements of that section. 4120

No person shall fail to comply with any provision of this 4121
section or division rule adopted pursuant to it. 4122

Sec. 1546.16. The chief of the division of parks and 4123
watercraft shall issue pilot licenses and engineer licenses to 4124
all persons employed by a boat owner or operator to act as pilot 4125
or engineer on any boat carrying passengers for hire on 4126

reservoir parks or other bodies of water under the supervision 4127
and control of the division. The applicant for such license 4128
shall be over eighteen years of age ~~and of good character~~. The 4129
violation of any of the sections of the Revised Code relating to 4130
reservoir parks or other bodies of water under supervision and 4131
control of the division or any rule or regulation of the 4132
division for the management of such reservoir parks or other 4133
bodies of water shall be cause for the chief to revoke such 4134
license. 4135

Sec. 1561.12. An applicant for any examination or 4136
certificate under this section shall, before being examined, 4137
register the applicant's name with the chief of the division of 4138
mineral resources management and file with the chief an 4139
affidavit as to all matters of fact establishing the applicant's 4140
right to receive the examination, ~~a certificate of good~~ 4141
~~character and temperate habits signed by at least three~~ 4142
~~reputable citizens of the community in which the applicant~~ 4143
~~resides,~~ and a certificate from a reputable and disinterested 4144
physician as to the physical condition of the applicant showing 4145
that the applicant is physically capable of performing the 4146
duties of the office or position. 4147

Each applicant for examination for any of the following 4148
positions shall present evidence satisfactory to the chief that 4149
the applicant has been a resident and citizen of this state for 4150
two years next preceding the date of application: 4151

(A) An applicant for the position of deputy mine inspector 4152
of underground mines shall have had actual practical experience 4153
of not less than six years, at least two of which shall have 4154
been in the underground workings of mines in this state. In the 4155
case of an applicant who would inspect underground coal mines, 4156

the two years shall consist of actual practical experience in 4157
underground coal mines. In the case of an applicant who would 4158
inspect noncoal mines, the two years shall consist of actual 4159
practical experience in noncoal mines. In lieu of two years of 4160
the actual practical experience required, the chief may accept 4161
as the equivalent thereof a certificate evidencing graduation 4162
from an accredited school of mines or mining, after a four-year 4163
course of study, but such credit shall not apply as to the two 4164
years' actual practical experience required in the mines in this 4165
state. 4166

The applicant shall pass an examination as to the 4167
applicant's practical and technological knowledge of mine 4168
surveying, mining machinery, and appliances; the proper 4169
development and operation of mines; the best methods of working 4170
and ventilating mines; the nature, properties, and powers of 4171
noxious, poisonous, and explosive gases, particularly methane; 4172
the best means and methods of detecting, preventing, and 4173
removing the accumulation of such gases; the use and operation 4174
of gas detecting devices and appliances; first aid to the 4175
injured; and the uses and dangers of electricity as applied and 4176
used in, at, and around mines. The applicant shall also hold a 4177
certificate for foreperson of gaseous mines issued by the chief. 4178

(B) An applicant for the position of deputy mine inspector 4179
of surface mines shall have had actual practical mining 4180
experience of not less than six years, at least two of which 4181
shall have been in surface mines in this state. In lieu of two 4182
years of the actual practical experience required, the chief may 4183
accept as the equivalent thereof a certificate evidencing 4184
graduation from an accredited school of mines or mining, after a 4185
four-year course of study, but that credit shall not apply as to 4186
the two years' actual practical experience required in the mines 4187

in this state. The applicant shall pass an examination as to the 4188
applicant's practical and technological knowledge of surface 4189
mine surveying, machinery, and appliances; the proper 4190
development and operations of surface mines; first aid to the 4191
injured; and the use and dangers of explosives and electricity 4192
as applied and used in, at, and around surface mines. The 4193
applicant shall also hold a surface mine foreperson certificate 4194
issued by the chief. 4195

(C) An applicant for the position of electrical inspector 4196
shall have had at least five years' practical experience in the 4197
installation and maintenance of electrical circuits and 4198
equipment in mines, and the applicant shall be thoroughly 4199
familiar with the principles underlying the safety features of 4200
permissible and approved equipment as authorized and used in 4201
mines. 4202

The applicant shall be required to pass the examination 4203
required for deputy mine inspectors and an examination testing 4204
and determining the applicant's qualification and ability to 4205
competently inspect and administer the mining law that relates 4206
to electricity used in and around mines and mining in this 4207
state. 4208

(D) An applicant for the position of superintendent or 4209
assistant superintendent of rescue stations shall possess the 4210
same qualifications as those required for a deputy mine 4211
inspector. In addition, the applicant shall present evidence 4212
satisfactory to the chief that the applicant is sufficiently 4213
qualified and trained to organize, supervise, and conduct group 4214
training classes in first aid, safety, and rescue work. 4215

The applicant shall pass the examination required for 4216
deputy mine inspectors and shall be tested as to the applicant's 4217

practical and technological experience and training in first 4218
aid, safety, and mine rescue work. 4219

(E) An applicant for the position of mine chemist shall 4220
have such educational training as is represented by the degree 4221
MS in chemistry from a university of recognized standing, and at 4222
least five years of actual practical experience in research work 4223
in chemistry or as an assistant chemist. The chief may provide 4224
that an equivalent combination of education and experience 4225
together with a wide knowledge of the methods of and skill in 4226
chemical analysis and research may be accepted in lieu of the 4227
above qualifications. It is preferred that the chemist shall 4228
have had actual experience in mineralogy and metallurgy. 4229

Sec. 1561.23. The chief of the division of mineral 4230
resources management shall issue the following certificates to 4231
those applicants who pass their examination: 4232

- (A) Certificates for mine forepersons of gaseous mines; 4233
- (B) Certificates for mine forepersons of nongaseous mines; 4234
- (C) Certificates for forepersons of gaseous mines; 4235
- (D) Certificates for forepersons of nongaseous mines; 4236
- (E) Certificates for forepersons of surface maintenance 4237
facilities of underground or surface mines; 4238
- (F) Certificates for mine forepersons of surface mines; 4239
- (G) Certificates for forepersons of surface mines; 4240
- (H) Certificates for fire bosses; 4241
- (I) Certificates for mine electricians; 4242
- (J) Certificates for surface mine blasters; 4243

(K) Certificates for shot firers. 4244

Applicants for certificates shall make application to the 4245
chief, on a form provided by the chief, for examination. All 4246
applicants shall be able to read and write the English language 4247
intelligently, and shall furnish the chief with a certificate as 4248
to ~~their character,~~ the length and description of their 4249
practical experience, and satisfactory evidence of their ability 4250
to perform the duties of the position for which they make 4251
application for examination. 4252

Except as provided in sections 1561.16 and 1561.17 of the 4253
Revised Code, any certificate issued by the former mine 4254
examining board prior to October 29, 1995, shall remain in 4255
effect notwithstanding the new classifications of certificates 4256
established by this section. 4257

Sec. 1571.012. An applicant for the position of gas 4258
storage well inspector shall register the applicant's name with 4259
the chief of the division of oil and gas resources management 4260
and file with the chief an affidavit as to all matters of fact 4261
establishing the applicant's right to take the examination for 4262
that position, ~~a certificate of good character and temperate~~ 4263
~~habits signed by at least three reputable citizens of the~~ 4264
~~community in which the applicant resides,~~ and a certificate from 4265
a reputable and disinterested physician as to the physical 4266
condition of the applicant showing that the applicant is 4267
physically capable of performing the duties of the position. The 4268
applicant also shall present evidence satisfactory to the chief 4269
that the applicant has been a resident and citizen of this state 4270
for at least two years next preceding the date of application. 4271

An applicant shall possess the same qualifications as an 4272
applicant for the position of deputy mine inspector established 4273

in section 1561.12 of the Revised Code. In addition, the 4274
applicant shall have practical knowledge and experience of and 4275
in the operation, location, drilling, maintenance, and 4276
abandonment of oil and gas wells, especially in coal or mineral 4277
bearing townships, and shall have a thorough knowledge of the 4278
latest and best method of plugging and sealing abandoned oil and 4279
gas wells. 4280

An applicant for gas storage well inspector shall pass an 4281
examination conducted by the chief to determine the applicant's 4282
fitness to act as gas storage well inspector before being 4283
eligible for appointment. 4284

Sec. 1707.19. (A) (1) An original license, or a renewal 4285
thereof, applied for by a dealer or salesperson of securities, 4286
or by an investment adviser, investment adviser representative, 4287
bureau of workers' compensation chief investment officer, or 4288
state retirement system investment officer, may, except as 4289
provided in division (A)(2) of this section, be refused, and any 4290
such license granted may be suspended and, after notice and 4291
hearing in accordance with Chapter 119. of the Revised Code, may 4292
be revoked, by the division of securities, if the division 4293
determines that the applicant or the licensed dealer, 4294
salesperson, investment adviser, investment adviser 4295
representative, bureau of workers' compensation chief investment 4296
officer, or state retirement system investment officer: 4297

~~(1)~~ (a) Is not of good business repute; 4298

~~(2)~~ (b) Is conducting an illegitimate or fraudulent 4299
business; 4300

~~(3)~~ (c) Is, in the case of a dealer or investment adviser, 4301
insolvent; 4302

~~(4)~~ (d) Has knowingly violated any provision of sections 4303
1707.01 to 1707.45 of the Revised Code, or any regulation or 4304
order made thereunder; 4305

~~(5)~~ (e) Has knowingly made a false statement of a material 4306
fact or an omission of a material fact in an application for a 4307
license, in a description or application that has been filed, or 4308
in any statement made to the division under such sections; 4309

~~(6)~~ (f) Has refused to comply with any lawful order or 4310
requirement of the division under section 1707.23 of the Revised 4311
Code; 4312

~~(7)~~ (g) Has been guilty of any fraudulent act in 4313
connection with the sale of any securities or in connection with 4314
acting as an investment adviser, investment adviser 4315
representative, bureau of workers' compensation chief investment 4316
officer, or state retirement system investment officer; 4317

~~(8)~~ (h) Conducts business in purchasing or selling 4318
securities at such variations from the existing market as in the 4319
light of all the circumstances are unconscionable; 4320

~~(9)~~ (i) Conducts business in violation of such rules and 4321
regulations as the division prescribes for the protection of 4322
investors, clients, or prospective clients; 4323

~~(10)~~ (a) (j) Has failed to furnish to the division any 4324
information with respect to the purchases or sales of securities 4325
within this state that may be reasonably requested by the 4326
division as pertinent to the protection of investors in this 4327
state. 4328

~~(b)~~ (k) Has failed to furnish to the division any 4329
information with respect to acting as an investment adviser, 4330
investment adviser representative, bureau of workers' 4331

compensation chief investment officer, or state retirement 4332
system investment officer within this state that may be 4333
reasonably requested by the division. 4334

(2) The division of securities shall not refuse to issue 4335
an original license to an applicant under division (A) (1) of 4336
this section because of a criminal conviction unless the refusal 4337
is in accordance with section 9.79 of the Revised Code. 4338

(B) For the protection of investors the division may 4339
prescribe reasonable rules defining fraudulent, evasive, 4340
deceptive, or grossly unfair practices or devices in the 4341
purchase or sale of securities. 4342

(C) For the protection of investors, clients, or 4343
prospective clients, the division may prescribe reasonable rules 4344
regarding the acts and practices of an investment adviser or an 4345
investment adviser representative. 4346

(D) Pending any investigation or hearing provided for in 4347
sections 1707.01 to 1707.45 of the Revised Code, the division 4348
may order the suspension of any dealer's, salesperson's, 4349
investment adviser's, investment adviser representative's, 4350
bureau of workers' compensation chief investment officer's, or 4351
state retirement system investment officer's license by 4352
notifying the party concerned of such suspension and the cause 4353
for it. If it is a salesperson whose license is suspended, the 4354
division shall also notify the dealer employing the salesperson. 4355
If it is an investment adviser representative whose license is 4356
suspended, the division also shall notify the investment adviser 4357
with whom the investment adviser representative is employed or 4358
associated. If it is a state retirement system investment 4359
officer whose license is suspended, the division shall also 4360
notify the state retirement system with whom the state 4361

retirement system investment officer is employed. If it is a 4362
bureau of workers' compensation chief investment officer whose 4363
license is suspended, the division shall also notify the bureau 4364
of workers' compensation. 4365

(E) (1) The suspension or revocation of the dealer's 4366
license suspends the licenses of all the dealer's salespersons. 4367

(2) The suspension or revocation of the investment 4368
adviser's license suspends the licenses of all the investment 4369
adviser's investment adviser representatives. The suspension or 4370
revocation of an investment adviser's registration under section 4371
203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, 4372
suspends the licenses of all the investment adviser's investment 4373
adviser representatives. 4374

(F) It is sufficient cause for refusal, revocation, or 4375
suspension of the license in case of a partnership, partnership 4376
association, corporation, or unincorporated association if any 4377
general partner of the partnership, manager of the partnership 4378
association, or executive officer of the corporation or 4379
unincorporated association is not of good business repute or has 4380
been guilty of any act or omission which would be cause for 4381
refusing or revoking the license of an individual dealer, 4382
salesperson, investment adviser, or investment adviser 4383
representative. 4384

Sec. 1716.05. (A) No person shall act as a fund-raising 4385
counsel unless the person first has complied with the 4386
requirements of this chapter and any rules adopted under this 4387
chapter. 4388

(B) Any fund-raising counsel that at any time has custody 4389
of contributions from a solicitation shall do all of the 4390

following: 4391

(1) Register with the attorney general. Applications for 4392
registration or renewal of registration shall be in writing, 4393
under oath, and in the form prescribed by the attorney general, 4394
and shall be accompanied by a fee in the amount of two hundred 4395
dollars. Any corporation, partnership, association, or other 4396
entity that intends to act as a fund-raising counsel may 4397
register for and pay a single fee of two hundred dollars on 4398
behalf of all its members, officers, employees, and agents. In 4399
that case, the names and addresses of all the officers, 4400
employees, and agents of the fund-raising counsel and all other 4401
persons with whom the fund-raising counsel has contracted to 4402
work under its direction shall be listed in the application. The 4403
application shall contain any other information that the 4404
attorney general may require. The registration or renewal of 4405
registration shall be for a period of one year or part of one 4406
year and shall expire on the thirty-first day of March of each 4407
year. All fees prescribed in this division shall be paid into 4408
the state treasury to the credit of the charitable law fund 4409
established under section 109.32 of the Revised Code. 4410

(2) At the time of making an application for registration 4411
or renewal of registration, file with and have approved by the 4412
attorney general a bond in which the fund-raising counsel shall 4413
be the principal obligor, in the sum of twenty-five thousand 4414
dollars, with one or more sureties authorized to do business in 4415
this state. The fund-raising counsel shall maintain the bond in 4416
effect as long as the registration is in effect; however, the 4417
liability of the surety under the bond shall not exceed an all- 4418
time aggregate liability of twenty-five thousand dollars. The 4419
bond, which may be in the form of a rider to a larger blanket 4420
liability bond, shall run to the state and to any person who may 4421

have a cause of action against the principal obligor of the bond 4422
for any liability arising out of a violation by the obligor of 4423
any provision of this chapter or any rule adopted pursuant to 4424
this chapter. 4425

(3) Not later than ninety days after a solicitation 4426
campaign has been completed and on the anniversary of the 4427
commencement of a solicitation campaign lasting more than one 4428
year, furnish an accounting of all contributions collected and 4429
expenses paid, to the charitable organization with which the 4430
fund-raising counsel has contracted. The accounting shall be in 4431
writing and shall be retained by the charitable organization for 4432
three years. The fund-raising counsel shall file a copy of the 4433
accounting with the attorney general not later than seven days 4434
after it is furnished to the charitable organization. 4435

(4) Not later than two days after receipt of each 4436
contribution, deposit the entire amount of the contribution in 4437
an account at a bank or other federally insured financial 4438
institution which shall be in the name of the charitable 4439
organization with which the fund-raising counsel has contracted. 4440
Each contribution collected by the fund-raising counsel shall be 4441
solely in the name of that charitable organization. The 4442
charitable organization shall have sole control of all 4443
withdrawals from the account and the fund-raising counsel shall 4444
not be given the authority to withdraw any deposited funds from 4445
the account. 4446

(5) During each solicitation campaign and for not less 4447
than three years after its completion, maintain the following 4448
records that shall be made available to the attorney general 4449
upon the attorney general's request: 4450

(a) A record of each contribution that at any time is in 4451

the custody of the fund-raising counsel, including the name and 4452
address of each contributor and the date and amount of the 4453
contribution, provided that the attorney general shall not 4454
disclose that information except to the extent necessary for 4455
investigative or law enforcement purposes; 4456

(b) The location of each bank or financial institution in 4457
which the fund-raising counsel has deposited revenue from the 4458
solicitation campaign and the account number of each account in 4459
which the deposits were made. 4460

(C) Unless otherwise provided in this section, any change 4461
in any information filed with the attorney general pursuant to 4462
this section shall be reported in writing to the attorney 4463
general within seven days after the change occurs. 4464

(D) No person shall serve as a fund-raising counsel, or be 4465
a member, officer, employee, or agent of any fund-raising 4466
counsel, who has been convicted ~~in the last five years of either~~ 4467
~~of the following:~~ 4468

~~(1) Any violation of this chapter or any rule adopted~~ 4469
~~under this chapter, or of any charitable solicitation~~ 4470
~~legislation or regulation of a political subdivision of this~~ 4471
~~state or charitable solicitation law of any other jurisdiction~~ 4472
~~that is similar to this chapter;~~ 4473

~~(2) A felony in this or another state a disqualifying~~ 4474
~~offense as determined in accordance with section 9.79 of the~~ 4475
~~Revised Code.~~ 4476

(E) The information provided under this section to the 4477
attorney general by a fund-raising counsel shall be included in 4478
the reports and files required to be compiled and maintained by 4479
the attorney general pursuant to divisions (E) and (F) of 4480

section 1716.08 of the Revised Code. 4481

(F) If a fund-raising counsel fails to comply in a timely 4482
or complete manner with any of the requirements under this 4483
section, the fund-raising counsel is liable for and, in addition 4484
to any fee required in this section, shall pay two hundred 4485
dollars for each late filing. Each registration, renewal of 4486
registration, bond, or accounting shall be considered a separate 4487
filing for the purposes of this section. Any fees required by 4488
this section are in addition to, and not in place of, penalties 4489
prescribed in this chapter. 4490

Sec. 1716.07. (A) No professional solicitor shall engage 4491
in any solicitation unless it has complied with the requirements 4492
of this chapter and any rules adopted under this chapter. 4493

(B) Every professional solicitor, before engaging in any 4494
solicitation, shall register with the attorney general. 4495
Applications for registration or renewal of registration shall 4496
be in writing, under oath, and in the form prescribed by the 4497
attorney general, and shall be accompanied by a fee in the 4498
amount of two hundred dollars. Any corporation, partnership, 4499
association, or other entity that intends to act as a 4500
professional solicitor may register for and pay a single fee of 4501
two hundred dollars on behalf of all its members, officers, 4502
employees, agents, and solicitors. In that case, the names and 4503
addresses of all the officers, employees, and agents of the 4504
professional solicitor and all other persons with whom the 4505
professional solicitor has contracted to work under its 4506
direction, including solicitors, shall be listed in the 4507
application or furnished to the attorney general within five 4508
days of the date of employment or contractual arrangement. The 4509
application shall contain any other information that the 4510

attorney general may require. The registration shall be for a 4511
period of one year or part of one year and shall expire on the 4512
thirty-first day of March of each year. Upon application and 4513
payment of the fee specified in this division and filing of the 4514
bond prescribed in division (C) of this section, the 4515
registration may be renewed for additional one-year periods. All 4516
fees prescribed in this division shall be paid into the state 4517
treasury to the credit of the charitable law fund established 4518
under section 109.32 of the Revised Code. 4519

(C) At the time of making an application for registration 4520
or renewal of registration, the professional solicitor shall 4521
file with and have approved by the attorney general a bond in 4522
which the professional solicitor shall be the principal obligor, 4523
in the sum of twenty-five thousand dollars, with one or more 4524
sureties authorized to do business in this state. The 4525
professional solicitor shall maintain the bond in effect as long 4526
as the registration is in effect; however, the liability of the 4527
surety under the bond shall not exceed an all-time aggregate 4528
liability of twenty-five thousand dollars. The bond, which may 4529
be in the form of a rider to a larger blanket liability bond, 4530
shall run to the state and to any person who may have a cause of 4531
action against the principal obligor of the bond for any 4532
liability arising out of a violation by the obligor of any 4533
provision of this chapter or any rule adopted pursuant to this 4534
chapter. 4535

(D) (1) Prior to the commencement of any solicitation, the 4536
professional solicitor shall file all of the following with the 4537
attorney general: 4538

(a) A completed document called "Solicitation Notice" upon 4539
a form prescribed by the attorney general and containing all of 4540

the information specified in division (D) (2) of this section;	4541
(b) A copy of the contract described in division (A) of section 1716.08 of the Revised Code;	4542 4543
(c) A sworn statement by the charitable organization on whose behalf the professional solicitor is acting certifying that the solicitation notice and any accompanying material are true and correct to the best of its knowledge.	4544 4545 4546 4547
(2) The solicitation notice shall include all of the following:	4548 4549
(a) The fund-raising methods to be used;	4550
(b) The projected dates when the solicitation will commence and terminate;	4551 4552
(c) The location and telephone number from where the solicitation will be conducted if it will be conducted by telephone;	4553 4554 4555
(d) The name and residence address of each person responsible for directing and supervising the conduct of the solicitation campaign;	4556 4557 4558
(e) A statement of whether the professional solicitor will at any time have custody of any contributions;	4559 4560
(f) A full and fair description of the charitable program for which the solicitation campaign is being carried out;	4561 4562
(g) The written and signed consent of every charitable organization on whose behalf the professional solicitor will be soliciting contributions or whose name will be mentioned during the solicitation.	4563 4564 4565 4566
(E) Not later than ninety days after a solicitation	4567

campaign has been completed and on the anniversary of the 4568
commencement of a solicitation campaign lasting more than one 4569
year, the professional solicitor shall provide to the charitable 4570
organization and file with the attorney general a financial 4571
report of the campaign, including the gross revenue received and 4572
an itemization of all expenses incurred. The report shall be 4573
completed on a form prescribed by the attorney general and 4574
signed by an authorized official of the professional solicitor 4575
who shall certify under oath that the report is true and 4576
correct. 4577

(F) Each contribution collected by or in the custody of 4578
the professional solicitor shall be solely in the name of the 4579
charitable organization on whose behalf the contribution was 4580
solicited. Not later than two days after receipt of each 4581
contribution, the professional solicitor shall deposit the 4582
entire amount of the contribution in an account at a bank or 4583
other federally insured financial institution, which shall be in 4584
the name of that charitable organization. The charitable 4585
organization shall have sole control of all withdrawals from the 4586
account and the professional solicitor shall not be given the 4587
authority to withdraw any deposited funds from the account. 4588

(G) (1) During each solicitation campaign and for not less 4589
than three years after its completion, the professional 4590
solicitor shall maintain the following records: 4591

(a) The name and, if known to the professional solicitor, 4592
the address and telephone number of each contributor and the 4593
date and amount of the contribution, provided that the attorney 4594
general shall not disclose that information except to the extent 4595
necessary for investigative or law enforcement purposes; 4596

(b) The name and residence address of each employee, 4597

agent, and any other person, however designated, who is involved 4598
in the solicitation, the amount of compensation paid to each, 4599
and the dates on which the payments were made; 4600

(c) A record of all contributions that at any time are in 4601
the custody of the professional solicitor; 4602

(d) A record of all expenses incurred by the professional 4603
solicitor for the payment of which the professional solicitor is 4604
liable; 4605

(e) A record of all expenses incurred by the professional 4606
solicitor for the payment of which the charitable organization 4607
is liable; 4608

(f) The location of each bank or financial institution in 4609
which the professional solicitor has deposited revenue from the 4610
solicitation campaign and the account number of each account in 4611
which the deposits were made; 4612

(g) A copy of each pitch sheet or solicitation script used 4613
during the solicitation campaign; 4614

(h) If a refund of a contribution has been requested, the 4615
name and address of each person requesting the refund, and if a 4616
refund was made, its amount and the date it was made. 4617

(i) Any other record of such information as the attorney 4618
general may require. 4619

(2) If the professional solicitor sells tickets to any 4620
event and represents that the tickets will be donated for use by 4621
another person, the professional solicitor also shall maintain 4622
for the same period as specified in division (G)(1) of this 4623
section the following records: 4624

(a) The name and address of each contributor that 4625

purchases or donates tickets and the number of tickets purchased 4626
or donated by the contributor; 4627

(b) The name and address of each organization that 4628
receives the donated tickets for the use of others, and the 4629
number of tickets received by the organization. 4630

(3) Any of the records described in divisions (G) (1) and 4631
(2) of this section shall be made available to the attorney 4632
general upon the attorney general's request and shall be 4633
furnished to the attorney general within ten days of the 4634
request. 4635

(H) Unless otherwise provided in this section or section 4636
1716.08 of the Revised Code, any change in any information filed 4637
with the attorney general pursuant to this section and section 4638
1716.08 of the Revised Code shall be reported in writing to the 4639
attorney general within seven days after the change occurs. 4640

(I) No person shall serve as a professional solicitor, or 4641
be a member, officer, employee, or agent of any professional 4642
solicitor, who has been convicted ~~in the last five years of~~ 4643
~~either of the following:~~ 4644

~~(1) Any violation of this chapter or any rule adopted~~ 4645
~~under this chapter, or of any charitable solicitation~~ 4646
~~legislation or regulation of a political subdivision of this~~ 4647
~~state or charitable solicitation law of any other jurisdiction~~ 4648
~~that is similar to this chapter;~~ 4649

~~(2) A felony in this or another state~~ a disqualifying 4650
offense determined in accordance with section 9.79 of the 4651
Revised Code. 4652

(J) If a professional solicitor fails to comply in a 4653
timely or complete manner with any of the requirements under 4654

this section, the professional solicitor is liable for and, in 4655
addition to any fee required in this section, shall pay two 4656
hundred dollars for each late filing. Each registration, renewal 4657
of registration, bond, solicitation notice, contract, sworn 4658
statement, or financial report shall be considered a separate 4659
filing for the purposes of this section. Any fees required by 4660
this section are in addition to, and not in place of, penalties 4661
prescribed in this chapter. 4662

Sec. 1751.05. (A) The superintendent of insurance shall 4663
issue or deny a certificate of authority to a health insuring 4664
corporation filing an application pursuant to section 1751.03 of 4665
the Revised Code, one hundred thirty-five days from the 4666
superintendent's receipt of a complete application and 4667
accompanying documents. 4668

(B) A certificate of authority shall be issued upon 4669
payment of the application fee prescribed in section 1751.44 of 4670
the Revised Code if the superintendent is satisfied that the 4671
following conditions are met: 4672

(1) The persons responsible for the conduct of the affairs 4673
of the applicant are competent, and trustworthy, ~~and possess good~~
~~reputations.~~ 4674
4675

(2) The superintendent determines, in accordance with 4676
division (B) of section 1751.04 of the Revised Code, that the 4677
organization's proposed plan of operation meets the requirements 4678
of division (A) of that section. 4679

(3) The applicant constitutes an appropriate mechanism to 4680
effectively provide or arrange for the provision of the basic 4681
health care services, supplemental health care services, or 4682
specialty health care services to be provided to enrollees. 4683

(4) The applicant is financially responsible, complies with section 1751.28 of the Revised Code, and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the superintendent may consider:

(a) The financial soundness of the applicant's arrangements for health care services, including the applicant's proposed contractual periodic prepayments or premiums and the use of copayments and deductibles;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a government, or any other person for insuring the payment of the cost of health care services or providing for automatic applicability of an alternative coverage in the event of discontinuance of the health insuring corporation's operations;

(d) Any agreement with providers or health care facilities for the provision of health care services;

(e) Any deposit of securities submitted in accordance with section 1751.27 of the Revised Code as a guarantee that the obligations will be performed.

(5) The applicant has submitted documentation of an arrangement to provide health care services to its enrollees until the expiration of the enrollees' contracts with the applicant if a health care plan or the operations of the health insuring corporation are discontinued prior to the expiration of the enrollees' contracts. An arrangement to provide health care services may be made by using any one, or any combination, of the following methods:

(a) The maintenance of insolvency insurance;

(b) A provision in contracts with providers and health care facilities, but no health insuring corporation shall rely solely on such a provision for more than thirty days;

(c) An agreement with other health insuring corporations or insurers, providing enrollees with automatic conversion rights upon the discontinuation of a health care plan or the health insuring corporation's operations;

(d) Such other methods as approved by the superintendent.

(6) Nothing in the applicant's proposed method of operation, as shown by the information submitted pursuant to section 1751.03 of the Revised Code or by independent investigation, will cause harm to an enrollee or to the public at large, as determined by the superintendent.

(7) Any deficiencies identified by the superintendent under section 1751.04 of the Revised Code have been corrected.

(8) The applicant has deposited securities as set forth in section 1751.27 of the Revised Code.

(C) If an applicant elects to fulfill the requirements of division (B) (5) of this section through an agreement with other health insuring corporations or insurers, the agreement shall require those health insuring corporations or insurers to give thirty days' notice to the superintendent prior to cancellation or discontinuation of the agreement for any reason.

(D) A certificate of authority shall be denied only after compliance with the requirements of section 1751.36 of the Revised Code.

Sec. 2915.081. (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to

another person, or modify, convert, add to, or remove parts from 4741
bingo supplies to further their promotion or sale, for use in 4742
this state without having obtained a license from the attorney 4743
general under this section. 4744

(B) The attorney general may issue a distributor license 4745
to any person that meets the requirements of this section. The 4746
application for the license shall be on a form prescribed by the 4747
attorney general and be accompanied by the annual fee prescribed 4748
by this section. The license is valid for a period of one year, 4749
and the annual fee for the license is five thousand dollars. 4750

(C) The attorney general may refuse to issue a distributor 4751
license to any person to which any of the following applies, or 4752
to any person that has an officer, partner, or other person who 4753
has an ownership interest of ten per cent or more and to whom 4754
any of the following applies: 4755

(1) The person, officer, or partner has been convicted of 4756
~~a felony under the laws of this state, another state, or the~~ 4757
~~United States.~~ 4758

~~(2) The person, officer, or partner has been convicted of~~ 4759
~~any gambling offense~~ disqualifying offense as determined in 4760
accordance with section 9.79 of the Revised Code. 4761

~~(3)~~ (2) The person, officer, or partner has made an 4762
incorrect or false statement that is material to the granting of 4763
a license in an application submitted to the attorney general 4764
under this section or in a similar application submitted to a 4765
gambling licensing authority in another jurisdiction if the 4766
statement resulted in license revocation through administrative 4767
action in the other jurisdiction. 4768

~~(4)~~ (3) The person, officer, or partner has submitted any 4769

incorrect or false information relating to the application to 4770
the attorney general under this section, if the information is 4771
material to the granting of the license. 4772

~~(5)~~(4) The person, officer, or partner has failed to 4773
correct any incorrect or false information that is material to 4774
the granting of the license in the records required to be 4775
maintained under division ~~(E)~~(F) of section 2915.10 of the 4776
Revised Code. 4777

~~(6)~~(5) The person, officer, or partner has had a license 4778
related to gambling revoked or suspended under the laws of this 4779
state, another state, or the United States. 4780

(D) The attorney general shall not issue a distributor 4781
license to any person that is involved in the conduct of bingo 4782
on behalf of a charitable organization or that is a lessor of 4783
premises used for the conduct of bingo. This division does not 4784
prohibit a distributor from advising charitable organizations on 4785
the use and benefit of specific bingo supplies or prohibit a 4786
distributor from advising a customer on operational methods to 4787
improve bingo profitability. 4788

(E) (1) No distributor shall sell, offer to sell, or 4789
otherwise provide or offer to provide bingo supplies to any 4790
person, or modify, convert, add to, or remove parts from bingo 4791
supplies to further their promotion or sale, for use in this 4792
state except to or for the use of a charitable organization that 4793
has been issued a license under section 2915.08 of the Revised 4794
Code or to another distributor that has been issued a license 4795
under this section. No distributor shall accept payment for the 4796
sale or other provision of bingo supplies other than by check or 4797
electronic fund transfer. 4798

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, to or for the use of a charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

(3) No distributor shall purchase bingo supplies for use in this state from any person except from a manufacturer issued a license under section 2915.082 of the Revised Code or from another distributor issued a license under this section. Subject to division (D) of section 2915.082 of the Revised Code, no distributor shall pay for purchased bingo supplies other than by check or electronic fund transfer.

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F) The attorney general may suspend or revoke a distributor license for any of the following reasons:

(1) Any reason for which the attorney general may refuse to issue a distributor license specified in ~~division~~ divisions

(C) (2) to (5) of this section ~~or if the;~~ 4828

(2) The distributor holding the license violates any 4829
provision of this chapter or any rule adopted by the attorney 4830
general under this chapter; 4831

(3) The distributor or any officer, partner, or other 4832
person who has an ownership interest of ten per cent or more in 4833
the distributor is convicted of either of the following: 4834

(a) A felony under the laws of this state, another state, 4835
or the United States; 4836

(b) Any gambling offense. 4837

(G) Whoever violates division (A) or (E) of this section 4838
is guilty of illegally operating as a distributor. Except as 4839
otherwise provided in this division, illegally operating as a 4840
distributor is a misdemeanor of the first degree. If the 4841
offender previously has been convicted of a violation of 4842
division (A) or (E) of this section, illegally operating as a 4843
distributor is a felony of the fifth degree. 4844

Sec. 2915.082. (A) No manufacturer shall sell, offer to 4845
sell, or otherwise provide or offer to provide bingo supplies 4846
for use in this state without having obtained a license from the 4847
attorney general under this section. 4848

(B) The attorney general may issue a manufacturer license 4849
to any person that meets the requirements of this section. The 4850
application for the license shall be on a form prescribed by the 4851
attorney general and be accompanied by the annual fee prescribed 4852
by this section. The license is valid for a period of one year, 4853
and the annual fee for the license is five thousand dollars. 4854

(C) The attorney general may refuse to issue a 4855

manufacturer license to any person to which any of the following 4856
applies, or to any person that has an officer, partner, or other 4857
person who has an ownership interest of ten per cent or more and 4858
to whom any of the following applies: 4859

(1) The person, officer, or partner has been convicted of 4860
~~a felony under the laws of this state, another state, or the~~ 4861
~~United States.~~ 4862

~~(2) The person, officer, or partner has been convicted of~~ 4863
~~any gambling offense~~ a disqualifying offense as determined in 4864
accordance with section 9.79 of the Revised Code. 4865

~~(3)~~ (2) The person, officer, or partner has made an 4866
incorrect or false statement that is material to the granting of 4867
a license in an application submitted to the attorney general 4868
under this section or in a similar application submitted to a 4869
gambling licensing authority in another jurisdiction if the 4870
statement resulted in license revocation through administrative 4871
action in the other jurisdiction. 4872

~~(4)~~ (3) The person, officer, or partner has submitted any 4873
incorrect or false information relating to the application to 4874
the attorney general under this section, if the information is 4875
material to the granting of the license. 4876

~~(5)~~ (4) The person, officer, or partner has failed to 4877
correct any incorrect or false information that is material to 4878
the granting of the license in the records required to be 4879
maintained under division ~~(F)~~ (G) of section 2915.10 of the 4880
Revised Code. 4881

~~(6)~~ (5) The person, officer, or partner has had a license 4882
related to gambling revoked or suspended under the laws of this 4883
state, another state, or the United States. 4884

(D) (1) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person for use in this state except to a distributor that has been issued a license under section 2915.081 of the Revised Code. No manufacturer shall accept payment for the sale of bingo supplies other than by check or electronic fund transfer.

(2) No manufacturer shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(E) (1) The attorney general may suspend or revoke a manufacturer license for any of the following reasons:

(a) Any reason for which the attorney general may refuse to issue a manufacturer license specified in ~~division~~ divisions (C) (2) to (5) of this section ~~or if the;~~

(b) The manufacturer holding the license violates any provision of this chapter or any rule adopted by the attorney general under this chapter;

(c) The manufacturer or any officer, partner, or other person who has an ownership interest of ten per cent or more in the manufacturer is convicted of either of the following:

(i) A felony under the laws of this state, another state, or the United States;

(ii) Any gambling offense.

(2) The attorney general may perform an onsite inspection of a manufacturer of bingo supplies that is selling, offering to sell, or otherwise providing or offering to provide bingo supplies or that is applying for a license to sell, offer to

sell, or otherwise provide or offer to provide bingo supplies in 4913
this state. 4914

(F) Whoever violates division (A) or (D) of this section 4915
is guilty of illegally operating as a manufacturer. Except as 4916
otherwise provided in this division, illegally operating as a 4917
manufacturer is a misdemeanor of the first degree. If the 4918
offender previously has been convicted of a violation of 4919
division (A) or (D) of this section, illegally operating as a 4920
manufacturer is a felony of the fifth degree. 4921

Sec. 3304.31. (A) Licenses issued by the bureau of 4922
services for the visually impaired under section 3304.29 of the 4923
Revised Code shall be in effect until suspended or revoked. ~~The~~ 4924
Except as provided in division (B) of this section, the bureau 4925
may deny, revoke, or suspend a license or otherwise discipline a 4926
licensee upon proof that the licensee is guilty of fraud or 4927
deceit in procuring or attempting to procure a license, is 4928
guilty of a felony or a crime of moral turpitude, is addicted to 4929
the use of habit-forming drugs or alcohol, or is mentally 4930
incompetent. Such license may also be denied, revoked, or 4931
suspended on proof of violation by the applicant or licensee of 4932
the rules established by the bureau for the operation of 4933
suitable vending facilities by the blind or if a licensee fails 4934
to maintain a vending facility as a suitable vending facility. 4935

(B) The bureau shall not refuse to issue a license to an 4936
applicant because of a conviction of or plea of guilty to an 4937
offense unless the refusal is in accordance with section 9.79 of 4938
the Revised Code. 4939

(C) Any individual who is blind and who has had the 4940
individual's license suspended or revoked or the individual's 4941
application denied by the bureau may reapply for a license and 4942

may be reinstated or be granted a license by the bureau upon 4943
presentation of satisfactory evidence that there is no longer 4944
cause for such suspension, revocation, or denial. Before the 4945
bureau may revoke, deny, or suspend a license, or otherwise 4946
discipline a licensee, written charges must be filed by the 4947
director of the bureau and a hearing shall be held as provided 4948
in Chapter 119. of the Revised Code. 4949

Sec. 3310.43. (A) As used in this section: 4950

(1) "Registered private provider" has the same meaning as 4951
in section 3310.41 of the Revised Code. 4952

(2) "Two years of study" means the equivalent of forty- 4953
eight semester hours or seventy-two quarter hours. 4954

(B) The state board of education may issue an 4955
instructional assistant permit to an individual, upon the 4956
request of a registered private provider, qualifying that 4957
individual to provide services to a child under the autism 4958
scholarship program under section 3310.41 of the Revised Code. 4959
The permit shall be valid for one year from the date of issue 4960
and shall be renewable. 4961

For an individual to qualify for a permit under this 4962
section, the registered private provider shall assure to the 4963
state board all of the following: 4964

~~(1) The individual is of good moral character.~~ 4965

~~(2)~~The individual possesses the appropriate skills 4966
necessary to perform the duties of an instructional assistant, 4967
including the supervision of children and assistance with 4968
instructional tasks. 4969

~~(3)~~(2)The individual demonstrates the potential to 4970

benefit from and consents to participating in in-service 4971
training, as required by the registered private provider. 4972

~~(4)~~ (3) The individual either: 4973

(a) Has an associate degree or higher from an accredited 4974
institution of higher education; 4975

(b) Has completed at least two years of study at an 4976
accredited institution of higher education. 4977

(C) An individual issued a permit under this section may 4978
provide instructional services in the home of a child so long as 4979
the individual is subject to adequate training and supervision. 4980
The state board shall adopt rules, pursuant to Chapter 119. of 4981
the Revised Code, regarding how providers will demonstrate this 4982
supervision. 4983

(D) An individual issued a permit under this section shall 4984
be subject to the requirements of sections 3319.291, 3319.31, 4985
3319.311, and 3319.313 of the Revised Code. 4986

Sec. 3319.088. As used in this section, "educational 4987
assistant" means any nonteaching employee in a school district 4988
who directly assists a teacher as defined in section 3319.09 of 4989
the Revised Code, by performing duties for which a license 4990
issued pursuant to sections 3319.22 to 3319.30 of the Revised 4991
Code is not required. 4992

(A) The state board of education shall issue educational 4993
aide permits and educational paraprofessional licenses for 4994
educational assistants and shall adopt rules for the issuance 4995
and renewal of such permits and licenses which shall be 4996
consistent with the provisions of this section. Educational aide 4997
permits and educational paraprofessional licenses may be of 4998
several types and the rules shall prescribe the minimum 4999

qualifications of education, ~~and health, and character~~ for the 5000
service to be authorized under each type. The prescribed minimum 5001
qualifications may require special training or educational 5002
courses designed to qualify a person to perform effectively the 5003
duties authorized under an educational aide permit or 5004
educational paraprofessional license. 5005

(B) (1) Any application for a permit or license, or a 5006
renewal or duplicate of a permit or license, under this section 5007
shall be accompanied by the payment of a fee in the amount 5008
established under division (A) of section 3319.51 of the Revised 5009
Code. Any fees received under this division shall be paid into 5010
the state treasury to the credit of the state board of education 5011
licensure fund established under division (B) of section 3319.51 5012
of the Revised Code. 5013

(2) Any person applying for or holding a permit or license 5014
pursuant to this section is subject to sections 3123.41 to 5015
3123.50 of the Revised Code and any applicable rules adopted 5016
under section 3123.63 of the Revised Code and sections 3319.31 5017
and 3319.311 of the Revised Code. 5018

(C) Educational assistants shall at all times while in the 5019
performance of their duties be under the supervision and 5020
direction of a teacher as defined in section 3319.09 of the 5021
Revised Code. Educational assistants may assist a teacher to 5022
whom assigned in the supervision of pupils, in assisting with 5023
instructional tasks, and in the performance of duties which, in 5024
the judgment of the teacher to whom the assistant is assigned, 5025
may be performed by a person not licensed pursuant to sections 5026
3319.22 to 3319.30 of the Revised Code and for which a teaching 5027
license, issued pursuant to sections 3319.22 to 3319.30 of the 5028
Revised Code is not required. The duties of an educational 5029

assistant shall not include the assignment of grades to pupils. 5030
The duties of an educational assistant need not be performed in 5031
the physical presence of the teacher to whom assigned, but the 5032
activity of an educational assistant shall at all times be under 5033
the direction of the teacher to whom assigned. The assignment of 5034
an educational assistant need not be limited to assisting a 5035
single teacher. In the event an educational assistant is 5036
assigned to assist more than one teacher the assignments shall 5037
be clearly delineated and so arranged that the educational 5038
assistant shall never be subject to simultaneous supervision or 5039
direction by more than one teacher. 5040

Educational assistants assigned to supervise children 5041
shall, when the teacher to whom assigned is not physically 5042
present, maintain the degree of control and discipline that 5043
would be maintained by the teacher. 5044

Educational assistants may not be used in place of 5045
classroom teachers or other employees and any payment of 5046
compensation by boards of education to educational assistants 5047
for such services is prohibited. The ratio between the number of 5048
licensed teachers and the pupils in a school district may not be 5049
decreased by utilization of educational assistants and no 5050
grouping, or other organization of pupils, for utilization of 5051
educational assistants shall be established which is 5052
inconsistent with sound educational practices and procedures. A 5053
school district may employ up to one full time equivalent 5054
educational assistant for each six full time equivalent licensed 5055
employees of the district. Educational assistants shall not be 5056
counted as licensed employees for purposes of state support in 5057
the school foundation program and no grouping or regrouping of 5058
pupils with educational assistants may be counted as a class or 5059
unit for school foundation program purposes. Neither special 5060

courses required by the regulations of the state board of 5061
education, prescribing minimum qualifications of education for 5062
an educational assistant, nor years of service as an educational 5063
assistant shall be counted in any way toward qualifying for a 5064
teacher license, for a teacher contract of any type, or for 5065
determining placement on a salary schedule in a school district 5066
as a teacher. 5067

(D) Educational assistants employed by a board of 5068
education shall have all rights, benefits, and legal protection 5069
available to other nonteaching employees in the school district, 5070
except that provisions of Chapter 124. of the Revised Code shall 5071
not apply to any person employed as an educational assistant, 5072
and shall be members of the school employees retirement system. 5073
Educational assistants shall be compensated according to a 5074
salary plan adopted annually by the board. 5075

Except as provided in this section nonteaching employees 5076
shall not serve as educational assistants without first 5077
obtaining an appropriate educational aide permit or educational 5078
paraprofessional license from the state board of education. A 5079
nonteaching employee who is the holder of a valid educational 5080
aide permit or educational paraprofessional license shall 5081
neither render nor be required to render services inconsistent 5082
with the type of services authorized by the permit or license 5083
held. No person shall receive compensation from a board of 5084
education for services rendered as an educational assistant in 5085
violation of this provision. 5086

Nonteaching employees whose functions are solely 5087
secretarial-clerical and who do not perform any other duties as 5088
educational assistants, even though they assist a teacher and 5089
work under the direction of a teacher shall not be required to 5090

hold a permit or license issued pursuant to this section. 5091
Students preparing to become licensed teachers or educational 5092
assistants shall not be required to hold an educational aide 5093
permit or paraprofessional license for such periods of time as 5094
such students are assigned, as part of their training program, 5095
to work with a teacher in a school district. Such students shall 5096
not be compensated for such services. 5097

Following the determination of the assignment and general 5098
job description of an educational assistant and subject to 5099
supervision by the teacher's immediate administrative officer, a 5100
teacher to whom an educational assistant is assigned shall make 5101
all final determinations of the duties to be assigned to such 5102
assistant. Teachers shall not be required to hold a license 5103
designated for being a supervisor or administrator in order to 5104
perform the necessary supervision of educational assistants. 5105

(E) No person who is, or who has been employed as an 5106
educational assistant shall divulge, except to the teacher to 5107
whom assigned, or the administrator of the school in the absence 5108
of the teacher to whom assigned, or when required to testify in 5109
a court or proceedings, any personal information concerning any 5110
pupil in the school district which was obtained or obtainable by 5111
the educational assistant while so employed. Violation of this 5112
provision is grounds for disciplinary action or dismissal, or 5113
both. 5114

(F) Notwithstanding anything to the contrary in this 5115
section, the superintendent of a school district may allow an 5116
employee who does not hold a permit or license issued under this 5117
section to work as a substitute for an educational assistant who 5118
is absent on account of illness or on a leave of absence, or to 5119
fill a temporary position created by an emergency, provided that 5120

the superintendent believes the employee's application materials 5121
indicate that the employee is qualified to obtain a permit or 5122
license under this section. 5123

An employee shall begin work as a substitute under this 5124
division not earlier than on the date on which the employee 5125
files an application with the state board for a permit or 5126
license under this section. An employee shall cease working as a 5127
substitute under this division on the earliest of the following: 5128

(1) The date on which the employee files a valid permit or 5129
license issued under this section with the superintendent; 5130

(2) The date on which the employee is denied a permit or 5131
license under this section; 5132

(3) Sixty days following the date on which the employee 5133
began work as a substitute under this division. 5134

The superintendent shall ensure that an employee assigned 5135
to work as a substitute under division (F) of this section has 5136
undergone a criminal records check in accordance with section 5137
3319.391 of the Revised Code. 5138

Sec. 3319.225. (A) No temporary educator license shall be 5139
issued under this section for employment as a principal after 5140
the effective date of the rules prescribed by division (A) of 5141
section 3319.27 of the Revised Code. No temporary educator 5142
license shall be issued under this section for employment as a 5143
superintendent or in any other administrative position except 5144
principal after the effective date of the rules prescribed by 5145
division (B) of section 3319.27 of the Revised Code. 5146

(B) Notwithstanding sections 3319.01 and 3319.22 of the 5147
Revised Code, the board of education of any city, local, or 5148
exempted village, or joint vocational school district, or the 5149

governing board of any educational service center may request 5150
the state board of education to issue a one-year temporary 5151
educator license valid for being employed as a superintendent, 5152
or in any other administrative position, to an individual 5153
specified by the district board. The state board of education 5154
may issue the educator license if the requesting district board 5155
has determined ~~both of the following:~~ 5156

~~(1) The individual is of good moral character;~~ 5157

~~(2) The~~ that the individual holds at least a baccalaureate 5158
degree from an accredited institution of higher education in a 5159
field related to finance or administration, or has five years of 5160
recent work experience in education, management, or 5161
administration. 5162

A one-year temporary educator license is valid only in the 5163
district whose board requested the license. An individual 5164
holding such a license may be employed as a superintendent or in 5165
any other administrative position in such district. The state 5166
board of education may renew such license annually upon request 5167
of the employing district. 5168

Sec. 3319.30. Except as provided in section 3319.36 of the 5169
Revised Code, no person shall receive any compensation for the 5170
performance of duties as teacher in any school supported wholly 5171
or in part by the state or by federal funds who has not obtained 5172
a license of qualification for the position as provided for 5173
under section 3319.22 of the Revised Code ~~and which license~~ 5174
~~shall further certify to the good moral character of the holder~~ 5175
~~thereof.~~ Any teacher so qualified may, at the discretion of the 5176
employing board of education, receive compensation for days on 5177
which the teacher is excused by such board for the purpose of 5178
attending professional meetings, and the board may provide and 5179

pay the salary of a substitute teacher for such days. 5180

Sec. 3319.31. (A) As used in this section and sections 5181
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 5182
means a certificate, license, or permit described in this 5183
chapter or in division (B) of section 3301.071 or in section 5184
3301.074 of the Revised Code. 5185

(B) For any of the following reasons, the state board of 5186
education, except as provided in division (H) of this section 5187
and in accordance with Chapter 119. and section 3319.311 of the 5188
Revised Code, may refuse to issue a license to an applicant; may 5189
limit a license it issues to an applicant; may suspend, revoke, 5190
or limit a license that has been issued to any person; or may 5191
revoke a license that has been issued to any person and has 5192
expired: 5193

(1) Engaging in an immoral act, incompetence, negligence, 5194
or conduct that is unbecoming to the applicant's or person's 5195
position; 5196

(2) A plea of guilty to, a finding of guilt by a jury or 5197
court of, or a conviction of any of the following: 5198

(a) A felony other than a felony listed in division (C) of 5199
this section; 5200

(b) An offense of violence other than an offense of 5201
violence listed in division (C) of this section; 5202

(c) A theft offense, as defined in section 2913.01 of the 5203
Revised Code, other than a theft offense listed in division (C) 5204
of this section; 5205

(d) A drug abuse offense, as defined in section 2925.01 of 5206
the Revised Code, that is not a minor misdemeanor, other than a 5207

drug abuse offense listed in division (C) of this section; 5208

(e) A violation of an ordinance of a municipal corporation 5209
that is substantively comparable to an offense listed in 5210
divisions (B) (2) (a) to (d) of this section. 5211

(3) A judicial finding of eligibility for intervention in 5212
lieu of conviction under section 2951.041 of the Revised Code, 5213
or agreeing to participate in a pre-trial diversion program 5214
under section 2935.36 of the Revised Code, or a similar 5215
diversion program under rules of a court, for any offense listed 5216
in division (B) (2) or (C) of this section; 5217

(4) Failure to comply with section 3313.536, 3314.40, 5218
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 5219

(C) Upon learning of a plea of guilty to, a finding of 5220
guilt by a jury or court of, or a conviction of any of the 5221
offenses listed in this division by a person who holds a current 5222
or expired license or is an applicant for ~~a license or renewal~~ 5223
of a license, the state board or the superintendent of public 5224
instruction, if the state board has delegated the duty pursuant 5225
to division (D) of this section, shall by a written order revoke 5226
the person's license or deny ~~issuance or renewal~~ of the license 5227
to the person. The state board or the superintendent shall 5228
revoke a license that has been issued to a person to whom this 5229
division applies and has expired in the same manner as a license 5230
that has not expired. 5231

Revocation of a license or denial of ~~issuance or renewal~~ 5232
of a license under this division is effective immediately at the 5233
time and date that the board or superintendent issues the 5234
written order and is not subject to appeal in accordance with 5235
Chapter 119. of the Revised Code. Revocation of a license or 5236

denial of ~~issuance or~~ renewal of license under this division 5237
remains in force during the pendency of an appeal by the person 5238
of the plea of guilty, finding of guilt, or conviction that is 5239
the basis of the action taken under this division. 5240

The state board or superintendent shall take the action 5241
required by this division for a violation of division (B) (1), 5242
(2), (3), or (4) of section 2919.22 of the Revised Code; a 5243
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 5244
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 5245
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 5246
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 5247
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 5248
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 5249
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 5250
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 5251
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 5252
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 5253
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 5254
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 5255
violation of section 2905.04 of the Revised Code as it existed 5256
prior to July 1, 1996; a violation of section 2919.23 of the 5257
Revised Code that would have been a violation of section 2905.04 5258
of the Revised Code as it existed prior to July 1, 1996, had the 5259
violation been committed prior to that date; felonious sexual 5260
penetration in violation of former section 2907.12 of the 5261
Revised Code; or a violation of an ordinance of a municipal 5262
corporation that is substantively comparable to an offense 5263
listed in this paragraph. 5264

(D) The state board may delegate to the superintendent of 5265
public instruction the authority to revoke a person's license or 5266
to deny ~~issuance or~~ renewal of a license to a person under 5267

division (C) or (F) of this section. 5268

(E) (1) If the plea of guilty, finding of guilt, or 5269
conviction that is the basis of the action taken under division 5270
(B) (2) or (C) of this section, or under the version of division 5271
(F) of section 3319.311 of the Revised Code in effect prior to 5272
September 12, 2008, is overturned on appeal, upon exhaustion of 5273
the criminal appeal, the clerk of the court that overturned the 5274
plea, finding, or conviction or, if applicable, the clerk of the 5275
court that accepted an appeal from the court that overturned the 5276
plea, finding, or conviction, shall notify the state board that 5277
the plea, finding, or conviction has been overturned. Within 5278
thirty days after receiving the notification, the state board 5279
shall initiate proceedings to reconsider the revocation or 5280
denial of the person's license in accordance with division (E) 5281
(2) of this section. In addition, the person whose license was 5282
revoked or denied may file with the state board a petition for 5283
reconsideration of the revocation or denial along with 5284
appropriate court documents. 5285

(2) Upon receipt of a court notification or a petition and 5286
supporting court documents under division (E) (1) of this 5287
section, the state board, after offering the person an 5288
opportunity for an adjudication hearing under Chapter 119. of 5289
the Revised Code, shall determine whether the person committed 5290
the act in question in the prior criminal action against the 5291
person that is the basis of the revocation or denial and may 5292
continue the revocation or denial, may reinstate the person's 5293
license, with or without limits, or may grant the person a new 5294
license, with or without limits. The decision of the board shall 5295
be based on grounds for revoking, denying, suspending, or 5296
limiting a license adopted by rule under division (G) of this 5297
section and in accordance with the evidentiary standards the 5298

board employs for all other licensure hearings. The decision of 5299
the board under this division is subject to appeal under Chapter 5300
119. of the Revised Code. 5301

(3) A person whose license is revoked or denied under 5302
division (C) of this section shall not apply for any license if 5303
the plea of guilty, finding of guilt, or conviction that is the 5304
basis of the revocation or denial, upon completion of the 5305
criminal appeal, either is upheld or is overturned but the state 5306
board continues the revocation or denial under division (E) (2) 5307
of this section and that continuation is upheld on final appeal. 5308

(F) The state board may take action under division (B) of 5309
this section, and the state board or the superintendent shall 5310
take the action required under division (C) of this section, on 5311
the basis of substantially comparable conduct occurring in a 5312
jurisdiction outside this state or occurring before a person 5313
applies for or receives any license. 5314

(G) The state board may adopt rules in accordance with 5315
Chapter 119. of the Revised Code to carry out this section and 5316
section 3319.311 of the Revised Code. 5317

(H) The state board shall not refuse to issue a license to 5318
an applicant because of a conviction of, a plea of guilty to, or 5319
a finding of guilt by a jury or court of an offense unless the 5320
refusal is in accordance with section 9.79 of the Revised Code. 5321

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 5322
(b) of section 109.57 of the Revised Code, the appointing or 5323
hiring officer of the board of education of a school district, 5324
the governing board of an educational service center, or of a 5325
chartered nonpublic school shall request the superintendent of 5326
the bureau of criminal identification and investigation to 5327

conduct a criminal records check with respect to any applicant 5328
who has applied to the school district, educational service 5329
center, or school for employment in any position. The appointing 5330
or hiring officer shall request that the superintendent include 5331
information from the federal bureau of investigation in the 5332
criminal records check, unless all of the following apply to the 5333
applicant: 5334

(a) The applicant is applying to be an instructor of adult 5335
education. 5336

(b) The duties of the position for which the applicant is 5337
applying do not involve routine interaction with a child or 5338
regular responsibility for the care, custody, or control of a 5339
child or, if the duties do involve such interaction or 5340
responsibility, during any period of time in which the 5341
applicant, if hired, has such interaction or responsibility, 5342
another employee of the school district, educational service 5343
center, or chartered nonpublic school will be present in the 5344
same room with the child or, if outdoors, will be within a 5345
thirty-yard radius of the child or have visual contact with the 5346
child. 5347

(c) The applicant presents proof that the applicant has 5348
been a resident of this state for the five-year period 5349
immediately prior to the date upon which the criminal records 5350
check is requested or provides evidence that within that five- 5351
year period the superintendent has requested information about 5352
the applicant from the federal bureau of investigation in a 5353
criminal records check. 5354

(2) A person required by division (A) (1) of this section 5355
to request a criminal records check shall provide to each 5356
applicant a copy of the form prescribed pursuant to division (C) 5357

(1) of section 109.572 of the Revised Code, provide to each 5358
applicant a standard impression sheet to obtain fingerprint 5359
impressions prescribed pursuant to division (C) (2) of section 5360
109.572 of the Revised Code, obtain the completed form and 5361
impression sheet from each applicant, and forward the completed 5362
form and impression sheet to the superintendent of the bureau of 5363
criminal identification and investigation at the time the person 5364
requests a criminal records check pursuant to division (A) (1) of 5365
this section. 5366

(3) An applicant who receives pursuant to division (A) (2) 5367
of this section a copy of the form prescribed pursuant to 5368
division (C) (1) of section 109.572 of the Revised Code and a 5369
copy of an impression sheet prescribed pursuant to division (C) 5370
(2) of that section and who is requested to complete the form 5371
and provide a set of fingerprint impressions shall complete the 5372
form or provide all the information necessary to complete the 5373
form and shall provide the impression sheet with the impressions 5374
of the applicant's fingerprints. If an applicant, upon request, 5375
fails to provide the information necessary to complete the form 5376
or fails to provide impressions of the applicant's fingerprints, 5377
the board of education of a school district, governing board of 5378
an educational service center, or governing authority of a 5379
chartered nonpublic school shall not employ that applicant for 5380
any position. 5381

(4) Notwithstanding any provision of this section to the 5382
contrary, an applicant who meets the conditions prescribed in 5383
divisions (A) (1) (a) and (b) of this section and who, within the 5384
two-year period prior to the date of application, was the 5385
subject of a criminal records check under this section prior to 5386
being hired for short-term employment with the school district, 5387
educational service center, or chartered nonpublic school to 5388

which application is being made shall not be required to undergo 5389
a criminal records check prior to the applicant's rehiring by 5390
that district, service center, or school. 5391

(B) (1) Except as provided in rules adopted by the 5392
department of education in accordance with division (E) of this 5393
section and as provided in division (B) (3) of this section, no 5394
board of education of a school district, no governing board of 5395
an educational service center, and no governing authority of a 5396
chartered nonpublic school shall employ a person if the person 5397
previously has been convicted of or pleaded guilty to any of the 5398
following: 5399

(a) A violation of section 2903.01, 2903.02, 2903.03, 5400
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5401
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 5402
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 5403
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 5404
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 5405
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 5406
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 5407
section 2905.04 of the Revised Code as it existed prior to July 5408
1, 1996, a violation of section 2919.23 of the Revised Code that 5409
would have been a violation of section 2905.04 of the Revised 5410
Code as it existed prior to July 1, 1996, had the violation been 5411
committed prior to that date, a violation of section 2925.11 of 5412
the Revised Code that is not a minor drug possession offense, or 5413
felonious sexual penetration in violation of former section 5414
2907.12 of the Revised Code; 5415

(b) A violation of an existing or former law of this 5416
state, another state, or the United States that is substantially 5417
equivalent to any of the offenses or violations described in 5418

division (B) (1) (a) of this section. 5419

(2) A board, governing board of an educational service 5420
center, or a governing authority of a chartered nonpublic school 5421
may employ an applicant conditionally until the criminal records 5422
check required by this section is completed and the board or 5423
governing authority receives the results of the criminal records 5424
check. If the results of the criminal records check indicate 5425
that, pursuant to division (B) (1) of this section, the applicant 5426
does not qualify for employment, the board or governing 5427
authority shall release the applicant from employment. 5428

(3) No board and no governing authority of a chartered 5429
nonpublic school shall employ a teacher who previously has been 5430
convicted of or pleaded guilty to any of the offenses listed in 5431
section 3319.31 of the Revised Code. 5432

(C) (1) Each board and each governing authority of a 5433
chartered nonpublic school shall pay to the bureau of criminal 5434
identification and investigation the fee prescribed pursuant to 5435
division (C) (3) of section 109.572 of the Revised Code for each 5436
criminal records check conducted in accordance with that section 5437
upon the request pursuant to division (A) (1) of this section of 5438
the appointing or hiring officer of the board or governing 5439
authority. 5440

(2) A board and the governing authority of a chartered 5441
nonpublic school may charge an applicant a fee for the costs it 5442
incurs in obtaining a criminal records check under this section. 5443
A fee charged under this division shall not exceed the amount of 5444
fees the board or governing authority pays under division (C) (1) 5445
of this section. If a fee is charged under this division, the 5446
board or governing authority shall notify the applicant at the 5447
time of the applicant's initial application for employment of 5448

the amount of the fee and that, unless the fee is paid, the 5449
board or governing authority will not consider the applicant for 5450
employment. 5451

(D) The report of any criminal records check conducted by 5452
the bureau of criminal identification and investigation in 5453
accordance with section 109.572 of the Revised Code and pursuant 5454
to a request under division (A)(1) of this section is not a 5455
public record for the purposes of section 149.43 of the Revised 5456
Code and shall not be made available to any person other than 5457
the applicant who is the subject of the criminal records check 5458
or the applicant's representative, the board or governing 5459
authority requesting the criminal records check or its 5460
representative, and any court, hearing officer, or other 5461
necessary individual involved in a case dealing with the denial 5462
of employment to the applicant. 5463

(E) The department of education shall adopt rules pursuant 5464
to Chapter 119. of the Revised Code to implement this section, 5465
including rules specifying circumstances under which the board 5466
or governing authority may hire a person who has been convicted 5467
of an offense listed in division (B)(1) or (3) of this section 5468
but who meets standards in regard to rehabilitation set by the 5469
department. Any rules adopted by the department under this 5470
division regarding the employment of a person holding a 5471
certificate, license, or permit described in this chapter or in 5472
division (B) of section 3301.071 or in section 3301.074 of the 5473
Revised Code shall comply with section 9.79 of the Revised Code. 5474

The department shall amend rule 3301-83-23 of the Ohio 5475
Administrative Code that took effect August 27, 2009, and that 5476
specifies the offenses that disqualify a person for employment 5477
as a school bus or school van driver and establishes 5478

rehabilitation standards for school bus and school van drivers. 5479

(F) Any person required by division (A) (1) of this section 5480
to request a criminal records check shall inform each person, at 5481
the time of the person's initial application for employment, of 5482
the requirement to provide a set of fingerprint impressions and 5483
that a criminal records check is required to be conducted and 5484
satisfactorily completed in accordance with section 109.572 of 5485
the Revised Code if the person comes under final consideration 5486
for appointment or employment as a precondition to employment 5487
for the school district, educational service center, or school 5488
for that position. 5489

(G) As used in this section: 5490

(1) "Applicant" means a person who is under final 5491
consideration for appointment or employment in a position with a 5492
board of education, governing board of an educational service 5493
center, or a chartered nonpublic school, except that "applicant" 5494
does not include a person already employed by a board or 5495
chartered nonpublic school who is under consideration for a 5496
different position with such board or school. 5497

(2) "Teacher" means a person holding an educator license 5498
or permit issued under section 3319.22 or 3319.301 of the 5499
Revised Code and teachers in a chartered nonpublic school. 5500

(3) "Criminal records check" has the same meaning as in 5501
section 109.572 of the Revised Code. 5502

(4) "Minor drug possession offense" has the same meaning 5503
as in section 2925.01 of the Revised Code. 5504

(H) If the board of education of a local school district 5505
adopts a resolution requesting the assistance of the educational 5506
service center in which the local district has territory in 5507

conducting criminal records checks of substitute teachers and 5508
substitutes for other district employees under this section, the 5509
appointing or hiring officer of such educational service center 5510
shall serve for purposes of this section as the appointing or 5511
hiring officer of the local board in the case of hiring 5512
substitute teachers and other substitute employees for the local 5513
district. 5514

Sec. 3327.10. (A) No person shall be employed as driver of 5515
a school bus or motor van, owned and operated by any school 5516
district or educational service center or privately owned and 5517
operated under contract with any school district or service 5518
center in this state, who has not received a certificate from 5519
either the educational service center governing board that has 5520
entered into an agreement with the school district under section 5521
3313.843 or 3313.845 of the Revised Code or the superintendent 5522
of the school district, certifying that such person is at least 5523
eighteen years of age ~~and is of good moral character~~ and is 5524
qualified physically and otherwise for such position. The 5525
service center governing board or the superintendent, as the 5526
case may be, shall provide for an annual physical examination 5527
that conforms with rules adopted by the state board of education 5528
of each driver to ascertain the driver's physical fitness for 5529
such employment. The examination shall be performed by one of 5530
the following: 5531

(1) A person licensed under Chapter 4731. or 4734. of the 5532
Revised Code or by another state to practice medicine and 5533
surgery, osteopathic medicine and surgery, or chiropractic; 5534

(2) A physician assistant; 5535

(3) A certified nurse practitioner; 5536

(4) A clinical nurse specialist;	5537
(5) A certified nurse-midwife;	5538
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	5539 5540 5541 5542
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D) (1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.	5543 5544 5545 5546 5547 5548 5549 5550
(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:	5551 5552 5553 5554 5555 5556 5557 5558 5559 5560 5561
(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;	5562 5563 5564
(2) A physician assistant;	5565

(3) A certified nurse practitioner;	5566
(4) A clinical nurse specialist;	5567
(5) A certified nurse-midwife;	5568
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	5569 5570 5571 5572
Any written documentation of the physical examination shall be completed by the individual who performed the examination.	5573 5574 5575
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.	5576 5577 5578
(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.	5579 5580 5581 5582
(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:	5583 5584 5585 5586 5587 5588
(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and	5589 5590 5591 5592 5593

operated school bus or motor van under contract. 5594

(2) If employed under division (B) of this section, the 5595
person shall file the notice with the employing school 5596
administrator or contractor, or a person designated by the 5597
administrator or contractor. 5598

(E) In addition to resulting in possible revocation of a 5599
certificate as authorized by divisions (A) and (B) of this 5600
section, violation of division (D) of this section is a minor 5601
misdemeanor. 5602

(F) (1) Not later than thirty days after June 30, 2007, 5603
each owner of a school bus or motor van shall obtain the 5604
complete driving record for each person who is currently 5605
employed or otherwise authorized to drive the school bus or 5606
motor van. An owner of a school bus or motor van shall not 5607
permit a person to operate the school bus or motor van for the 5608
first time before the owner has obtained the person's complete 5609
driving record. Thereafter, the owner of a school bus or motor 5610
van shall obtain the person's driving record not less frequently 5611
than semiannually if the person remains employed or otherwise 5612
authorized to drive the school bus or motor van. An owner of a 5613
school bus or motor van shall not permit a person to resume 5614
operating a school bus or motor van, after an interruption of 5615
one year or longer, before the owner has obtained the person's 5616
complete driving record. 5617

(2) The owner of a school bus or motor van shall not 5618
permit a person to operate the school bus or motor van for ten 5619
years after the date on which the person pleads guilty to or is 5620
convicted of a violation of section 4511.19 of the Revised Code 5621
or a substantially equivalent municipal ordinance. 5622

(3) An owner of a school bus or motor van shall not permit 5623
any person to operate such a vehicle unless the person meets all 5624
other requirements contained in rules adopted by the state board 5625
of education prescribing qualifications of drivers of school 5626
buses and other student transportation. 5627

(G) No superintendent of a school district, educational 5628
service center, community school, or public or private employer 5629
shall permit the operation of a vehicle used for pupil 5630
transportation within this state by an individual unless both of 5631
the following apply: 5632

(1) Information pertaining to that driver has been 5633
submitted to the department of education, pursuant to procedures 5634
adopted by that department. Information to be reported shall 5635
include the name of the employer or school district, name of the 5636
driver, driver license number, date of birth, date of hire, 5637
status of physical evaluation, and status of training. 5638

(2) The most recent criminal records check required by 5639
division (J) of this section has been completed and received by 5640
the superintendent or public or private employer. 5641

(H) A person, school district, educational service center, 5642
community school, nonpublic school, or other public or nonpublic 5643
entity that owns a school bus or motor van, or that contracts 5644
with another entity to operate a school bus or motor van, may 5645
impose more stringent restrictions on drivers than those 5646
prescribed in this section, in any other section of the Revised 5647
Code, and in rules adopted by the state board. 5648

(I) For qualified drivers who, on July 1, 2007, are 5649
employed by the owner of a school bus or motor van to drive the 5650
school bus or motor van, any instance in which the driver was 5651

convicted of or pleaded guilty to a violation of section 4511.19 5652
of the Revised Code or a substantially equivalent municipal 5653
ordinance prior to two years prior to July 1, 2007, shall not be 5654
considered a disqualifying event with respect to division (F) of 5655
this section. 5656

(J) (1) This division applies to persons hired by a school 5657
district, educational service center, community school, 5658
chartered nonpublic school, or science, technology, engineering, 5659
and mathematics school established under Chapter 3326. of the 5660
Revised Code to operate a vehicle used for pupil transportation. 5661

For each person to whom this division applies who is hired 5662
on or after November 14, 2007, the employer shall request a 5663
criminal records check in accordance with section 3319.39 of the 5664
Revised Code and every six years thereafter. For each person to 5665
whom this division applies who is hired prior to that date, the 5666
employer shall request a criminal records check by a date 5667
prescribed by the department of education and every six years 5668
thereafter. 5669

(2) This division applies to persons hired by a public or 5670
private employer not described in division (J) (1) of this 5671
section to operate a vehicle used for pupil transportation. 5672

For each person to whom this division applies who is hired 5673
on or after November 14, 2007, the employer shall request a 5674
criminal records check prior to the person's hiring and every 5675
six years thereafter. For each person to whom this division 5676
applies who is hired prior to that date, the employer shall 5677
request a criminal records check by a date prescribed by the 5678
department and every six years thereafter. 5679

(3) Each request for a criminal records check under 5680

division (J) of this section shall be made to the superintendent 5681
of the bureau of criminal identification and investigation in 5682
the manner prescribed in section 3319.39 of the Revised Code, 5683
except that if both of the following conditions apply to the 5684
person subject to the records check, the employer shall request 5685
the superintendent only to obtain any criminal records that the 5686
federal bureau of investigation has on the person: 5687

(a) The employer previously requested the superintendent 5688
to determine whether the bureau of criminal identification and 5689
investigation has any information, gathered pursuant to division 5690
(A) of section 109.57 of the Revised Code, on the person in 5691
conjunction with a criminal records check requested under 5692
section 3319.39 of the Revised Code or under division (J) of 5693
this section. 5694

(b) The person presents proof that the person has been a 5695
resident of this state for the five-year period immediately 5696
prior to the date upon which the person becomes subject to a 5697
criminal records check under this section. 5698

Upon receipt of a request, the superintendent shall 5699
conduct the criminal records check in accordance with section 5700
109.572 of the Revised Code as if the request had been made 5701
under section 3319.39 of the Revised Code. However, as specified 5702
in division (B) (2) of section 109.572 of the Revised Code, if 5703
the employer requests the superintendent only to obtain any 5704
criminal records that the federal bureau of investigation has on 5705
the person for whom the request is made, the superintendent 5706
shall not conduct the review prescribed by division (B) (1) of 5707
that section. 5708

(K) (1) Until the effective date of the amendments to rule 5709
3301-83-23 of the Ohio Administrative Code required by the 5710

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

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

Sec. 3332.05. (A) The state board of career colleges and schools shall issue a certificate of registration to an applicant ~~of good reputation~~ seeking to offer one or more programs upon receipt of the fee established in accordance with section 3332.07 of the Revised Code and upon determining the applicant has the facilities, resources, and faculty to provide students with the kind of instruction that it proposes to offer and meets the minimum standards of the board. A certificate of registration shall be granted or denied within one hundred twenty days of the receipt of the application therefor by the board. A person shall obtain a separate certificate for each location at which the person offers programs. The first

certificate of registration issued on or after June 29, 1999, 5742
for each new location is valid for one year, unless earlier 5743
revoked for cause by the board under section 3332.09 of the 5744
Revised Code. Any other certificate of registration is valid for 5745
two years, unless earlier revoked for cause by the board under 5746
that section. 5747

(B) The board shall issue program authorization for an 5748
associate degree, certificate, or diploma program to an 5749
applicant holding a certificate of registration issued pursuant 5750
to division (A) of this section upon receipt of the fee 5751
established in accordance with section 3332.07 of the Revised 5752
Code and upon determining the applicant has the facilities, 5753
resources, and faculty to provide students the kind of program 5754
it proposes to offer and meets the minimum standards of the 5755
state board. 5756

Any program authorization issued by the board under this 5757
division is valid only for the specified program at the location 5758
for which it is issued and does not cover any other program 5759
offered at the school or at other schools operated by the owner. 5760
Program authorization is valid for the period of time specified 5761
by the board, unless earlier suspended or revoked for cause by 5762
the board under section 3332.09 of the Revised Code. 5763

(C) (1) The state board shall accept and review 5764
applications for program authorization for baccalaureate, 5765
master's, and doctoral degree programs only from the following: 5766

(a) Any school holding a certificate of registration 5767
issued by the board that has held such certificate for the ten 5768
previous consecutive years; 5769

(b) Any school holding a certificate of registration 5770

issued by the board that also holds an equivalent certificate 5771
issued by another state and has held the equivalent certificate 5772
for the ten previous consecutive years. 5773

(2) After review the board shall refer any application it 5774
finds valid to the Ohio board of regents for approval. The board 5775
of regents shall review, and approve or disapprove, such degree 5776
programs and if so approved, issue certificates of authorization 5777
to such schools to offer such degree programs pursuant to 5778
Chapter 1713. of the Revised Code. The board of regents shall 5779
notify the state board of career colleges and schools of each 5780
school registered with the state board that receives a 5781
certificate of authorization and the approval to offer any 5782
degree program. Upon receipt of such notification and the fee 5783
established in accordance with section 3332.07 of the Revised 5784
Code, the state board shall review, and may issue program 5785
authorization to offer, such a degree program. Any program 5786
authorization issued by the board under this division is valid 5787
only for the specified program at the location for which it is 5788
issued and does not cover any other program offered at the 5789
school or at other schools operated by the owner. Program 5790
authorization is valid for the period of time specified by the 5791
board, unless earlier suspended or revoked for cause by the 5792
board under section 3332.09 of the Revised Code. The state board 5793
shall not issue such program authorization unless the degree 5794
program has been approved by the board of regents. 5795

(D) The board may cause an investigation to be made into 5796
the correctness of the information submitted in any application 5797
received under this section. If the board believes that false, 5798
misleading, or incomplete information has been submitted to it 5799
in connection with any application, the board shall conduct a 5800
hearing on the matter pursuant to Chapter 119. of the Revised 5801

Code, and may withhold a certificate of registration or program 5802
authorization upon finding that the applicant has failed to meet 5803
the standards for such certificate or program authorization or 5804
has submitted false, misleading, or incomplete information to 5805
the board. Application for a certificate of registration or 5806
program authorization shall be made in writing to the board on 5807
forms furnished by the board. A certificate of registration or 5808
program authorization is not transferable and shall be 5809
prominently displayed on the premises of an institution. 5810

The board shall assign registration numbers to all schools 5811
registered with it. Schools shall display their registration 5812
numbers on all school publications and on all advertisements 5813
bearing the name of the school. 5814

Notwithstanding the requirements of this section for 5815
issuance of certificates of registration and program 5816
authorization, the board may, in accordance with rules adopted 5817
by it, grant certificates of registration and program 5818
authorization to schools, colleges, institutes, or universities 5819
that have been approved by the state department of education 5820
pursuant to the "Act of March 3, 1966," 80 Stat. 20, 38 U.S.C.A. 5821
1771. 5822

Sec. 3332.09. (A) The state board of career colleges and 5823
schools may, except as provided in division (B) of this section, 5824
limit, suspend, revoke, or refuse to issue or renew a 5825
certificate of registration or program authorization or may 5826
impose a penalty pursuant to section 3332.091 of the Revised 5827
Code for any one or combination of the following causes: 5828

~~(A)~~ (1) Violation of any provision of sections 3332.01 to 5829
3332.09 of the Revised Code, the board's minimum standards, or 5830
any rule made by the board; 5831

(B) <u>(2)</u> Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the board;	5832 5833
(C) <u>(3)</u> The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;	5834 5835 5836 5837
(D) <u>(4)</u> The signing of an application or the holding of a certificate of registration by a person who is addicted to the use of any controlled substance, or who is found to be mentally incompetent;	5838 5839 5840 5841
(E) <u>(5)</u> Violation of any commitment made in an application for a certificate of registration or program authorization;	5842 5843
(F) <u>(6)</u> Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or phone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing programs offered by the holder of a certificate of registration;	5844 5845 5846 5847 5848 5849 5850
(G) <u>(7)</u> Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition;	5851 5852 5853
(H) <u>(8)</u> Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	5854 5855
(I) <u>(9)</u> Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be licensed by the state board of	5856 5857 5858 5859 5860

education or to hold any type of post-high school degree; 5861

~~(J)~~ (10) Offering training or programs other than those 5862
presented in the application, except that schools may offer 5863
special courses adapted to the needs of individual students when 5864
the special courses are in the subject field specified in the 5865
application; 5866

~~(K)~~ (11) Discrimination in the acceptance of students upon 5867
the basis of race, color, religion, sex, or national origin; 5868

~~(I)~~ (12) Accepting the services of an agent not holding a 5869
valid permit issued under section 3332.10 or 3332.11 of the 5870
Revised Code; 5871

~~(M)~~ (13) The use of monetary or other valuable 5872
consideration by the school's agents or representatives to 5873
induce prospective students to enroll in the school, or the 5874
practice of awarding monetary or other valuable considerations 5875
without board approval to students in exchange for procuring the 5876
enrollment of others; 5877

~~(N)~~ (14) Failure to provide at the request of the board, 5878
any information, records, or files pertaining to the operation 5879
of the school or recruitment and enrollment of students. 5880

(B) The board shall not refuse to issue a certificate of 5881
registration to an applicant because the applicant was found 5882
guilty of or pleaded guilty to an offense unless the refusal is 5883
in accordance with section 9.79 of the Revised Code. 5884

(C) If the board modifies or adopts additional minimum 5885
standards or rules pursuant to section 3332.031 of the Revised 5886
Code, all schools and agents shall have sixty days from the 5887
effective date of the modifications or additional standards or 5888
rules to comply with such modifications or additions. 5889

Sec. 3332.11. Any agent's permit applied for pursuant to 5890
section 3332.10 of the Revised Code shall be granted or denied 5891
within thirty days of the receipt of the application by the 5892
state board of career colleges and schools. If the board has not 5893
completed its determination with respect to the issuance of a 5894
permit within such thirty-day period, it shall issue a temporary 5895
permit to the applicant, which permit is sufficient to meet the 5896
requirements of section 3332.10 of the Revised Code until such 5897
time as such determination is made. 5898

~~No permit shall be issued to any person found by the board 5899
not to be of good moral character. 5900~~

Sec. 3332.12. Any agent's permit issued may be suspended 5901
or revoked by the state board of career colleges and schools if 5902
the holder of the permit solicits or enrolls students through 5903
fraud, deception, or misrepresentation, upon a finding that the 5904
permit holder has violated any provision enumerated in division 5905
(A) (1), ~~(B)~~ (2), ~~(F)~~ (6), ~~(H)~~ (8), ~~(J)~~ (10), ~~(K)~~ (11), or ~~(M)~~ (13) of 5906
section 3332.09 of the Revised Code, or upon finding that the 5907
permit holder is not of good moral character. 5908

Upon receipt of any written complaint from any person, the 5909
board shall conduct a preliminary investigation. If after such 5910
investigation or if as a result of any investigation conducted 5911
under division (A) or (D) of section 3332.091 of the Revised 5912
Code, the board determines it is probable violations were 5913
committed, the board shall hold informal conferences in the same 5914
manner as provided in section 3332.091 of the Revised Code with 5915
an agent believed to be in violation of one or more of the above 5916
conditions. If after sixty days these conferences fail to 5917
eliminate the agent's objectionable practices or procedures, the 5918
board shall issue a formal complaint to the agent and the school 5919

that employs the agent. The formal complaint shall state the charges against the agent and the holder of the certificate of registration of the school and shall require them to appear before the board at a public hearing pursuant to Chapter 119. of the Revised Code. If, after the public hearing, the board determines that an agent has violated one or more of the provisions described above, the board shall suspend or revoke the agent's permit.

If after such hearing the board also determines that the school at which the agent was employed was negligent in its supervision of the agent or encouraged or caused the commission of the violations, the board shall levy penalties against such school in accordance with division (A) of section 3332.091 of the Revised Code. Nothing said or done in the informal conferences shall be disclosed by the board or any member of its staff nor be used as evidence in any subsequent proceedings.

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

(B) (1) The director shall deny an application if it determines that the applicant has not demonstrated the ability to comply fully with all applicable federal and state

requirements and all requirements, procedures, and standards 5950
established by the director in this chapter, Chapter 3704. of 5951
the Revised Code, or rules adopted under those chapters, as 5952
those chapters and rules pertain to asbestos. 5953

(2) The director shall deny any application for an 5954
asbestos hazard abatement contractor's license if the applicant 5955
or an officer or employee of the applicant has been convicted of 5956
~~a felony or found liable in a civil proceeding under any state~~ 5957
~~or federal law designed to protect the environment~~ disqualifying 5958
offense as determined under section 9.79 of the Revised Code. 5959

(3) The director shall send all denials of an application 5960
by certified mail to the applicant. If the director receives a 5961
timely request for a hearing from the applicant on the proposed 5962
denial of an application, the director shall hold a hearing in 5963
accordance with Chapter 119. of the Revised Code, as provided in 5964
division (A) of section 3710.13 of the Revised Code. 5965

(C) In an emergency that results from a sudden, unexpected 5966
event that is not a planned asbestos hazard abatement project, 5967
the director may waive the requirements for a license. For the 5968
purposes of this division, "emergency" includes operations 5969
necessitated by nonroutine failures of equipment or by actions 5970
of fire and emergency medical personnel pursuant to duties 5971
within their official capacities. Any person who performs an 5972
asbestos hazard abatement project under emergency conditions 5973
shall notify the director within three days after performance 5974
thereof. 5975

(D) Each license or certificate issued under this chapter 5976
expires one year after the date of issue, but each licensee or 5977
certificate holder may apply to the environmental protection 5978
agency for the extension of the holder's license or certificate 5979

under the standard renewal procedures of Chapter 4745. of the Revised Code.

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

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

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

Sec. 3721.07. Every person desiring to operate a home and the superintendent or administrator of each county home or district home for which a license as a residential care facility is sought shall apply for a license to the director of health. The director shall issue a license for the home, if after investigation of the applicant and, if required by section 3721.02 of the Revised Code, inspection of the home, the following requirements or conditions are satisfied or complied with:

(A) The applicant has not been convicted of a ~~felony or a~~

~~crime involving moral turpitude disqualifying offense as~~ 6009
~~determined under section 9.79 of the Revised Code;~~ 6010

(B) The applicant is not violating any of the rules 6011
adopted by the director of health or any order issued by the 6012
director; 6013

(C) The applicant has not had a license to operate the 6014
home revoked pursuant to section 3721.03 of the Revised Code 6015
because of any act or omission that jeopardized a resident's 6016
health, welfare, or safety nor has the applicant had a long- 6017
standing pattern of violations of this chapter or rules adopted 6018
under it that caused physical, emotional, mental, or 6019
psychosocial harm to one or more residents. 6020

(D) The buildings in which the home is housed have been 6021
approved by the state fire marshal or a township, municipal, or 6022
other legally constituted fire department approved by the 6023
marshal. In the approval of a home such agencies shall apply 6024
standards prescribed by the board of building standards, and by 6025
the state fire marshal, and by section 3721.071 of the Revised 6026
Code. 6027

(E) The applicant, if it is an individual, or the 6028
principal participants, if it is an association or a 6029
corporation, is or are suitable financially ~~and morally~~ to 6030
operate a home; 6031

(F) The applicant is equipped to furnish humane, kind, and 6032
adequate treatment and care; 6033

(G) The home does not maintain or contain: 6034

(1) Facilities for the performance of major surgical 6035
procedures; 6036

(2) Facilities for providing therapeutic radiation; 6037

(3) An emergency ward; 6038

(4) A clinical laboratory unless it is under the 6039
supervision of a clinical pathologist who is a licensed 6040
physician in this state; 6041

(5) Facilities for radiological examinations unless such 6042
examinations are performed only by a person licensed to practice 6043
medicine, surgery, or dentistry in this state. 6044

(H) The home does not accept or treat outpatients, except 6045
upon the written orders of a physician licensed in this state, 6046
maternity cases, boarding children, and does not house transient 6047
guests, other than participants in an adult day-care program, 6048
for twenty-four hours or less; 6049

(I) The home is in compliance with sections 3721.28 and 6050
3721.29 of the Revised Code. 6051

When the director issues a license, the license shall 6052
remain in effect until revoked by the director or voided at the 6053
request of the applicant; provided, there shall be an annual 6054
renewal fee payable during the month of January of each calendar 6055
year. Any licensed home that does not pay its renewal fee in 6056
January shall pay, beginning the first day of February, a late 6057
fee of one hundred dollars for each week or part thereof that 6058
the renewal fee is not paid. If either the renewal fee or the 6059
late fee is not paid by the fifteenth day of February, the 6060
director may, in accordance with Chapter 119. of the Revised 6061
Code, revoke the home's license. 6062

If, under division (B) (5) of section 3721.03 of the 6063
Revised Code, the license of a person has been revoked or the 6064
license of a county home or district home to operate as a 6065

residential care facility has been revoked, the director of 6066
health shall not issue a license to the person or home at any 6067
time. A person whose license is revoked, and a county home or 6068
district home that has its license as a residential care 6069
facility revoked other than under division (B) (5) of section 6070
3721.03 of the Revised Code, for any reason other than 6071
nonpayment of the license renewal fee or late fees shall not be 6072
issued a new license under this chapter until a period of one 6073
year following the date of revocation has elapsed. 6074

Any applicant who is denied a license may appeal in 6075
accordance with Chapter 119. of the Revised Code. 6076

Sec. 3734.42. (A) (1) Every applicant for a permit shall 6077
file a disclosure statement, on a form developed by the attorney 6078
general, with the director of environmental protection and the 6079
attorney general at the same time the applicant files an 6080
application for the permit with the director. 6081

(2) Any individual required to be listed in the disclosure 6082
statement shall be fingerprinted for identification and 6083
investigation purposes in accordance with procedures established 6084
by the attorney general. An individual required to be 6085
fingerprinted under this section shall not be required to be 6086
fingerprinted more than once under this section. 6087

(3) The attorney general, within one hundred eighty days 6088
after receipt of the disclosure statement from an applicant for 6089
a permit, shall prepare and transmit to the director an 6090
investigative report on the applicant, based in part upon the 6091
disclosure statement, except that this deadline may be extended 6092
for a reasonable period of time, for good cause, by the director 6093
or the attorney general. In preparing this report, the attorney 6094
general may request and receive criminal history information 6095

from the federal bureau of investigation and any other law 6096
enforcement agency or organization. The attorney general may 6097
provide such confidentiality regarding the information received 6098
from a law enforcement agency as may be imposed by that agency 6099
as a condition for providing that information to the attorney 6100
general. 6101

(4) The review of the application by the director shall 6102
include a review of the disclosure statement and investigative 6103
report. 6104

(B) All applicants and permittees shall provide any 6105
assistance or information requested by the director or the 6106
attorney general and shall cooperate in any inquiry or 6107
investigation conducted by the attorney general and any inquiry, 6108
investigation, or hearing conducted by the director. If, upon 6109
issuance of a formal request to answer any inquiry or produce 6110
information, evidence, or testimony, any applicant or permittee, 6111
any officer, director, or partner of any business concern, or 6112
any key employee of the applicant or permittee refuses to 6113
comply, the permit of the applicant or permittee may be denied 6114
or revoked by the director. 6115

(C) The attorney general may charge and collect such fees 6116
from applicants and permittees as are necessary to cover the 6117
costs of administering and enforcing the investigative 6118
procedures authorized in sections 3734.41 to 3734.47 of the 6119
Revised Code. The attorney general shall transmit moneys 6120
collected under this division to the treasurer of state to be 6121
credited to the solid and hazardous waste background 6122
investigations fund, which is hereby created in the state 6123
treasury. Moneys in the fund shall be used solely for paying the 6124
attorney general's costs of administering and enforcing the 6125

investigative procedures authorized in sections 3734.41 to 6126
3734.47 of the Revised Code. 6127

(D) An appropriate applicant, a permittee, or a 6128
prospective owner shall submit to the attorney general, on a 6129
form provided by the attorney general, the following information 6130
within the periods specified: 6131

(1) Information required to be included in the disclosure 6132
statement for any new officer, director, partner, or key 6133
employee, to be submitted within ninety days from the addition 6134
of the officer, director, partner, or key employee; 6135

(2) Information required to be included in a disclosure 6136
statement regarding the addition of any new business concern to 6137
be submitted within ninety days from the addition of the new 6138
business concern. 6139

(E) (1) The attorney general shall enter in the database 6140
established under section 109.5721 of the Revised Code the name, 6141
the fingerprints, and other relevant information concerning each 6142
officer, director, partner, or key employee of an applicant, 6143
permittee, or prospective owner. 6144

(2) For purposes of section 109.5721 of the Revised Code, 6145
annually on a date assigned by the attorney general, an 6146
applicant, permittee, or prospective owner shall provide the 6147
attorney general with a list of both of the following: 6148

(a) Each officer, director, partner, or key employee of 6149
the applicant, permittee, or prospective owner and the person's 6150
address and social security number; 6151

(b) Any officer, director, partner, or key employee of the 6152
applicant, permittee, or prospective owner who has left a 6153
position previously held with the applicant, permittee, or 6154

prospective owner during the previous one-year period and the 6155
person's social security number. 6156

(3) Annually, the attorney general shall update the 6157
database established under section 109.5721 of the Revised Code 6158
to reflect the information provided by an applicant, permittee, 6159
or prospective owner under divisions (E) (2) (a) and (b) of this 6160
section. 6161

(4) Notwithstanding division (C) of this section, the 6162
attorney general shall charge and collect fees from an 6163
applicant, permittee, or prospective owner that is required to 6164
submit information under this division in accordance with rules 6165
adopted under section 109.5721 of the Revised Code. The fees 6166
shall not exceed fees that are charged to any other person who 6167
is charged fees for purposes of the database established under 6168
that section and who is not an officer, director, partner, or 6169
key employee of an applicant, permittee, or prospective owner 6170
under this section. 6171

(F) (1) Every five years, the attorney general shall 6172
request from the federal bureau of investigation any information 6173
regarding a criminal conviction with respect to each officer, 6174
director, partner, or key employee of an applicant, permittee, 6175
or prospective owner. The attorney general may take any actions 6176
necessary for purposes of this division, including, as 6177
necessary, requesting the submission of any necessary documents 6178
authorizing the release of information. 6179

(2) Every five years, an applicant, permittee, or 6180
prospective owner shall submit an affidavit listing all of the 6181
following regarding a business concern required to be listed in 6182
the applicant's, permittee's, or prospective owner's disclosure 6183
statement: 6184

(a) Any administrative enforcement order issued to the 6185
business concern in connection with any violation of any federal 6186
or state environmental protection laws, rules, or regulations 6187
during the previous five-year period; 6188

(b) Any civil action in which the business concern was 6189
determined to be liable or was the subject of injunctive relief 6190
or another type of civil relief in connection with any violation 6191
of any federal or state environmental protection laws, rules, or 6192
regulations during the previous five-year period; 6193

(c) Any criminal conviction for a violation of any federal 6194
or state environmental protection laws, rules, or regulations 6195
that has been committed knowingly or recklessly by the business 6196
concern during the previous five-year period. 6197

(G) With respect to an applicant, permittee, or 6198
prospective owner, the attorney general shall notify the 6199
director of environmental protection of any crime ascertained 6200
under division (E) or (F) of this section that is a 6201
disqualifying ~~crime-offense~~ under section ~~3734.44~~ 9.79 of the 6202
Revised Code. The attorney general shall provide the 6203
notification not later than thirty days after the crime was 6204
ascertained. 6205

(H) The failure to provide information under this section 6206
may constitute the basis for the revocation of a permit or 6207
license, the denial of a permit or license application, the 6208
denial of a renewal of a permit or license, or the disapproval 6209
of a change in ownership as described in division (I) of this 6210
section. Prior to a denial, revocation, or disapproval, the 6211
director shall notify the applicant, permittee, or prospective 6212
owner of the director's intention to do so. The director shall 6213
give the applicant, permittee, or prospective owner fourteen 6214

days from the date of the notice to explain why the information 6215
was not provided. The director shall consider the explanation 6216
when determining whether to revoke the permit or license, deny 6217
the permit or license application or renewal, or disapprove the 6218
change in ownership. 6219

Nothing in this section affects the rights of the director 6220
or the attorney general granted under sections 3734.40 to 6221
3734.47 of the Revised Code to request information from a person 6222
at any other time. 6223

(I) (1) Whenever there is a change in ownership of any 6224
operating off-site solid waste facility, any operating off-site 6225
infectious waste facility, or any operating off-site hazardous 6226
waste facility, the prospective owner shall file a disclosure 6227
statement with the attorney general and the director at least 6228
one hundred eighty days prior to the proposed change in 6229
ownership. In addition, whenever there is a change in ownership 6230
of any operating on-site solid waste facility, any operating on- 6231
site infectious waste facility, or any operating on-site 6232
hazardous waste facility and the prospective owner intends to 6233
operate the facility as an off-site facility by accepting wastes 6234
other than wastes generated by the facility owner, the 6235
prospective owner shall file a disclosure statement with the 6236
attorney general and the director. The prospective owner shall 6237
file the disclosure statement at least one hundred eighty days 6238
prior to the proposed change in ownership. 6239

Upon receipt of the disclosure statement, the attorney 6240
general shall prepare an investigative report and transmit it to 6241
the director. The director shall review the disclosure statement 6242
and investigative report to determine whether the statement or 6243
report contains information that if submitted with a permit 6244

application would require a denial of the permit pursuant to 6245
section 3734.44 of the Revised Code. If the director determines 6246
that the statement or report contains such information, the 6247
director shall disapprove the change in ownership. 6248

(2) If the parties to a change in ownership decide to 6249
proceed with the change prior to the action of the director on 6250
the disclosure statement and investigative report, the parties 6251
shall include in all contracts or other documents reflecting the 6252
change in ownership language expressly making the change in 6253
ownership subject to the approval of the director and expressly 6254
negating the change if it is disapproved by the director 6255
pursuant to division (I)(1) of this section. 6256

(3) As used in this section, "change in ownership" 6257
includes a change of the individuals or entities who own a solid 6258
waste facility, infectious waste facility, or hazardous waste 6259
facility. "Change in ownership" does not include a legal change 6260
in a business concern's name when its ownership otherwise 6261
remains the same. "Change in ownership" also does not include a 6262
personal name change of officers, directors, partners, or key 6263
employees contained in a disclosure statement. 6264

Sec. 3734.44. Notwithstanding the provisions of any law to 6265
the contrary and except as provided in division (F) of this 6266
section, no permit or license shall be issued or renewed by the 6267
director of environmental protection or a board of health: 6268

(A) Unless the director or the board of health finds that 6269
the applicant, in any prior performance record in the 6270
transportation, transfer, treatment, storage, or disposal of 6271
solid wastes, infectious wastes, or hazardous waste, has 6272
exhibited sufficient reliability, expertise, and competency to 6273
operate the solid waste, infectious waste, or hazardous waste 6274

facility, given the potential for harm to human health and the 6275
environment that could result from the irresponsible operation 6276
of the facility, or, if no prior record exists, that the 6277
applicant is likely to exhibit that reliability, expertise, and 6278
competence; 6279

(B) If any individual or business concern required to be 6280
listed in the disclosure statement or shown to have a beneficial 6281
interest in the business of the applicant or the permittee, 6282
other than an equity interest or debt liability, by the 6283
investigation thereof, has been convicted of any of the 6284
following crimes under the laws of this state or equivalent laws 6285
of any other jurisdiction: 6286

- (1) Murder; 6287
- (2) Kidnapping; 6288
- (3) Gambling; 6289
- (4) Robbery; 6290
- (5) Bribery; 6291
- (6) Extortion; 6292
- (7) Criminal usury; 6293
- (8) Arson; 6294
- (9) Burglary; 6295
- (10) Theft and related crimes; 6296
- (11) Forgery and fraudulent practices; 6297
- (12) Fraud in the offering, sale, or purchase of 6298
securities; 6299
- (13) Alteration of motor vehicle identification numbers; 6300

(14) Unlawful manufacture, purchase, use, or transfer of firearms;	6301 6302
(15) Unlawful possession or use of destructive devices or explosives;	6303 6304
(16) A violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	6305 6306 6307 6308 6309 6310 6311
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	6312 6313
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	6314 6315
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that is committed knowingly or recklessly, as defined in section 2901.22 of the Revised Code;	6316 6317 6318 6319
(20) A violation of any provision of Chapter 2909. of the Revised Code;	6320 6321
(21) Any offense specified in Chapter 2921. of the Revised Code.	6322 6323
(C) Notwithstanding division (B) of this section, no applicant shall be denied the issuance or renewal of a permit or license on the basis of a conviction of any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business	6324 6325 6326 6327 6328

of the applicant or the permittee, other than an equity interest 6329
or debt liability, by the investigation thereof for any of the 6330
offenses enumerated in that division as disqualification 6331
criteria if that applicant has affirmatively demonstrated 6332
rehabilitation of the individual or business concern by a 6333
preponderance of the evidence. If any such individual was 6334
convicted of any of the offenses so enumerated that are 6335
felonies, a permit shall be denied unless five years have 6336
elapsed since the individual was fully discharged from 6337
imprisonment and parole for the offense, from a community 6338
control sanction imposed under section 2929.15 of the Revised 6339
Code, from a post-release control sanction imposed under section 6340
2967.28 of the Revised Code for the offense, or imprisonment, 6341
probation, and parole for an offense that was committed prior to 6342
July 1, 1996. In determining whether an applicant has 6343
affirmatively demonstrated rehabilitation, the director or the 6344
board of health shall request a recommendation on the matter 6345
from the attorney general and shall consider and base the 6346
determination on the following factors: 6347

- (1) The nature and responsibilities of the position a 6348
convicted individual would hold; 6349
- (2) The nature and seriousness of the offense; 6350
- (3) The circumstances under which the offense occurred; 6351
- (4) The date of the offense; 6352
- (5) The age of the individual when the offense was 6353
committed; 6354
- (6) Whether the offense was an isolated or repeated 6355
incident; 6356
- (7) Any social conditions that may have contributed to the 6357

offense; 6358

(8) Any evidence of rehabilitation, including good conduct 6359
in prison or in the community, counseling or psychiatric 6360
treatment received, acquisition of additional academic or 6361
vocational schooling, successful participation in correctional 6362
work release programs, or the recommendation of persons who have 6363
or have had the applicant under their supervision; 6364

(9) In the instance of an applicant that is a business 6365
concern, rehabilitation shall be established if the applicant 6366
has implemented formal management controls to minimize and 6367
prevent the occurrence of violations and activities that will or 6368
may result in permit or license denial or revocation or if the 6369
applicant has formalized those controls as a result of a 6370
revocation or denial of a permit or license. Those controls may 6371
include, but are not limited to, instituting environmental 6372
auditing programs to help ensure the adequacy of internal 6373
systems to achieve, maintain, and monitor compliance with 6374
applicable environmental laws and standards or instituting an 6375
antitrust compliance auditing program to help ensure full 6376
compliance with applicable antitrust laws. The business concern 6377
shall prove by a preponderance of the evidence that the 6378
management controls are effective in preventing the violations 6379
that are the subject of concern. 6380

(D) Unless the director or the board of health finds that 6381
the applicant has a history of compliance with environmental 6382
laws in this state and other jurisdictions and is presently in 6383
substantial compliance with, or on a legally enforceable 6384
schedule that will result in compliance with, environmental laws 6385
in this state and other jurisdictions; 6386

(E) With respect to the approval of a permit, if the 6387

director determines that current prosecutions or pending charges 6388
in any jurisdiction for any of the offenses enumerated in 6389
division (B) of this section against any individual or business 6390
concern required to be listed in the disclosure statement or 6391
shown by the investigation to have a beneficial interest in the 6392
business of the applicant other than an equity interest or debt 6393
liability are of such magnitude that they prevent making the 6394
finding required under division (A) of this section, provided 6395
that at the request of the applicant or the individual or 6396
business concern charged, the director shall defer decision upon 6397
the application during the pendency of the charge. 6398

(F) The director or the board of health shall not refuse 6399
to issue a permit or license to an applicant because of a 6400
conviction of an offense unless the refusal is in accordance 6401
with section 9.79 of the Revised Code. 6402

Sec. 3743.03. (A) If a person submits an application for 6403
licensure as a manufacturer of fireworks, together with the 6404
license fee, fingerprints, and proof of the insurance coverage, 6405
as required by section 3743.02 of the Revised Code, the state 6406
fire marshal shall review the application and accompanying 6407
matter, request the criminal records check described in division 6408
(E) of this section, inspect the premises of the fireworks plant 6409
described in the application, and determine whether the 6410
applicant will be issued the license. In determining whether to 6411
issue the license, the state fire marshal shall consider the 6412
results of the criminal records check and the inspection, and 6413
the information set forth in the application, and shall decide 6414
whether the applicant and the fireworks plant described in the 6415
application conform to sections 3743.02 to 3743.08 of the 6416
Revised Code and the rules adopted by the state fire marshal 6417
pursuant to section 3743.05 of the Revised Code, and are in full 6418

compliance with Chapters 3781. and 3791. of the Revised Code, 6419
and any applicable building or zoning regulations. 6420

(B) Subject to section 3743.70 of the Revised Code, the 6421
state fire marshal shall issue a license in accordance with 6422
Chapter 119. of the Revised Code to an applicant for licensure 6423
as a manufacturer of fireworks only if the applicant and the 6424
fireworks plant described in the application conform to sections 6425
3743.02 to 3743.08 of the Revised Code and the rules adopted by 6426
the state fire marshal pursuant to section 3743.05 of the 6427
Revised Code, only if the fireworks plant described in the 6428
application complies with the Ohio building code adopted under 6429
Chapter 3781. of the Revised Code, if that fireworks plant was 6430
constructed after May 30, 1986, and only if the state fire 6431
marshal is satisfied that the application and accompanying 6432
matter are complete and in conformity with section 3743.02 of 6433
the Revised Code. The requirements of this chapter and of the 6434
rules adopted under this chapter as applicable to the structure 6435
of a building do not apply to a building in a fireworks plant if 6436
the building was inspected and approved by the department of 6437
industrial relations or by any building department certified 6438
pursuant to division (E) of section 3781.10 of the Revised Code 6439
prior to May 30, 1986. 6440

(C) Each license issued pursuant to this section shall 6441
contain a distinct number assigned to the licensed manufacturer 6442
and, if the licensed manufacturer will engage in the processing 6443
of fireworks as any part of its manufacturing of fireworks at 6444
the fireworks plants, a notation indicating that fact. The state 6445
fire marshal shall maintain a list of all licensed manufacturers 6446
of fireworks. In the list next to each manufacturer's name, the 6447
state fire marshal shall insert the period of licensure, the 6448
license number of the manufacturer, and, if applicable, a 6449

notation that the manufacturer will engage in the processing of 6450
fireworks as part of its manufacturing of fireworks. 6451

(D) The holder of a license issued pursuant to this 6452
section may request the state fire marshal to cancel that 6453
license and issue in its place a license to sell fireworks at 6454
wholesale under section 3743.16 of the Revised Code. Upon 6455
receipt of such a request, the state fire marshal shall cancel 6456
the license issued under this section and issue a license under 6457
section 3743.16 of the Revised Code if the applicant meets the 6458
requirements of that section. 6459

(E) Upon receipt of an application and the required 6460
accompanying matter under section 3743.02 of the Revised Code, 6461
the state fire marshal shall forward to the superintendent of 6462
the bureau of criminal identification and investigation a 6463
request that the bureau conduct an investigation of the 6464
applicant and, if applicable, additional individuals who hold, 6465
own, or control a five per cent or greater beneficial or equity 6466
interest in the applicant, to determine whether the applicant or 6467
the additional associated individuals have been convicted of or 6468
pled guilty to a felony-disqualifying offense as determined 6469
under section 9.79 of the Revised Code, under the laws of this 6470
state, another state, or the United States. 6471

If the applicant for initial licensure has resided in this 6472
state for less than five continuous years immediately prior to 6473
the date the applicant submits an initial application, the 6474
superintendent also shall request that the federal bureau of 6475
investigation conduct an investigation of the applicant and, if 6476
applicable, additional individuals who hold, own, or control a 6477
five per cent or greater beneficial or equity interest in the 6478
applicant, to determine whether the applicant or the additional 6479

associated individuals have been convicted of or pled guilty to 6480
a ~~felony~~ disqualifying offense as determined under section 9.79 6481
of the Revised Code, under the laws of this state, another 6482
state, or the United States. 6483

The superintendent shall forward the results of an 6484
investigation conducted pursuant to this division to the state 6485
fire marshal and may charge a reasonable fee for providing the 6486
results. The state fire marshal shall assess any fee charged by 6487
the superintendent for the results to the applicant. 6488

Sec. 3743.16. (A) If a person submits an application for 6489
licensure as a wholesaler of fireworks, together with the 6490
license fee, fingerprints, and proof of the insurance coverage, 6491
as required by section 3743.15 of the Revised Code, the state 6492
fire marshal shall review the application and accompanying 6493
matter, request the criminal records check described in division 6494
(D) of this section, inspect the premises on which the fireworks 6495
would be sold, and determine whether the applicant will be 6496
issued the license. In determining whether to issue the license, 6497
the state fire marshal shall consider the results of the 6498
criminal records check and the inspection, and the information 6499
set forth in the application, and shall decide whether the 6500
applicant and the premises on which the fireworks will be sold 6501
conform to sections 3743.15 to 3743.21 of the Revised Code and 6502
the rules adopted by the state fire marshal pursuant to section 6503
3743.18 of the Revised Code, and are in full compliance with 6504
Chapters 3781. and 3791. of the Revised Code, and any applicable 6505
building or zoning regulations. 6506

(B) Subject to section 3743.70 of the Revised Code, the 6507
state fire marshal shall issue a license in accordance with 6508
Chapter 119. of the Revised Code to the applicant for licensure 6509

as a wholesaler of fireworks only if the applicant and the 6510
premises on which the fireworks will be sold conform to sections 6511
3743.15 to 3743.21 of the Revised Code and the rules adopted by 6512
the state fire marshal pursuant to section 3743.18 of the 6513
Revised Code, only if the premises on which the fireworks will 6514
be sold complies with the Ohio building code adopted under 6515
Chapter 3781. of the Revised Code, if that premises was 6516
constructed after May 30, 1986, and only if the state fire 6517
marshal is satisfied that the application and accompanying 6518
matter are complete and in conformity with section 3743.15 of 6519
the Revised Code. The requirements of this chapter and of the 6520
rules adopted under this chapter as applicable to the structure 6521
of a building do not apply to a building used by a wholesaler if 6522
the building was inspected and approved by the department of 6523
industrial relations or by any building department certified 6524
pursuant to division (E) of section 3781.10 of the Revised Code 6525
prior to May 30, 1986. 6526

(C) Each license issued pursuant to this section shall 6527
contain a distinct number assigned to the particular wholesaler. 6528
The state fire marshal shall maintain a list of all licensed 6529
wholesalers of fireworks. In this list next to each wholesaler's 6530
name, the state fire marshal shall insert the period of 6531
licensure and the license number of the particular wholesaler. 6532

(D) Upon receipt of an application and the required 6533
accompanying matter under section 3743.15 of the Revised Code, 6534
the state fire marshal shall forward to the superintendent of 6535
the bureau of criminal identification and investigation a 6536
request that the bureau conduct an investigation of the 6537
applicant and, if applicable, additional individuals who hold, 6538
own, or control a five per cent or greater beneficial or equity 6539
interest in the applicant, to determine whether the applicant or 6540

the additional associated individuals have been convicted of or 6541
pled guilty to a ~~felony-disqualifying offense in accordance with~~ 6542
section 9.79 of the Revised Code, under the laws of this state, 6543
another state, or the United States. 6544

If the applicant for initial licensure has resided in this 6545
state for less than five continuous years immediately prior to 6546
the date the applicant submits an initial application, the 6547
superintendent also shall request that the federal bureau of 6548
investigation conduct an investigation of the applicant and, if 6549
applicable, additional individuals who hold, own, or control a 6550
five per cent or greater beneficial or equity interest in the 6551
applicant, to determine whether the applicant or the additional 6552
associated individuals have been convicted of or pled guilty to 6553
a ~~felony-disqualifying offense in accordance with section 9.79~~ 6554
of the Revised Code, under the laws of this state, another 6555
state, or the United States. 6556

The superintendent shall forward the results of an 6557
investigation conducted pursuant to this division to the state 6558
fire marshal and may charge a reasonable fee for providing the 6559
results. The state fire marshal shall assess any fee charged by 6560
the superintendent for the results to the applicant. 6561

Sec. 3743.70. (A) The state fire marshal shall not refuse 6562
to issue a license, permit, or registration under this chapter 6563
if the applicant or any individual holding, owning, or 6564
controlling a five per cent or greater beneficial or equity 6565
interest in the applicant for the license, permit, or 6566
registration has been convicted of or pleaded guilty to a 6567
disqualifying offense under section 9.79 of the Revised Code 6568
unless the refusal is in accordance with that section. 6569

(B) The state fire marshal shall not issue an initial or a 6570

renewal of a license, permit, or registration under this chapter 6571
on or after June 30, 1997, if the applicant for the license or 6572
permit, or any individual holding, owning, or controlling a five 6573
per cent or greater beneficial or equity interest in the 6574
applicant for the license or permit, has been convicted of or 6575
pleaded guilty to a felony under the laws of this state, another 6576
state, or the United States. 6577

(C) The state fire marshal shall revoke or deny renewal of 6578
a license or permit first issued under this chapter on or after 6579
June 30, 1997, if the holder of the license or permit, or any 6580
individual holding, owning, or controlling a five per cent or 6581
greater beneficial or equity interest in the holder of the 6582
license or permit, is convicted of or pleads guilty to a felony 6583
under the laws of this state, another state, or the United 6584
States. 6585

(D) The state fire marshal may adopt rules under Chapter 6586
119. of the Revised Code specifying the method to be used by the 6587
applicants subject to this section to provide the fingerprint or 6588
similar identifying information, fees to be assessed by the 6589
state fire marshal to conduct such background checks, and the 6590
procedures to be used by the state fire marshal to verify 6591
compliance with this section. Such rules may include provisions 6592
establishing rules for conducting background checks ~~and~~ 6593
~~prohibiting licensure, permitting or registration under this~~ 6594
~~chapter for persons convicted of a felony or similar offense in~~ 6595
~~another country,~~ the frequency that license renewal applicants 6596
must update background check information filed by the applicant 6597
with previous license applications, provisions describing 6598
alternative forms of background check information that may be 6599
accepted by the state fire marshal to verify compliance with 6600
this section, and provisions that permit the state fire marshal 6601

to waive the applicability of this section if the applicant 6602
produces verified documentation that demonstrates that this 6603
state, another state, the United States, or another country has 6604
determined that applicant is appropriate for licensure, 6605
permitting, or registration under this chapter. 6606

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 6607
section 3743.60 or division (H) of section 3743.64 of the 6608
Revised Code is guilty of a felony of the third degree. 6609

(B) Whoever violates division (C) or (D) of section 6610
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 6611
division (A) or (B) of section 3743.64 of the Revised Code is 6612
guilty of a felony of the fourth degree. 6613

(C) Whoever violates division (E), (F), (G), (H), (I), or 6614
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 6615
of section 3743.61, section 3743.63, division (D), (E), (F), or 6616
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 6617
section 3743.65, or section 3743.66 of the Revised Code is 6618
guilty of a misdemeanor of the first degree. If the offender 6619
previously has been convicted of or pleaded guilty to a 6620
violation of division (I) of section 3743.60 or 3743.61 of the 6621
Revised Code, a violation of either of these divisions is a 6622
felony of the fifth degree. 6623

(D) Whoever violates division (C) of section 3743.64 of 6624
the Revised Code is guilty of a misdemeanor of the first degree. 6625
In addition to any other penalties that may be imposed on a 6626
licensed exhibitor of fireworks under this division and unless 6627
the third sentence of this division applies, the person's 6628
license as an exhibitor of fireworks or as an assistant 6629
exhibitor of fireworks shall be suspended, ~~and the person is~~ 6630
~~ineligible to apply for either type of license, for a period of~~ 6631

~~five years~~. If the violation of division (C) of section 3743.64 6632
of the Revised Code results in serious physical harm to persons 6633
or serious physical harm to property, the person's license as an 6634
exhibitor of fireworks or as an assistant exhibitor of fireworks 6635
shall be revoked, ~~and that person is ineligible to apply for a~~ 6636
~~license as or to be licensed as an exhibitor of fireworks or as~~ 6637
~~an assistant exhibitor of fireworks in this state.~~ 6638

(E) Whoever violates division (F) of section 3743.65 of 6639
the Revised Code is guilty of a felony of the fifth degree. 6640

Sec. 3770.05. (A) As used in this section, "person" means 6641
any individual, association, corporation, limited liability 6642
company, partnership, club, trust, estate, society, receiver, 6643
trustee, person acting in a fiduciary or representative 6644
capacity, instrumentality of the state or any of its political 6645
subdivisions, or any other business entity or combination of 6646
individuals meeting the requirements set forth in this section 6647
or established by rule or order of the state lottery commission. 6648

(B) The director of the state lottery commission may 6649
license any person as a lottery sales agent. 6650

Before issuing any license to a lottery sales agent, the 6651
director shall consider all of the following: 6652

(1) The financial responsibility and security of the 6653
applicant and the applicant's business or activity; 6654

(2) The accessibility of the applicant's place of business 6655
or activity to the public; 6656

(3) The sufficiency of existing licensed agents to serve 6657
the public interest; 6658

(4) The volume of expected sales by the applicant; 6659

(5) Any other factors pertaining to the public interest, 6660
convenience, or trust. 6661

(C) Except as otherwise provided in ~~division~~ divisions (F) 6662
and (G) of this section, the director of the state lottery 6663
commission may refuse to grant, or may suspend or revoke, a 6664
license if the applicant or licensee: 6665

(1) Has been convicted of a felony or has been convicted 6666
of a crime involving moral turpitude; 6667

(2) Has been convicted of an offense that involves illegal 6668
gambling; 6669

(3) Has been found guilty of fraud or misrepresentation in 6670
any connection; 6671

(4) Has been found to have violated any rule or order of 6672
the commission; or 6673

(5) Has been convicted of illegal trafficking in 6674
supplemental nutrition assistance program benefits. 6675

(D) Except as otherwise provided in division ~~(F)~~ (G) of 6676
this section, the director of the state lottery commission may 6677
refuse to grant, or may suspend or revoke, a license if the 6678
applicant or licensee is a corporation or other business entity, 6679
and any of the following applies: 6680

(1) Any of the directors, officers, managers, or 6681
controlling shareholders has been found guilty of any of the 6682
activities specified in divisions (C) (1) to (5) of this section; 6683

(2) It appears to the director of the state lottery 6684
commission that, due to the experience, ~~character,~~ or general 6685
fitness of any director, officer, manager, or controlling 6686
shareholder, the granting of a license as a lottery sales agent 6687

would be inconsistent with the public interest, convenience, or trust; 6688
6689

(3) The corporation or other business entity is not the owner or lessee of the business at which it would conduct a lottery sales agency pursuant to the license applied for; 6690
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(4) Any person, firm, association, or corporation other than the applicant or licensee shares or will share in the profits of the applicant or licensee, other than receiving dividends or distributions as a shareholder, or participates or will participate in the management of the affairs of the applicant or licensee. 6693
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(E) (1) The director of the state lottery commission shall ~~refuse to grant a license to an applicant for a lottery sales agent license and shall~~ revoke a lottery sales agent license if the applicant or licensee is or has been convicted of a violation of division (A) or (C) (1) of section 2913.46 of the Revised Code. 6699
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(2) The director shall ~~refuse to grant a license to an applicant for a lottery sales agent license that is a corporation and shall~~ revoke the lottery sales agent license of a corporation if the corporation is or has been convicted of a violation of division (A) or (C) (1) of section 2913.46 of the Revised Code. 6705
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(F) The director of the state lottery commission shall not refuse to issue a license to an applicant because of a conviction of an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 6711
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(G) The director of the state lottery commission shall request the bureau of criminal identification and investigation, 6715
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the department of public safety, or any other state, local, or 6717
federal agency to supply the director with the criminal records 6718
of any applicant for a lottery sales agent license, and may 6719
periodically request the criminal records of any person to whom 6720
a lottery sales agent license has been issued. At or prior to 6721
the time of making such a request, the director shall require an 6722
applicant or licensee to obtain fingerprint impressions on 6723
fingerprint cards prescribed by the superintendent of the bureau 6724
of criminal identification and investigation at a qualified law 6725
enforcement agency, and the director shall cause those 6726
fingerprint cards to be forwarded to the bureau of criminal 6727
identification and investigation, to the federal bureau of 6728
investigation, or to both bureaus. The commission shall assume 6729
the cost of obtaining the fingerprint cards. 6730

The director shall pay to each agency supplying criminal 6731
records for each investigation a reasonable fee, as determined 6732
by the agency. 6733

The commission may adopt uniform rules specifying time 6734
periods after which the persons described in divisions (C) (1) to 6735
(5) and (D) (1) to (4) of this section may be issued a license 6736
and establishing requirements for those persons to seek a court 6737
order to have records sealed in accordance with law. 6738

~~(G)~~ (H) (1) Each applicant for a lottery sales agent license 6739
shall do both of the following: 6740

(a) Pay fees to the state lottery commission, if required 6741
by rule adopted by the director under Chapter 119. of the 6742
Revised Code and the controlling board approves the fees; 6743

(b) Prior to approval of the application, obtain a surety 6744
bond in an amount the director determines by rule adopted under 6745

Chapter 119. of the Revised Code or, alternatively, with the 6746
director's approval, deposit the same amount into a dedicated 6747
account for the benefit of the state lottery. The director also 6748
may approve the obtaining of a surety bond to cover part of the 6749
amount required, together with a dedicated account deposit to 6750
cover the remainder of the amount required. The director also 6751
may establish an alternative program or policy, with the 6752
approval of the commission by rule adopted under Chapter 119. of 6753
the Revised Code, that otherwise ensures the lottery's financial 6754
interests are adequately protected. If such an alternative 6755
program or policy is established, an applicant or lottery sales 6756
agent, subject to the director's approval, may be permitted to 6757
participate in the program or proceed under that policy in lieu 6758
of providing a surety bond or dedicated amount. 6759

A surety bond may be with any company that complies with 6760
the bonding and surety laws of this state and the requirements 6761
established by rules of the commission pursuant to this chapter. 6762
A dedicated account deposit shall be conducted in accordance 6763
with policies and procedures the director establishes. 6764

A surety bond, dedicated account, other established 6765
program or policy, or any combination of these resources, as 6766
applicable, may be used to pay for the lottery sales agent's 6767
failure to make prompt and accurate payments for lottery ticket 6768
sales, for missing or stolen lottery tickets, for damage to 6769
equipment or materials issued to the lottery sales agent, or to 6770
pay for expenses the commission incurs in connection with the 6771
lottery sales agent's license. 6772

(2) A lottery sales agent license is effective for at 6773
least one year, but not more than three years. 6774

A licensed lottery sales agent, on or before the date 6775

established by the director, shall renew the agent's license and 6776
provide at that time evidence to the director that the surety 6777
bond, dedicated account deposit, or both, required under 6778
division ~~(G)~~(H) (1) (b) of this section has been renewed or is 6779
active, whichever applies. 6780

Before the commission renews a lottery sales agent 6781
license, the lottery sales agent shall submit a renewal fee to 6782
the commission, if one is required by rule adopted by the 6783
director under Chapter 119. of the Revised Code and the 6784
controlling board approves the renewal fee. The renewal fee 6785
shall not exceed the actual cost of administering the license 6786
renewal and processing changes reflected in the renewal 6787
application. The renewal of the license is effective for at 6788
least one year, but not more than three years. 6789

(3) A lottery sales agent license shall be complete, 6790
accurate, and current at all times during the term of the 6791
license. Any changes to an original license application or a 6792
renewal application may subject the applicant or lottery sales 6793
agent, as applicable, to paying an administrative fee that shall 6794
be in an amount that the director determines by rule adopted 6795
under Chapter 119. of the Revised Code, and that the controlling 6796
board approves, and that shall not exceed the actual cost of 6797
administering and processing the changes to an application. 6798

(4) The relationship between the commission and a lottery 6799
sales agent is one of trust. A lottery sales agent collects 6800
funds on behalf of the commission through the sale of lottery 6801
tickets for which the agent receives a compensation. 6802

~~(H)~~(I) Pending a final resolution of any question arising 6803
under this section, the director of the state lottery commission 6804
may issue a temporary lottery sales agent license, subject to 6805

the terms and conditions the director considers appropriate. 6806

~~(I)~~ (J) If a lottery sales agent's rental payments for the 6807
lottery sales agent's premises are determined, in whole or in 6808
part, by the amount of retail sales the lottery sales agent 6809
makes, and if the rental agreement does not expressly provide 6810
that the amount of those retail sales includes the amounts the 6811
lottery sales agent receives from lottery ticket sales, only the 6812
amounts the lottery sales agent receives as compensation from 6813
the state lottery commission for selling lottery tickets shall 6814
be considered to be amounts the lottery sales agent receives 6815
from the retail sales the lottery sales agent makes, for the 6816
purpose of computing the lottery sales agent's rental payments. 6817

Sec. 3770.073. (A) If a person is entitled to a lottery 6818
prize award and is indebted to the state for the payment of any 6819
tax, workers' compensation premium, unemployment contribution, 6820
payment in lieu of unemployment contribution, certified claim 6821
under section 131.02 or 131.021 of the Revised Code, or is 6822
indebted to a political subdivision that has a certified claim 6823
under section 131.02 of the Revised Code, lottery sales receipts 6824
held in trust on behalf of the state lottery commission as 6825
described in division ~~(G)~~ (H) (4) of section 3770.05 of the 6826
Revised Code, or charge, penalty, or interest arising from these 6827
debts and if the amount of the prize money or the cost of goods 6828
or services awarded as a lottery prize award is five thousand 6829
dollars or more, the director of the state lottery commission, 6830
or the director's designee, shall do either of the following: 6831

(1) If the prize award will be paid in a lump sum, deduct 6832
from the prize award and pay to the attorney general an amount 6833
in satisfaction of the debt and pay any remainder to that 6834
person. If the amount of the prize award is less than the amount 6835

of the debt, the entire amount of the prize award shall be 6836
deducted and paid in partial satisfaction of the debt. 6837

(2) If the prize award will be paid in annual 6838
installments, on the date the initial installment payment is 6839
due, deduct from that installment and pay to the attorney 6840
general an amount in satisfaction of the debt and, if necessary 6841
to collect the full amount of the debt, do the same for any 6842
subsequent annual installments, at the time the installments 6843
become due and owing to the person, until the debt is fully 6844
satisfied. 6845

(B) If a person entitled to a lottery prize award owes 6846
more than one debt, any debt owed to the state shall be 6847
satisfied first, subject to both section 5739.33 and division 6848
(G) of section 5747.07 of the Revised Code having first 6849
priority, and subject to division (C) of this section. 6850

(C) Any debt owed under section 3770.071 of the Revised 6851
Code shall be satisfied with first priority over debts owed 6852
under this section. 6853

(D) Except as provided in section 131.021 of the Revised 6854
Code, this section applies only to debts that have become final. 6855

Sec. 3772.01. As used in this chapter: 6856

(A) "Applicant" means any person who applies to the 6857
commission for a license under this chapter. 6858

(B) "Casino control commission fund" means the casino 6859
control commission fund described in Section 6(C)(3)(d) of 6860
Article XV, Ohio Constitution, the money in which shall be used 6861
to fund the commission and its related affairs. 6862

(C) "Casino facility" means a casino facility as defined 6863

in Section 6(C)(9) of Article XV, Ohio Constitution. 6864

(D) "Casino game" means any slot machine or table game as 6865
defined in this chapter. 6866

(E) "Casino gaming" means any type of slot machine or 6867
table game wagering, using money, casino credit, or any 6868
representative of value, authorized in any of the states of 6869
Indiana, Michigan, Pennsylvania, and West Virginia as of January 6870
1, 2009, and includes slot machine and table game wagering 6871
subsequently authorized by, but shall not be limited by, 6872
subsequent restrictions placed on such wagering in such states. 6873
"Casino gaming" does not include bingo, as authorized in Section 6874
6 of Article XV, Ohio Constitution and conducted as of January 6875
1, 2009, or horse racing where the pari-mutuel system of 6876
wagering is conducted, as authorized under the laws of this 6877
state as of January 1, 2009. 6878

(F) "Casino gaming employee" means any employee of a 6879
casino operator or management company, but not a key employee, 6880
and as further defined in section 3772.131 of the Revised Code. 6881

(G) "Casino operator" means any person, trust, 6882
corporation, partnership, limited partnership, association, 6883
limited liability company, or other business enterprise that 6884
directly or indirectly holds an ownership or leasehold interest 6885
in a casino facility. "Casino operator" does not include an 6886
agency of the state, any political subdivision of the state, any 6887
person, trust, corporation, partnership, limited partnership, 6888
association, limited liability company, or other business 6889
enterprise that may have an interest in a casino facility, but 6890
who is legally or contractually restricted from conducting 6891
casino gaming. 6892

(H) "Central system" means a computer system that provides 6893
the following functions related to casino gaming equipment used 6894
in connection with casino gaming authorized under this chapter: 6895
security, auditing, data and information retrieval, and other 6896
purposes deemed necessary and authorized by the commission. 6897

(I) "Cheat" means to alter the result of a casino game, 6898
the element of chance, the operation of a machine used in a 6899
casino game, or the method of selection of criteria that 6900
determines (a) the result of the casino game, (b) the amount or 6901
frequency of payment in a casino game, (c) the value of a 6902
wagering instrument, or (d) the value of a wagering credit. 6903
"Cheat" does not include an individual who, without the 6904
assistance of another individual or without the use of a 6905
physical aid or device of any kind, uses the individual's own 6906
ability to keep track of the value of cards played and uses 6907
predictions formed as a result of the tracking information in 6908
the individual's playing and betting strategy. 6909

(J) "Commission" means the Ohio casino control commission. 6910

(K) "Gaming agent" means a peace officer employed by the 6911
commission that is vested with duties to enforce this chapter 6912
and conduct other investigations into the conduct of the casino 6913
gaming and the maintenance of the equipment that the commission 6914
considers necessary and proper and is in compliance with section 6915
109.77 of the Revised Code. 6916

(L) "Gaming-related vendor" means any individual, 6917
partnership, corporation, association, trust, or any other group 6918
of individuals, however organized, who supplies gaming-related 6919
equipment, goods, or services to a casino operator or management 6920
company, that are directly related to or affect casino gaming 6921
authorized under this chapter, including, but not limited to, 6922

the manufacture, sale, distribution, or repair of slot machines 6923
and table game equipment. 6924

(M) "Holding company" means any corporation, firm, 6925
partnership, limited partnership, limited liability company, 6926
trust, or other form of business organization not a natural 6927
person which directly or indirectly does any of the following: 6928

(1) Has the power or right to control a casino operator, 6929
management company, or gaming-related vendor license applicant 6930
or licensee; 6931

(2) Holds an ownership interest of five per cent or more, 6932
as determined by the commission, in a casino operator, 6933
management company, or gaming-related vendor license applicant 6934
or licensee; 6935

(3) Holds voting rights with the power to vote five per 6936
cent or more of the outstanding voting rights of a casino 6937
operator, management company, or gaming-related vendor applicant 6938
or licensee. 6939

(N) "Initial investment" includes costs related to 6940
demolition, engineering, architecture, design, site preparation, 6941
construction, infrastructure improvements, land acquisition, 6942
fixtures and equipment, insurance related to construction, and 6943
leasehold improvements. 6944

(O) "Institutional investor" means any of the following 6945
entities owning five per cent or more, but less than fifteen per 6946
cent, of an ownership interest in a casino facility, casino 6947
operator, management company, or holding company: a corporation, 6948
bank, insurance company, pension fund or pension fund trust, 6949
retirement fund, including funds administered by a public 6950
agency, employees' profit-sharing fund or employees' profit- 6951

sharing trust, any association engaged, as a substantial part of 6952
its business or operations, in purchasing or holding securities, 6953
including a hedge fund, mutual fund, or private equity fund, or 6954
any trust in respect of which a bank is trustee or cotrustee, 6955
investment company registered under the "Investment Company Act 6956
of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust 6957
organized by banks under Part Nine of the Rules of the 6958
Comptroller of the Currency, closed-end investment trust, 6959
chartered or licensed life insurance company or property and 6960
casualty insurance company, investment advisor registered under 6961
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 6962
and such other persons as the commission may reasonably 6963
determine to qualify as an institutional investor for reasons 6964
consistent with this chapter, and that does not exercise control 6965
over the affairs of a licensee and its ownership interest in a 6966
licensee is for investment purposes only, as set forth in 6967
division ~~(E)~~(F) of section 3772.10 of the Revised Code. 6968

(P) "Key employee" means any executive, employee, agent, 6969
or other individual who has the power to exercise significant 6970
influence over decisions concerning any part of the operation of 6971
a person that has applied for or holds a casino operator, 6972
management company, or gaming-related vendor license or the 6973
operation of a holding company of a person that has applied for 6974
or holds a casino operator, management company, or gaming- 6975
related vendor license, including: 6976

(1) An officer, director, trustee, partner, or an 6977
equivalent fiduciary; 6978

(2) An individual who holds a direct or indirect ownership 6979
interest of five per cent or more; 6980

(3) An individual who performs the function of a principal 6981

executive officer, principal operating officer, principal 6982
accounting officer, or an equivalent officer; 6983

(4) Any other individual the commission determines to have 6984
the power to exercise significant influence over decisions 6985
concerning any part of the operation. 6986

(Q) "Licensed casino operator" means a casino operator 6987
that has been issued a license by the commission and that has 6988
been certified annually by the commission to have paid all 6989
applicable fees, taxes, and debts to the state. 6990

(R) "Majority ownership interest" in a license or in a 6991
casino facility, as the case may be, means ownership of more 6992
than fifty per cent of such license or casino facility, as the 6993
case may be. For purposes of the foregoing, whether a majority 6994
ownership interest is held in a license or in a casino facility, 6995
as the case may be, shall be determined under the rules for 6996
constructive ownership of stock provided in Treas. Reg. 1.409A- 6997
3(i)(5)(iii) as in effect on January 1, 2009. 6998

(S) "Management company" means an organization retained by 6999
a casino operator to manage a casino facility and provide 7000
services such as accounting, general administration, 7001
maintenance, recruitment, and other operational services. 7002

(T) "Ohio law enforcement training fund" means the state 7003
law enforcement training fund described in Section 6(C)(3)(f) of 7004
Article XV, Ohio Constitution, the money in which shall be used 7005
to enhance public safety by providing additional training 7006
opportunities to the law enforcement community. 7007

(U) "Person" includes, but is not limited to, an 7008
individual or a combination of individuals; a sole 7009
proprietorship, a firm, a company, a joint venture, a 7010

partnership of any type, a joint-stock company, a corporation of 7011
any type, a corporate subsidiary of any type, a limited 7012
liability company, a business trust, or any other business 7013
entity or organization; an assignee; a receiver; a trustee in 7014
bankruptcy; an unincorporated association, club, society, or 7015
other unincorporated entity or organization; entities that are 7016
disregarded for federal income tax purposes; and any other 7017
nongovernmental, artificial, legal entity that is capable of 7018
engaging in business. 7019

(V) "Problem casino gambling and addictions fund" means 7020
the state problem gambling and addictions fund described in 7021
Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money 7022
in which shall be used for treatment of problem gambling and 7023
substance abuse, and for related research. 7024

(W) "Promotional gaming credit" means a slot machine or 7025
table game credit, discount, or other similar item issued to a 7026
patron to enable the placement of, or increase in, a wager at a 7027
slot machine or table game. 7028

(X) "Slot machine" means any mechanical, electrical, or 7029
other device or machine which, upon insertion of a coin, token, 7030
ticket, or similar object, or upon payment of any consideration, 7031
is available to play or operate, the play or operation of which, 7032
whether by reason of the skill of the operator or application of 7033
the element of chance, or both, makes individual prize 7034
determinations for individual participants in cash, premiums, 7035
merchandise, tokens, or any thing of value, whether the payoff 7036
is made automatically from the machine or in any other manner, 7037
but does not include any device that is a skill-based amusement 7038
machine, as defined in section 2915.01 of the Revised Code. 7039

(Y) "Table game" means any game played with cards, dice, 7040

or any mechanical, electromechanical, or electronic device or 7041
machine for money, casino credit, or any representative of 7042
value. "Table game" does not include slot machines. 7043

(Z) "Upfront license" means the first plenary license 7044
issued to a casino operator. 7045

(AA) "Voluntary exclusion program" means a program 7046
provided by the commission that allows persons to voluntarily 7047
exclude themselves from the gaming areas of facilities under the 7048
jurisdiction of the commission by placing their name on a 7049
voluntary exclusion list and following the procedures set forth 7050
by the commission. 7051

Sec. 3772.07. The following appointing or licensing 7052
authorities shall obtain a criminal records check of the person 7053
who is to be appointed or licensed: 7054

(A) The governor, before appointing an individual as a 7055
member of the commission; 7056

(B) The commission, before appointing an individual as 7057
executive director or a gaming agent; 7058

(C) The commission, before issuing a license for a key 7059
employee or casino gaming employee, and before issuing a license 7060
for each investor, except an institutional investor, for a 7061
casino operator, management company, holding company, or gaming- 7062
related vendor; 7063

(D) The executive director, before appointing an 7064
individual as a professional, technical, or clerical employee of 7065
the commission. 7066

Thereafter, such an appointing or licensing authority 7067
shall obtain a criminal records check of the same individual at 7068

three-year intervals. 7069

The appointing or licensing authority shall make available 7070
to each person of whom a criminal records check is required a 7071
copy of the form and the standard fingerprint impression sheet 7072
prescribed under divisions (C) (1) and (2) of section 109.572 of 7073
the Revised Code. The person shall complete the form and 7074
impression sheet and return them as directed by the appointing 7075
or licensing authority. If a person fails to complete and return 7076
the form and impression sheet within a reasonable time, the 7077
person is ineligible to be appointed or licensed or to continue 7078
in the appointment or licensure. 7079

The appointing or licensing authority shall cause the 7080
completed form and impression sheet to be forwarded to the 7081
superintendent of the bureau of criminal identification and 7082
investigation. The appointing or licensing authority shall 7083
request the superintendent also to obtain information from the 7084
federal bureau of investigation, including fingerprint-based 7085
checks of the national crime information databases, and from 7086
other states and the federal government under the national crime 7087
prevention and privacy compact as part of the criminal records 7088
check. 7089

For all criminal records checks conducted under this 7090
section, the applicant for a casino operator, management 7091
company, holding company, gaming-related vendor, key employee, 7092
or casino gaming employee license shall pay the fee charged by 7093
the bureau of criminal identification and investigation or by a 7094
vendor approved by the bureau to conduct a criminal records 7095
check based on the applicant's fingerprints in accordance with 7096
division (A) (15) of section 109.572 of the Revised Code. If the 7097
applicant for a key employee or casino gaming employee license 7098

is applying at the request of a casino operator, management 7099
company, holding company, or gaming-related vendor, the casino 7100
operator, management company, holding company, or gaming-related 7101
vendor shall pay the fee charged for all criminal records checks 7102
conducted under this section. 7103

The appointing or licensing authority shall review the 7104
results of a criminal records check. An appointee for a 7105
commission member shall forward the results of the criminal 7106
records check to the president of the senate before the senate 7107
advises and consents to the appointment of the commission 7108
member. The appointing ~~or licensing~~ authority shall not appoint 7109
~~or license~~ or retain the appointment ~~or licensure~~ of a person a 7110
criminal records check discloses has been convicted of or has 7111
pleaded guilty or no contest to a ~~disqualifying offense~~. A 7112
~~"disqualifying offense"~~ means any gambling offense, any theft 7113
offense, any offense having an element of fraud or 7114
misrepresentation, any offense having an element of moral 7115
turpitude, and any felony not otherwise included in the 7116
foregoing list, except as otherwise provided in section 3772.10 7117
of the Revised Code. The licensing authority shall not license a 7118
person if a criminal records check discloses that the person has 7119
been convicted of a disqualifying offense, as determined under 7120
section 9.79 of the Revised Code. 7121

The report of a criminal records check is not a public 7122
record that is open to public inspection and copying. The 7123
commission shall not make the report available to any person 7124
other than the person who was the subject of the criminal 7125
records check; an appointing or licensing authority; a member, 7126
the executive director, or an employee of the commission; or any 7127
court or agency, including a hearing examiner, in a judicial or 7128
administrative proceeding relating to the person's employment or 7129

application for a license under this chapter. 7130

Sec. 3772.10. (A) In determining whether to grant or 7131
maintain the privilege of a casino operator, management company, 7132
holding company, key employee, casino gaming employee, or 7133
gaming-related vendor license, the Ohio casino control 7134
commission shall, except as provided in division (D) of this 7135
section, consider all of the following, as applicable: 7136

(1) The reputation, experience, and financial integrity of 7137
the applicant, its holding company, if applicable, and any other 7138
person that directly or indirectly controls the applicant; 7139

(2) The financial ability of the applicant to purchase and 7140
maintain adequate liability and casualty insurance and to 7141
provide an adequate surety bond; 7142

(3) The past and present compliance of the applicant and 7143
its affiliates or affiliated companies with casino-related 7144
licensing requirements in this state or any other jurisdiction, 7145
including whether the applicant has a history of noncompliance 7146
with the casino licensing requirements of any jurisdiction; 7147

(4) If the applicant has been indicted, convicted, pleaded 7148
guilty or no contest, or forfeited bail concerning any criminal 7149
offense under the laws of any jurisdiction, either felony or 7150
misdemeanor, not including traffic violations; 7151

(5) If the applicant has filed, or had filed against it a 7152
proceeding for bankruptcy or has ever been involved in any 7153
formal process to adjust, defer, suspend, or otherwise work out 7154
the payment of any debt; 7155

(6) If the applicant has been served with a complaint or 7156
other notice filed with any public body regarding a payment of 7157
any tax required under federal, state, or local law that has 7158

been delinquent for one or more years; 7159

(7) If the applicant is or has been a defendant in 7160
litigation involving its business practices; 7161

(8) If awarding a license would undermine the public's 7162
confidence in the casino gaming industry in this state; 7163

(9) If the applicant meets other standards for the 7164
issuance of a license that the commission adopts by rule, which 7165
shall not be arbitrary, capricious, or contradictory to the 7166
expressed provisions of this chapter. 7167

(B) All applicants for a license under this chapter shall 7168
establish their suitability for a license by clear and 7169
convincing evidence. If the commission determines that a person 7170
is eligible under this chapter to be issued a license as a 7171
casino operator, management company, holding company, key 7172
employee, casino gaming employee, or gaming-related vendor, the 7173
commission shall issue such license for not more than three 7174
years, as determined by commission rule, if all other 7175
requirements of this chapter have been satisfied. 7176

(C) The commission shall not, except as provided in 7177
division (D) of this section, issue a casino operator, 7178
management company, holding company, key employee, casino gaming 7179
employee, or gaming-related vendor license under this chapter to 7180
an applicant if: 7181

(1) The applicant has been convicted of a disqualifying 7182
offense, as defined in section 3772.07 of the Revised Code. 7183

(2) The applicant has submitted an application for license 7184
under this chapter that contains false information. 7185

(3) The applicant is a commission member. 7186

(4) The applicant owns an ownership interest that is 7187
unlawful under this chapter, unless waived by the commission. 7188

(5) The applicant violates specific rules adopted by the 7189
commission related to denial of licensure. 7190

(6) The applicant is a member of or employed by a gaming 7191
regulatory body of a governmental unit in this state, another 7192
state, or the federal government, or is an employee of a 7193
governmental unit of this state and in that capacity has 7194
significant influence or control, as determined by the 7195
commission, over the ability of a casino operator, management 7196
company, holding company, institutional investor, or gaming- 7197
related vendor to conduct business in this state. This division 7198
does not prohibit a casino operator or management company from 7199
hiring special duty law enforcement officers if the officers are 7200
not specifically involved in gaming-related regulatory 7201
functions. 7202

(7) The commission otherwise determines the applicant is 7203
ineligible for the license. 7204

(D) The commission shall not refuse to issue a license to 7205
an applicant because the applicant was convicted of or pleaded 7206
guilty to an offense unless the refusal is in accordance with 7207
section 9.79 of the Revised Code. 7208

(E)(1) The commission shall investigate the qualifications 7209
of each applicant under this chapter before any license is 7210
issued and before any finding with regard to acts or 7211
transactions for which commission approval is required is made. 7212
The commission shall continue to observe the conduct of all 7213
licensees and all other persons having a material involvement 7214
directly or indirectly with a casino operator, management 7215

company, or holding company to ensure that licenses are not 7216
issued to or held by, or that there is not any material 7217
involvement with a casino operator, management company, or 7218
holding company by, an unqualified, disqualified, or unsuitable 7219
person or a person whose operations are conducted in an 7220
unsuitable manner or in unsuitable or prohibited places or 7221
locations. 7222

(2) The executive director may recommend to the commission 7223
that it deny any application, or limit, condition, or restrict, 7224
or suspend or revoke, any license or finding, or impose any fine 7225
upon any licensee or other person according to this chapter and 7226
the rules adopted thereunder. 7227

(3) A license issued under this chapter is a revocable 7228
privilege. No licensee has a vested right in or under any 7229
license issued under this chapter. The initial determination of 7230
the commission to deny, or to limit, condition, or restrict, a 7231
license may be appealed under section 2505.03 of the Revised 7232
Code. 7233

~~(E)~~ (F) (1) An institutional investor may be found to be 7234
suitable or qualified by the commission under this chapter and 7235
the rules adopted under this chapter. An institutional investor 7236
shall be presumed suitable or qualified upon submitting 7237
documentation sufficient to establish qualifications as an 7238
institutional investor and upon certifying all of the following: 7239

(a) The institutional investor owns, holds, or controls 7240
securities issued by a licensee or holding, intermediate, or 7241
parent company of a licensee or in the ordinary course of 7242
business for investment purposes only. 7243

(b) The institutional investor does not exercise influence 7244

over the affairs of the issuer of such securities nor over any 7245
licensed subsidiary of the issuer of such securities. 7246

(c) The institutional investor does not intend to exercise 7247
influence over the affairs of the issuer of such securities, nor 7248
over any licensed subsidiary of the issuer of such securities, 7249
in the future, and that it agrees to notify the commission in 7250
writing within thirty days if such intent changes. 7251

(2) The exercise of voting privileges with regard to 7252
securities shall not be deemed to constitute the exercise of 7253
influence over the affairs of a licensee. 7254

(3) The commission shall rescind the presumption of 7255
suitability for an institutional investor at any time if the 7256
institutional investor exercises or intends to exercise 7257
influence or control over the affairs of the licensee. 7258

(4) This division shall not be construed to preclude the 7259
commission from requesting information from or investigating the 7260
suitability or qualifications of an institutional investor if: 7261

(a) The commission becomes aware of facts or information 7262
that may result in the institutional investor being found 7263
unsuitable or disqualified; or 7264

(b) The commission has any other reason to seek 7265
information from the investor to determine whether it qualifies 7266
as an institutional investor. 7267

(5) If the commission finds an institutional investor to 7268
be unsuitable or unqualified, the commission shall so notify the 7269
investor and the casino operator, holding company, management 7270
company, or gaming-related vendor licensee in which the investor 7271
invested. The commission shall allow the investor and the 7272
licensee a reasonable amount of time, as specified by the 7273

commission on a case-by-case basis, to cure the conditions that 7274
caused the commission to find the investor unsuitable or 7275
unqualified. If during the specified period of time the investor 7276
or the licensee does not or cannot cure the conditions that 7277
caused the commission to find the investor unsuitable or 7278
unqualified, the commission may allow the investor or licensee 7279
more time to cure the conditions or the commission may begin 7280
proceedings to deny, suspend, or revoke the license of the 7281
casino operator, holding company, management company, or gaming- 7282
related vendor in which the investor invested or to deny any of 7283
the same the renewal of any such license. 7284

(6) A private licensee or holding company shall provide 7285
the same information to the commission as a public company would 7286
provide in a form 13d or form 13g filing to the securities and 7287
exchange commission. 7288

~~(F)~~ (G) Information provided on the application shall be 7289
used as a basis for a thorough background investigation of each 7290
applicant. A false or incomplete application is cause for denial 7291
of a license by the commission. All applicants and licensees 7292
shall consent to inspections, searches, and seizures and to the 7293
disclosure to the commission and its agents of confidential 7294
records, including tax records, held by any federal, state, or 7295
local agency, credit bureau, or financial institution and to 7296
provide handwriting exemplars, photographs, fingerprints, and 7297
information as authorized in this chapter and in rules adopted 7298
by the commission. 7299

~~(G)~~ (H) The commission shall provide a written statement 7300
to each applicant for a license under this chapter who is denied 7301
the license that describes the reason or reasons for which the 7302
applicant was denied the license. 7303

~~(H)~~ (I) Not later than January 31 in each calendar year, 7304
the commission shall provide to the general assembly and the 7305
governor a report that, for each type of license issued under 7306
this chapter, specifies the number of applications made in the 7307
preceding calendar year for each type of such license, the 7308
number of applications denied in the preceding calendar year for 7309
each type of such license, and the reasons for those denials. 7310
The information regarding the reasons for the denials shall 7311
specify each reason that resulted in, or that was a factor 7312
resulting in, denial for each type of license issued under this 7313
chapter and, for each of those reasons, the total number of 7314
denials for each such type that involved that reason. 7315

Sec. 3773.42. Upon the proper filing of an application for 7316
a referee's, judge's, matchmaker's, timekeeper's, manager's, 7317
trainer's, contestant's, or second's license and payment of the 7318
applicable application fee, the Ohio athletic commission shall 7319
issue the license to the applicant if it determines that the 7320
applicant ~~is of good moral character,~~ is not likely to engage in 7321
acts detrimental to the fair and honest conduct of public boxing 7322
matches, mixed martial arts events, or any other unarmed combat 7323
sports regulated by the commission, and is qualified to hold 7324
such a license by reason of the applicant's knowledge and 7325
experience. 7326

A person shall not be determined to possess the knowledge 7327
and experience necessary to qualify that person to hold a 7328
referee's license unless all of the following conditions are 7329
met: 7330

(A) The person has completed such referee training 7331
requirements as the commission prescribes by rule. 7332

(B) The person possesses such experience requirements as 7333

the commission prescribes by rule. 7334

The commission shall issue a referee's license to each 7335
person who meets the requirements of divisions (A) and (B) of 7336
this section. 7337

If upon the proper filing of an application for a 7338
contestant's license the commission determines that the 7339
applicant ~~is of good moral character,~~ is not likely to engage in 7340
acts detrimental to the conduct of public boxing matches, mixed 7341
martial arts events, or any other unarmed combat sports 7342
regulated by the commission, and possesses sufficient knowledge 7343
and experience, the commission shall issue the license to the 7344
applicant. 7345

Each license issued pursuant to this section shall bear 7346
the correct name, or assumed name, if any, of the licensee, the 7347
address of the licensee, the date of issue, and a number 7348
designated by the commission. 7349

A license issued pursuant to this section shall expire 7350
twelve months after its date of issue unless renewed. Upon 7351
application for renewal and payment of the renewal fee 7352
prescribed in section 3773.43 of the Revised Code, the 7353
commission shall renew the license unless it denies the 7354
application for one or more reasons stated in section 3123.47 or 7355
3773.53 of the Revised Code. 7356

Sec. 3783.03. (A) The board of building standards shall 7357
issue a certificate of competency as an electrical safety 7358
inspector to any person ~~whom it determines to be of good moral~~ 7359
~~character and~~ who successfully passes an examination pursuant to 7360
division (B) of this section, or who qualifies for renewal 7361
pursuant to section 3783.04 of the Revised Code. Each 7362

certificate of competency issued by the board shall be signed by 7363
the ~~chairman~~ chairperson and the secretary of the board, and 7364
shall show on its face the dates of issuance and expiration. 7365

(B) The board shall administer an examination to an 7366
applicant for a certificate of competency as an electrical 7367
safety inspector if such applicant has paid an application fee, 7368
as prescribed by the board, and meets any of the following 7369
qualifications: 7370

(1) Has been a ~~journeyman~~ journeyperson electrician or 7371
equivalent for four years, two years of which were as an 7372
electrician foreman, and has had two years experience as a 7373
building inspector trainee of electrical systems; 7374

(2) Has been a ~~journeyman~~ journeyperson electrician or 7375
equivalent for four years and has had three years experience as 7376
a building inspector trainee of electrical systems; 7377

(3) Has had four years experience as a building inspector 7378
trainee of electrical systems; 7379

(4) Had been a ~~journeyman~~ journeyperson electrician or 7380
equivalent for six years; 7381

(5) Is a graduate electrical engineer and registered by 7382
the state of Ohio. 7383

An applicant who fails two examinations shall not be 7384
eligible to take another examination until ~~he~~ the applicant has 7385
successfully completed a training program approved by the board 7386
pursuant to division (C) of this section. A new application fee 7387
shall be required for each examination given an applicant. 7388

(C) No training program for electrical safety inspectors 7389
shall be offered in this state unless approved by the board of 7390

building standards. The board may issue an electrical safety 7391
inspector trainee certificate to any person enrolled in an 7392
approved training program. A person possessing a trainee 7393
certificate may work under the supervision of an electrical 7394
safety inspector and such experience shall be considered 7395
equivalent to that of a building inspector trainee of electrical 7396
systems in satisfying the requirement under division (B) of this 7397
section. 7398

(D) The board may deny a certificate to an applicant who 7399
commits an act that would constitute grounds for disciplinary 7400
action under Chapter 3783. of the Revised Code if committed by 7401
an electrical safety inspector. 7402

(E) The board shall keep a record of the names, addresses, 7403
and such other information as it requires, of each electrical 7404
safety inspector and each electrical safety inspector trainee 7405
and a record of its proceedings under Chapter 3783. of the 7406
Revised Code. 7407

Sec. 3796.03. (A) (1) Except as provided in division (A) (2) 7408
of this section, not later than one year after ~~the effective~~ 7409
~~date of this section~~ September 8, 2016, the department of 7410
commerce shall adopt rules establishing standards and procedures 7411
for the medical marijuana control program. 7412

(2) The department shall adopt rules establishing 7413
standards and procedures for the licensure of cultivators not 7414
later than two hundred forty days after ~~the effective date of~~ 7415
~~this section~~ September 8, 2016. 7416

(3) All rules adopted under this section shall be adopted 7417
in accordance with Chapter 119. of the Revised Code. 7418

(B) The rules shall do all of the following: 7419

- (1) Establish application procedures and fees for licenses 7420
it issues under this chapter; 7421
- (2) Specify ~~all~~ both of the following: 7422
- (a) The conditions that must be met to be eligible for 7423
licensure; 7424
- (b) ~~Subject to division (B) (2) (c) of this section, the~~ In 7425
accordance with section 9.79 of the Revised Code, the criminal 7426
offenses for which an applicant will be disqualified from 7427
licensure; 7428
- ~~(c) Which of the criminal offenses specified pursuant to~~ 7429
~~division (B) (2) (b) of this section will not disqualify an~~ 7430
~~applicant from licensure if the applicant was convicted of or~~ 7431
~~pleaded guilty to the offense more than five years before the~~ 7432
~~date the application for licensure is filed pursuant to that~~ 7433
section. 7434
- (3) Establish, in accordance with section 3796.05 of the 7435
Revised Code, the number of cultivator licenses that will be 7436
permitted at any one time; 7437
- (4) Establish a license renewal schedule, renewal 7438
procedures, and renewal fees; 7439
- (5) Specify reasons for which a license may be suspended, 7440
including without prior hearing, revoked, or not be renewed or 7441
issued and the reasons for which a civil penalty may be imposed 7442
on a license holder; 7443
- (6) Establish standards under which a license suspension 7444
may be lifted; 7445
- (7) Specify if a cultivator, processor, or laboratory that 7446
is licensed under this chapter and that existed at a location 7447

before a school, church, public library, public playground, or 7448
public park became established within five hundred feet of the 7449
cultivator, processor, or laboratory, may remain in operation or 7450
shall relocate or have its license revoked by the board; 7451

(8) Specify both of the following: 7452

(a) Subject to division (B) (8) (b) of this section, the 7453
criminal offenses for which a person will be disqualified from 7454
employment with a license holder; 7455

(b) Which of the criminal offenses specified pursuant to 7456
division (B) (8) (a) of this section will not disqualify a person 7457
from employment with a license holder if the person was 7458
convicted of or pleaded guilty to the offense more than five 7459
years before the date the employment begins. 7460

(9) Establish, in accordance with section 3796.05 of the 7461
Revised Code, standards and procedures for the testing of 7462
medical marijuana by a laboratory licensed under this chapter. 7463

(C) In addition to the rules described in division (B) of 7464
this section, the department may adopt any other rules it 7465
considers necessary for the program's administration and the 7466
implementation and enforcement of this chapter. 7467

(D) When adopting rules under this section, the department 7468
shall consider standards and procedures that have been found to 7469
be best practices relative to the use and regulation of medical 7470
marijuana. 7471

Sec. 3796.04. (A) (1) Not later than one year after ~~the~~ 7472
~~effective date of this section~~ September 8, 2016, the board of 7473
pharmacy shall adopt rules establishing standards and procedures 7474
for the medical marijuana control program. 7475

(2) All rules adopted under this section shall be adopted	7476
in accordance with Chapter 119. of the Revised Code.	7477
(B) The rules shall do all of the following:	7478
(1) Establish application procedures and fees for licenses	7479
and registrations it issues under this chapter;	7480
(2) Specify all <u>both</u> of the following:	7481
(a) The conditions that must be met to be eligible for	7482
licensure;	7483
(b) Subject to division (B) (2) (c) of this section, the <u>In</u>	7484
<u>accordance with section 9.79 of the Revised Code, the</u> criminal	7485
offenses for which an applicant will be disqualified from	7486
licensure;	7487
(c) Which of the criminal offenses specified pursuant to	7488
division (B) (2) (b) of this section will not disqualify an	7489
applicant from licensure if the applicant was convicted of or	7490
pleaded guilty to the offense more than five years before the	7491
date the application for licensure is filed pursuant to that	7492
<u>section.</u>	7493
(3) Establish, in accordance with section 3796.05 of the	7494
Revised Code, the number of retail dispensary licenses that will	7495
be permitted at any one time;	7496
(4) Establish a license or registration renewal schedule,	7497
renewal procedures, and renewal fees;	7498
(5) Specify reasons for which a license or registration	7499
may be suspended, including without prior hearing, revoked, or	7500
not be renewed or issued and the reasons for which a civil	7501
penalty may be imposed on a license holder;	7502

- (6) Establish standards under which a license or registration suspension may be lifted; 7503
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- (7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration; 7505
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7507
- (8) Establish training requirements for employees of retail dispensaries; 7508
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- (9) Specify if a retail dispensary that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the retail dispensary may remain in operation or shall relocate or have its license revoked by the board; 7510
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- (10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 7516
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- (11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana; 7519
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- (12) Establish procedures for the issuance of patient or caregiver identification cards; 7522
7523
- (13) Specify the forms of or methods of using medical marijuana that are attractive to children; 7524
7525
- (14) Specify both of the following: 7526
- (a) Subject to division (B) (14) (b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder; 7527
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7529

(b) Which of the criminal offenses specified pursuant to 7530
division (B) (14) (a) of this section will not disqualify a person 7531
from employment with a license holder if the person was 7532
convicted of or pleaded guilty to the offense more than five 7533
years before the date the employment begins. 7534

(15) Establish a program to assist patients who are 7535
veterans or indigent in obtaining medical marijuana in 7536
accordance with this chapter. 7537

(C) In addition to the rules described in division (B) of 7538
this section, the board may adopt any other rules it considers 7539
necessary for the program's administration and the 7540
implementation and enforcement of this chapter. 7541

(D) When adopting rules under this section, the board 7542
shall consider standards and procedures that have been found to 7543
be best practices relative to the use and regulation of medical 7544
marijuana. 7545

Sec. 3796.09. (A) An entity that seeks to cultivate or 7546
process medical marijuana or to conduct laboratory testing of 7547
medical marijuana shall file an application for licensure with 7548
the department of commerce. The entity shall file an application 7549
for each location from which it seeks to operate. Each 7550
application shall be submitted in accordance with rules adopted 7551
under section 3796.03 of the Revised Code. 7552

(B) The department shall issue a license to an applicant 7553
if all of the following conditions are met: 7554

(1) The report of the criminal records check conducted 7555
pursuant to section 3796.12 of the Revised Code with respect to 7556
the application demonstrates ~~the following:~~ 7557

~~(a) Subject to division (B) (1) (b) of this section that the~~ 7558

person subject to the criminal records check requirement has not 7559
been convicted of or pleaded guilty to any of the disqualifying 7560
offenses specified in rules adopted under section 9.79 and 7561
division (B) (2) (b) of section 3796.03 of the Revised Code. 7562

~~(b) That the disqualifying offense the person was 7563
convicted of or pleaded guilty to is one of the offenses 7564
specified in rules adopted under division (B) (2) (c) of section 7565
3796.03 of the Revised Code and the person was convicted of or 7566
pleaded guilty to the offense more than five years before the 7567
date the application for licensure is filed. 7568~~

(2) The applicant demonstrates that it does not have an 7569
ownership or investment interest in or compensation arrangement 7570
with any of the following: 7571

(a) A laboratory licensed under this chapter; 7572

(b) An applicant for a license to conduct laboratory 7573
testing. 7574

(3) The applicant demonstrates that it does not share any 7575
corporate officers or employees with any of the following: 7576

(a) A laboratory licensed under this chapter; 7577

(b) An applicant for a license to conduct laboratory 7578
testing. 7579

(4) The applicant demonstrates that it will not be located 7580
within five hundred feet of a school, church, public library, 7581
public playground, or public park. 7582

(5) The information provided to the department pursuant to 7583
section 3796.11 of the Revised Code demonstrates that the 7584
applicant is in compliance with the applicable tax laws of this 7585
state. 7586

(6) The applicant meets all other licensure eligibility 7587
conditions established in rules adopted under section 3796.03 of 7588
the Revised Code. 7589

(C) The department shall issue not less than fifteen per 7590
cent of cultivator, processor, or laboratory licenses to 7591
entities that are owned and controlled by United States citizens 7592
who are residents of this state and are members of one of the 7593
following economically disadvantaged groups: Blacks or African 7594
Americans, American Indians, Hispanics or Latinos, and Asians. 7595
If no applications or an insufficient number of applications are 7596
submitted by such entities that meet the conditions set forth in 7597
division (B) of this section, the licenses shall be issued 7598
according to usual procedures. 7599

As used in this division, "owned and controlled" means 7600
that at least fifty-one per cent of the business, including 7601
corporate stock if a corporation, is owned by persons who belong 7602
to one or more of the groups set forth in this division, and 7603
that those owners have control over the management and day-to- 7604
day operations of the business and an interest in the capital, 7605
assets, and profits and losses of the business proportionate to 7606
their percentage of ownership. 7607

(D) A license expires according to the renewal schedule 7608
established in rules adopted under section 3796.03 of the 7609
Revised Code and may be renewed in accordance with the 7610
procedures established in those rules. 7611

Sec. 3796.10. (A) An entity that seeks to dispense at 7612
retail medical marijuana shall file an application for licensure 7613
with the state board of pharmacy. The entity shall file an 7614
application for each location from which it seeks to operate. 7615
Each application shall be submitted in accordance with rules 7616

adopted under section 3796.04 of the Revised Code. 7617

(B) The board shall issue a license to an applicant if all 7618
of the following conditions are met: 7619

(1) The report of the criminal records check conducted 7620
pursuant to section 3796.12 of the Revised Code with respect to 7621
the application demonstrates ~~the following:~~ 7622

~~(a) Subject to division (B) (1) (b) of this section, that 7623
the person subject to the criminal records check requirement has 7624
not been convicted of or pleaded guilty to any of the 7625
disqualifying offenses specified in rules adopted under section 7626
9.79 and division (B) (2) (b) of section 3796.04 of the Revised 7627
Code.~~ 7628

~~(b) That the disqualifying offense the person was 7629
convicted of or pleaded guilty to is one of the offenses 7630
specified in rules adopted under division (B) (2) (c) of section 7631
3796.04 of the Revised Code and the person was convicted of or 7632
pleaded guilty to the offense more than five years before the 7633
date the application for licensure is filed.~~ 7634

(2) The applicant demonstrates that it does not have an 7635
ownership or investment interest in or compensation arrangement 7636
with any of the following: 7637

(a) A laboratory licensed under this chapter; 7638

(b) An applicant for a license to conduct laboratory 7639
testing. 7640

(3) The applicant demonstrates that it does not share any 7641
corporate officers or employees with any of the following: 7642

(a) A laboratory licensed under this chapter; 7643

(b) An applicant for a license to conduct laboratory testing. 7644
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(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park. 7646
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(5) The information provided to the board pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state. 7649
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(6) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.04 of the Revised Code. 7653
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(C) The board shall issue not less than fifteen per cent of retail dispensary licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures. 7656
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As used in this division, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this division, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to 7666
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their percentage of ownership. 7673

(D) A license expires according to the renewal schedule 7674
established in rules adopted under section 3796.04 of the 7675
Revised Code and may be renewed in accordance with the 7676
procedures established in those rules. 7677

Sec. 3905.06. (A) (1) The superintendent of insurance shall 7678
issue a resident insurance agent license to an individual 7679
applicant whose home state is Ohio upon submission of a 7680
completed application and payment of any applicable fee required 7681
under this chapter, if the superintendent finds all of the 7682
following: 7683

(a) The applicant is at least eighteen years of age. 7684

(b) The applicant has not committed any act that is a 7685
ground for the denial, suspension, or revocation of a license 7686
under section 3905.14 of the Revised Code. 7687

(c) If required under section 3905.04 of the Revised Code, 7688
the applicant has completed a program of insurance education for 7689
each line of authority for which the applicant has applied. 7690

(d) If required under section 3905.04 of the Revised Code, 7691
the applicant has passed an examination for each line of 7692
authority for which the applicant has applied. 7693

(e) Any applicant applying for variable life-variable 7694
annuity line of authority is registered with the financial 7695
industry regulatory authority (FINRA) as a registered 7696
representative after having passed at least one of the following 7697
examinations administered by the FINRA: the series 6 7698
examination, the series 7 examination, the series 63 7699
examination, the series 66 examination, or any other FINRA 7700
examination approved by the superintendent. 7701

(f) If required under section 3905.051 of the Revised Code, the applicant has consented to a criminal records check and the results of the applicant's criminal records check are determined to be satisfactory by the superintendent in accordance with section 9.79 of the Revised Code.

(g) The applicant is a United States citizen or has provided proof of having legal authorization to work in the United States.

(h) The applicant ~~is of good reputation and character,~~ is honest and trustworthy, and is otherwise suitable to be licensed.

(2) The superintendent shall issue a resident insurance agent license to a business entity applicant upon submission of a completed application and payment of any applicable fees required under this chapter if the superintendent finds all of the following:

(a) Except as provided under division (C) (2) of section 3905.062 or division (C) (2) of section 3905.063 of the Revised Code, the applicant either is domiciled in Ohio or maintains its principal place of business in Ohio.

(b) The applicant has designated a licensed insurance agent who will be responsible for the applicant's compliance with the insurance laws of this state.

(c) The applicant has not committed any act that is a ground for the denial, suspension, or revocation of a license under section 3905.14 of the Revised Code.

(d) Any applicant applying for a portable electronics insurance license line of authority satisfies the requirements of division (C) (1) of section 3905.062 of the Revised Code or

any applicant applying for a self-service storage insurance 7731
license line of authority satisfies the requirements of division 7732
(C) (1) of section 3905.063 of the Revised Code. 7733

(e) The applicant has submitted any other documents 7734
requested by the superintendent. 7735

(B) An insurance agent license issued pursuant to division 7736
(A) of this section shall state the licensee's name, the license 7737
number, the date of issuance, the date the license expires, the 7738
line or lines of authority for which the licensee is qualified, 7739
and any other information the superintendent deems necessary. 7740

A licensee may be qualified for any of the following lines 7741
of authority: 7742

(1) Life, which is insurance coverage on human lives, 7743
including benefits of endowment and annuities, and may include 7744
benefits in the event of death or dismemberment by accident and 7745
benefits for disability income; 7746

(2) Accident and health, which is insurance coverage for 7747
sickness, bodily injury, or accidental death, and may include 7748
benefits for disability income; 7749

(3) Property, which is insurance coverage for the direct 7750
or consequential loss or damage to property of any kind; 7751

(4) Casualty, which is insurance coverage against legal 7752
liability, including coverage for death, injury, or disability 7753
or damage to real or personal property; 7754

(5) Personal lines, which is property and casualty 7755
insurance coverage sold to individuals and families for 7756
noncommercial purposes; 7757

(6) Variable life and variable annuity products, which is 7758

insurance coverage provided under variable life insurance	7759
contracts and variable annuities;	7760
(7) Credit, which is limited line credit insurance;	7761
(8) Title, which is insurance coverage against loss or	7762
damage suffered by reason of liens against, encumbrances upon,	7763
defects in, or the unmarketability of, real property;	7764
(9) Surety bail bond, which is the authority set forth in	7765
sections 3905.83 to 3905.95 of the Revised Code;	7766
(10) Portable electronics insurance, which is a limited	7767
line described in section 3905.062 of the Revised Code;	7768
(11) Self-service storage insurance, which is a limited	7769
line described in section 3905.063 of the Revised Code;	7770
(12) Travel insurance, which is a limited line described	7771
in section 3905.064 of the Revised Code;	7772
(13) Any other line of authority designated by the	7773
superintendent.	7774
(C) (1) An individual seeking to renew a resident insurance	7775
agent license shall apply biennially for a renewal of the	7776
license on or before the last day of the licensee's birth month.	7777
A business entity seeking to renew a resident insurance agent	7778
license shall apply biennially for a renewal of the license on	7779
or before the date determined by the superintendent. The	7780
superintendent shall send a renewal notice to all licensees at	7781
least one month prior to the renewal date.	7782
Applications shall be submitted to the superintendent on	7783
forms prescribed by the superintendent. Each application shall	7784
be accompanied by a biennial renewal fee. The superintendent	7785
also may require an applicant to submit any document reasonably	7786

necessary to verify the information contained in the renewal application. 7787
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(2) To be eligible for renewal, an individual applicant shall complete the continuing education requirements pursuant to section 3905.481 of the Revised Code prior to the renewal date. 7789
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(3) If an applicant submits a completed renewal application, qualifies for renewal pursuant to divisions (C) (1) and (2) of this section, and has not committed any act that is a ground for the refusal to issue, suspension of, or revocation of a license under section 3905.14 of the Revised Code, the superintendent shall renew the applicant's resident insurance agent license. 7792
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(D) If an individual or business entity does not apply for the renewal of the individual or business entity's license on or before the license renewal date specified in division (C) (1) of this section, the individual or business entity may submit a late renewal application along with all applicable fees required under this chapter prior to the first day of the second month following the license renewal date. 7799
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(E) A license issued under this section that is not renewed on or before its renewal date pursuant to division (C) of this section or its late renewal date pursuant to division (D) of this section automatically is suspended for nonrenewal on the first day of the second month following the renewal date. If a license is suspended for nonrenewal pursuant to this division, the individual or business entity is eligible to apply for reinstatement of the license within the twelve-month period following the date by which the license should have been renewed by complying with the reinstatement procedure established by the superintendent and paying all applicable fees required under 7806
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this chapter. 7817

(F) A license that is suspended for nonrenewal that is not 7818
reinstated pursuant to division (E) of this section 7819
automatically is canceled unless the superintendent is 7820
investigating any allegations of wrongdoing by the agent or has 7821
initiated proceedings under Chapter 119. of the Revised Code. In 7822
that case, the license automatically is canceled after the 7823
completion of the investigation or proceedings unless the 7824
superintendent revokes the license. 7825

(G) An individual licensed as a resident insurance agent 7826
who is unable to comply with the license renewal procedures 7827
established under this section and who is unable to engage in 7828
the business of insurance due to military service, a long-term 7829
medical disability, or some other extenuating circumstance may 7830
request an extension of the renewal date of the individual's 7831
license. To be eligible for such an extension, the individual 7832
shall submit a written request with supporting documentation to 7833
the superintendent. At the superintendent's discretion, the 7834
superintendent may not consider a written request made after the 7835
renewal date of the license. 7836

Sec. 3905.062. (A) As used in this section: 7837

(1) "Customer" means a person who purchases portable 7838
electronics or services. 7839

(2) "Enrolled customer" means a customer who elects 7840
coverage under a portable electronics insurance policy issued to 7841
a vendor of portable electronics by an insurer. 7842

(3) "Endorsee" means an employee or authorized 7843
representative of a vendor authorized to sell or offer portable 7844
electronics insurance. 7845

(4) "Location" means any physical location in this state 7846
or any web site, call center site, or similar location directed 7847
to residents of this state. 7848

(5) "Portable electronics" means a personal, self- 7849
contained, battery-operated electronic communication, viewing, 7850
listening, recording, gaming, computing, or global positioning 7851
device that is easily carried by an individual, including a 7852
cellular or satellite telephone; pager; personal global 7853
positioning satellite unit; portable computer; portable audio 7854
listening, video viewing or recording device; digital camera; 7855
video camcorder; portable gaming system; docking station; 7856
automatic answering device; and any other similar device, and 7857
any accessory related to the use of the device. 7858

(6) "Portable electronics insurance" means insurance 7859
providing coverage for the repair or replacement of portable 7860
electronics, which may be offered on a month-to-month or other 7861
periodic basis as a group or master commercial inland marine 7862
policy issued to a vendor by an insurer, and may cover portable 7863
electronics against loss, theft, inoperability due to mechanical 7864
failure, malfunction, damage, or other applicable perils. 7865
"Portable electronics insurance" does not mean any of the 7866
following: 7867

(a) A consumer goods service contract governed by section 7868
3905.423 of the Revised Code; 7869

(b) A policy of insurance covering a seller's or a 7870
manufacturer's obligations under a warranty; 7871

(c) A homeowner's, renter's, private passenger automobile, 7872
commercial multi-peril, or similar insurance policy. 7873

(7) "Portable electronics transaction" means the sale or 7874

lease of portable electronics by a vendor to a customer or the 7875
sale of a service related to the use of portable electronics by 7876
a vendor to a customer. 7877

(8) "Supervising entity" means an insurer or a business 7878
entity licensed as an insurance agent under section 3905.06 of 7879
the Revised Code that is appointed by an insurer to supervise 7880
the administration of a portable electronics insurance program. 7881

(9) "Vendor" means a person in the business of engaging in 7882
portable electronics transactions directly or indirectly. 7883

(B) (1) Except as provided in division (B) (2) of this 7884
section, no vendor or vendor's employee shall offer, sell, 7885
solicit, or place portable electronics insurance unless the 7886
vendor is licensed under section 3905.06 or 3905.07 of the 7887
Revised Code with a portable electronics insurance line of 7888
authority. 7889

(2) Any vendor offering or selling portable electronics 7890
insurance on or before ~~the effective date of this section~~ March
22, 2012, that wishes to continue offering or selling that 7891
insurance shall apply for a license within ninety days after the 7892
superintendent of insurance makes the application available. 7893
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(C) (1) The superintendent shall issue a resident business 7895
entity license to a vendor under section 3905.06 of the Revised 7896
Code if the vendor satisfies the requirements of sections 7897
3905.05 and 3905.06 of the Revised Code, except that the 7898
application for a portable electronics insurance license shall 7899
satisfy the following additional requirements: 7900

(a) The application shall include the location of the 7901
vendor's home office. 7902

(b) If the application requires the vendor to designate an 7903

individual or entity as a responsible insurance agent, that 7904
agent shall not be required to be an employee of the applicant 7905
and may be the supervising entity or an individual agent who is 7906
an employee of the supervising entity. 7907

(c) If the vendor derives less than fifty per cent of the 7908
vendor's revenue from the sale of portable electronics 7909
insurance, the application for a portable electronics insurance 7910
license may require the vendor to provide the name, residence 7911
address, and other information required by the superintendent 7912
for one employee or officer of the vendor who is designated by 7913
the vendor as the person responsible for the vendor's compliance 7914
with the requirements of this chapter. 7915

(d) If the vendor derives fifty per cent or more of the 7916
vendor's revenue from the sale of portable electronics 7917
insurance, the application may require the information listed 7918
under division (C) (1) (c) of this section for all owners with at 7919
least ten per cent interest or voting interest, partners, 7920
officers, and directors of the vendor, or members or managers of 7921
a vendor that is a limited liability company. 7922

(2) The superintendent shall issue a nonresident business 7923
entity license to a vendor if the vendor satisfies the 7924
requirements of section 3905.07 of the Revised Code. However, if 7925
the nonresident vendor's home state does not issue a limited 7926
lines license for portable electronics insurance, the 7927
nonresident vendor may apply for a resident license under 7928
section 3905.06 of the Revised Code in the same manner and with 7929
the same rights and privileges as if the vendor were a resident 7930
of this state. 7931

(D) The holder of a limited lines license may not sell, 7932
solicit, or negotiate insurance on behalf of any insurer unless 7933

appointed to represent that insurer under section 3905.20 of the Revised Code. 7934
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(E) Division (B) (34) of section 3905.14 of the Revised Code shall not apply to portable electronics vendors or the vendors' endorsees. 7936
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(F) (1) A vendor may authorize any endorsee of the vendor to sell or offer portable electronics insurance to a customer at any location at which the vendor engages in portable electronics transactions. 7939
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(2) An endorsee is not required to be licensed as an insurance agent under this chapter if the vendor is licensed under this section and the insurer issuing the portable electronics insurance either directly supervises or appoints a supervising entity to supervise the administration of the portable electronics insurance program including development of a training program for endorsees in accordance with division (G) of this section. 7943
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(3) No endorsee shall do any of the following: 7951

(a) Advertise, represent, or otherwise represent the endorsee's self as an insurance agent licensed under section 3905.06 of the Revised Code; 7952
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(b) Offer, sell, or solicit the purchase of portable electronics insurance except in conjunction with and incidental to the sale or lease of portable electronics; 7955
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(c) Make any statement or engage in any conduct, express or implied, that would lead a customer to believe any of the following: 7958
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(i) That the insurance policies offered by the endorsee 7961

provide coverage not already provided by a customer's 7962
homeowner's insurance policy, renter's insurance policy, or by 7963
another source of coverage; 7964

(ii) That the purchase by the customer of portable 7965
electronics insurance is required in order to purchase or lease 7966
portable electronics or services from the portable electronics 7967
vendor; 7968

(iii) That the portable electronics vendor or its 7969
endorsees are qualified to evaluate the adequacy of the 7970
customer's existing insurance coverage. 7971

(G) Each vendor, or the supervising entity to that vendor, 7972
shall provide a training and education program for all endorsees 7973
who sell or offer portable electronics insurance. The program 7974
may be provided as a web-based training module or in any other 7975
electronic or recorded video form. The training and education 7976
program shall meet all of the following minimum standards: 7977

(1) The training shall be delivered to each endorsee of 7978
each vendor who sells or offers portable electronics insurance 7979
and the endorsee shall complete the training; 7980

(2) If the training is conducted in an electronic form, 7981
the supervising entity shall implement a supplemental education 7982
program regarding portable electronics insurance that is 7983
conducted and overseen by employees of the supervising entity 7984
who are licensed as insurance agents under section 3905.06 of 7985
the Revised Code; 7986

(3) The training and education program shall include basic 7987
information about portable electronics insurance and information 7988
concerning all of the following prohibited actions of endorsees: 7989

(a) No endorsee shall advertise, represent, or otherwise 7990

represent the endorsee's self as a licensed insurance agent. 7991

(b) No endorsee shall offer, sell, or solicit the purchase 7992
of portable electronics insurance except in conjunction with and 7993
incidental to the sale or lease of portable electronics. 7994

(c) No endorsee shall make any statement or engage in any 7995
conduct, express or implied, that would lead a customer to 7996
believe any of the following: 7997

(i) That the insurance policies offered by the endorsee 7998
provide coverage not already provided by a customer's 7999
homeowner's insurance policy, renter's insurance policy, or by 8000
another source of coverage; 8001

(ii) That the purchase by the customer of portable 8002
electronics insurance is required in order to purchase or lease 8003
portable electronics or services from the portable electronics 8004
vendor; 8005

(iii) That the portable electronics vendor or its 8006
endorsees are qualified to evaluate the adequacy of the 8007
customer's existing insurance coverage. 8008

(H) A supervising entity appointed to supervise the 8009
administration of a portable electronics insurance program under 8010
division (F) (2) of this section shall maintain a registry of 8011
locations supervised by that entity that are authorized to sell 8012
or solicit portable electronics insurance in this state. The 8013
supervising entity shall make the registry available to the 8014
superintendent upon request by the superintendent if the 8015
superintendent provides ten days' notice to the vendor or 8016
supervising entity. 8017

(I) At every location where a vendor offers portable 8018
electronics insurance to customers, the vendor shall provide 8019

brochures or other written materials to prospective customers	8020
that include all of the following:	8021
(1) A summary of the material terms of the insurance coverage, including all of the following:	8022
(a) The identity of the insurer;	8023
(b) The identity of the supervising entity;	8024
(c) The amount of any applicable deductible and how it is to be paid;	8025
(d) Benefits of the coverage;	8026
(e) Key terms and conditions of coverage such as whether portable electronics may be replaced with a similar make and model, replaced with a reconditioned device, or repaired with nonoriginal manufacturer parts or equipment.	8027
(2) A summary of the process for filing a claim, including a description of how to return portable electronics equipment and the maximum fee applicable if a customer fails to comply with any equipment return requirements;	8028
(3) A disclosure that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;	8029
(4) A disclosure that the enrollment by the customer in a portable electronics insurance program is not required to purchase or lease portable electronics or services;	8030
(5) A disclosure that neither the endorsee nor the vendor is qualified to evaluate the adequacy of the customer's existing insurance coverage;	8031
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(6) A disclosure that the customer may cancel enrollment 8047
for coverage under a portable electronics insurance policy at 8048
any time and receive a refund of any applicable premium. 8049

(J) (1) The charges for portable electronics insurance may 8050
be billed and collected by the vendor of portable electronics, 8051
and the vendor may receive compensation for performing billing 8052
and collection services, if either of the following conditions 8053
are met: 8054

(a) If the charge to the customer for coverage is not 8055
included in the cost associated with the purchase or lease of 8056
portable electronics or related services, the charge for 8057
coverage is separately itemized on the customer's bill. 8058

(b) If the charge to the customer for coverage is included 8059
in the cost associated with the purchase or lease of portable 8060
electronics or related services, the vendor clearly and 8061
conspicuously discloses to the customer that the charge for 8062
portable electronics insurance coverage is included with the 8063
charge for portable electronics or related services. 8064

(2) All funds received by a vendor from a customer for the 8065
sale of portable electronics insurance shall be considered funds 8066
held in trust by the vendor in a fiduciary capacity for the 8067
benefit of the insurer. Vendors that bill and collect such 8068
charges are not required to maintain those funds in a segregated 8069
account if the vendor is authorized by the insurer to hold those 8070
funds in an alternate manner and the vendor remits the amount of 8071
the charges to the supervising entity within sixty days after 8072
receiving the charges. 8073

(K) (1) Except as otherwise provided in divisions (K) (2) 8074
and (3) of this section, an insurer may terminate or otherwise 8075

change the terms and conditions of a policy of portable 8076
electronics insurance only upon providing the vendor 8077
policyholder and enrolled customers with at least sixty days' 8078
prior notice. If the insurer changes the terms and conditions, 8079
the insurer shall promptly provide the vendor policyholder with 8080
a revised policy or endorsement and each enrolled customer with 8081
a revised certificate, endorsement, updated brochure, or other 8082
evidence indicating that a change in the terms and conditions 8083
has occurred and a summary of material changes. 8084

(2) An insurer may terminate an enrolled customer's 8085
enrollment under a portable electronics insurance policy upon 8086
fifteen days' prior notice for discovery of fraud or material 8087
misrepresentation in obtaining coverage or in the presentation 8088
of a claim under the policy. 8089

(3) An insurer may immediately terminate an enrolled 8090
customer's enrollment under a portable electronics insurance 8091
policy for any of the following reasons: 8092

(a) The enrolled customer fails to pay the required 8093
premium; 8094

(b) The enrolled customer ceases to have an active service 8095
plan, if applicable, with the vendor of portable electronics; 8096

(c) The enrolled customer exhausts the aggregate limit of 8097
liability, if any, under the terms of the portable electronics 8098
insurance policy and the insurer sends notice of termination to 8099
the customer within thirty calendar days after exhaustion of the 8100
limit. However, if the insurer does not send the notice within 8101
the thirty-day time frame, enrollment shall continue 8102
notwithstanding the aggregate limit of liability until the 8103
insurer sends notice of termination to the enrolled customer. 8104

(4) If a portable electronics insurance policy is 8105
terminated by a vendor policyholder, the vendor policyholder 8106
shall provide notice to each enrolled customer advising the 8107
customer of the termination of the policy and the effective date 8108
of the termination. The written notice shall be mailed or 8109
delivered to the customer at least thirty days prior to the 8110
termination. 8111

(5) Notice required pursuant to this section shall be 8112
provided in writing, either via mail or by electronic means. 8113

(a) If notice is provided via mail, it shall be mailed or 8114
delivered to the vendor at the vendor's mailing address and to 8115
all affected enrolled customers at the last known mailing 8116
addresses of those customers on file with the insurer. The 8117
insurer or vendor of portable electronics shall maintain proof 8118
of mailing in a form authorized or accepted by the United States 8119
postal service or other commercial mail delivery service. 8120

(b) If notice is provided electronically, it shall be 8121
transmitted via facsimile or electronic mail to the vendor at 8122
the vendor's facsimile number or electronic mail address and to 8123
all affected enrolled customers at the last known facsimile 8124
numbers or electronic mail addresses of those customers on file 8125
with the insurer. The insurer or vendor shall maintain proof 8126
that the notice was sent. 8127

(L) An enrolled customer may cancel the enrolled 8128
customer's coverage under a portable electronics insurance 8129
policy at any time. Upon cancellation, the insurer shall refund 8130
any applicable unearned premium. 8131

(M) A license issued pursuant to this section shall 8132
authorize the vendor and its endorsees to engage only in those 8133

activities that are expressly permitted by this section. 8134

(N) (1) If a vendor or a vendor's endorsee violates any 8135
provision of this section, the superintendent may revoke or 8136
suspend the license issued or impose any other sanctions 8137
provided under section 3905.14 of the Revised Code. 8138

(2) If any provision of this section is violated by a 8139
vendor or a vendor's endorsee at a particular location, the 8140
superintendent may issue a cease and desist order to a 8141
particular location, or take any other administrative action 8142
authorized in section 3901.22 and division ~~(D)~~ (E) of section 8143
3905.14 of the Revised Code. 8144

(3) If any person violates division (B) or (F) (3) of this 8145
section, the superintendent may issue a cease and desist order 8146
in addition to taking any other administrative action provided 8147
for in sections 3901.22 and division ~~(D)~~ (E) of section 3905.14 8148
of the Revised Code. 8149

(4) If the superintendent determines that a violation of 8150
this section or section 3905.14 of the Revised Code has 8151
occurred, the superintendent may assess a civil penalty in 8152
amount not exceeding twenty-five thousand dollars per violation 8153
and an administrative fee to cover the expenses incurred by the 8154
department in the administrative action, including costs 8155
incurred in the investigation and hearing process. 8156

(O) The superintendent may adopt rules implementing this 8157
section. 8158

Sec. 3905.07. (A) The superintendent of insurance shall 8159
issue a nonresident insurance agent license to an applicant that 8160
is a nonresident person upon payment of all applicable fees 8161
required under this chapter if the superintendent finds all of 8162

the following: 8163

(1) The applicant is currently licensed as a resident and 8164
is in good standing in the applicant's home state. 8165

(2) The applicant is licensed in the applicant's home 8166
state for the lines of authority requested in this state. 8167

(3) The applicant has submitted or has had transmitted to 8168
the superintendent the application for licensure that the 8169
applicant submitted to the applicant's home state or a completed 8170
applicable uniform application. 8171

(4) The applicant has not committed any act that is a 8172
ground for the denial, suspension, or revocation of a license 8173
under section 3905.14 of the Revised Code. 8174

(5) The applicant ~~is of good reputation and character,~~ is 8175
honest and trustworthy, and is otherwise suitable to be 8176
licensed. 8177

(6) The applicant's home state issues nonresident 8178
insurance agent licenses to residents of this state on the same 8179
basis as set forth in division (A) of this section. 8180

(7) If the applicant is a business entity, the applicant 8181
has designated an insurance agent licensed as an agent in this 8182
state to be responsible for the applicant's compliance with the 8183
insurance laws of this state. 8184

(8) The applicant has submitted any other documents 8185
requested by the superintendent. 8186

(B) To determine an applicant's licensure and standing 8187
status in another state, the superintendent may utilize the 8188
producer database maintained by the NAIC or its affiliates or 8189
subsidiaries. If that information is not available on the 8190

producer database, the superintendent may require a 8191
certification letter from the applicant's home state. 8192

(C) (1) An individual seeking to renew a nonresident 8193
insurance agent license shall apply biennially for a renewal of 8194
the license on or before the last day of the licensee's birth 8195
month. A business entity seeking to renew a nonresident 8196
insurance agent license shall apply biennially for a renewal of 8197
the license on or before the date determined by the 8198
superintendent. 8199

Applications shall be submitted to the superintendent on 8200
forms prescribed by the superintendent. Each application shall 8201
be accompanied by a biennial renewal fee. The superintendent 8202
also may require an applicant to submit any document reasonably 8203
necessary to verify the information contained in the renewal 8204
application. 8205

(2) To be eligible for renewal, an applicant shall 8206
maintain a resident license in the applicant's home state for 8207
the lines of authority held in this state. 8208

(3) If an applicant submits a completed renewal 8209
application, qualifies for renewal pursuant to divisions (C) (1) 8210
and (2) of this section, and has not committed any act that is a 8211
ground for the refusal to issue, suspension of, or revocation of 8212
a license under section 3905.14 of the Revised Code, the 8213
superintendent shall renew the applicant's nonresident insurance 8214
agent license. 8215

(D) If an individual or business entity does not apply for 8216
the renewal of the individual or business entity's license on or 8217
before the license renewal date specified in division (C) (1) of 8218
this section, the individual or business entity may submit a 8219

late renewal application along with all applicable fees required 8220
under this chapter prior to the first day of the second month 8221
following the license renewal date. 8222

(E) A license issued under this section that is not 8223
renewed on or before its renewal date pursuant to division (C) 8224
of this section or its late renewal date pursuant to division 8225
(D) of this section automatically is suspended for nonrenewal on 8226
the first day of the second month following the renewal date. If 8227
a license is suspended for nonrenewal pursuant to this division, 8228
the individual or business entity is eligible to apply for a 8229
reinstatement of the license within the twelve-month period 8230
following the date by which the license should have been renewed 8231
by complying with the reinstatement procedure established by the 8232
superintendent and paying all applicable fees required under 8233
this chapter. 8234

(F) A license that is suspended for nonrenewal that is not 8235
reinstated pursuant to division (E) of this section 8236
automatically is canceled unless the superintendent is 8237
investigating any allegations of wrongdoing by the agent or has 8238
initiated proceedings under Chapter 119. of the Revised Code. In 8239
that case, the license automatically is canceled after the 8240
completion of the investigation or proceedings unless the 8241
superintendent revokes the license. 8242

(G) An individual licensed as a nonresident insurance 8243
agent who is unable to comply with the license renewal 8244
procedures established under this section and who is unable to 8245
engage in the business of insurance due to military service, a 8246
long-term medical disability, or some other extenuating 8247
circumstance may request an extension of the renewal date of the 8248
individual's license. To be eligible for such an extension, the 8249

individual shall submit a written request with supporting 8250
documentation to the superintendent. At the superintendent's 8251
discretion, the superintendent may not consider a written 8252
request made after the renewal date of the license. 8253

(H) Notwithstanding any other provision of this chapter, a 8254
nonresident person licensed as a surplus lines producer in the 8255
applicant's home state shall receive a nonresident surplus lines 8256
broker license pursuant to division (A) of this section. Nothing 8257
in this section otherwise affects or supersedes any provision of 8258
sections 3905.30 to 3905.37 of the Revised Code. 8259

Sec. 3905.14. (A) As used in sections 3905.14 to 3905.16 8260
of the Revised Code: 8261

(1) "Insurance agent" includes a limited lines insurance 8262
agent, surety bail bond agent, and surplus line broker. 8263

(2) "Refusal to issue or renew" means the decision of the 8264
superintendent of insurance not to process either the initial 8265
application for a license as an agent or the renewal of such a 8266
license. 8267

(3) "Revocation" means the permanent termination of all 8268
authority to hold any license as an agent in this state. 8269

(4) "Surrender for cause" means the voluntary termination 8270
of all authority to hold any license as an agent in this state, 8271
in lieu of a revocation or suspension order. 8272

(5) "Suspension" means the termination of all authority to 8273
hold any license as an agent in this state, for either a 8274
specified period of time or an indefinite period of time and 8275
under any terms or conditions determined by the superintendent. 8276

(B) The superintendent may, except as provided in division 8277

<u>(C) of this section,</u> suspend, revoke, or refuse to issue or	8278
renew any license of an insurance agent, assess a civil penalty,	8279
or impose any other sanction or sanctions authorized under this	8280
chapter, for one or more of the following reasons:	8281
(1) Providing incorrect, misleading, incomplete, or	8282
materially untrue information in a license or appointment	8283
application;	8284
(2) Violating or failing to comply with any insurance law,	8285
rule, subpoena, consent agreement, or order of the	8286
superintendent or of the insurance authority of another state;	8287
(3) Obtaining, maintaining, or attempting to obtain or	8288
maintain a license through misrepresentation or fraud;	8289
(4) Improperly withholding, misappropriating, or	8290
converting any money or property received in the course of doing	8291
insurance business;	8292
(5) Intentionally misrepresenting the terms, benefits,	8293
value, cost, or effective dates of any actual or proposed	8294
insurance contract or application for insurance;	8295
(6) Having been convicted of or pleaded guilty or no	8296
contest to a felony regardless of whether a judgment of	8297
conviction has been entered by the court;	8298
(7) Having been convicted of or pleaded guilty or no	8299
contest to a misdemeanor that involves the misuse or theft of	8300
money or property belonging to another, fraud, forgery,	8301
dishonest acts, or breach of a fiduciary duty, that is based on	8302
any act or omission relating to the business of insurance,	8303
securities, or financial services, or that involves moral	8304
turpitude regardless of whether a judgment has been entered by	8305
the court;	8306

- (8) Having admitted to committing, or having been found to have committed, any insurance unfair trade act or practice or insurance fraud; 8307
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- (9) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility, in the conduct of business in this state or elsewhere; 8310
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- (10) Having an insurance agent license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory; 8314
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- (11) Forging or causing the forgery of an application for insurance or any document related to or used in an insurance transaction; 8317
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- (12) Improperly using notes, any other reference material, equipment, or devices of any kind to complete an examination for an insurance agent license; 8320
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- (13) Knowingly accepting insurance business from an individual who is not licensed; 8323
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- (14) Failing to comply with any official invoice, notice, assessment, or order directing payment of federal, state, or local income tax, state or local sales tax, or workers' compensation premiums; 8325
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- (15) Failing to timely submit an application for insurance. For purposes of division (B)(15) of this section, a submission is considered timely if it occurs within the time period expressly provided for by the insurer, or within seven days after the insurance agent accepts a premium or an order to bind coverage from a policyholder or applicant for insurance, whichever is later. 8329
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(16) Failing to disclose to an applicant for insurance or 8336
policyholder upon accepting a premium or an order to bind 8337
coverage from the applicant or policyholder, that the person has 8338
not been appointed by the insurer; 8339

(17) Having any professional license or financial industry 8340
regulatory authority registration suspended or revoked or having 8341
been barred from participation in any industry; 8342

(18) Having been subject to a cease and desist order or 8343
permanent injunction related to mishandling of funds or breach 8344
of fiduciary responsibilities or for unlicensed or unregistered 8345
activities; 8346

(19) Causing or permitting a policyholder or applicant for 8347
insurance to designate the insurance agent or the insurance 8348
agent's spouse, parent, child, or sibling as the beneficiary of 8349
a policy or annuity sold by the insurance agent or of a policy 8350
or annuity for which the agent, at any time, was designated as 8351
the agent of record, unless the insurance agent or a relative of 8352
the insurance agent is the insured or applicant; 8353

(20) Causing or permitting a policyholder or applicant for 8354
insurance to designate the insurance agent or the insurance 8355
agent's spouse, parent, child, or sibling as the owner or 8356
beneficiary of a trust funded, in whole or in part, by a policy 8357
or annuity sold by the insurance agent or by a policy or annuity 8358
for which the agent, at any time, was designated as the agent of 8359
record, unless the insurance agent or a relative of the 8360
insurance agent is the insured or applicant; 8361

(21) Failing to provide a written response to the 8362
department of insurance within twenty-one calendar days after 8363
receipt of any written inquiry from the department, unless a 8364

reasonable extension of time has been requested of, and granted 8365
by, the superintendent or the superintendent's designee; 8366

(22) Failing to appear to answer questions before the 8367
superintendent after being notified in writing by the 8368
superintendent of a scheduled interview, unless a reasonable 8369
extension of time has been requested of, and granted by, the 8370
superintendent or the superintendent's designee; 8371

(23) Transferring or placing insurance with an insurer 8372
other than the insurer expressly chosen by the applicant for 8373
insurance or policyholder without the consent of the applicant 8374
or policyholder or absent extenuating circumstances; 8375

(24) Failing to inform a policyholder or applicant for 8376
insurance of the identity of the insurer or insurers, or the 8377
identity of any other insurance agent or licensee known to be 8378
involved in procuring, placing, or continuing the insurance for 8379
the policyholder or applicant, upon the binding of the coverage; 8380

(25) In the case of an agent that is a business entity, 8381
failing to report an individual licensee's violation to the 8382
department when the violation was known or should have been 8383
known by one or more of the partners, officers, managers, or 8384
members of the business entity; 8385

(26) Submitting or using a document in the conduct of the 8386
business of insurance when the person knew or should have known 8387
that the document contained a writing that was forged as defined 8388
in section 2913.01 of the Revised Code; 8389

(27) Misrepresenting the person's qualifications, status 8390
or relationship to another person, agency, or entity, or using 8391
in any way a professional designation that has not been 8392
conferred upon the person by the appropriate accrediting 8393

organization; 8394

(28) Obtaining a premium loan or policy surrender or 8395
causing a premium loan or policy surrender to be made to or in 8396
the name of an insured or policyholder without that person's 8397
knowledge and written authorization; 8398

(29) Using paper, software, or any other materials of or 8399
provided by an insurer after the insurer has terminated the 8400
authority of the licensee, if the use of such materials would 8401
cause a reasonable person to believe that the licensee was 8402
acting on behalf of or otherwise representing the insurer; 8403

(30) Soliciting, procuring an application for, or placing, 8404
either directly or indirectly, any insurance policy when the 8405
person is not authorized under this chapter to engage in such 8406
activity; 8407

(31) Soliciting, selling, or negotiating any product or 8408
service that offers benefits similar to insurance but is not 8409
regulated by the superintendent, without fully disclosing, 8410
orally and in writing, to the prospective purchaser that the 8411
product or service is not insurance and is not regulated by the 8412
superintendent; 8413

(32) Failing to fulfill a refund obligation to a 8414
policyholder or applicant in a timely manner. For purposes of 8415
division (B)(32) of this section, a rebuttable presumption 8416
exists that a refund obligation is not fulfilled in a timely 8417
manner unless it is fulfilled within one of the following time 8418
periods: 8419

(a) Thirty days after the date the policyholder, 8420
applicant, or insurer takes or requests action resulting in a 8421
refund; 8422

(b) Thirty days after the date of the insurer's refund 8423
check, if the agent is expected to issue a portion of the total 8424
refund; 8425

(c) Forty-five days after the date of the agent's 8426
statement of account on which the refund first appears. 8427

The presumption may be rebutted by proof that the 8428
policyholder or applicant consented to the delay or agreed to 8429
permit the agent to apply the refund to amounts due for other 8430
coverages. 8431

(33) With respect to a surety bail bond agent license, 8432
rebating or offering to rebate, or unlawfully dividing or 8433
offering to divide, any commission, premium, or fee; 8434

(34) Using a license for the principal purpose of 8435
procuring, receiving, or forwarding applications for insurance 8436
of any kind, other than life, or soliciting, placing, or 8437
effecting such insurance directly or indirectly upon or in 8438
connection with the property of the licensee or that of 8439
relatives, employers, employees, or that for which they or the 8440
licensee is an agent, custodian, vendor, bailee, trustee, or 8441
payee; 8442

(35) In the case of an insurance agent that is a business 8443
entity, using a life license for the principal purpose of 8444
soliciting or placing insurance on the lives of the business 8445
entity's officers, employees, or shareholders, or on the lives 8446
of relatives of such officers, employees, or shareholders, or on 8447
the lives of persons for whom they, their relatives, or the 8448
business entity is agent, custodian, vendor, bailee, trustee, or 8449
payee; 8450

(36) Offering, selling, soliciting, or negotiating 8451

policies, contracts, agreements, or applications for insurance, 8452
or annuities providing fixed, variable, or fixed and variable 8453
benefits, or contractual payments, for or on behalf of any 8454
insurer or multiple employer welfare arrangement not authorized 8455
to transact business in this state, or for or on behalf of any 8456
spurious, fictitious, nonexistent, dissolved, inactive, 8457
liquidated or liquidating, or bankrupt insurer or multiple 8458
employer welfare arrangement; 8459

(37) In the case of a resident business entity, failing to 8460
be qualified to do business in this state under Title XVII of 8461
the Revised Code, failing to be in good standing with the 8462
secretary of state, or failing to maintain a valid appointment 8463
of statutory agent with the secretary of state; 8464

(38) In the case of a nonresident agent, failing to 8465
maintain licensure as an insurance agent in the agent's home 8466
state for the lines of authority held in this state; 8467

(39) Knowingly aiding and abetting another person or 8468
entity in the violation of any insurance law of this state or 8469
the rules adopted under it. 8470

(C) The superintendent shall not refuse to issue a license 8471
to an applicant because of a conviction of or plea of guilty or 8472
no contest to an offense unless the refusal is in accordance 8473
with section 9.79 of the Revised Code. 8474

(D) Before denying, revoking, suspending, or refusing to 8475
issue any license or imposing any penalty under this section, 8476
the superintendent shall provide the licensee or applicant with 8477
notice and an opportunity for hearing as provided in Chapter 8478
119. of the Revised Code, except as follows: 8479

(1) (a) Any notice of opportunity for hearing, the hearing 8480

officer's findings and recommendations, or the superintendent's 8481
order shall be served by certified mail at the last known 8482
address of the licensee or applicant. Service shall be evidenced 8483
by return receipt signed by any person. 8484

For purposes of this section, the "last known address" is 8485
the residential address of a licensee or applicant, or the 8486
principal-place-of-business address of a business entity, that 8487
is contained in the licensing records of the department. 8488

(b) If the certified mail envelope is returned with an 8489
endorsement showing that service was refused, or that the 8490
envelope was unclaimed, the notice and all subsequent notices 8491
required by Chapter 119. of the Revised Code may be served by 8492
ordinary mail to the last known address of the licensee or 8493
applicant. The mailing shall be evidenced by a certificate of 8494
mailing. Service is deemed complete as of the date of such 8495
certificate provided that the ordinary mail envelope is not 8496
returned by the postal authorities with an endorsement showing 8497
failure of delivery. The time period in which to request a 8498
hearing, as provided in Chapter 119. of the Revised Code, begins 8499
to run on the date of mailing. 8500

(c) If service by ordinary mail fails, the superintendent 8501
may cause a summary of the substantive provisions of the notice 8502
to be published once a week for three consecutive weeks in a 8503
newspaper of general circulation in the county where the last 8504
known place of residence or business of the party is located. 8505
The notice is considered served on the date of the third 8506
publication. 8507

(d) Any notice required to be served under Chapter 119. of 8508
the Revised Code shall also be served upon the party's attorney 8509
by ordinary mail if the attorney has entered an appearance in 8510

the matter. 8511

(e) The superintendent may, at any time, perfect service 8512
on a party by personal delivery of the notice by an employee of 8513
the department. 8514

(f) Notices regarding the scheduling of hearings and all 8515
other matters not described in division ~~(C)~~(D) (1) (a) of this 8516
section shall be sent by ordinary mail to the party and to the 8517
party's attorney. 8518

(2) Any subpoena for the appearance of a witness or the 8519
production of documents or other evidence at a hearing, or for 8520
the purpose of taking testimony for use at a hearing, shall be 8521
served by certified mail, return receipt requested, by an 8522
attorney or by an employee of the department designated by the 8523
superintendent. Such subpoenas shall be enforced in the manner 8524
provided in section 119.09 of the Revised Code. Nothing in this 8525
section shall be construed as limiting the superintendent's 8526
other statutory powers to issue subpoenas. 8527

~~(D)~~(E) If the superintendent determines that a violation 8528
described in this section has occurred, the superintendent may 8529
take one or more of the following actions: 8530

(1) Assess a civil penalty in an amount not exceeding 8531
twenty-five thousand dollars per violation; 8532

(2) Assess administrative costs to cover the expenses 8533
incurred by the department in the administrative action, 8534
including costs incurred in the investigation and hearing 8535
processes. Any costs collected shall be paid into the state 8536
treasury to the credit of the department of insurance operating 8537
fund created in section 3901.021 of the Revised Code. 8538

(3) Suspend all of the person's licenses for all lines of 8539

insurance for either a specified period of time or an indefinite period of time and under such terms and conditions as the superintendent may determine;

(4) Permanently revoke all of the person's licenses for all lines of insurance;

(5) Refuse to issue a license;

(6) Refuse to renew a license;

(7) Prohibit the person from being employed in any capacity in the business of insurance and from having any financial interest in any insurance agency, company, surety bail bond business, or third-party administrator in this state. The superintendent may, in the superintendent's discretion, determine the nature, conditions, and duration of such restrictions.

(8) Order corrective actions in lieu of or in addition to the other penalties listed in division ~~(D)~~(E) of this section. Such an order may provide for the suspension of civil penalties, license revocation, license suspension, or refusal to issue or renew a license if the licensee complies with the terms and conditions of the corrective action order.

(9) Accept a surrender for cause offered by the licensee, which shall be for at least five years and shall prohibit the licensee from seeking any license authorized under this chapter during that time period. A surrender for cause shall be in lieu of revocation or suspension and may include a corrective action order as provided in division ~~(D)~~(E)(8) of this section.

~~(E)~~(F) The superintendent may consider the following factors in denying a license, imposing suspensions, revocations, fines, or other penalties, and issuing orders under this

section:	8569
(1) Whether the person acted in good faith;	8570
(2) Whether the person made restitution for any pecuniary losses suffered by other persons as a result of the person's actions;	8571 8572 8573
(3) The actual harm or potential for harm to others;	8574
(4) The degree of trust placed in the person by, and the vulnerability of, persons who were or could have been adversely affected by the person's actions;	8575 8576 8577
(5) Whether the person was the subject of any previous administrative actions by the superintendent;	8578 8579
(6) The number of individuals adversely affected by the person's acts or omissions;	8580 8581
(7) Whether the person voluntarily reported the violation, and the extent of the person's cooperation and acceptance of responsibility;	8582 8583 8584
(8) Whether the person obstructed or impeded, or attempted to obstruct or impede, the superintendent's investigation;	8585 8586
(9) The person's efforts to conceal the misconduct;	8587
(10) Remedial efforts to prevent future violations;	8588
(11) If the person was convicted of a criminal offense, the nature of the offense, whether the conviction was based on acts or omissions taken under any professional license, whether the offense involved the breach of a fiduciary duty, the amount of time that has passed, and the person's activities subsequent to the conviction;	8589 8590 8591 8592 8593 8594
(12) Such other factors as the superintendent determines	8595

to be appropriate under the circumstances. 8596

~~(F)~~(G) (1) A violation described in division (B) (1), (2), 8597
(3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), 8598
(16), (17), (18), (19), (20), (22), (23), (24), (25), (26), 8599
(27), (28), (29), (30), (31), (32), (33), (34), (35), and (36) 8600
of this section is a class A offense for which the 8601
superintendent may impose any penalty set forth in division ~~(D)~~ 8602
(E) of this section. 8603

(2) A violation described in division (B) (15) or (21) of 8604
this section, or a failure to comply with section 3905.061, 8605
3905.071, or 3905.22 of the Revised Code, is a class B offense 8606
for which the superintendent may impose any penalty set forth in 8607
division ~~(D)~~(E) (1), (2), (8), or (9) of this section. 8608

(3) If the superintendent determines that a violation 8609
described in division (B) (36) of this section has occurred, the 8610
superintendent shall impose a minimum of a two-year suspension 8611
on all of the person's licenses for all lines of insurance. 8612

~~(G)~~(H) If a violation described in this section has 8613
caused, is causing, or is about to cause substantial and 8614
material harm, the superintendent may issue an order requiring 8615
that person to cease and desist from engaging in the violation. 8616
Notice of the order shall be mailed by certified mail, return 8617
receipt requested, or served in any other manner provided for in 8618
this section, immediately after its issuance to the person 8619
subject to the order and to all persons known to be involved in 8620
the violation. The superintendent may thereafter publicize or 8621
otherwise make known to all interested parties that the order 8622
has been issued. 8623

The notice shall specify the particular act, omission, 8624

practice, or transaction that is subject to the cease-and-desist order and shall set a date, not more than fifteen days after the date of the order, for a hearing on the continuation or revocation of the order. The person shall comply with the order immediately upon receipt of notice of the order.

The superintendent may, upon the application of a party and for good cause shown, continue the hearing. Chapter 119. of the Revised Code applies to such hearings to the extent that that chapter does not conflict with the procedures set forth in this section. The superintendent shall, within fifteen days after objections are submitted to the hearing officer's report and recommendation, issue a final order either confirming or revoking the cease-and-desist order. The final order may be appealed as provided under section 119.12 of the Revised Code.

The remedy under this division is cumulative and concurrent with the other remedies available under this section.

~~(H)~~ (I) If the superintendent has reasonable cause to believe that an order issued under this section has been violated in whole or in part, the superintendent may request the attorney general to commence and prosecute any appropriate action or proceeding in the name of the state against such person.

The court may, in an action brought pursuant to this division, impose any of the following:

(1) For each violation, a civil penalty of not more than twenty-five thousand dollars;

(2) Injunctive relief;

(3) Restitution;

- (4) Any other appropriate relief. 8653
- ~~(I)~~ (J) With respect to a surety bail bond agent license: 8654
- (1) Upon the suspension or revocation of a license, or the 8655
eligibility of a surety bail bond agent to hold a license, the 8656
superintendent likewise may suspend or revoke the license or 8657
eligibility of any surety bail bond agent who is employed by or 8658
associated with that agent and who knowingly was a party to the 8659
act that resulted in the suspension or revocation. 8660
- (2) The superintendent may revoke a license as a surety 8661
bail bond agent if the licensee is adjudged bankrupt. 8662
- ~~(J)~~ (K) Nothing in this section shall be construed to 8663
create or imply a private cause of action against an agent or 8664
insurer. 8665
- Sec. 3905.15.** (A) Upon written application of a person 8666
whose license was denied, suspended, revoked, or surrendered for 8667
cause under section 3905.14 of the Revised Code, except for a 8668
person whose license was denied for a disqualifying offense 8669
pursuant to section 9.79 of the Revised Code, the superintendent 8670
of insurance shall hold a hearing to determine whether the 8671
administrative action imposing the denial, suspension, 8672
revocation, or surrender should be modified, provided that all 8673
of the following conditions are met: 8674
- (1) At least five years have elapsed since the date of the 8675
administrative action sought to be modified; 8676
- (2) At least two years have elapsed since any previous 8677
request for a modification was made under this section; 8678
- (3) The burden of proof is on the person requesting the 8679
modification. 8680

(B) The modification of an order issued or consent 8681
agreement entered into under section 3905.14 of the Revised Code 8682
is at the discretion of the superintendent. The superintendent 8683
may modify such an order or agreement if the superintendent 8684
finds all of the following: 8685

(1) At least five years have elapsed since the date of the 8686
administrative action; 8687

(2) The person is of good business repute and is suitable 8688
to be an insurance agent; 8689

(3) The person has made restitution for all pecuniary 8690
losses suffered by any person as a result of the conduct that 8691
gave rise to the administrative action; 8692

(4) The person has not been convicted of any felony or of 8693
any misdemeanor described in division (B) (7) of section 3905.14 8694
of the Revised Code unless the conviction was the subject of a 8695
previous administrative action by the superintendent; 8696

(5) The circumstances surrounding the previous violation 8697
are such that it is unlikely the person would commit such 8698
offenses in the future; 8699

(6) The person's character has been rehabilitated. 8700

(C) The issuance of any license pursuant to a modification 8701
under this section shall be conditioned upon the successful 8702
completion of all prelicensing education and examination 8703
requirements. 8704

Sec. 3905.72. (A) (1) No person shall act as a managing 8705
general agent representing an insurer licensed in this state 8706
with respect to risks located in this state unless the person is 8707
licensed as a managing general agent pursuant to division (C) or 8708

(D) of this section. 8709

(2) No person shall act as a managing general agent 8710
representing an insurer organized under the laws of this state 8711
with respect to risks located outside this state unless the 8712
person is licensed as a managing general agent pursuant to 8713
division (C) of this section. 8714

(B) Every person that seeks to act as a managing general 8715
agent as described in division (A) of this section shall apply 8716
to the superintendent of insurance for a license. Except as 8717
otherwise provided in division (D) of this section, the 8718
application shall be in writing on a form provided by the 8719
superintendent and shall be sworn or affirmed before a notary 8720
public or other person empowered to administer oaths. The 8721
application shall be kept on file by the superintendent and 8722
shall include all of the following: 8723

(1) The name and principal business address of the 8724
applicant; 8725

(2) If the applicant is an individual, the applicant's 8726
current occupation; 8727

(3) If the applicant is an individual, the applicant's 8728
occupation or occupations during the five-year period prior to 8729
applying for the license to act as a managing general agent; 8730

(4) A copy of the contract between the applicant and the 8731
insurer as required by, and in compliance with, section 3905.73 8732
of the Revised Code; 8733

(5) A copy of a certified resolution of the board of 8734
directors of the insurer on whose behalf the applicant will act, 8735
appointing the applicant as a managing general agent and agent 8736
of the insurer, specifying the duties the applicant is expected 8737

to perform on behalf of the insurer and the lines of insurance 8738
the applicant will manage, and authorizing the insurer to enter 8739
into a contract with the applicant as required by section 8740
3905.73 of the Revised Code; 8741

(6) A statement that the applicant submits to the 8742
jurisdiction of the superintendent and the courts of this state; 8743

(7) Any other information required by the superintendent. 8744

(C) The superintendent shall issue to a resident of this 8745
state or a business entity organized under the laws of this 8746
state a license to act as a managing general agent representing 8747
an insurer licensed to do business in this state with respect to 8748
risks located in this state or a license to act as a managing 8749
general agent representing an insurer organized under the laws 8750
of this state with respect to risks located outside this state, 8751
and shall renew such a license, if the superintendent is 8752
satisfied that all of the following conditions are met: 8753

(1) The applicant is a suitable person and intends to hold 8754
self out in good faith as a managing general agent. 8755

(2) The applicant ~~is honest, trustworthy, and~~ understands 8756
the duties and obligations of a managing general agent. 8757

(3) The applicant has filed a completed application that 8758
complies with division (B) of this section. 8759

(4) The applicant has paid a fee in the amount of twenty 8760
dollars. 8761

(5) The applicant maintains a bond in the amount of not 8762
less than fifty thousand dollars for the protection of the 8763
insurer. 8764

(6) The applicant maintains an errors and omissions policy 8765

of insurance. 8766

(7) The applicant is not, and has never been, under an 8767
order of suspension or revocation under section 3905.77 of the 8768
Revised Code or under any other law of this state, or any other 8769
state, relating to insurance, and is otherwise in compliance 8770
with sections 3905.71 to 3905.79 of the Revised Code and all 8771
other laws of this state relating to insurance. 8772

(D) If the applicant is a resident of another state or a 8773
business entity organized under the laws of another state, the 8774
applicant shall submit a request for licensure, along with a fee 8775
of twenty dollars, to the superintendent. The superintendent 8776
shall issue a license to act as a managing general agent if the 8777
request for licensure includes proof that the applicant is 8778
licensed and in good standing as a managing general agent in the 8779
applicant's home state and either a copy of the application for 8780
licensure the applicant submitted to the applicant's home state 8781
or the application described in division (B) of this section. 8782

If the applicant's home state does not license managing 8783
general agents under provisions similar to those in sections 8784
3905.71 to 3905.79 of the Revised Code, or if the applicant's 8785
home state does not grant licenses to residents of this state on 8786
the same reciprocal basis, the applicant shall comply with 8787
divisions (B) and (C) of this section. 8788

(E) Unless suspended or revoked by an order of the 8789
superintendent pursuant to section 3905.77 of the Revised Code 8790
and except as provided in division (F) of this section, any 8791
license issued or renewed pursuant to division (C) or (D) of 8792
this section shall expire on the last day of February next after 8793
its issuance or renewal. 8794

(F) If the appointment of a managing general agent is terminated by the insurer, the license of the managing general agent shall expire on the date of the termination.

(G) A license shall be renewed in accordance with the standard renewal procedure specified in Chapter 4745. of the Revised Code.

(H) All license fees collected pursuant to this section shall be paid into the state treasury to the credit of the department of insurance operating fund.

Sec. 3905.85. (A) (1) An individual who applies for a license as a surety bail bond agent shall submit an application for the license in a manner prescribed by the superintendent of insurance. The application shall be accompanied by a one_hundred_fifty_dollar fee and a statement that gives the applicant's name, age, residence, present occupation, occupation for the five years next preceding the date of the application, and such other information as the superintendent may require.

(2) An applicant for an individual resident license shall also submit to a criminal records check pursuant to section 3905.051 of the Revised Code.

(B) (1) The superintendent shall issue to an applicant an individual resident license that states in substance that the person is authorized to do the business of a surety bail bond agent, if the superintendent is satisfied that all of the following apply:

(a) The applicant is eighteen years of age or older.

(b) The applicant's home state is Ohio.

(c) ~~The applicant is a person of high character and~~

~~integrity.~~ 8823

~~(d)~~ The applicant has not committed any act that is 8824
grounds for the refusal to issue, suspension of, or revocation 8825
of a license under section 3905.14 of the Revised Code. 8826

~~(e)~~ (d) The applicant is a United States citizen or has 8827
provided proof of having legal authorization to work in the 8828
United States. 8829

~~(f)~~ (e) The applicant has successfully completed the 8830
educational requirements set forth in section 3905.04 of the 8831
Revised Code and passed the examination required by that 8832
section. 8833

(2) The superintendent shall issue to an applicant an 8834
individual nonresident license that states in substance that the 8835
person is authorized to do the business of a surety bail bond 8836
agent, if the superintendent is satisfied that all of the 8837
following apply: 8838

(a) The applicant is eighteen years of age or older. 8839

(b) The applicant is currently licensed as a resident in 8840
another state and is in good standing in the applicant's home 8841
state for surety bail bond or is qualified for the same 8842
authority. 8843

(c) ~~The applicant is a person of high character and~~ 8844
~~integrity.~~ 8845

~~(d)~~ The applicant has not committed any act that is 8846
grounds for the refusal to issue, suspension of, or revocation 8847
of a license under section 3905.14 of the Revised Code. 8848

(3) The superintendent shall issue an applicant a resident 8849
business entity license that states in substance that the person 8850

is authorized to do the business of a surety bail bond agent if 8851
the superintendent is satisfied that all of the following apply: 8852

(a) The applicant has submitted an application for the 8853
license in a manner prescribed by the superintendent and the 8854
one-hundred-fifty-dollar application fee. 8855

(b) The applicant either is domiciled in this state or 8856
maintains its principal place of business in this state. 8857

(c) The applicant has designated an individual licensed 8858
surety bail bond agent who will be responsible for the 8859
applicant's compliance with the insurance laws of this state. 8860

(d) The applicant has not committed any act that is 8861
grounds for the refusal to issue, suspension of, or revocation 8862
of a license under section 3905.14 of the Revised Code. 8863

(e) The applicant is authorized to do business in this 8864
state by the secretary of state if so required under the 8865
applicable provisions of Title XVII of the Revised Code. 8866

(f) The applicant has submitted any other documents 8867
requested by the superintendent. 8868

(4) The superintendent shall issue an applicant a 8869
nonresident business entity license that states in substance 8870
that the person is authorized to do the business of a surety 8871
bail bond agent if the superintendent is satisfied that all of 8872
the following apply: 8873

(a) The applicant has submitted an application for the 8874
license in a manner prescribed by the superintendent and the 8875
one-hundred-fifty-dollar application fee. 8876

(b) The applicant is currently licensed and is in good 8877
standing in the applicant's home state with surety bail bond 8878

authority. 8879

(c) The applicant has designated an individual licensed 8880
surety bail bond agent who will be responsible for the 8881
applicant's compliance with the insurance laws of this state. 8882

(d) The applicant has not committed any act that is 8883
grounds for the refusal to issue, suspension of, or revocation 8884
of a license under section 3905.14 of the Revised Code. 8885

(e) The applicant has submitted any other documents 8886
requested by the superintendent. 8887

(C) A resident and nonresident surety bail bond agent 8888
license issued pursuant to this section authorizes the holder, 8889
when appointed by an insurer, to execute or countersign bail 8890
bonds in connection with judicial proceedings and to receive 8891
money or other things of value for those services. However, the 8892
holder shall not execute or deliver a bond during the first one 8893
hundred eighty days after the license is initially issued. This 8894
restriction does not apply with respect to license renewals or 8895
any license issued under divisions (B) (3) and (4) of this 8896
section. 8897

(D) The superintendent may refuse to renew a surety bail 8898
bond agent's license as provided in division (B) of section 8899
3905.88 of the Revised Code, and may suspend, revoke, or refuse 8900
to issue or renew such a license as provided in section 3905.14 8901
of the Revised Code. 8902

If the superintendent refuses to issue such a license 8903
based in whole or in part upon the written response to a 8904
criminal records check completed pursuant to division (A) of 8905
this section, the superintendent shall send a copy of the 8906
response that was transmitted to the superintendent to the 8907

applicant at the applicant's home address upon the applicant's 8908
submission of a written request to the superintendent. 8909

(E) Any person licensed as a surety bail bond agent may 8910
surrender the person's license in accordance with section 8911
3905.16 of the Revised Code. 8912

(F) (1) A person seeking to renew a surety bail bond agent 8913
license shall apply annually for a renewal of the license on or 8914
before the last day of February. Applications shall be submitted 8915
to the superintendent on forms prescribed by the superintendent. 8916
Each application shall be accompanied by a one-hundred-fifty- 8917
dollar renewal fee. 8918

(2) To be eligible for renewal, an individual applicant 8919
shall complete the continuing education requirements pursuant to 8920
section 3905.88 of the Revised Code prior to the renewal date. 8921

(3) If an applicant submits a completed renewal 8922
application, qualifies for renewal pursuant to divisions (F) (1) 8923
and (2) of this section, and has not committed any act that is a 8924
ground for the refusal to issue, suspension of, or revocation of 8925
a license under section 3905.14 or sections 3905.83 to 3905.99 8926
of the Revised Code, the superintendent shall renew the 8927
applicant's surety bail bond insurance agent license. 8928

(4) If an individual or business entity does not apply for 8929
the renewal of the individual or business entity's license on or 8930
before the license renewal date specified in division (F) (1) of 8931
this section, the individual or business entity may submit a 8932
late renewal application along with all applicable fees required 8933
under this chapter prior to the last day of March following the 8934
renewal date. The superintendent shall renew the license of an 8935
applicant that submits a late renewal application if the 8936

applicant satisfies all of the following conditions:	8937
(a) The applicant submits a completed renewal application.	8938
(b) The applicant pays the one-hundred-fifty-dollar renewal fee.	8939 8940
(c) The applicant pays the late renewal fee established by the superintendent.	8941 8942
(d) The applicant provides proof of compliance with the continuing education requirements pursuant to section 3905.88 of the Revised Code.	8943 8944 8945
(e) The applicant has not committed any act that is grounds for the refusal to issue, suspension of, or revocation of a license under section 3905.14 or sections 3905.83 to 3905.99 of the Revised Code.	8946 8947 8948 8949
(5) A license issued under this section that is not renewed on or before its late renewal date specified in division (F) (4) of this section is automatically suspended for nonrenewal effective the first day of April.	8950 8951 8952 8953
(6) If a license is suspended for nonrenewal pursuant to division (F) (5) of this section, the individual or business entity is eligible to apply for reinstatement of the license within the twelve-month period following the date by which the license should have been renewed by complying with the reinstatement procedure established by the superintendent and paying all applicable fees required under this chapter.	8954 8955 8956 8957 8958 8959 8960
(7) A license that is suspended for nonrenewal that is not reinstated pursuant to division (F) (6) of this section automatically is canceled unless the superintendent is investigating any allegations of wrongdoing by the agent or has	8961 8962 8963 8964

initiated proceedings under Chapter 119. of the Revised Code. In 8965
that case, the license automatically is canceled after the 8966
completion of the investigation or proceedings unless the 8967
superintendent revokes the license. 8968

(G) The superintendent may prescribe the forms to be used 8969
as evidence of the issuance of a license under this section. The 8970
superintendent shall require each licensee to acquire, from a 8971
source designated by the superintendent, a wallet identification 8972
card that includes the licensee's photograph and any other 8973
information required by the superintendent. The licensee shall 8974
keep the wallet identification card on the licensee's person 8975
while engaging in the bail bond business. 8976

(H) (1) The superintendent of insurance shall not issue or 8977
renew the license of a business entity organized under the laws 8978
of this or any other state unless the business entity is 8979
qualified to do business in this state under the applicable 8980
provisions of Title XVII of the Revised Code. 8981

(2) The failure of a business entity to be in good 8982
standing with the secretary of state or to maintain a valid 8983
appointment of statutory agent is grounds for suspending, 8984
revoking, or refusing to renew its license. 8985

(3) By applying for a surety bail bond agent license under 8986
this section, an individual or business entity consents to the 8987
jurisdiction of the courts of this state. 8988

(I) A surety bail bond agent licensed pursuant to this 8989
section is an officer of the court. 8990

(J) Any fee collected under this section shall be paid 8991
into the state treasury to the credit of the department of 8992
insurance operating fund created by section 3901.021 of the 8993

Revised Code. 8994

Sec. 3916.15. (A) The superintendent of insurance may, _____ 8995
except as provided in division (B) of this section, refuse to 8996
issue or may suspend, revoke, or refuse to renew the license of 8997
a viatical settlement provider or viatical settlement broker, if 8998
the superintendent finds that any of the following apply: 8999

(1) There was a material misrepresentation in the 9000
application for the license. 9001

(2) The applicant or licensee or any officer, partner, 9002
member, key management personnel, or designee of the applicant 9003
or licensee has been convicted of fraudulent or dishonest 9004
practices, is subject to a final administrative action in 9005
another state, has been the subject of an administrative or 9006
civil action brought by the department of commerce, division of 9007
securities, or is otherwise shown to be untrustworthy or 9008
incompetent. 9009

(3) The licensee is a viatical settlement provider that 9010
demonstrates a pattern of unreasonable payments to viators. 9011

(4) The licensee or any officer, partner, member, key 9012
management personnel, or designee of the licensee has been 9013
convicted of or has pleaded guilty or no contest to a felony or 9014
to a misdemeanor involving fraud, moral turpitude, dishonesty, 9015
or breach of trust, regardless of whether a judgment of 9016
conviction has been entered by the court. 9017

(5) The licensee is a viatical settlement provider that 9018
has used a viatical settlement contract form that has not been 9019
approved under this chapter. 9020

(6) The licensee is a viatical settlement provider that 9021
has failed to honor contractual obligations set out in a 9022

viatical settlement contract.	9023
(7) The licensee no longer meets the requirements for initial licensure.	9024 9025
(8) The licensee is a viatical settlement provider that has assigned, transferred, or pledged a viaticated policy to a person that the licensee knew or should have known was not one of the following:	9026 9027 9028 9029
(a) A viatical settlement provider licensed in this state;	9030
(b) A viatical settlement purchaser;	9031
(c) A qualified institutional buyer;	9032
(d) A financing entity;	9033
(e) A special purpose entity;	9034
(f) A related provider trust.	9035
(9) The licensee or any officer, partner, member, key management personnel, or designee of the licensee has violated any provision of this chapter or any rule adopted under this chapter.	9036 9037 9038 9039
(10) The licensee or any officer, partner, member, key management personnel, or designee of the licensee has committed any coercive, fraudulent, or dishonest act, or made any untrue, deceptive, or misleading statement, in connection with a viatical settlement transaction or a proposed viatical settlement transaction.	9040 9041 9042 9043 9044 9045
(B) <u>The superintendent shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty or no contest to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	9046 9047 9048 9049

(C) Before the superintendent refuses to issue a license 9050
under this chapter, or suspends, revokes, or refuses to renew 9051
the license of a viatical settlement provider or viatical 9052
settlement broker, the superintendent shall provide the licensee 9053
or applicant with notice and an opportunity for hearing as 9054
provided in Chapter 119. of the Revised Code, except as follows: 9055

(1) (a) Any notice of opportunity for hearing, the hearing 9056
officer's findings and recommendations, or the superintendent's 9057
order shall be served by certified mail at the last known 9058
address of the licensee or applicant. Service shall be evidenced 9059
by return receipt signed by any person. 9060

For purposes of this section, the "last known address" is 9061
the address that appears in the licensing records of the 9062
department of insurance. 9063

(b) If the certified mail envelope is returned with an 9064
endorsement showing that service was refused, or that the 9065
envelope was unclaimed, the notice and all subsequent notices 9066
required by Chapter 119. of the Revised Code may be served by 9067
ordinary mail to the last known address of the licensee or 9068
applicant. The mailing shall be evidenced by a certificate of 9069
mailing. Service is deemed complete as of the date of such 9070
certificate provided that the ordinary mail envelope is not 9071
returned by the postal authorities with an endorsement showing 9072
failure of delivery. The time period in which to request a 9073
hearing, as provided in Chapter 119. of the Revised Code, begins 9074
to run on the date of mailing. 9075

(c) If service by ordinary mail fails, the superintendent 9076
shall cause a summary of the substantive provisions of the 9077
notice to be published once a week for three consecutive weeks 9078
in a newspaper of general circulation in the county where the 9079

last known place of residence or business of the licensee or 9080
applicant is located. The notice is considered served on the 9081
date of the third publication. 9082

(d) Any notice required to be served under Chapter 119. of 9083
the Revised Code shall also be served upon the attorney of the 9084
licensee or applicant by ordinary mail if the attorney has 9085
entered an appearance in the matter. 9086

(e) The superintendent may, at any time, perfect service 9087
on a licensee or applicant by personal delivery of the notice by 9088
an employee of the department. 9089

(f) Notices regarding the scheduling of hearings and all 9090
other matters not described in division ~~(B)~~(C)(1)(a) of this 9091
section shall be sent by ordinary mail to the licensee or 9092
applicant and to the attorney of the licensee or applicant. 9093

(2) Any subpoena for the appearance of a witness or the 9094
production of documents or other evidence at a hearing, or for 9095
the purpose of taking testimony for use at a hearing, shall be 9096
served by certified mail, return receipt requested, by an 9097
attorney or by an employee of the department designated by the 9098
superintendent. Such subpoenas shall be enforced in the manner 9099
provided in section 119.09 of the Revised Code. Nothing in this 9100
section shall be construed as limiting the superintendent's 9101
other statutory powers to issue subpoenas. 9102

Sec. 3931.11. (A) Every attorney shall certify to the 9103
superintendent of insurance the names and addresses of the 9104
attorney's traveling full time salaried non-commission 9105
employees, primarily engaged in performing underwriting, loss 9106
prevention engineering and claim services, authorized by the 9107
attorney to solicit powers of attorney or applications for 9108

contracts of indemnity specified in section 3931.01 of the Revised Code. The authority of such persons shall continue until the first day of the next April, unless it is cancelled by the attorney and the certificate of such cancellation is filed with the superintendent, or unless the license of the attorney or authority of such person is revoked or suspended by the superintendent. Expiring certificates of authority of such persons may be renewed in like manner to continue until the first day of the next April. The superintendent shall record the names and addresses of such persons so that their names may conveniently be inspected and shall thereupon certify and deliver to the attorney a list of the names of all persons so recorded.

~~If (B) Except as provided in division (C) of this section,~~
if the superintendent finds that any such person has willfully violated, or failed to comply with, sections 3931.01 to 3931.12 of the Revised Code, or has been convicted of a felony in the United States, or in this or any state, or has been guilty of any act or acts that if performed by an agent licensed under Chapter 3905. of the Revised Code would constitute statutory grounds for the revocation of the agent's license, the superintendent may refuse or revoke the authority of the person and cancel the person's name on the superintendent's records, and the superintendent shall thereupon notify the person and the attorney of the revocation. Thereafter the person shall not act as representative of any attorney until a new certificate of authority by the attorney thereafter appointing the person is filed with and approved by the superintendent.

(C) The superintendent shall not refuse to issue a certificate of authority to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79

of the Revised Code. 9140

(D) No such person shall act for any attorney in placing 9141
insurance or making such contracts of indemnity, unless the 9142
attorney has the license required by section 3931.10 of the 9143
Revised Code, nor unless the unexpired, unrevoked, and 9144
unsuspended certificate of the person's authority is filed with 9145
the superintendent. Any such person shall be individually liable 9146
on any contract of indemnity made, issued, or accepted through 9147
that person as representing any attorney who is not licensed by 9148
the superintendent to make such contracts of indemnity. 9149

Sec. 3951.04. The superintendent of insurance shall issue 9150
certificates of authority to any person, firm, association, 9151
partnership, or corporation making application therefor who is 9152
trustworthy and competent to act as a public insurance adjuster 9153
in such manner as to safeguard the interest of the public and 9154
who ~~have~~ has complied with the prerequisites herein described. A 9155
certificate of authority issued to a firm, association, 9156
partnership, or corporation shall authorize only the members of 9157
the firm, association, or partnership or the officers and 9158
directors of the corporation, specified in the certificate of 9159
authority to act as a public insurance adjuster. 9160

The superintendent shall not issue any certificate of 9161
authority to any applicant who is convicted of a ~~felony, or any~~ 9162
~~crime or offense involving fraudulent or dishonest practice~~ 9163
disqualifying offense as determined under section 9.79 of the 9164
Revised Code, or who, within three years preceding the date of 9165
filing such application, has been guilty of any practice which 9166
would be grounds for suspension or revocation of a certificate 9167
of authority as a public insurance adjuster. 9168

Sec. 4104.09. The certificate of competency issued under 9169

section 4104.07 of the Revised Code or the commission provided 9170
for in section 4104.08 of the Revised Code may be revoked by the 9171
superintendent of industrial compliance for the incompetence ~~or~~ 9172
~~untrustworthiness~~ of the holder thereof, or for willful 9173
falsification of any matter or statement contained in the 9174
holder's application or in a report of any inspection in 9175
accordance with Chapter 119. of the Revised Code. If a 9176
certificate or commission is lost or destroyed, a new 9177
certificate or commission shall be issued in its place without 9178
another examination. 9179

Sec. 4104.19. (A) Any person seeking a license to operate 9180
as a steam engineer, high pressure boiler operator, or low 9181
pressure boiler operator shall file a written application with 9182
the superintendent of industrial compliance on a form prescribed 9183
by the superintendent with the appropriate application fee as 9184
set forth in section 4104.18 of the Revised Code. The 9185
application shall contain information satisfactory to the 9186
superintendent to demonstrate that the applicant meets the 9187
requirements of division (B) of this section. The application 9188
shall be filed with the superintendent not more than sixty days 9189
and not less than thirty days before the license examination is 9190
offered. 9191

(B) To qualify to take the examination required to obtain 9192
a steam engineer, high pressure boiler operator, or low pressure 9193
boiler operator license, a person shall meet both of the 9194
following requirements: 9195

(1) Be at least eighteen years of age; 9196

(2) Have one year of experience in the operation of steam 9197
engines, high pressure boilers, or low pressure boilers as 9198
applicable to the type of license being sought, or a combination 9199

of experience and education for the type of license sought as 9200
determined to be acceptable by the superintendent. 9201

(C) No applicant shall qualify to take an examination or 9202
to renew a license if the applicant has violated this chapter or 9203
if the applicant has obtained or renewed a license issued under 9204
this chapter by fraud, misrepresentation, or deception. 9205

(D) The superintendent shall issue a license to each 9206
applicant who receives a passing score on the examination, as 9207
determined by the superintendent, for the license for which the 9208
applicant applied. 9209

(E) The superintendent may select and contract with one or 9210
more persons to do all of the following relative to the 9211
examinations for a license to operate as a steam engineer, high 9212
pressure boiler operator, or low pressure boiler operator: 9213

(1) Prepare, administer, score, and maintain the 9214
confidentiality of the examination; 9215

(2) Maintain responsibility for all expenses required to 9216
fulfill division (E) (1) of this section; 9217

(3) Charge each applicant a fee for administering the 9218
examination, in an amount authorized by the superintendent; 9219

(4) Design the examination for each type of license to 9220
determine an applicant's competence to operate the equipment for 9221
which the applicant is seeking licensure. 9222

(F) Each license issued under this chapter expires one 9223
year after the date of issue. Each person holding a valid, 9224
unexpired license may renew the license, without reexamination, 9225
by applying to the superintendent not more than ninety days 9226
before the expiration of the license, and submitting with the 9227

application the renewal fee established in section 4104.18 of 9228
the Revised Code. Upon receipt of the renewal information and 9229
fee, the superintendent shall issue the licensee a certificate 9230
of renewal. 9231

(G) The superintendent, in accordance with Chapter 119. of 9232
the Revised Code, may suspend or revoke any license, or may 9233
refuse to issue a license under this chapter upon finding that a 9234
licensee or an applicant for a license has violated or is 9235
violating the requirements of this chapter. The superintendent 9236
shall not refuse to issue a license to an applicant because of a 9237
disqualifying offense unless the refusal is in accordance with 9238
section 9.79 of the Revised Code. 9239

Sec. 4508.03. (A) No person shall establish a driver 9240
training school or continue the operation of an existing school 9241
unless the person applies for and obtains from the director of 9242
public safety a license in the manner and form prescribed by the 9243
director. 9244

The director shall adopt rules that establish the 9245
requirements for a school license, including requirements 9246
concerning location, equipment, courses of instruction, 9247
instructors, previous records of the school and instructors, 9248
financial statements, schedule of fees and charges, ~~character~~ 9249
~~and reputation of the operators,~~ insurance in the sum and with 9250
those provisions as the director considers necessary to protect 9251
adequately the interests of the public, and any other matters as 9252
the director may prescribe for the protection of the public. The 9253
rules also shall require financial responsibility information as 9254
part of the driver education curriculum. 9255

(B) Any school that offers a driver training program for 9256
disabled persons shall provide specially trained instructors for 9257

the driver training of such persons. No school shall operate a 9258
driver training program for disabled persons after June 30, 9259
1978, unless it has been licensed for such operation by the 9260
director. No person shall act as a specially trained instructor 9261
in a driver training program for disabled persons operated by a 9262
school after June 30, 1978, unless that person has been licensed 9263
by the director. 9264

(C) The director shall certify instructors to teach driver 9265
training to disabled persons in accordance with training program 9266
requirements established by the department of public safety. 9267

(D) No person shall operate a driver training school 9268
unless the person has a valid license issued by the director 9269
under this section. 9270

(E) Whoever violates division (D) of this section is 9271
guilty of operating a driver training school without a valid 9272
license, a misdemeanor of the second degree. On a second or 9273
subsequent offense within two years after the first offense, the 9274
person is guilty of a misdemeanor of the first degree. 9275

Sec. 4508.04. (A) No person shall act as a driver training 9276
instructor, and no person shall act as a driver training 9277
instructor for disabled persons, unless such person applies for 9278
and obtains from the director of public safety a license in the 9279
manner and form prescribed by the director. The director shall 9280
provide by rule for instructors' license requirements including 9281
~~moral character~~, physical condition, knowledge of the courses of 9282
instruction, motor vehicle laws and safety principles, previous 9283
personal and employment records, and such other matters as the 9284
director may prescribe for the protection of the public. Driver 9285
training instructors for disabled persons shall meet such 9286
additional requirements and receive such additional classroom 9287

and practical instruction as the director shall prescribe by 9288
rule. 9289

(B)~~(1)~~ The director ~~shall not~~ may issue a license under 9290
this section to a person ~~if, within ten years of the date of~~ 9291
~~application for the license, the person has pleaded guilty to or~~ 9292
~~been convicted of a felony under the laws of this state or the~~ 9293
~~comparable laws of another jurisdiction.~~ 9294

~~(2) The director shall not issue a license under this~~ 9295
~~section to a person if, within five years of the date of~~ 9296
~~application for the license, the person has pleaded guilty to or~~ 9297
~~been convicted of a misdemeanor of the first or second degree~~ 9298
~~that is reasonably related to the person's fitness to be issued~~ 9299
~~such a license~~ disqualifying offense as determined in 9300
accordance with section 9.79 of the Revised Code. 9301

(C) No person shall knowingly make a false statement on a 9302
license application submitted under this section. 9303

(D) Upon successful completion of all requirements for an 9304
initial instructor license, the director shall issue an 9305
applicant a probationary license, which expires one hundred 9306
eighty days from the date of issuance. In order to receive a 9307
driver training instructor license, a person issued a 9308
probationary license shall pass an assessment prescribed in 9309
rules adopted by the director pursuant to section 4508.02 of the 9310
Revised Code. The person shall pass the assessment prior to 9311
expiration of the probationary license. If the person fails to 9312
pass the assessment, or fails to meet any standards required for 9313
a driver training instructor license, the director may extend 9314
the expiration date of the person's probationary license. Upon 9315
successful completion of the assessment and approval of the 9316
director, the director shall issue to the person a driver 9317

training instructor license. 9318

(E) (1) Whoever violates division (A) of this section is 9319
guilty of acting as a driver training instructor without a valid 9320
license, a misdemeanor of the first degree. 9321

(2) Whoever violates division (C) of this section may be 9322
charged with falsification under section 2921.13 of the Revised 9323
Code. 9324

Sec. 4511.76. (A) The department of public safety, by and 9325
with the advice of the superintendent of public instruction, 9326
shall adopt and enforce rules relating to the construction, 9327
design, and equipment, including lighting equipment required by 9328
section 4511.771 of the Revised Code, of all school buses both 9329
publicly and privately owned and operated in this state. 9330

(B) The department of education, by and with the advice of 9331
the director of public safety, shall adopt and enforce rules 9332
relating to the operation of all vehicles used for pupil 9333
transportation. 9334

(C) No person shall operate a vehicle used for pupil 9335
transportation within this state in violation of the rules of 9336
the department of education or the department of public safety. 9337
No person, being the owner thereof or having the supervisory 9338
responsibility therefor, shall permit the operation of a vehicle 9339
used for pupil transportation within this state in violation of 9340
the rules of the department of education or the department of 9341
public safety. 9342

(D) The department of public safety shall adopt and 9343
enforce rules relating to the issuance of a license under 9344
section 4511.763 of the Revised Code. The rules may relate to 9345
~~the moral character of the applicant;~~ the condition of the 9346

equipment to be operated; the liability and property damage 9347
insurance carried by the applicant; the posting of satisfactory 9348
and sufficient bond; and such other rules as the director of 9349
public safety determines reasonably necessary for the safety of 9350
the pupils to be transported. 9351

(E) A chartered nonpublic school may own and operate, or 9352
contract with a vendor that supplies, a vehicle originally 9353
designed for not more than nine passengers, not including the 9354
driver, to transport students to and from regularly scheduled 9355
school sessions when one of the following applies: 9356

(1) A student's school district of residence has declared 9357
the transportation of the student impractical pursuant to 9358
section 3327.02 of the Revised Code; or 9359

(2) A student does not live within thirty minutes of the 9360
chartered nonpublic school and the student's school district is 9361
not required to transport the student under section 3327.01 of 9362
the Revised Code. 9363

(F) As used in this section, "vehicle used for pupil 9364
transportation" means any vehicle that is identified as such by 9365
the department of education by rule and that is subject to 9366
Chapter 3301-83 of the Administrative Code. 9367

(G) Except as otherwise provided in this division, whoever 9368
violates this section is guilty of a minor misdemeanor. If the 9369
offender previously has been convicted of or pleaded guilty to 9370
one or more violations of this section or section 4511.63, 9371
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 9372
Code or a municipal ordinance that is substantially similar to 9373
any of those sections, whoever violates this section is guilty 9374
of a misdemeanor of the fourth degree. 9375

Sec. 4513.34. (A) (1) The director of transportation with 9376
respect to all highways that are a part of the state highway 9377
system and local authorities with respect to highways under 9378
their jurisdiction, upon application in writing, shall issue a 9379
special regional heavy hauling permit authorizing the applicant 9380
to operate or move a vehicle or combination of vehicles as 9381
follows: 9382

(a) At a size or weight of vehicle or load exceeding the 9383
maximum specified in sections 5577.01 to 5577.09 of the Revised 9384
Code, or otherwise not in conformity with sections 4513.01 to 9385
4513.37 of the Revised Code; 9386

(b) Upon any highway under the jurisdiction of the 9387
authority granting the permit except those highways with a 9388
condition insufficient to bear the weight of the vehicle or 9389
combination of vehicles as stated in the application. 9390

Issuance of a special regional heavy hauling permit is 9391
subject to the payment of a fee established by the director or 9392
local authority in accordance with this section. 9393

(2) In circumstances where a person is not eligible to 9394
receive a permit under division (A) (1) of this section, the 9395
director of transportation with respect to all highways that are 9396
a part of the state highway system and local authorities with 9397
respect to highways under their jurisdiction, upon application 9398
in writing and for good cause shown, may issue a special permit 9399
in writing authorizing the applicant to operate or move a 9400
vehicle or combination of vehicles of a size or weight of 9401
vehicle or load exceeding the maximum specified in sections 9402
5577.01 to 5577.09 of the Revised Code, or otherwise not in 9403
conformity with sections 4513.01 to 4513.37 of the Revised Code, 9404
upon any highway under the jurisdiction of the authority 9405

granting the permit. 9406

(3) For purposes of this section, the director may 9407
designate certain state highways or portions of state highways 9408
as special economic development highways. If an application 9409
submitted to the director under this section involves travel of 9410
a nonconforming vehicle or combination of vehicles upon a 9411
special economic development highway, the director, in 9412
determining whether good cause has been shown that issuance of a 9413
permit is justified, shall consider the effect the travel of the 9414
vehicle or combination of vehicles will have on the economic 9415
development in the area in which the designated highway or 9416
portion of highway is located. 9417

(B) Notwithstanding sections 715.22 and 723.01 of the 9418
Revised Code, the holder of a permit issued by the director 9419
under this section may move the vehicle or combination of 9420
vehicles described in the permit on any highway that is a part 9421
of the state highway system when the movement is partly within 9422
and partly without the corporate limits of a municipal 9423
corporation. No local authority shall require any other permit 9424
or license or charge any license fee or other charge against the 9425
holder of a permit for the movement of a vehicle or combination 9426
of vehicles on any highway that is a part of the state highway 9427
system. The director shall not require the holder of a permit 9428
issued by a local authority to obtain a special permit for the 9429
movement of vehicles or combination of vehicles on highways 9430
within the jurisdiction of the local authority. Permits may be 9431
issued for any period of time not to exceed one year, as the 9432
director in the director's discretion or a local authority in 9433
its discretion determines advisable, or for the duration of any 9434
public construction project. 9435

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

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

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

(D) The director or a local authority shall issue a special regional heavy hauling permit under division (A) (1) of this section upon application and payment of the applicable fee. However, the director or local authority may issue or withhold a special permit specified in division (A) (2) of this section. If

a permit is to be issued, the director or local authority may 9466
limit or prescribe conditions of operation for the vehicle and 9467
may require the posting of a bond or other security conditioned 9468
upon the sufficiency of the permit fee to compensate for damage 9469
caused to the roadway or a street or highway structure. In 9470
addition, a local authority, as a condition of issuance of an 9471
overweight permit, may require the applicant to develop and 9472
enter into a mutual agreement with the local authority to 9473
compensate for or to repair excess damage caused to the roadway 9474
by travel under the permit. 9475

For a permit that will allow travel of a nonconforming 9476
vehicle or combination of vehicles on a special economic 9477
development highway, the director, as a condition of issuance, 9478
may require the applicant to agree to make periodic payments to 9479
the department to compensate for damage caused to the roadway by 9480
travel under the permit. 9481

(E) Every permit issued under this section shall be 9482
carried in the vehicle or combination of vehicles to which it 9483
refers and shall be open to inspection by any police officer or 9484
authorized agent of any authority granting the permit. No person 9485
shall violate any of the terms of a permit. 9486

(F) The director may debar an applicant from applying for 9487
a permit under this section upon a finding based on a reasonable 9488
belief that the applicant has done any of the following: 9489

(1) Abused the process by repeatedly submitting false 9490
information or false travel plans or by using another company or 9491
individual's name, insurance, or escrow account without proper 9492
authorization; 9493

(2) Failed to comply with or substantially perform under a 9494

previously issued permit according to its terms, conditions, and specifications within specified time limits;	9495 9496
(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;	9497 9498 9499 9500 9501
(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;	9502 9503 9504 9505
(5) Attempted to influence a public employee to breach ethical conduct standards;	9506 9507
(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 driver's license <u>disqualifying offense as determined under section 9.79 of the Revised Code;</u>	9508 9509 9510 9511 9512 9513 9514
(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;	9515 9516 9517
(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;	9518 9519 9520
(9) Failed to pay any fees associated with any permitted operation or move;	9521 9522

(10) Deliberately or willfully submitted false or 9523
misleading information in connection with the application for, 9524
or performance under, a permit issued under this section. 9525

If the applicant is a partnership, association, or 9526
corporation, the director also may debar from consideration for 9527
permits any partner of the partnership, or the officers, 9528
directors, or employees of the association or corporation being 9529
debarred. 9530

The director may adopt rules in accordance with Chapter 9531
119. of the Revised Code governing the debarment of an 9532
applicant. 9533

(G) When the director reasonably believes that grounds for 9534
debarment exist, the director shall send the person that is 9535
subject to debarment a notice of the proposed debarment. A 9536
notice of proposed debarment shall indicate the grounds for the 9537
debarment of the person and the procedure for requesting a 9538
hearing. The notice and hearing shall be in accordance with 9539
Chapter 119. of the Revised Code. If the person does not respond 9540
with a request for a hearing in the manner specified in that 9541
chapter, the director shall issue the debarment decision without 9542
a hearing and shall notify the person of the decision by 9543
certified mail, return receipt requested. The debarment period 9544
may be of any length determined by the director, and the 9545
director may modify or rescind the debarment at any time. During 9546
the period of debarment, the director shall not issue, or 9547
consider issuing, a permit under this section to any 9548
partnership, association, or corporation that is affiliated with 9549
a debarred person. After the debarment period expires, the 9550
person, and any partnership, association, or corporation 9551
affiliated with the person, may reapply for a permit. 9552

(H) (1) No person shall violate the terms of a permit 9553
issued under this section that relate to gross load limits. 9554

(2) No person shall violate the terms of a permit issued 9555
under this section that relate to axle load by more than two 9556
thousand pounds per axle or group of axles. 9557

(3) No person shall violate the terms of a permit issued 9558
under this section that relate to an approved route except upon 9559
order of a law enforcement officer or authorized agent of the 9560
issuing authority. 9561

(I) Whoever violates division (H) of this section shall be 9562
punished as provided in section 4513.99 of the Revised Code. 9563

(J) A permit issued by the department of transportation or 9564
a local authority under this section for the operation of a 9565
vehicle or combination of vehicles is valid for the purposes of 9566
the vehicle operation in accordance with the conditions and 9567
limitations specified on the permit. Such a permit is voidable 9568
by law enforcement only for operation of a vehicle or 9569
combination of vehicles in violation of the weight, dimension, 9570
or route provisions of the permit. However, a permit is not 9571
voidable for operation in violation of a route provision of a 9572
permit if the operation is upon the order of a law enforcement 9573
officer. 9574

Sec. 4517.04. Each person applying for a new motor vehicle 9575
dealer's license shall biennially make out and deliver to the 9576
registrar of motor vehicles, before the first day of April, and 9577
upon a blank to be furnished by the registrar for that purpose, 9578
a separate application for license for each county in which the 9579
business of selling new motor vehicles is to be conducted. The 9580
application shall be in the form prescribed by the registrar, 9581

shall be signed and sworn to by the applicant, and, in addition 9582
to any other information required by the registrar, shall 9583
include the following: 9584

(A) Name of applicant and location of principal place of 9585
business; 9586

(B) Name or style under which business is to be conducted 9587
and, if a corporation, the state of incorporation; 9588

(C) Name and address of each owner or partner and, if a 9589
corporation, the names of the officers and directors; 9590

(D) The county in which the business is to be conducted 9591
and the address of each place of business therein; 9592

(E) A statement of the previous history, record, and 9593
association of the applicant and of each owner, partner, 9594
officer, and director, that shall be sufficient to establish to 9595
the satisfaction of the registrar the reputation in business of 9596
the applicant; 9597

(F) A statement showing whether the applicant has 9598
previously applied for a motor vehicle dealer's license, motor 9599
vehicle leasing dealer's license, distributor's license, motor 9600
vehicle auction owner's license, or motor vehicle salesperson's 9601
license, and the result of the application, and whether the 9602
applicant has ever been the holder of any such license that was 9603
revoked or suspended; 9604

(G) If the applicant is a corporation or partnership, a 9605
statement showing whether any partner, employee, officer, or 9606
director has been refused a motor vehicle dealer's license, 9607
motor vehicle leasing dealer's license, distributor's license, 9608
motor vehicle auction owner's license, or motor vehicle 9609
salesperson's license, or has been the holder of any such 9610

license that was revoked or suspended; 9611

(H) A statement of the makes of new motor vehicles to be 9612
handled. 9613

The statement required by division (E) of this section 9614
shall indicate whether the applicant or, if applicable, any of 9615
the applicant's owners, partners, officers, or directors, 9616
individually, or as owner, partner, officer, or director of a 9617
business entity, has been convicted of, pleaded guilty, or 9618
pleaded no contest, in a criminal action, a disqualifying 9619
offense as determined under section 9.79 of the Revised Code, or 9620
had a judgment rendered against the person in a civil action 9621
for a violation of sections 4549.41 to 4549.46 of the Revised 9622
Code, of any substantively comparable provisions of the law of 9623
any other state, or of subchapter IV of the "Motor Vehicle 9624
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 9625
U.S.C. 1981. 9626

A true copy of the contract, agreement, or understanding 9627
the applicant has entered into or is about to enter into with 9628
the manufacturer or distributor of the new motor vehicles the 9629
applicant will handle shall be filed with the application. If 9630
the contract, agreement, or understanding is not in writing, a 9631
written statement of all the terms thereof shall be filed. Each 9632
such copy or statement shall bear a certificate signed by each 9633
party to the contract, agreement, or understanding, to the 9634
effect that the copy or statement is true and complete and 9635
contains all of the agreements made or about to be made between 9636
the parties. 9637

The application also shall be accompanied by a photograph, 9638
as prescribed by the registrar, of each place of business 9639
operated, or to be operated, by the applicant. 9640

Sec. 4517.09. Each person applying for a salesperson's 9641
license shall biennially make out and deliver to the registrar 9642
of motor vehicles, before the first day of July and upon a blank 9643
to be furnished by the registrar for that purpose, an 9644
application for license. The application shall be in the form 9645
prescribed by the registrar, shall be signed and sworn to by the 9646
applicant, and, in addition to any other information required by 9647
the registrar, shall include the following: 9648

(A) Name and post-office address of the applicant; 9649

(B) Name and post-office address of the motor vehicle 9650
dealer for whom the applicant intends to act as salesperson; 9651

(C) A statement of the applicant's previous history, 9652
record, and association, that shall be sufficient to establish 9653
to the satisfaction of the registrar the applicant's reputation 9654
in business; 9655

(D) A statement as to whether the applicant intends to 9656
engage in any occupation or business other than that of a motor 9657
vehicle salesperson; 9658

(E) A statement as to whether the applicant has ever had 9659
any previous application refused, and whether the applicant has 9660
previously had a license revoked or suspended; 9661

(F) A statement as to whether the applicant was an 9662
employee of or salesperson for a dealer whose license was 9663
suspended or revoked; 9664

(G) A statement of the motor vehicle dealer named therein, 9665
designating the applicant as the dealer's salesperson. 9666

The statement required by division (C) of this section 9667
shall indicate whether the applicant individually, or as an 9668

owner, partner, officer, or director of a business entity, has 9669
been convicted of, or pleaded guilty to, in a criminal action, a 9670
disqualifying offense as determined under section 9.79 of the 9671
Revised Code, or had a judgment rendered against the applicant 9672
in a civil action for a violation of sections 4549.41 to 9673
4549.46 of the Revised Code, of any substantively comparable 9674
provisions of the law of any other state, or of subchapter IV of 9675
the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 9676
961 (1972), 15 U.S.C. 1981. 9677

Sec. 4517.12. (A) The registrar of motor vehicles shall 9678
deny the application of any person for a license as a motor 9679
vehicle dealer, motor vehicle leasing dealer, or motor vehicle 9680
auction owner and refuse to issue the license if the registrar 9681
finds that the applicant: 9682

(1) Has made any false statement of a material fact in the 9683
application; 9684

(2) Has not complied with sections 4517.01 to 4517.45 of 9685
the Revised Code; 9686

(3) Is of bad business repute or has habitually defaulted 9687
on financial obligations; 9688

(4) Is engaged or will engage in the business of selling 9689
at retail any new motor vehicles without having written 9690
authority from the manufacturer or distributor thereof to sell 9691
new motor vehicles and to perform repairs under the terms of the 9692
manufacturer's or distributor's new motor vehicle warranty, 9693
except as provided in division (C) of this section and except 9694
that a person who assembles or installs special equipment or 9695
accessories for handicapped persons, as defined in section 9696
4503.44 of the Revised Code, upon a motor vehicle chassis 9697

supplied by a manufacturer or distributor shall not be denied a 9698
license pursuant to division (A) (4) of this section; 9699

(5) Has been ~~guilty convicted~~ of a ~~fraudulent act~~ 9700
disqualifying offense as determined in connection accordance 9701
~~with selling or otherwise dealing in, or leasing, motor~~ 9702
~~vehicles, or in connection with brokering manufactured homes~~ 9703
section 9.79 of the Revised Code; 9704

(6) Has entered into or is about to enter into a contract 9705
or agreement with a manufacturer or distributor of motor 9706
vehicles that is contrary to sections 4517.01 to 4517.45 of the 9707
Revised Code; 9708

(7) Is insolvent; 9709

(8) Is of insufficient responsibility to ensure the prompt 9710
payment of any final judgments that might reasonably be entered 9711
against the applicant because of the transaction of business as 9712
a motor vehicle dealer, motor vehicle leasing dealer, or motor 9713
vehicle auction owner during the period of the license applied 9714
for, or has failed to satisfy any such judgment; 9715

(9) Has no established place of business that, where 9716
applicable, is used or will be used for the purpose of selling, 9717
displaying, offering for sale, dealing in, or leasing motor 9718
vehicles at the location for which application is made; 9719

(10) Has, less than twelve months prior to making 9720
application, been denied a motor vehicle dealer's, motor vehicle 9721
leasing dealer's, or motor vehicle auction owner's license, or 9722
has any such license revoked; 9723

(11) Is a manufacturer, or a parent company, subsidiary, 9724
or affiliated entity of a manufacturer, applying for a license 9725
to sell or lease new or used motor vehicles at retail. Division 9726

(A) (11) of this section shall not serve as a basis for the 9727
termination, revocation, or nonrenewal of a license granted 9728
prior to ~~the effective date of this amendment~~ September 4, 2014. 9729
Nothing in division (A) (11) of this section shall prohibit a 9730
manufacturer from doing either of the following: 9731

(a) Owning, operating, or controlling not more than three 9732
licensed motor vehicle dealerships if, as of January 1, 2014, 9733
the manufacturer was selling or otherwise distributing its motor 9734
vehicles at an established place of business in this state. Such 9735
ownership, operation, or control may continue unless the 9736
manufacturer's motor vehicle operations are sold or acquired or 9737
the manufacturer produces any motor vehicles other than all- 9738
electric motor vehicles. 9739

(b) Disposing of motor vehicles at wholesale at the 9740
termination of a consumer lease through a motor vehicle auction. 9741

(B) If the applicant is a corporation or partnership, the 9742
registrar may refuse to issue a license if any officer, 9743
director, or partner of the applicant has been guilty of any act 9744
or omission that would be cause for refusing or revoking a 9745
license issued to such officer, director, or partner as an 9746
individual. The registrar's finding may be based upon facts 9747
contained in the application or upon any other information the 9748
registrar may have. Immediately upon denying an application for 9749
any of the reasons in this section, the registrar shall enter a 9750
final order together with the registrar's findings and certify 9751
the same to the motor vehicle dealers' and salespersons' 9752
licensing board. 9753

(C) Notwithstanding division (A) (4) of this section, the 9754
registrar shall not deny the application of any person and 9755
refuse to issue a license if the registrar finds that the 9756

applicant is engaged or will engage in the business of selling 9757
at retail any new motor vehicles and demonstrates all of the 9758
following in the form prescribed by the registrar: 9759

(1) That the applicant has posted a bond, surety, or 9760
certificate of deposit with the registrar in an amount not less 9761
than one hundred thousand dollars for the protection and benefit 9762
of the applicant's customers except that a new motor vehicle 9763
dealer who is not exclusively engaged in the business of selling 9764
remanufactured vehicles shall not be required to post the bond, 9765
surety, or certificate of deposit otherwise required by division 9766
(C) (1) of this section; 9767

(2) That, at the time of the sale of the vehicle, each 9768
customer of the applicant will be furnished with a warranty 9769
issued by the remanufacturer for a term of at least one year; 9770

(3) That the applicant provides and maintains at the 9771
applicant's location and place of business a permanent facility 9772
with all of the following: 9773

(a) A showroom with space, under roof, for the display of 9774
at least one new motor vehicle; 9775

(b) A service and parts facility for remanufactured 9776
vehicles; 9777

(c) Full-time service and parts personnel with the proper 9778
training and technical expertise to service the remanufactured 9779
vehicles sold by the applicant. 9780

Sec. 4517.13. The registrar of motor vehicles shall deny 9781
the application of any person for a license as a distributor and 9782
refuse to issue the license if the registrar finds that the 9783
applicant: 9784

(A) Has made any false statement of a material fact in the application;	9785
	9786
(B) Has not complied with sections 4517.01 to 4517.45 of the Revised Code;	9787
	9788
(C) Is of bad business repute or has habitually defaulted on financial obligations;	9789
	9790
(D) Is engaged or will engage in the business of distributing any new motor vehicle without having the authority of a contract with the manufacturer of the vehicle;	9791
	9792
	9793
(E) Has been guilty convicted of a fraudulent act <u>disqualifying offense as determined in connection accordance</u> with selling or otherwise dealing in motor vehicles <u>section 9.79</u> of the Revised Code;	9794
	9795
	9796
	9797
(F) Has entered into or is about to enter into a contract or agreement with a manufacturer of motor vehicles that is contrary to sections 4517.01 to 4517.45 of the Revised Code;	9798
	9799
	9800
(G) Is insolvent;	9801
(H) Is of insufficient responsibility to ensure the prompt payment of any financial judgment that might reasonably be entered against the applicant because of the transaction of business as a distributor during the period of the license applied for, or has failed to satisfy any such judgment;	9802
	9803
	9804
	9805
	9806
(I) Has no established place of business that, where applicable, is used or will be used exclusively for the purpose of distributing new motor vehicles at the location for which application is made;	9807
	9808
	9809
	9810
(J) Has, less than twelve months prior to making application, been denied a distributor's, motor vehicle	9811
	9812

dealer's, motor vehicle leasing dealer's, or motor vehicle 9813
auction owner's license, or had any such license revoked. 9814

If the applicant is a corporation or partnership, the 9815
registrar may refuse to issue a license if any officer, 9816
director, employee, or partner of the applicant has been guilty 9817
of any act or omission that would be cause for refusing or 9818
revoking a license issued to such officer, director, employee, 9819
or partner as an individual. The registrar's finding may be 9820
based upon facts contained in the application or upon any other 9821
information the registrar may have. Immediately upon denying an 9822
application for any of the reasons in this section, the 9823
registrar shall enter a final order together with the 9824
registrar's findings and certify the same to the motor vehicle 9825
dealers board. 9826

Sec. 4517.14. The registrar of motor vehicles shall deny 9827
the application of any person for a license as a salesperson and 9828
refuse to issue the license if the registrar finds that the 9829
applicant: 9830

(A) Has made any false statement of a material fact in the 9831
application; 9832

(B) Has not complied with sections 4517.01 to 4517.45 of 9833
the Revised Code; 9834

(C) Is of bad business reput e or has habitually defaulted 9835
on financial obligations; 9836

(D) Has been ~~guilty-convicted~~ of a ~~fraudulent act-~~ 9837
disqualifying offense as determined in connection accordance 9838
with selling or otherwise dealing in motor vehiclessection 9.79 9839
of the Revised Code; 9840

(E) Has not been designated to act as salesperson for a 9841

motor vehicle dealer licensed to do business in this state under 9842
section 4517.10 of the Revised Code, or intends to act as 9843
salesperson for more than one licensed motor vehicle dealer at 9844
the same time, except that a licensed salesperson may act as a 9845
salesperson at any licensed dealership owned or operated by the 9846
same company, regardless of the county in which the dealership's 9847
facility is located; 9848

(F) Holds a current motor vehicle dealer's license issued 9849
under section 4517.10 of the Revised Code, and intends to act as 9850
salesperson for another licensed motor vehicle dealer; 9851

(G) Has, less than twelve months prior to making 9852
application, been denied a salesperson's license or had a 9853
salesperson's license revoked. 9854

The registrar may refuse to issue a salesperson's license 9855
to an applicant who was salesperson for, or in the employ of, a 9856
motor vehicle dealer at the time the dealer's license was 9857
revoked. The registrar's finding may be based upon any statement 9858
contained in the application or upon any facts within the 9859
registrar's knowledge, and, immediately upon refusing to issue a 9860
salesperson's license, the registrar shall enter a final order 9861
and shall certify the final order together with his findings to 9862
the motor vehicle dealers board. 9863

Sec. 4517.171. (A) The registrar of motor vehicles shall, 9864
except as provided in division (B) of this section, deny the 9865
application of any person for a construction equipment auction 9866
license or may revoke a license previously issued if the 9867
registrar finds that the person: 9868

(1) Is not eligible for the license pursuant to section 9869
4517.16 of the Revised Code; 9870

(2) Has made any false statement of a material fact in the application;	9871 9872
(3) Is of bad business repute or has habitually defaulted on financial obligations;	9873 9874
(4) Has been guilty of a fraudulent act in connection with selling or otherwise dealing in auctions, vehicles, or equipment;	9875 9876 9877
(5) Is insolvent;	9878
(6) Is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of the construction equipment auction business during the period of the license applied for, or has failed to satisfy any such judgment.	9879 9880 9881 9882 9883
<u>(B) The registrar shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	9884 9885 9886 9887
<u>(C) Any person who has been denied a license or has had a license revoked under this section may appeal from the action of the registrar to the motor vehicle dealers board in the manner provided in section 4517.33 of the Revised Code.</u>	9888 9889 9890 9891
Sec. 4701.01. As used in this chapter:	9892
(A) "Practice of public accounting" means performing or offering to perform any engagement that will result in the issuance of an attest report and, with respect to a person who holds a CPA certificate, PA registration, foreign certificate, or firm registration, any other services involving the use of accounting or auditing skills as established by rules adopted by	9893 9894 9895 9896 9897 9898

the accountancy board. 9899

(B) "Public accounting firm" means a sole proprietorship, 9900
a partnership, a limited liability company, a professional 9901
association, a corporation-for-profit, or any other business 9902
organization that is engaged in the practice of public 9903
accounting in this state. 9904

(C) "Opinion report" means any opinion on a financial 9905
statement that is expressed in accordance with generally 9906
accepted auditing standards as to the fairness of presentation 9907
of information and that is used for guidance in financial 9908
transactions, for accounting, or for assessing the status or 9909
performance of commercial and noncommercial enterprises, whether 9910
public, private, or governmental. 9911

(D) "Peer review" means a study, appraisal, or review of 9912
one or more aspects of the professional work of a public 9913
accounting firm that meets the standards and requirements set 9914
forth by the accountancy board. 9915

(E) "Review report" means either of the following: 9916

(1) Any review report on a financial statement that is 9917
issued with respect to any of the following: 9918

(a) Interim financial information in accordance with 9919
generally accepted auditing standards; 9920

(b) The financial information of a nonpublic entity in 9921
accordance with statements on standards for accounting and 9922
review services; 9923

(c) The reliability of another party's written assertion 9924
in accordance with statements on standards for attestation 9925
engagements. 9926

(2) Any other review report on a financial statement that 9927
is not described in division (E) (1) of this section and that is 9928
issued in accordance with standards promulgated by the American 9929
institute of certified public accountants. 9930

(F) "Compilation report" means any compilation report on a 9931
financial statement that is issued with respect to financial 9932
information of a nonpublic entity in accordance with statements 9933
on standards for accounting and review services as promulgated 9934
by the American institute of certified public accountants. 9935

(G) "Examination report" means any examination report on a 9936
financial statement that is issued with respect to another 9937
party's written assertion in accordance with statements on 9938
standards for attestation engagements as promulgated by the 9939
American institute of certified public accountants. 9940

(H) "Agreed-upon procedures report" means any report that 9941
is on a financial statement and that is based on agreed-upon 9942
procedures issued with respect to another party's written 9943
assertion in accordance with statements on standards for 9944
attestation engagements as promulgated by the American institute 9945
of certified public accountants. 9946

(I) "Qualified firm" means a sole proprietorship, 9947
partnership, professional association, corporation-for-profit, 9948
limited liability company, or other business organization in 9949
which the individuals who own a majority of the business 9950
organization interests in the business organization and control 9951
the business organization hold an Ohio permit or a foreign 9952
certificate. 9953

(J) "Own" means any direct or indirect ownership of an 9954
equity interest in a public accounting firm or qualified firm. 9955

(K) "Control" or "controlled" means the right to exercise 9956
the majority of the voting equity interests in a public 9957
accounting firm or qualified firm with respect to any matter. 9958

(L) "Equity interest" means any capital interest or profit 9959
interest in a sole proprietorship, partnership, professional 9960
association, corporation-for-profit, limited liability company, 9961
or other business organization. 9962

(M) "Ohio permit" means a permit to practice public 9963
accounting issued under division (A) of section 4701.10 of the 9964
Revised Code that is not revoked or suspended. 9965

(N) "Ohio registration" means the registration under 9966
division (B) of section 4701.10 of the Revised Code of a holder 9967
of a CPA certificate or PA registration who is not in the 9968
practice of public accounting in this state. 9969

(O) "Firm registration" or "registered firm" means 9970
registration as a public accounting firm under section 4701.04 9971
of the Revised Code. 9972

(P) "PA registration" means registration as a public 9973
accountant under section 4701.07 of the Revised Code that is not 9974
revoked or suspended. 9975

(Q) "CPA certificate" means a certificate issued under 9976
section 4701.06 or 4701.061 of the Revised Code that is not 9977
revoked or suspended. 9978

(R) "Foreign certificate" means a license, permit, 9979
certificate, or registration issued to a certified public 9980
accountant under the laws of another state that authorizes the 9981
holder to practice public accounting in that state, is valid, is 9982
in good standing, and has not expired. 9983

(S) "Attest report" means an opinion report, review 9984
report, compilation report, examination report, agreed-upon 9985
procedures report, or any similar report prepared in accordance 9986
with standards established by the American institute of 9987
certified public accountants with respect to a financial 9988
statement or other financial information. 9989

(T) "Person" means any individual, corporation-for-profit, 9990
business trust, estate, partnership, limited liability company, 9991
professional association, or other business organization. 9992

(U) Technical terms that define specific public accounting 9993
engagements have the same meanings as in the professional 9994
standards promulgated by the American institute of certified 9995
public accountants. 9996

~~(V) (1) "Good moral character" means the combination of 9997
personal traits of honesty, integrity, attention to duty, 9998
forthrightness, and self-restraint that enables a person to 9999
discharge the duties of the accounting profession fully and 10000
faithfully. 10001~~

~~(2) A history of dishonest acts or felonious acts or 10002
convictions is sufficient to prove lack of good moral character 10003
if that history demonstrates by a preponderance of the evidence 10004
that the person lacks one or more of the personal traits 10005
referred to in division (V) (1) of this section. A person who has 10006
a felony conviction related to one or more of those personal 10007
traits bears the burden of establishing the person's present 10008
good moral character, including the person's full and complete 10009
rehabilitation subsequent to the conviction. If less than one 10010
year has passed since the completion of the person's sentence on 10011
a felony conviction, including any period under a community 10012
control sanction or post-release control, the board may delay 10013~~

~~any determination of the person's good moral character until one-~~ 10014
~~year has passed from the time of the completion of that-~~ 10015
~~sentence.~~ 10016

~~(3) In determining whether a person who has a felony-~~ 10017
~~conviction has met the person's burden of proof described in-~~ 10018
~~division (V) (2) of this section, the accountancy board may-~~ 10019
~~consider the following factors:~~ 10020

~~(a) The person's path toward professional licensing-~~ 10021
~~following completion of the person's sentence;~~ 10022

~~(b) The nature and degree of the person's academic-~~ 10023
~~achievements;~~ 10024

~~(c) The nature and degree of the person's employment-~~ 10025
~~following completion of the person's sentence;~~ 10026

~~(d) The person's degree of self-sufficiency following-~~ 10027
~~completion of the person's sentence;~~ 10028

~~(e) The nature and degree of the person's other-~~ 10029
~~responsibilities following completion of the person's sentence;~~ 10030

~~(f) The person's conviction for any other criminal offense-~~ 10031
~~since completion of the person's sentence for the person's first-~~ 10032
~~felony conviction;~~ 10033

~~(g) Whether the person's application or presentation-~~ 10034
~~contains any inconsistencies or misleading explanations that-~~ 10035
~~convince the board that either the person or the person's-~~ 10036
~~attorney is trying to keep the board from acquiring a true,~~ 10037
~~though damaging, representation of the person's character;~~ 10038

~~(h) The nature and circumstances of the dishonest acts or-~~ 10039
~~felonious acts or convictions of the person;~~ 10040

~~(i) Any other specifically identifiable information that the board determines to be relevant to the person's ability to discharge the duties of the accounting profession fully and faithfully.~~

Sec. 4701.06. The accountancy board shall grant the certificate of "certified public accountant" to any person who satisfies the following requirements:

(A) The person is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state. The board may determine by rule circumstances under which the residency requirement may be waived.

(B) The person has attained the age of eighteen years.

~~(C) The person is of good moral character.~~

~~(D) The person meets the following requirements of education and experience:~~

(1) (a) Prior to January 1, 2000, graduation with a baccalaureate degree conferred by a college or university recognized by the board, with a concentration in accounting that includes related courses in other areas of business administration, or what the board determines to be substantially the equivalent of the foregoing;

(b) On and after January 1, 2000, graduation with a baccalaureate or higher degree that includes successful completion of one hundred fifty semester hours of undergraduate or graduate education. The board by rule shall specify graduate degrees that satisfy this requirement and also by rule shall require any subjects that it considers appropriate. The total educational program shall include an accounting concentration

with related courses in other areas of business administration, 10070
as defined by board rule. 10071

(2) (a) The experience requirement for candidates meeting 10072
the educational requirements set forth in division ~~(D)~~(C)(1) (a) 10073
or (b) of this section is one year of experience satisfactory to 10074
the board in any of the following: 10075

(i) A public accounting firm; 10076

(ii) Government; 10077

(iii) Business; 10078

(iv) Academia. 10079

(b) Except as provided in division ~~(D)~~(C)(2) (c) of this 10080
section, the experience requirement for any candidate who, on 10081
and after January 1, 2000, does not meet the educational 10082
requirement set forth in division ~~(D)~~(C)(1) (b) of this section 10083
is four years of experience described in division ~~(D)~~(C)(2) (a) 10084
of this section. The experience requirement for any candidate 10085
who, prior to January 1, 2000, does not meet the educational 10086
requirement set forth in division ~~(D)~~(C)(1) (a) of this section 10087
is two years of experience described in division ~~(D)~~(C)(2) (a) of 10088
this section. 10089

(c) On and after January 1, 2000, the experience 10090
requirement for any candidate who, subsequent to obtaining a 10091
baccalaureate or higher degree, other than a baccalaureate or 10092
higher degree described in division ~~(D)~~(C)(1) (b) of this 10093
section, successfully completes coursework that meets the 10094
educational requirement set forth in division ~~(D)~~(C)(1) (b) of 10095
this section is two years of experience described in division 10096
~~(D)~~(C)(2) (a) of this section. 10097

~~(E)~~ (D) The person has passed an examination that is 10098
administered in the manner and that covers the subjects that the 10099
board prescribes by rule. In adopting the relevant rules, the 10100
board shall ensure to the extent possible that the examination, 10101
the examination process, and the examination's passing standard 10102
are uniform with the examinations, examination processes, and 10103
examination passing standards of all other states and may 10104
provide for the use of all or parts of the uniform certified 10105
public accountant examination and advisory grading service of 10106
the American institute of certified public accountants. The 10107
board may contract with third parties to perform administrative 10108
services that relate to the examination and that the board 10109
determines are appropriate in order to assist the board in 10110
performing its duties in relation to the examination. 10111

None of the educational requirements specified in division 10112
~~(D)~~ (C) of this section apply to a candidate who has a PA 10113
registration, but the experience requirement for the candidate 10114
who does not meet those educational requirements is four years 10115
of the experience described in division ~~(D)~~ (C) (2) (a) of this 10116
section. 10117

~~Prior to January 1, 2000, the board shall waive the~~ 10118
~~educational requirement set forth in division (D) (1) (a) of this~~ 10119
~~section for any candidate if it finds that the candidate has~~ 10120
~~attained the equivalent education by attendance at a business~~ 10121
~~school, by self-study, or otherwise, and if it is satisfied from~~ 10122
~~the results of special examinations that the board gives the~~ 10123
~~candidate to test the candidate's educational qualifications~~ 10124
~~that the candidate is as well equipped, educationally, as if the~~ 10125
~~candidate met the applicable educational requirement specified~~ 10126
~~in division (D) (1) (a) of this section.~~ 10127

~~On and after January 1, 2000, the~~The board shall waive the 10128
educational requirement set forth in division ~~(D)~~(C) (1) (b) of 10129
this section for any candidate if the board finds that the 10130
candidate has obtained from an accredited college or university 10131
approved by the board, either an associate degree or a 10132
baccalaureate degree, other than a baccalaureate degree 10133
described in division ~~(D)~~(C) (1) (b) of this section, with a 10134
concentration in accounting that includes related courses in 10135
other areas of business administration, and if the board is 10136
satisfied from the results of special examinations that the 10137
board gives the candidate to test the candidate's educational 10138
qualification that the candidate is as well equipped, 10139
educationally, as if the candidate met the applicable 10140
educational requirement specified in division ~~(D)~~(C) (1) (b) of 10141
this section. 10142

The board shall provide by rule for the general scope of 10143
any special examinations for a waiver of the educational 10144
requirements under division ~~(D)~~(C) (1) (a) or (b) of this section 10145
and may obtain any advice and assistance that it considers 10146
appropriate to assist it in preparing and grading those special 10147
examinations. The board may use any existing examinations or may 10148
prepare any number of new examinations to assist in determining 10149
the equivalent training of a candidate. The board by rule shall 10150
prescribe any special examinations for a waiver of the 10151
educational requirements under division ~~(D)~~(C) (1) (a) or (b) of 10152
this section and the passing score required for each 10153
examination. 10154

The board shall hold the examination referred to in 10155
division ~~(E)~~(D) of this section and the special examinations 10156
for a waiver of the educational requirements under division ~~(D)~~ 10157
(C) (1) (a) or (b) of this section as often as the board 10158

determines to be desirable, but the examination referred to in 10159
division ~~(E)~~(D) of this section shall be held not less 10160
frequently than once each year. The board by rule may provide 10161
for granting credit to a candidate for satisfactory completion 10162
of an examination that a licensing authority of another state 10163
gave in one or more of the subjects referred to in division ~~(E)~~(D) 10164
(D) of this section. 10165

A candidate who has met the educational requirements, or 10166
with respect to whom they either do not apply or have been 10167
waived, is eligible to take the examination referred to in 10168
division ~~(E)~~(D) of this section without waiting until the 10169
candidate meets the experience requirements, provided the 10170
candidate also meets the ~~requirements~~requirement of divisions
division (A) and ~~(C)~~ of this section. 10171
10172

A candidate for the certificate of certified public 10173
accountant who has successfully completed the examination under 10174
division ~~(E)~~(D) of this section has no status as a certified 10175
public accountant, unless and until the candidate has the 10176
requisite experience and has received a certificate as a 10177
certified public accountant. The board shall determine and 10178
charge a fee for issuing the certificate that is adequate to 10179
cover the expense. 10180

The board by rule may prescribe the terms and conditions 10181
under which a candidate who passes part but not all of the 10182
examination may retake the examination. It also may provide by 10183
rule for a reasonable waiting period for a candidate's 10184
reexamination. 10185

The applicable educational and experience requirements 10186
under division ~~(D)~~(C) of this section shall be those in effect 10187
on the date on which the candidate first sits for the 10188

examination. 10189

The board shall charge a candidate a reasonable fee, to be 10190
determined by the board, that is adequate to cover all rentals, 10191
compensation for proctors, and other administrative expenses of 10192
the board related to examination or reexamination, including the 10193
expenses of procuring and grading the examination provided for 10194
in division ~~(E)~~(D) of this section and for any special 10195
examinations for a waiver of the educational requirements under 10196
division ~~(D)~~(C)(1) (a) or (b) of this section. Fees for 10197
reexamination under division ~~(E)~~(D) of this section shall be 10198
charged by the board in amounts determined by it. The applicable 10199
fees shall be paid by the candidate at the time the candidate 10200
applies for examination or reexamination. 10201

Any person who has received from the board a certificate 10202
as a certified public accountant and who holds an Ohio permit 10203
shall be styled and known as a "certified public accountant" and 10204
also may use the abbreviation "CPA." The board shall maintain a 10205
list of certified public accountants. Any certified public 10206
accountant also may be known as a "public accountant." 10207

Persons who, on the effective date of an amendment of this 10208
section, held certified public accountant certificates 10209
previously issued under the laws of this state shall not be 10210
required to obtain additional certificates under this section 10211
but shall otherwise be subject to all provisions of this 10212
section, and those previously issued certificates, for all 10213
purposes, shall be considered certificates issued under this 10214
section and subject to its provisions. 10215

The board may waive the examination under division ~~(E)~~(D) 10216
of this section and, upon payment of a fee determined by it, may 10217
issue a certificate as a "certified public accountant" to any 10218

person who possesses the qualifications specified in divisions 10219
(A) and (B) ~~and~~ (C) of this section and what the board 10220
determines to be substantially the equivalent of the applicable 10221
qualifications under division ~~(D)~~ (C) of this section and who is 10222
the holder of a certificate as a certified public accountant, 10223
then in full force and effect, issued under the laws of any 10224
state, or is the holder of a certificate, license, or degree in 10225
a foreign country that constitutes a recognized qualification 10226
for the practice of public accounting in that country, that is 10227
comparable to that of a certified public accountant of this 10228
state, and that is then in full force and effect. 10229

Sec. 4701.07. The accountancy board shall register as a 10230
public accountant any person who meets all the following 10231
requirements: 10232

(A) The person is a resident of this state or has a place 10233
of business in this state. 10234

(B) The person has attained the age of eighteen years. 10235

(C) ~~The person is of good moral character.~~ 10236

~~(D)~~ The person holds a baccalaureate or higher degree 10237
conferred by a college or university recognized by the board, 10238
with a concentration in accounting, or with what the board 10239
determines to be substantially the equivalent of the foregoing; 10240
or with a nonaccounting concentration supplemented by what the 10241
board determines to be substantially the equivalent of an 10242
accounting concentration, including related courses in other 10243
areas of business administration. 10244

The board may waive the educational requirement for any 10245
candidate if it finds that the candidate has attained the 10246
equivalent education by attendance at a business school or two- 10247

year college, by self-study, or otherwise, and if it is 10248
satisfied from the result of a special written examination that 10249
the board gives the candidate to test the candidate's 10250
educational qualifications that the candidate is as well 10251
equipped, educationally, as if the candidate met the applicable 10252
educational requirement specified in this division. The board 10253
may provide by rule for the general scope of these examinations 10254
and may obtain any advice and assistance that it considers 10255
appropriate to assist it in preparing and grading the special 10256
examinations. The board may use any existing examinations or may 10257
prepare any number of new examinations to assist it in 10258
determining the equivalent training of a candidate. The board by 10259
rule may prescribe the special examinations and the passing 10260
score required for each examination. 10261

~~(E)~~ (D) The person has completed two years of public 10262
accounting experience, satisfactory to the board, in any state 10263
in practice as a public accountant or in any state in employment 10264
as a staff accountant by anyone practicing public accounting, or 10265
other experience in private or governmental accounting that, in 10266
the opinion of the board, will be the equivalent of that public 10267
accounting practice, or any combination of those types of 10268
experience, except that the experience requirement is only one 10269
year of the experience described in this division for any 10270
candidate holding a master's degree in accounting or business 10271
administration from a college or university recognized by the 10272
board, if the candidate has satisfactorily completed the number 10273
of credit hours in accounting, business administration, 10274
economics, and any related subjects that the board determines to 10275
be appropriate and if either of the following applies: 10276

(1) The person has passed the uniform national society of 10277
public accountants examination or a comparable examination 10278

approved by the public accountant members of the accountancy board. 10279
10280

(2) The person has passed the accounting practice and auditing sections of the uniform CPA examination. 10281
10282

The examination described in division ~~(E)~~(D)(1) of this section shall be held by the board and shall take place as often as the board determines but shall not be held less frequently than once each year. The board shall charge a candidate an application fee, to be determined by the board, that is adequate to cover all rentals, compensation for proctors, and other expenses of the board related to examination or reexamination except the expenses of procuring and grading the examination. In addition, the board shall charge the candidate an examination fee to be determined by the board, that is adequate to cover the expense of procuring and grading the examination. Fees for reexamination under division ~~(E)~~(D) of this section also shall be charged by the board in amounts determined by it to be adequate to cover the expenses of procuring and grading the examinations. The applicable fees shall be paid by the candidate at the time the candidate applies for examination or reexamination. 10283
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~~(F)~~(E) The person applied, on or before April 16, 1993, for registration as a public accountant. 10300
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The board shall determine and charge a fee for registration under this section that is adequate to cover the expense. 10302
10303
10304

The board in each case shall determine whether the applicant is eligible for registration. Any individual who is so registered and who holds an Ohio permit shall be styled and 10305
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10307

known as a "public accountant" and may use the abbreviation 10308
"PA." 10309

A person who, on the effective date of an amendment of 10310
this section, holds a valid registration as a public accountant 10311
issued under the laws of this state shall not be required to 10312
obtain additional registration under this section but shall 10313
otherwise be subject to all provisions of this section. That 10314
registration, for all purposes, shall be considered a 10315
registration issued under this section and subject to its 10316
provisions. 10317

Sec. 4701.08. (A) As used in this section, "license" and 10318
"applicant for an initial license" have the same meanings as in 10319
section 4776.01 of the Revised Code, except that "license" as 10320
used in both of those terms refers to the types of 10321
authorizations otherwise issued or conferred under this chapter. 10322

(B) In addition to any other eligibility requirement set 10323
forth in this chapter, each applicant for an initial license 10324
shall comply with sections 4776.01 to 4776.04 of the Revised 10325
Code. The accountancy board shall not grant a license to an 10326
applicant for an initial license unless the applicant complies 10327
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 10328
~~board, in its discretion, decides that the results of the~~ 10329
~~criminal records check do not make the applicant ineligible for~~ 10330
~~a license issued pursuant to section 4701.06, 4701.061, 4701.07,~~ 10331
~~4701.09, or 4701.10 of the Revised Code.~~ 10332

Sec. 4701.09. The accountancy board may, in its 10333
discretion, upon the payment of a fee not to exceed seventy-five 10334
dollars, permit the registration of any person ~~of good moral~~ 10335
~~character~~ who is the holder of a certificate, license, or degree 10336
in a foreign country constituting a recognized qualification for 10337

the practice of public accounting in such country. A person so 10338
registered shall use only the title under which ~~he~~ the person is 10339
generally known in ~~his~~ the person's own country, followed by the 10340
name of the country from which ~~he~~ the person received ~~his~~ the 10341
person's certificate, license, or degree. 10342

Sec. 4701.17. Upon application in writing and after 10343
hearing pursuant to notice, the accountancy board may reissue or 10344
reinstate a certificate to a certified public accountant whose 10345
certificate has been revoked or suspended or reregister anyone 10346
whose registration has been revoked or suspended. 10347

The board may require a reasonable waiting period, 10348
commensurate with the offense, before a certificate holder or 10349
registrant whose certificate or registration has been revoked or 10350
suspended may apply to have the certificate or registration 10351
reissued or reinstated. The board may require compliance with 10352
any or all requirements of section 4701.06 of the Revised Code, 10353
including the taking of any examination described in division 10354
~~(E)~~ (D) of that section as a prerequisite for recertification. 10355
The board may require compliance with any or all of the 10356
requirements of section 4701.07 of the Revised Code, including 10357
the taking of any examination described in division ~~(E)~~ (D) of 10358
that section as a prerequisite for reregistration. 10359

Sec. 4703.07. Unless certified and registered pursuant to 10360
rules adopted under section 4703.08 of the Revised Code, an 10361
applicant for a certificate of qualification to practice 10362
architecture shall: 10363

(A) Be at least eighteen years of age; 10364

(B) ~~Be of good moral character;~~ 10365

~~(C)~~ Submit satisfactory evidence of having obtained a 10366

professional degree in architecture from a school having a 10367
program accredited by the national accrediting board recognized 10368
by the architects board or other equivalent architectural 10369
education as is recognized by the architects board; 10370

~~(D)~~ (C) Complete the requirements for training under an 10371
internship program established or adopted by the architects 10372
board, including, but not limited to, design and construction 10373
documents, construction administration and office management, or 10374
equivalent experience acceptable to the board; 10375

~~(E)~~ (D) Pass an examination as prescribed by the board. 10376

Sec. 4703.10. If the applicant passes the examination 10377
under section 4703.09 of the Revised Code or in lieu of the 10378
examination is, in the opinion of the architects board, eligible 10379
to register as an architect pursuant to rules adopted under 10380
section 4703.08 of the Revised Code, ~~and in addition has proven-~~ 10381
~~self to be of good moral character,~~ the applicant is eligible to 10382
receive from the board a certificate of qualification to 10383
practice architecture. The certificate shall be signed by the 10384
president and secretary of the board and shall bear the name of 10385
the successful applicant, the serial number of the certificate, 10386
the seal of the board, and the words, "admitted to practice 10387
architecture in the state of Ohio, the ____ day of _____, 10388
____" 10389

If the applicant fails the examination under section 10390
4703.09 of the Revised Code, the board may refuse to issue a 10391
certificate of qualification to practice architecture. 10392

Sec. 4703.34. (A) Any individual desiring to be registered 10393
as a landscape architect may apply in writing to the Ohio 10394
landscape architects board in the manner prescribed by the 10395

board. 10396

(B) Except as provided in section 4703.35 of the Revised 10397
Code, each application shall include, or be accompanied by, 10398
evidence given under oath or affirmation and satisfactory to the 10399
board that the applicant possesses the qualifications prescribed 10400
by division (C) of this section and also possesses, or is in the 10401
process of obtaining, one of the qualifications required by 10402
division (D) of this section. Each applicant shall include in 10403
the application a request for examination. The board shall 10404
permit an applicant who is in the process of completing the 10405
requirement specified in division (D) of this section to take an 10406
examination, but the board shall not register such an applicant 10407
until the applicant completes the requirement. 10408

(C) Except as provided in section 4703.35 of the Revised 10409
Code, each applicant for registration as a landscape architect 10410
shall pass, to the satisfaction of the board, an examination 10411
conducted under the authority of the board to determine the 10412
fitness of the applicant for registration. The applicant shall 10413
be at least eighteen years of age ~~and of good moral character~~ 10414
and shall have obtained a professional degree in landscape 10415
architecture from a program accredited by the national landscape 10416
architect accrediting board. 10417

(D) In addition to the qualifications required by division 10418
(C) of this section, the applicant shall meet either of the 10419
following requirements: 10420

(1) Has completed three years of practical experience in 10421
the office of and under the direct supervision of a registered 10422
landscape architect who is actively involved in the practice of 10423
landscape architecture, or equivalent experience, as determined 10424
by the board, provided that at least one year of the practical 10425

experience or its equivalent as required by division (D) (1) of 10426
this section shall have been completed by the applicant 10427
subsequent to the completion of the educational requirements 10428
established by division (C) of this section; 10429

(2) Has completed the requirements for training under an 10430
internship program established pursuant to rules adopted by the 10431
board that includes, but is not limited to, training in design 10432
and construction documents and construction administration and 10433
office management, or has equivalent experience that is 10434
acceptable to the board. 10435

Sec. 4707.02. (A) No person shall act as an auction firm, 10436
auctioneer, apprentice auctioneer, or special auctioneer within 10437
this state without a license issued by the department of 10438
agriculture. No auction shall be conducted in this state except 10439
by an auctioneer licensed by the department. 10440

~~The~~ Except as provided in division (D) of this section, 10441
the department shall not issue or renew a license if the 10442
applicant or licensee has been convicted of a felony or crime 10443
involving fraud or theft in this or another state at any time 10444
during the ten years immediately preceding application or 10445
renewal. 10446

(B) Division (A) of this section does not apply to any of 10447
the following: 10448

(1) Sales at auction that either are required by law to be 10449
at auction, other than sales pursuant to a judicial order or 10450
decree, or are conducted by or under the direction of a public 10451
authority; 10452

(2) The owner of any real or personal property desiring to 10453
sell the property at auction, provided that the property was not 10454

acquired for the purpose of resale; 10455

(3) An auction mediation company; 10456

(4) An auction that is conducted in a course of study for 10457
auctioneers that is approved by the state auctioneers commission 10458
created under section 4707.03 of the Revised Code for purposes 10459
of student training and is supervised by a licensed auctioneer; 10460

(5) (a) An auction that is sponsored by a nonprofit or 10461
charitable organization that is registered in this state under 10462
Chapter 1702. or Chapter 1716. of the Revised Code, 10463
respectively, if the auction only involves the property of the 10464
members of the organization and the auction is part of a fair 10465
that is organized by an agricultural society under Chapter 1711. 10466
of the Revised Code or by the Ohio expositions commission under 10467
Chapter 991. of the Revised Code at which an auctioneer who is 10468
licensed under this chapter physically conducts the auction; 10469

(b) Sales at an auction sponsored by a charitable, 10470
religious, or civic organization that is tax exempt under 10471
subsection 501(c) (3) of the Internal Revenue Code, or by a 10472
public school, chartered nonpublic school, or community school, 10473
if no person in the business of organizing, arranging, or 10474
conducting an auction for compensation and no consignor of 10475
consigned items sold at the auction, except such organization or 10476
school, receives compensation from the proceeds of the auction. 10477
As used in division (B) (5) (b) of this section, "compensation" 10478
means money, a thing of value other than participation in a 10479
charitable event, or a financial benefit. 10480

(c) Sales at an auction sponsored by an organization that 10481
is tax exempt under subsection 501(c) (6) of the Internal Revenue 10482
Code and that is a part of a national, regional, or state 10483

convention or conference that advances or promotes the auction 10484
profession in this state when the property to be sold is donated 10485
to or is the property of the organization and the proceeds 10486
remain within the organization or are donated to a charitable 10487
organization that is tax exempt under subsection 501(c)(3) of 10488
the Internal Revenue Code. 10489

(6) A person licensed as a livestock dealer under Chapter 10490
943. of the Revised Code who exclusively sells livestock and 10491
uses an auctioneer who is licensed under this chapter to conduct 10492
the auction; 10493

(7) A person licensed as a motor vehicle auction owner 10494
under Chapter 4517. of the Revised Code who exclusively sells 10495
motor vehicles to a person licensed under Chapter 4517. of the 10496
Revised Code and who uses an auctioneer who is licensed under 10497
this chapter to conduct the auction; 10498

(8) Sales of real or personal property conducted by means 10499
of the internet, provided that they are not conducted in 10500
conjunction with a live auction; 10501

(9) A bid calling contest that is approved by the 10502
commission and that is conducted for the purposes of the 10503
advancement or promotion of the auction profession in this 10504
state; 10505

(10) An auction at which the champion of a national or 10506
international bid calling contest appears, provided that both of 10507
the following apply: 10508

(a) The champion is not paid a commission. 10509

(b) The auction is conducted under the direct supervision 10510
of an auctioneer licensed under this chapter in order to ensure 10511
that the champion complies with this chapter and rules adopted 10512

under it. 10513

(C) (1) No person shall advertise or hold oneself out as an 10514
auction firm, auctioneer, apprentice auctioneer, or special 10515
auctioneer without a license issued by the department of 10516
agriculture. 10517

(2) Division (C) (1) of this section does not apply to an 10518
individual who is the subject of an advertisement regarding an 10519
auction conducted under division (B) (5) (b) of this section. 10520

(D) The department shall not refuse to issue a license to 10521
an applicant because of a criminal conviction unless the refusal 10522
is in accordance with section 9.79 of the Revised Code. 10523

Sec. 4707.07. (A) The department of agriculture may grant 10524
~~auctioneers'~~ auctioneer's licenses to those individuals who are 10525
determined to be qualified by the department. Each individual 10526
who applies for an auctioneer's license shall furnish to the 10527
department, on forms provided by the department, satisfactory 10528
proof that the applicant: 10529

(1) ~~Has a good reputation;~~ 10530

~~(2) Is of trustworthy character;~~ 10531

~~(3) Has attained the age of at least eighteen years;~~ 10532

~~(4)~~ (2) Has done one of the following: 10533

(a) Met the apprenticeship requirements set forth in 10534
section 4707.09 of the Revised Code; 10535

(b) Met the requirements of section 4707.12 of the Revised 10536
Code. 10537

~~(5)~~ (3) Has a general knowledge of the following: 10538

(a) The requirements of the Revised Code relative to 10539

auctioneers;	10540
(b) The auction profession;	10541
(c) The principles involved in conducting an auction;	10542
(d) Any local and federal laws regarding the profession of auctioneering.	10543 10544
(6) <u>(4)</u> Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable.	10545 10546 10547
(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.09 of the Revised Code.	10548 10549 10550 10551
(C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names of any existing person licensed under this chapter. If an applicant applies to the department to do business under three names, the department may charge a fee of ten dollars for the third name.	10552 10553 10554 10555 10556 10557 10558 10559 10560 10561 10562
(D) The department, in its discretion, may waive the schooling and apprenticeship requirements for a resident of this state, provided that the resident holds a valid auctioneer <u>auctioneer's</u> license that was issued by a state with which the department has entered into a reciprocal licensing agreement and the resident is in good standing with that state. The applicant	10563 10564 10565 10566 10567 10568

shall provide proof that is satisfactory to the department that 10569
the applicant has had two years of experience as an auctioneer 10570
immediately preceding the date of application that includes at a 10571
minimum twelve auctions in which the applicant was a bid caller 10572
in the reciprocal state. 10573

Sec. 4707.09. The department of agriculture may grant 10574
apprentice auctioneers' licenses to those persons that are 10575
determined to be qualified by the department. Every applicant 10576
for an apprentice auctioneer's license shall pass an examination 10577
relating to the skills, knowledge, and statutes and rules 10578
governing auctioneers. Every applicant for an apprentice 10579
auctioneer's license shall furnish to the department, on forms 10580
provided by the department, satisfactory proof that the 10581
applicant: 10582

(A) ~~Has a good reputation;~~ 10583

~~(B) Is of trustworthy character;~~ 10584

~~(C) Has attained the age of at least eighteen years;~~ 10585

~~(D)~~ (B) Has obtained a written promise of a licensed 10586
auctioneer to sponsor the applicant during the applicant's 10587
apprenticeship; 10588

~~(E)~~ (C) Has satisfied the financial responsibility 10589
requirements established under section 4707.11 of the Revised 10590
Code if applicable; 10591

~~(F)~~ (D) Has successfully completed a course of study in 10592
auctioneering at an institution that is approved by the state 10593
auctioneers commission. 10594

Before an apprentice may take the auctioneer's license 10595
examination, the apprentice shall serve an apprenticeship of at 10596

least twelve months and participate as a bid caller in at least 10597
twelve auction sales under the direct supervision of the 10598
sponsoring licensed auctioneer, which auctions shall be 10599
certified by the licensed auctioneer on the apprentice's 10600
application for an auctioneer's license. No apprentice 10601
auctioneer shall be under the sponsorship of more than one 10602
licensed auctioneer at one time. 10603

If an auctioneer intends to terminate sponsorship of an 10604
apprentice auctioneer, the sponsoring auctioneer shall notify 10605
the apprentice auctioneer of the sponsoring auctioneer's 10606
intention by certified mail, return receipt requested, at least 10607
ten days prior to the effective date of termination and, at the 10608
same time, shall deliver or mail by certified mail to the 10609
department a copy of the termination notice and the license of 10610
the apprentice auctioneer. No apprentice auctioneer shall 10611
perform any acts under authority of the apprentice's license 10612
after the effective date of the termination until the apprentice 10613
receives a new license. No more than one license shall be issued 10614
to any apprentice auctioneer for the same period of time. 10615

No licensed auctioneer shall have under the licensed 10616
auctioneer's sponsorship more than two apprentice auctioneers at 10617
one time. No auctioneer shall sponsor an apprentice auctioneer 10618
if the auctioneer has not been licensed and in good standing for 10619
a period of at least two years immediately before sponsoring the 10620
apprentice auctioneer. A sponsoring auctioneer whose license is 10621
suspended or revoked shall send to the department the apprentice 10622
auctioneer's license not later than fourteen days after the 10623
suspension or revocation. If a sponsoring auctioneer's license 10624
is suspended or revoked, the apprentice auctioneer shall obtain 10625
a written promise of sponsorship from another licensed 10626
auctioneer before performing any acts under the authority of an 10627

apprentice auctioneer's license. The apprentice auctioneer shall 10628
send a copy of the written promise of sponsorship of another 10629
auctioneer to the department. If the department receives a copy 10630
of such a written promise of sponsorship and the apprentice pays 10631
the fee established by the department, the department shall 10632
issue a new license to the apprentice. 10633

An apprentice auctioneer may terminate the apprentice's 10634
sponsorship with an auctioneer by notifying the auctioneer of 10635
the apprentice's intention by certified mail, return receipt 10636
requested, at least ten days prior to the effective date of 10637
termination. At the same time, the apprentice shall deliver or 10638
mail by certified mail to the department a copy of the 10639
termination notice. Upon receiving the termination notice, the 10640
sponsoring auctioneer shall promptly deliver or mail by 10641
certified mail to the department the license of the apprentice 10642
auctioneer. 10643

The termination of a sponsorship, regardless of who 10644
initiates the termination, shall not be cause for an apprentice 10645
auctioneer to lose credit for any certified auctions in which 10646
the apprentice participated as a bid caller or apprenticeship 10647
time the apprentice served under the direct supervision of the 10648
former sponsor. 10649

Sec. 4707.15. (A) The department of agriculture may deny, 10650
refuse to renew, suspend, or revoke the license of any auction 10651
firm, auctioneer, apprentice auctioneer, or special auctioneer 10652
for any of the following causes: 10653

~~(A)~~ (1) Obtaining a license through false or fraudulent 10654
representation; 10655

~~(B)~~ (2) Making any substantial misrepresentation in an 10656

application for a license; 10657

~~(C)~~ (3) A continued course of misrepresentation or for 10658
making false promises through agents, advertising, or otherwise; 10659

~~(D)~~ (4) Specifying that an auction is a reserve auction, 10660
absolute auction, multi-parcel auction, or estate auction, but 10661
not conducting the auction as specified; 10662

~~(E)~~ (5) Failing to account for or remit, within a 10663
reasonable time, any money or property belonging to others that 10664
comes into the licensee's possession, and for commingling funds 10665
of others with the licensee's own, or failing to keep funds of 10666
others in an escrow or trust account, except that in the case of 10667
a transaction involving real estate, such funds shall be 10668
maintained in accordance with division (A) (26) of section 10669
4735.18 of the Revised Code; 10670

~~(F)~~ (6) Paying valuable consideration to any person who 10671
has violated this chapter; 10672

~~(G)~~ Conviction ~~(7)~~ Except as provided in division (B) of 10673
this section, conviction in a court of competent jurisdiction of 10674
this state or any other state of a criminal offense involving 10675
fraud, forgery, embezzlement, false pretenses, extortion, 10676
conspiracy to defraud, or another similar offense or a felony; 10677

~~(H)~~ (8) Violation of this chapter or rules adopted under 10678
it; 10679

~~(I)~~ (9) Failure to furnish voluntarily at the time of 10680
execution, copies of all written instruments prepared by the 10681
auctioneer or auction firm; 10682

~~(J)~~ (10) Any conduct of a person that is licensed under 10683
this chapter that demonstrates bad faith, dishonesty, 10684

incompetency, or untruthfulness;	10685
(K) <u>(11)</u> <u>Any other conduct of a person that is licensed</u>	10686
<u>under this chapter</u> that constitutes improper, fraudulent, or	10687
dishonest dealings;	10688
(L) <u>(12)</u> <u>Failing prior to the sale at public auction to</u>	10689
enter into a written contract with the owner or consignee of any	10690
property to be sold, containing the terms and conditions upon	10691
which the licensee received the property for auction;	10692
(M) <u>(13)</u> <u>The use of any power of attorney to circumvent</u>	10693
this chapter;	10694
(N) <u>(14)</u> <u>Failure to display either of the following:</u>	10695
(1) <u>(a)</u> <u>The sign required under section 4707.22 of the</u>	10696
Revised Code; or	10697
(2) <u>(b)</u> <u>A notice conspicuously at the clerk's desk or on a</u>	10698
bid card that clearly states the terms and conditions of the	10699
auction and, if applicable, an explanation of the multi-parcel	10700
auction process † .	10701
(O) <u>(15)</u> <u>Failure to notify the department of any</u>	10702
conviction of a felony or crime involving fraud within fifteen	10703
days of conviction;	10704
(P) <u>(16)</u> <u>Aiding an unlicensed person in the performance of</u>	10705
services or acts that require a license under this chapter;	10706
(Q) <u>(17)</u> <u>The suspension or revocation of a license to</u>	10707
engage in auctioneering or other disciplinary action by the	10708
licensing authority of another state;	10709
(R) <u>(18)</u> <u>The refusal or disapproval by the licensing</u>	10710
authority of another state of an application for a license to	10711

engage in auctioneering; 10712

~~(S)~~ (19) Failure of a licensee to notify the department of 10713
agriculture within fifteen days of a disciplinary action against 10714
the licensee by another state's applicable governing authority; 10715

~~(T)~~ (20) Engaging in auctioneering or providing auction 10716
services without a license or during the suspension of a 10717
license; 10718

~~(U)~~ (21) Attempting to cheat or cheating on an auctioneer 10719
examination or aiding another to cheat on an examination. 10720

(B) The department shall not refuse to issue a license to 10721
an applicant because of a criminal conviction unless the refusal 10722
is in accordance with section 9.79 of the Revised Code. 10723

Sec. 4707.19. (A) The director of agriculture may adopt 10724
reasonable rules necessary for the implementation of this 10725
chapter in accordance with Chapter 119. of the Revised Code. In 10726
addition, the director shall adopt rules in accordance with 10727
Chapter 119. of the Revised Code that establish the portion of 10728
license fees collected under this chapter that are to be 10729
deposited into the auction recovery fund under section 4707.25 10730
of the Revised Code. 10731

No person shall fail to comply with a rule adopted under 10732
this chapter. 10733

(B) The director shall adopt rules that establish a 10734
schedule of civil penalties for violations of this chapter, 10735
rules adopted under it, or orders issued under it. The rules 10736
shall provide that the civil penalty for the first violation of 10737
this chapter, rule, or order shall not exceed five thousand 10738
dollars and the civil penalty for each subsequent offense shall 10739
not exceed ten thousand dollars. In addition, the director, in 10740

establishing the schedule of civil penalties in the rules, shall 10741
consider past violations of this chapter and rules adopted under 10742
it, the severity of a violation, and the amount of actual or 10743
potential damage to the public or the auction profession. 10744

(C) The department of agriculture may hear testimony in 10745
matters relating to the duties imposed on it, and any person 10746
authorized by the director may administer oaths. The department 10747
may require other proof of the honesty, and truthfulness, ~~and~~ 10748
~~good reputation~~ of any person named in the application for an 10749
auction firm's, auctioneer's, apprentice auctioneer's, or 10750
special auctioneer's license before admitting the applicant to 10751
an examination or issuing a license. 10752

Sec. 4707.22. (A) Any person licensed under this chapter 10753
who advertises, by linear advertisements or otherwise, to hold 10754
or conduct an auction shall indicate in the advertisement the 10755
licensee's name or the name registered with the department of 10756
agriculture and that the licensee is an auctioneer or apprentice 10757
auctioneer. Any apprentice auctioneer who advertises, as 10758
provided in this section, also shall indicate in the 10759
apprentice's advertisement the name of the auctioneer under whom 10760
the apprentice is licensed. The name of the auctioneer shall be 10761
displayed in equal prominence with the name of the apprentice 10762
auctioneer in the advertisement. Any such licensee who 10763
advertises in a manner other than as provided in this section is 10764
guilty of violating division ~~(C)~~ (A) (3) of section 4707.15 of 10765
the Revised Code. 10766

(B) An auction firm licensed under this chapter that 10767
advertises, by linear advertisements or otherwise, to solicit or 10768
receive consignments or to provide auction services shall 10769
indicate in the advertisement the name of the auction firm. In 10770

addition, an advertisement of an auction of consignments or an advertisement by an auction firm of an auction for which the auction firm will provide auction services shall comply with divisions (A) and (D) of this section.

(C) If an auction to be advertised is an absolute auction, all advertisements for the auction shall unequivocally state that the auction is an absolute auction.

(D) If an advertisement for an auction contains the words "estate auction," or words to that effect, the person licensed under this chapter who advertises shall do both of the following:

(1) Enter into an agreement directly with the executor, administrator, or court appointed designee of the estate property;

(2) List prominently in the advertisement the county in which the estate is located and the probate court case number of the estate.

(E) All persons licensed under this chapter that conduct or are involved in an auction jointly are responsible for the posting of a sign at the auction. The sign shall contain all of the following:

(1) The name of all licensed persons involved in the auction;

(2) A statement that the persons are licensed by the department of agriculture;

(3) The address of the department of agriculture.

The sign shall be posted at the main entrance of the auction, at the place of registration for the auction, or by the

cashier for the auction. The sign shall be of a size not smaller than eight and one-half inches by eleven inches. The letters and numbers on the sign shall be of adequate size to be readily seen by an individual with normal vision when viewing it.

(F) An advertisement for the sale of real property at auction shall contain the name of the licensed auctioneer who is entering into the auction contract and the name of the real estate broker licensed under Chapter 4735. of the Revised Code who is involved in the sale. Compliance with this section shall not require a real estate broker licensed under Chapter 4735. of the Revised Code to obtain a license under section 4707.073 of the Revised Code.

(G) If an auction to be advertised is a multi-parcel auction, all advertisements for the auction, excluding road signs, shall state that the auction will be offered in various amalgamations, including as individual parcels or lots, combinations of parcels or lots, and all parcels or lots as a whole.

Sec. 4709.07. (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by two signed current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must

demonstrate that the applicant meets all of the following: 10829

(1) ~~Is of good moral character;~~ 10830

~~(2)~~—Is at least eighteen years of age; 10831

~~(3)~~—(2) Has an eighth grade education or an equivalent 10832
education as determined by the state board of education in the 10833
state where the applicant resides; 10834

~~(4)~~—(3) Has graduated with at least one thousand eight 10835
hundred hours of training from a board-approved barber school or 10836
has graduated with at least one thousand hours of training from 10837
a board-approved barber school in this state and has a current 10838
cosmetology or hair designer license issued pursuant to Chapter 10839
4713. of the Revised Code. No hours of instruction earned by an 10840
applicant five or more years prior to the examination apply to 10841
the hours of study required by this division. 10842

(C) Any applicant who meets all of the requirements of 10843
divisions (A) and (B) of this section may take the barber 10844
examination at the time and place specified by the board. If the 10845
applicant fails to attain at least a seventy-five per cent pass 10846
rate on each part of the examination, the applicant is 10847
ineligible for licensure; however, the applicant may reapply for 10848
examination within ninety days after the date of the release of 10849
the examination scores by paying the required reexamination fee. 10850
An applicant is only required to take that part or parts of the 10851
examination on which the applicant did not receive a score of 10852
seventy-five per cent or higher. If the applicant fails to 10853
reapply for examination within ninety days or fails the second 10854
examination, in order to reapply for examination for licensure 10855
the applicant shall complete an additional course of study of 10856
not less than two hundred hours, in a board-approved barber 10857

school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair, along with a signed current photograph, in the size determined by the board, showing head and shoulders only.

Sec. 4709.08. Any person who holds a current license or registration to practice as a barber in any other state or district of the United States or country whose requirements for licensure or registration of barbers are substantially equivalent to the requirements of this chapter and rules adopted under it and that extends similar reciprocity to persons licensed as barbers in this state may apply to the state cosmetology and barber board for a barber license. The board shall, without examination, unless the board determines to require an examination, issue a license to practice as a licensed barber in this state if the person meets the requirements of this section, is at least eighteen years of age ~~and of good moral character~~, and pays the required fees. The board may waive any of the requirements of this section.

Sec. 4709.10. (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the

board determines that the person meets and will comply with all 10888
of the requirements of division (B) of this section and pays the 10889
required licensure and inspection fees. 10890

(B) In order for a person to qualify for a license to 10891
operate a barber school, the barber school to be operated by the 10892
person must meet all of the following requirements: 10893

(1) Have a training facility sufficient to meet the 10894
required educational curriculum established by the board, 10895
including enough space to accommodate all the facilities and 10896
equipment required by rule by the board; 10897

(2) Provide sufficient licensed teaching personnel to meet 10898
the minimum pupil-teacher ratio established by rule of the 10899
board; 10900

(3) Have established and provide to the board proof that 10901
it has met all of the board requirements to operate a barber 10902
school, as adopted by rule of the board; 10903

(4) File with the board a program of its curriculum, 10904
accounting for not less than one thousand eight hundred hours of 10905
instruction in the courses of theory and practical demonstration 10906
required by rule of the board; 10907

(5) File with the board a surety bond in the amount of ten 10908
thousand dollars issued by a bonding company licensed to do 10909
business in this state. The bond shall be in the form prescribed 10910
by the board and conditioned upon the barber school's continued 10911
instruction in the theory and practice of barbering. The bond 10912
shall continue in effect until notice of its termination is 10913
provided to the board. In no event, however, shall the bond be 10914
terminated while the barber school is in operation. Any student 10915
who is injured or damaged by reason of a barber school's failure 10916

to continue instruction in the theory and practice of barbering 10917
may maintain an action on the bond against the barber school or 10918
the surety, or both, for the recovery of any money or tuition 10919
paid in advance for instruction in the theory and practice of 10920
barbering which was not received. The aggregate liability of the 10921
surety to all students shall not exceed the sum of the bond. 10922

(6) Maintain adequate record keeping to ensure that it has 10923
met the requirements for records of student progress as required 10924
by board rule; 10925

(7) Establish minimum standards for acceptance of student 10926
applicants for admission to the barber school. The barber school 10927
may establish entrance requirements which are more stringent 10928
than those prescribed by the board, but the requirements must at 10929
a minimum require the applicant to meet all of the following: 10930

(a) Be at least seventeen years of age; 10931

(b) ~~Be of good moral character;~~ 10932

~~(c)~~ Have an eighth grade education, or an equivalent 10933
education as determined by the state board of education; 10934

~~(d)~~ (c) Submit two signed current photographs of the 10935
applicant, in the size determined by the board. 10936

(8) Have a procedure to submit every student applicant's 10937
admission application to the board for the board's review and 10938
approval prior to the applicant's admission to the barber 10939
school; 10940

(9) Operate in a manner which reflects credit upon the 10941
barbering profession; 10942

(10) Offer a curriculum of study which covers all aspects 10943
of the scientific fundamentals of barbering as specified by rule 10944

of the board; 10945

(11) Employ no more than two licensed assistant barber 10946
teachers for each licensed barber teacher employed or fewer than 10947
two licensed teachers or one licensed teacher and one licensed 10948
assistant teacher at each facility. 10949

(C) Each person who desires to obtain a barber teacher or 10950
assistant barber teacher license shall apply to the board, on 10951
forms provided by the board. The board shall only issue a barber 10952
teacher license to a person who meets all of the following 10953
requirements: 10954

(1) Holds a current barber license issued pursuant to this 10955
chapter and has at least eighteen months of work experience in a 10956
licensed barber shop or has been employed as an assistant barber 10957
teacher under the supervision of a licensed barber teacher for 10958
at least one year, unless, for good cause, the board waives this 10959
requirement; 10960

(2) Meets such other requirements as adopted by rule by 10961
the board; 10962

(3) Passes the required examination; and 10963

(4) Pays the required fees. If an applicant fails to pass 10964
the examination, the applicant may reapply for the examination 10965
and licensure no earlier than one year after the failure to pass 10966
and provided that during that period, the applicant remains 10967
employed as an assistant barber teacher. 10968

The board shall only issue an assistant barber teacher 10969
license to a person who holds a current barber license issued 10970
pursuant to this chapter and pays the required fees. 10971

(D) Any person who meets the qualifications of an 10972

assistant teacher pursuant to division (C) of this section, may 10973
be employed as an assistant teacher, provided that within five 10974
days after the commencement of the employment the barber school 10975
submits to the board, on forms provided by the board, the 10976
applicant's qualifications. 10977

Sec. 4709.13. (A) The state cosmetology and barber board 10978
may refuse to issue or renew or may suspend or revoke or impose 10979
conditions upon any license issued pursuant to this chapter for 10980
any one or more of the following causes: 10981

(1) Advertising by means of knowingly false or deceptive 10982
statements; 10983

(2) Habitual drunkenness or possession of or addiction to 10984
the use of any controlled drug prohibited by state or federal 10985
law; 10986

(3) ~~Immoral or unprofessional~~ Unprofessional conduct; 10987

(4) Continuing to be employed in a barber shop wherein 10988
rules of the board or department of health are violated; 10989

(5) Employing any person who does not have a current Ohio 10990
license to perform the practice of barbering; 10991

(6) Owning, managing, operating, or controlling any barber 10992
school or portion thereof, wherein the practice of barbering is 10993
carried on, whether in the same building or not, without 10994
displaying a sign at all entrances to the places where the 10995
barbering is carried on, indicating that the work therein is 10996
done by students exclusively; 10997

(7) Owning, managing, operating, or controlling any barber 10998
shop, unless it displays a recognizable sign or barber pole 10999
indicating that it is a barber shop, and the sign or pole is 11000

clearly visible at the main entrance to the shop; 11001

(8) Violating any sanitary rules approved by the 11002
department of health or the board; 11003

(9) Employing another person to perform or personally 11004
perform the practice of barbering in a licensed barber shop 11005
unless that person is licensed as a barber under this chapter; 11006

(10) Gross incompetence. 11007

(B) (1) The board may refuse to renew or may suspend or 11008
revoke or impose conditions upon any license issued pursuant to 11009
this chapter for conviction of or plea of guilty to a felony 11010
committed after the person has been issued a license under this 11011
chapter, shown by a certified copy of the record of the court in 11012
which the person was convicted or pleaded guilty. 11013

(2) A conviction or plea of guilty to a felony committed 11014
prior to being issued a license under this chapter shall not 11015
disqualify a person from being issued an initial license under 11016
this chapter. 11017

(C) Prior to taking any action under division (A) or (B) 11018
of this section, the board shall provide the person with a 11019
statement of the charges against the person and notice of the 11020
time and place of a hearing on the charges. The board shall 11021
conduct the hearing according to Chapter 119. of the Revised 11022
Code. Any person dissatisfied with a decision of the board may 11023
appeal the board's decision to the court of common pleas in 11024
Franklin county. 11025

(D) The board may adopt rules in accordance with Chapter 11026
119. of the Revised Code, specifying additional grounds upon 11027
which the board may take action under division (A) of this 11028
section. 11029

Sec. 4713.28. (A) The state cosmetology and barber board 11030
shall issue a practicing license to an applicant who satisfies 11031
all of the following applicable conditions: 11032

(1) Is at least sixteen years of age; 11033

(2) ~~Is of good moral character;~~ 11034

~~(3)~~ Has the equivalent of an Ohio public school tenth 11035
grade education; 11036

~~(4)~~ (3) Has submitted a written application on a form 11037
furnished by the board that contains all of the following: 11038

(a) The name of the individual and any other identifying 11039
information required by the board; 11040

(b) A recent photograph of the individual that meets the 11041
specifications established by the board; 11042

(c) A photocopy of the individual's current driver's 11043
license or other proof of legal residence; 11044

(d) Proof that the individual is qualified to take the 11045
applicable examination as required by section 4713.20 of the 11046
Revised Code; 11047

(e) An oath verifying that the information in the 11048
application is true; 11049

(f) The applicable application fee. 11050

~~(5)~~ (4) Passes an examination conducted under division (A) 11051
of section 4713.24 of the Revised Code for the branch of 11052
cosmetology the applicant seeks to practice; 11053

~~(6)~~ (5) Pays to the board the applicable license fee; 11054

~~(7)~~ (6) In the case of an applicant for an initial 11055

cosmetologist license, has successfully completed at least one 11056
thousand five hundred hours of board-approved cosmetology 11057
training in a school of cosmetology licensed in this state, 11058
except that only one thousand hours of board-approved 11059
cosmetology training in a school of cosmetology licensed in this 11060
state is required of an individual licensed as a barber under 11061
Chapter 4709. of the Revised Code; 11062

~~(8)~~-(7) In the case of an applicant for an initial 11063
esthetician license, has successfully completed at least six 11064
hundred hours of board-approved esthetics training in a school 11065
of cosmetology licensed in this state; 11066

~~(9)~~-(8) In the case of an applicant for an initial hair 11067
designer license, has successfully completed at least one 11068
thousand two hundred hours of board-approved hair designer 11069
training in a school of cosmetology licensed in this state, 11070
except that only one thousand hours of board-approved hair 11071
designer training in a school of cosmetology licensed in this 11072
state is required of an individual licensed as a barber under 11073
Chapter 4709. of the Revised Code; 11074

~~(10)~~-(9) In the case of an applicant for an initial 11075
manicurist license, has successfully completed at least two 11076
hundred hours of board-approved manicurist training in a school 11077
of cosmetology licensed in this state; 11078

~~(11)~~-(10) In the case of an applicant for an initial 11079
natural hair stylist license, has successfully completed at 11080
least four hundred fifty hours of instruction in subjects 11081
relating to sanitation, scalp care, anatomy, hair styling, 11082
communication skills, and laws and rules governing the practice 11083
of cosmetology. 11084

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

Sec. 4713.30. The state cosmetology and barber board shall issue an advanced license to an applicant who satisfies all of the following applicable conditions:

(A) Is at least sixteen years of age;

~~(B) Is of good moral character;~~

~~(C)~~ Has the equivalent of an Ohio public school tenth grade education;

~~(D)~~ (C) Pays to the board the applicable fee;

~~(E)~~ (D) Passes the appropriate advanced license examination;

~~(F)~~ (E) In the case of an applicant for an initial advanced cosmetologist license, does either of the following:

(1) Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify to the board that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved advanced cosmetologist training.

~~(G)~~ (F) In the case of an applicant for an initial

advanced esthetician license, does either of the following: 11112

(1) Has the licensed advanced esthetician, licensed 11113
advanced cosmetologist, or owner of a licensed esthetics salon 11114
or licensed beauty salon located in this or another state 11115
certify to the board that the applicant has practiced esthetics 11116
for at least one thousand eight hundred hours as an esthetician 11117
in a licensed esthetics salon or as a cosmetologist in a 11118
licensed beauty salon; 11119

(2) Has a school of cosmetology licensed in this state 11120
certify to the board that the applicant has successfully 11121
completed, in addition to the hours required for licensure as an 11122
esthetician or cosmetologist, at least one hundred fifty hours 11123
of board-approved advanced esthetician training. 11124

~~(H)~~ (G) In the case of an applicant for an initial 11125
advanced hair designer license, does either of the following: 11126

(1) Has the licensed advanced hair designer, licensed 11127
advanced cosmetologist, or owner of a licensed hair design salon 11128
or licensed beauty salon located in this or another state 11129
certify to the board that the applicant has practiced hair 11130
design for at least one thousand eight hundred hours as a hair 11131
designer in a licensed hair design salon or as a cosmetologist 11132
in a licensed beauty salon; 11133

(2) Has a school of cosmetology licensed in this state 11134
certify to the board that the applicant has successfully 11135
completed, in addition to the hours required for licensure as a 11136
hair designer or cosmetologist, at least two hundred forty hours 11137
of board-approved advanced hair designer training. 11138

~~(I)~~ (H) In the case of an applicant for an initial 11139
advanced manicurist license, does either of the following: 11140

(1) Has the licensed advanced manicurist, licensed 11141
advanced cosmetologist, or owner of a licensed nail salon, 11142
licensed beauty salon, or licensed barber shop located in this 11143
or another state certify to the board that the applicant has 11144
practiced manicuring for at least one thousand eight hundred 11145
hours as a manicurist in a licensed nail salon or licensed 11146
barber shop or as a cosmetologist in a licensed beauty salon or 11147
licensed barber shop; 11148

(2) Has a school of cosmetology licensed in this state 11149
certify to the board that the applicant has successfully 11150
completed, in addition to the hours required for licensure as a 11151
manicurist or cosmetologist, at least one hundred hours of 11152
board-approved advanced manicurist training. 11153

~~(J)~~ (I) In the case of an applicant for an initial 11154
advanced natural hair stylist license, does either of the 11155
following: 11156

(1) Has the licensed advanced natural hair stylist, 11157
licensed advanced cosmetologist, or owner of a licensed natural 11158
hair style salon or licensed beauty salon located in this or 11159
another state certify to the board that the applicant has 11160
practiced natural hair styling for at least one thousand eight 11161
hundred hours as a natural hair stylist in a licensed natural 11162
hair style salon or as a cosmetologist in a licensed beauty 11163
salon; 11164

(2) Has a school of cosmetology licensed in this state 11165
certify to the board that the applicant has successfully 11166
completed, in addition to the hours required for licensure as 11167
natural hair stylist or cosmetologist, at least one hundred 11168
fifty hours of board-approved advanced natural hair stylist 11169
training. 11170

Sec. 4713.31. The state cosmetology and barber board shall 11171
issue an instructor license to an applicant who satisfies all of 11172
the following applicable conditions: 11173

(A) Is at least eighteen years of age; 11174

(B) ~~Is of good moral character;~~ 11175

~~(C)~~ Has the equivalent of an Ohio public school twelfth 11176
grade education; 11177

~~(D)~~ (C) Pays to the board the applicable fee; 11178

~~(E)~~ (D) In the case of an applicant for an initial 11179
cosmetology instructor license, holds a current, valid advanced 11180
cosmetologist license issued in this state and does either of 11181
the following: 11182

(1) Has the licensed advanced cosmetologist or owner of 11183
the licensed beauty salon in which the applicant has been 11184
employed certify to the board that the applicant has engaged in 11185
the practice of cosmetology in a licensed beauty salon for at 11186
least one thousand eight hundred hours; 11187

(2) Has a school of cosmetology licensed in this state 11188
certify to the board that the applicant has successfully 11189
completed one thousand hours of board-approved cosmetology 11190
instructor training as an apprentice instructor. 11191

~~(F)~~ (E) In the case of an applicant for an initial 11192
esthetics instructor license, holds a current, valid advanced 11193
esthetician or advanced cosmetologist license issued in this 11194
state and does either of the following: 11195

(1) Has the licensed advanced esthetician, licensed 11196
advanced cosmetologist, or owner of the licensed esthetics salon 11197
or licensed beauty salon in which the applicant has been 11198

employed certify to the board that the applicant has engaged in 11199
the practice of esthetics in a licensed esthetics salon or 11200
practice of cosmetology in a licensed beauty salon for at least 11201
one thousand eight hundred hours; 11202

(2) Has a school of cosmetology licensed in this state 11203
certify to the board that the applicant has successfully 11204
completed at least five hundred hours of board-approved 11205
esthetics instructor training as an apprentice instructor. 11206

~~(G)~~ (F) In the case of an applicant for an initial hair 11207
design instructor license, holds a current, valid advanced hair 11208
designer or advanced cosmetologist license and does either of 11209
the following: 11210

(1) Has the licensed advanced hair designer, licensed 11211
advanced cosmetologist, or owner of the licensed hair design 11212
salon or licensed beauty salon in which the applicant has been 11213
employed certify to the board that the applicant has engaged in 11214
the practice of hair design in a licensed hair design salon or 11215
practice of cosmetology in a licensed beauty salon for at least 11216
one thousand eight hundred hours; 11217

(2) Has a school of cosmetology licensed in this state 11218
certify to the board that the applicant has successfully 11219
completed at least eight hundred hours of board-approved hair 11220
design instructor's training as an apprentice instructor. 11221

~~(H)~~ (G) In the case of an applicant for an initial 11222
manicurist instructor license, holds a current, valid advanced 11223
manicurist or advanced cosmetologist license and does either of 11224
the following: 11225

(1) Has the licensed advanced manicurist, licensed 11226
advanced cosmetologist, or owner of the licensed nail salon or 11227

licensed beauty salon in which the applicant has been employed 11228
certify to the board that the applicant has engaged in the 11229
practice of manicuring in a licensed nail salon or practice of 11230
cosmetology in a licensed beauty salon for at least one thousand 11231
eight hundred hours; 11232

(2) Has a school of cosmetology licensed in this state 11233
certify to the board that the applicant has successfully 11234
completed at least three hundred hours of board-approved 11235
manicurist instructor training as an apprentice instructor. 11236

~~(I)~~ (H) In the case of an applicant for an initial natural 11237
hair style instructor license, holds a current, valid advanced 11238
natural hair stylist or advanced cosmetologist license and does 11239
either of the following: 11240

(1) Has the licensed advanced natural hair stylist, 11241
licensed advanced cosmetologist, or owner of the licensed 11242
natural hair style salon or licensed beauty salon in which the 11243
applicant has been employed certify to the board that the 11244
applicant has engaged in the practice of natural hair styling in 11245
a licensed natural hair style salon or practice of cosmetology 11246
in a licensed beauty salon for at least one thousand eight 11247
hundred hours; 11248

(2) Has a school of cosmetology licensed in this state 11249
certify to the board that the applicant has successfully 11250
completed at least four hundred hours of board-approved natural 11251
hair style instructor training as an apprentice instructor. 11252

~~(J)~~ (I) In the case of all applicants, passes an 11253
examination conducted under division (B) of section 4713.24 of 11254
the Revised Code for the branch of cosmetology the applicant 11255
seeks to instruct. 11256

Sec. 4713.34. The state cosmetology and barber board shall 11257
issue a license to practice a branch of cosmetology or 11258
instructor license to an applicant who is licensed or registered 11259
in another state or country to practice that branch of 11260
cosmetology or teach the theory and practice of that branch of 11261
cosmetology, as appropriate, if all of the following conditions 11262
are satisfied: 11263

(A) The applicant satisfies all of the following 11264
conditions: 11265

(1) Is not less than eighteen years of age; 11266

(2) ~~Is of good moral character;~~ 11267

~~(3)~~ In the case of an applicant for a practicing license, 11268
passes an examination conducted under section 4713.24 of the 11269
Revised Code for the license the applicant seeks, unless the 11270
applicant satisfies conditions specified in rules adopted under 11271
section 4713.08 of the Revised Code for the board to issue the 11272
applicant a license without taking the examination; 11273

~~(4)~~ (3) Pays the applicable fee. 11274

(B) At the time the applicant obtained the license or 11275
registration in the other state or country, the requirements in 11276
this state for obtaining the license the applicant seeks were 11277
substantially equal to the other state or country's 11278
requirements. 11279

(C) The jurisdiction that issued the applicant's license 11280
or registration extends similar reciprocity to individuals 11281
holding a license issued by the board. 11282

Sec. 4713.69. (A) The state cosmetology and barber board 11283
shall issue a boutique services registration to an applicant who 11284

satisfies all of the following applicable conditions:	11285
(1) Is at least sixteen years of age;	11286
(2) Is of good moral character;	11287
(3) <u>(2)</u> Has the equivalent of an Ohio public school tenth grade education;	11288
(4) <u>(3)</u> Has submitted a written application on a form prescribed by the board containing all of the following:	11289
(a) The applicant's name and home address;	11290
(b) The applicant's home telephone number and cellular telephone number, if any;	11291
(c) The applicant's electronic mail address, if any;	11292
(d) The applicant's date of birth;	11293
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	11294
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	11295
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	11296
(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services.	11297
(B) The place of business where boutique services are	11298
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performed must comply with the safety and sanitation 11311
requirements for licensed salon facilities as described in 11312
section 4713.41 of the Revised Code. 11313

(C) The board shall specify the manner by which boutique 11314
services registrants shall fulfill the continuing education 11315
requirements set forth in section 4713.09 of the Revised Code. 11316

Sec. 4715.10. (A) As used in this section, "accredited 11317
dental college" means a dental college accredited by the 11318
commission on dental accreditation or a dental college that has 11319
educational standards recognized by the commission on dental 11320
accreditation and is approved by the state dental board. 11321

(B) Each person who desires to practice dentistry in this 11322
state shall file a written application for a license with the 11323
secretary of the state dental board. The application shall be on 11324
a form prescribed by the board and verified by oath. Each 11325
applicant shall furnish satisfactory proof to the board that the 11326
applicant has met the requirements of divisions (C) and (D) of 11327
this section, and if the applicant is a graduate of an 11328
unaccredited dental college located outside the United States, 11329
division (E) of this section. 11330

(C) To be granted a license to practice dentistry, an 11331
applicant must meet all of the following requirements: 11332

(1) Be at least eighteen years of age; 11333

(2) ~~Be of good moral character;~~ 11334

~~(3)~~ Be a graduate of an accredited dental college or of a 11335
dental college located outside the United States who meets the 11336
standards adopted under section 4715.11 of the Revised Code; 11337

~~(4)~~ (3) Have passed parts I and II of the examination 11338

given by the national board of dental examiners; 11339

~~(5)~~ (4) Have passed a written jurisprudence examination 11340
administered by the state dental board under division (E) (2) of 11341
section 4715.03 of the Revised Code; 11342

~~(6)~~ (5) Pay the fee required by division (A) (1) of section 11343
4715.13 of the Revised Code. 11344

(D) To be granted a license to practice dentistry, an 11345
applicant must meet any one of the following requirements: 11346

(1) Have taken an examination administered by any of the 11347
following regional testing agencies and received a passing score 11348
on the examination as determined by the administering agency: 11349
the central regional dental testing service, inc., northeast 11350
regional board of dental examiners, inc., the commission on 11351
dental competency assessments, the southern regional dental 11352
testing agency, inc., the council of interstate testing 11353
agencies, inc., or the western regional examining board; 11354

(2) Have taken an examination administered by the state 11355
dental board and received a passing score as established by the 11356
board; 11357

(3) Possess a license in good standing from another state 11358
and have actively engaged in the legal and reputable practice of 11359
dentistry in another state or in the armed forces of the United 11360
States, the United States public health service, or the United 11361
States department of veterans' affairs for five years 11362
immediately preceding application; 11363

(4) Have completed a dental residency program accredited 11364
or approved by the commission on dental accreditation and 11365
administered by an accredited dental college or hospital. 11366

(E) To be granted a license to practice dentistry, a graduate of an unaccredited dental college located outside the United States must meet both of the following requirements:

(1) Have taken a basic science and laboratory examination consistent with rules adopted under section 4715.11 of the Revised Code and received a passing score as established by the board;

(2) Have had sufficient clinical training in an accredited institution to reasonably assure a level of competency equal to that of graduates of accredited dental colleges, as determined by the board.

Sec. 4715.101. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state dental board shall not grant a license to an applicant for an initial license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code ~~and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.~~

Sec. 4715.21. Each person who desires to practice as a dental hygienist shall file with the secretary of the state

dental board a written application for a license, under oath, 11396
upon the form prescribed. Such applicant shall furnish 11397
satisfactory proof of being at least eighteen years of age ~~and~~ 11398
~~of good moral character~~. An applicant shall present a diploma or 11399
certificate of graduation from an accredited dental hygiene 11400
school and shall pay the examination fee of one hundred twenty 11401
dollars if the license is issued in an odd-numbered year or one 11402
hundred eighty-four dollars if issued in an even-numbered year. 11403
Those passing such examination as the board prescribes relating 11404
to dental hygiene shall receive a certificate of registration 11405
entitling them to practice. If an applicant fails to pass the 11406
first examination the applicant may apply for a re-examination 11407
at the next regular or special examination meeting of the board. 11408

No applicant shall be admitted to more than two 11409
examinations without first presenting satisfactory proof that 11410
the applicant has successfully completed such refresher courses 11411
in an accredited dental hygiene school as the state dental board 11412
may prescribe. 11413

An accredited dental hygiene school shall be one 11414
accredited by the American dental association commission on 11415
dental accreditation or whose educational standards are 11416
recognized by the American dental association commission on 11417
dental accreditation and approved by the state dental board. 11418

Sec. 4715.27. The state dental board may issue a license 11419
to an applicant who furnishes satisfactory proof of being at 11420
least eighteen years of age, ~~of good moral character~~ and who 11421
demonstrates, to the satisfaction of the board, knowledge of the 11422
laws, regulations, and rules governing the practice of a dental 11423
hygienist; who proves, to the satisfaction of the board, intent 11424
to practice as a dental hygienist in this state; who is a 11425

graduate from an accredited school of dental hygiene and who 11426
holds a license by examination from a similar dental board, and 11427
who passes an examination as prescribed by the board relating to 11428
dental hygiene. 11429

Upon payment of seventy-three dollars and upon application 11430
endorsed by an accredited dental hygiene school in this state, 11431
the state dental board may without examination issue a teacher's 11432
certificate to a dental hygienist, authorized to practice in 11433
another state or country. A teacher's certificate shall be 11434
subject to annual renewal in accordance with the standard 11435
renewal procedure of sections 4745.01 to 4745.03 of the Revised 11436
Code, and shall not be construed as authorizing anything other 11437
than teaching or demonstrating the skills of a dental hygienist 11438
in the educational programs of the accredited dental hygiene 11439
school which endorsed the application. 11440

Sec. 4715.30. (A) ~~An~~ Except as provided in division (K) of 11441
this section, an applicant for or holder of a certificate or 11442
license issued under this chapter is subject to disciplinary 11443
action by the state dental board for any of the following 11444
reasons: 11445

(1) Employing or cooperating in fraud or material 11446
deception in applying for or obtaining a license or certificate; 11447

(2) Obtaining or attempting to obtain money or anything of 11448
value by intentional misrepresentation or material deception in 11449
the course of practice; 11450

(3) Advertising services in a false or misleading manner 11451
or violating the board's rules governing time, place, and manner 11452
of advertising; 11453

(4) Commission of an act that constitutes a felony in this 11454

state, regardless of the jurisdiction in which the act was 11455
committed; 11456

(5) Commission of an act in the course of practice that 11457
constitutes a misdemeanor in this state, regardless of the 11458
jurisdiction in which the act was committed; 11459

(6) Conviction of, a plea of guilty to, a judicial finding 11460
of guilt of, a judicial finding of guilt resulting from a plea 11461
of no contest to, or a judicial finding of eligibility for 11462
intervention in lieu of conviction for, any felony or of a 11463
misdemeanor committed in the course of practice; 11464

(7) Engaging in lewd or immoral conduct in connection with 11465
the provision of dental services; 11466

(8) Selling, prescribing, giving away, or administering 11467
drugs for other than legal and legitimate therapeutic purposes, 11468
or conviction of, a plea of guilty to, a judicial finding of 11469
guilt of, a judicial finding of guilt resulting from a plea of 11470
no contest to, or a judicial finding of eligibility for 11471
intervention in lieu of conviction for, a violation of any 11472
federal or state law regulating the possession, distribution, or 11473
use of any drug; 11474

(9) Providing or allowing dental hygienists, expanded 11475
function dental auxiliaries, or other practitioners of auxiliary 11476
dental occupations working under the certificate or license 11477
holder's supervision, or a dentist holding a temporary limited 11478
continuing education license under division (C) of section 11479
4715.16 of the Revised Code working under the certificate or 11480
license holder's direct supervision, to provide dental care that 11481
departs from or fails to conform to accepted standards for the 11482
profession, whether or not injury to a patient results; 11483

(10) Inability to practice under accepted standards of the profession because of physical or mental disability,	11484
dependence on alcohol or other drugs, or excessive use of alcohol or other	11485
drugs;	11486
	11487
(11) Violation of any provision of this chapter or any	11488
rule adopted thereunder;	11489
(12) Failure to use universal blood and body fluid	11490
precautions established by rules adopted under section 4715.03	11491
of the Revised Code;	11492
(13) Except as provided in division (H) of this section,	11493
either of the following:	11494
(a) Waiving the payment of all or any part of a deductible	11495
or copayment that a patient, pursuant to a health insurance or	11496
health care policy, contract, or plan that covers dental	11497
services, would otherwise be required to pay if the waiver is	11498
used as an enticement to a patient or group of patients to	11499
receive health care services from that certificate or license	11500
holder;	11501
(b) Advertising that the certificate or license holder	11502
will waive the payment of all or any part of a deductible or	11503
copayment that a patient, pursuant to a health insurance or	11504
health care policy, contract, or plan that covers dental	11505
services, would otherwise be required to pay.	11506
(14) Failure to comply with section 4715.302 or 4729.79 of	11507
the Revised Code, unless the state board of pharmacy no longer	11508
maintains a drug database pursuant to section 4729.75 of the	11509
Revised Code;	11510
(15) Any of the following actions taken by an agency	11511
responsible for authorizing, certifying, or regulating an	11512

individual to practice a health care occupation or provide 11513
health care services in this state or another jurisdiction, for 11514
any reason other than the nonpayment of fees: the limitation, 11515
revocation, or suspension of an individual's license to 11516
practice; acceptance of an individual's license surrender; 11517
denial of a license; refusal to renew or reinstate a license; 11518
imposition of probation; or issuance of an order of censure or 11519
other reprimand; 11520

(16) Failure to cooperate in an investigation conducted by 11521
the board under division (D) of section 4715.03 of the Revised 11522
Code, including failure to comply with a subpoena or order 11523
issued by the board or failure to answer truthfully a question 11524
presented by the board at a deposition or in written 11525
interrogatories, except that failure to cooperate with an 11526
investigation shall not constitute grounds for discipline under 11527
this section if a court of competent jurisdiction has issued an 11528
order that either quashes a subpoena or permits the individual 11529
to withhold the testimony or evidence in issue; 11530

(17) Failure to comply with the requirements in section 11531
3719.061 of the Revised Code before issuing for a minor a 11532
prescription for an opioid analgesic, as defined in section 11533
3719.01 of the Revised Code. 11534

(B) A manager, proprietor, operator, or conductor of a 11535
dental facility shall be subject to disciplinary action if any 11536
dentist, dental hygienist, expanded function dental auxiliary, 11537
or qualified personnel providing services in the facility is 11538
found to have committed a violation listed in division (A) of 11539
this section and the manager, proprietor, operator, or conductor 11540
knew of the violation and permitted it to occur on a recurring 11541
basis. 11542

(C) Subject to Chapter 119. of the Revised Code, the board 11543
may take one or more of the following disciplinary actions if 11544
one or more of the grounds for discipline listed in divisions 11545
(A) and (B) of this section exist: 11546

(1) Censure the license or certificate holder; 11547

(2) Place the license or certificate on probationary 11548
status for such period of time the board determines necessary 11549
and require the holder to: 11550

(a) Report regularly to the board upon the matters which 11551
are the basis of probation; 11552

(b) Limit practice to those areas specified by the board; 11553

(c) Continue or renew professional education until a 11554
satisfactory degree of knowledge or clinical competency has been 11555
attained in specified areas. 11556

(3) Suspend the certificate or license; 11557

(4) Revoke the certificate or license. 11558

Where the board places a holder of a license or 11559
certificate on probationary status pursuant to division (C) (2) 11560
of this section, the board may subsequently suspend or revoke 11561
the license or certificate if it determines that the holder has 11562
not met the requirements of the probation or continues to engage 11563
in activities that constitute grounds for discipline pursuant to 11564
division (A) or (B) of this section. 11565

Any order suspending a license or certificate shall state 11566
the conditions under which the license or certificate will be 11567
restored, which may include a conditional restoration during 11568
which time the holder is in a probationary status pursuant to 11569
division (C) (2) of this section. The board shall restore the 11570

license or certificate unconditionally when such conditions are 11571
met. 11572

(D) If the physical or mental condition of an applicant or 11573
a license or certificate holder is at issue in a disciplinary 11574
proceeding, the board may order the license or certificate 11575
holder to submit to reasonable examinations by an individual 11576
designated or approved by the board and at the board's expense. 11577
The physical examination may be conducted by any individual 11578
authorized by the Revised Code to do so, including a physician 11579
assistant, a clinical nurse specialist, a certified nurse 11580
practitioner, or a certified nurse-midwife. Any written 11581
documentation of the physical examination shall be completed by 11582
the individual who conducted the examination. 11583

Failure to comply with an order for an examination shall 11584
be grounds for refusal of a license or certificate or summary 11585
suspension of a license or certificate under division (E) of 11586
this section. 11587

(E) If a license or certificate holder has failed to 11588
comply with an order under division (D) of this section, the 11589
board may apply to the court of common pleas of the county in 11590
which the holder resides for an order temporarily suspending the 11591
holder's license or certificate, without a prior hearing being 11592
afforded by the board, until the board conducts an adjudication 11593
hearing pursuant to Chapter 119. of the Revised Code. If the 11594
court temporarily suspends a holder's license or certificate, 11595
the board shall give written notice of the suspension personally 11596
or by certified mail to the license or certificate holder. Such 11597
notice shall inform the license or certificate holder of the 11598
right to a hearing pursuant to Chapter 119. of the Revised Code. 11599

(F) Any holder of a certificate or license issued under 11600

this chapter who has pleaded guilty to, has been convicted of, 11601
or has had a judicial finding of eligibility for intervention in 11602
lieu of conviction entered against the holder in this state for 11603
aggravated murder, murder, voluntary manslaughter, felonious 11604
assault, kidnapping, rape, sexual battery, gross sexual 11605
imposition, aggravated arson, aggravated robbery, or aggravated 11606
burglary, or who has pleaded guilty to, has been convicted of, 11607
or has had a judicial finding of eligibility for treatment or 11608
intervention in lieu of conviction entered against the holder in 11609
another jurisdiction for any substantially equivalent criminal 11610
offense, is automatically suspended from practice under this 11611
chapter in this state and any certificate or license issued to 11612
the holder under this chapter is automatically suspended, as of 11613
the date of the guilty plea, conviction, or judicial finding, 11614
whether the proceedings are brought in this state or another 11615
jurisdiction. Continued practice by an individual after the 11616
suspension of the individual's certificate or license under this 11617
division shall be considered practicing without a certificate or 11618
license. The board shall notify the suspended individual of the 11619
suspension of the individual's certificate or license under this 11620
division by certified mail or in person in accordance with 11621
section 119.07 of the Revised Code. If an individual whose 11622
certificate or license is suspended under this division fails to 11623
make a timely request for an adjudicatory hearing, the board 11624
shall enter a final order revoking the individual's certificate 11625
or license. 11626

(G) If the supervisory investigative panel determines both 11627
of the following, the panel may recommend that the board suspend 11628
an individual's certificate or license without a prior hearing: 11629

(1) That there is clear and convincing evidence that an 11630
individual has violated division (A) of this section; 11631

(2) That the individual's continued practice presents a 11632
danger of immediate and serious harm to the public. 11633

Written allegations shall be prepared for consideration by 11634
the board. The board, upon review of those allegations and by an 11635
affirmative vote of not fewer than four dentist members of the 11636
board and seven of its members in total, excluding any member on 11637
the supervisory investigative panel, may suspend a certificate 11638
or license without a prior hearing. A telephone conference call 11639
may be utilized for reviewing the allegations and taking the 11640
vote on the summary suspension. 11641

The board shall issue a written order of suspension by 11642
certified mail or in person in accordance with section 119.07 of 11643
the Revised Code. The order shall not be subject to suspension 11644
by the court during pendency or any appeal filed under section 11645
119.12 of the Revised Code. If the individual subject to the 11646
summary suspension requests an adjudicatory hearing by the 11647
board, the date set for the hearing shall be within fifteen 11648
days, but not earlier than seven days, after the individual 11649
requests the hearing, unless otherwise agreed to by both the 11650
board and the individual. 11651

Any summary suspension imposed under this division shall 11652
remain in effect, unless reversed on appeal, until a final 11653
adjudicative order issued by the board pursuant to this section 11654
and Chapter 119. of the Revised Code becomes effective. The 11655
board shall issue its final adjudicative order within seventy- 11656
five days after completion of its hearing. A failure to issue 11657
the order within seventy-five days shall result in dissolution 11658
of the summary suspension order but shall not invalidate any 11659
subsequent, final adjudicative order. 11660

(H) Sanctions shall not be imposed under division (A) (13) 11661

of this section against any certificate or license holder who 11662
waives deductibles and copayments as follows: 11663

(1) In compliance with the health benefit plan that 11664
expressly allows such a practice. Waiver of the deductibles or 11665
copayments shall be made only with the full knowledge and 11666
consent of the plan purchaser, payer, and third-party 11667
administrator. Documentation of the consent shall be made 11668
available to the board upon request. 11669

(2) For professional services rendered to any other person 11670
who holds a certificate or license issued pursuant to this 11671
chapter to the extent allowed by this chapter and the rules of 11672
the board. 11673

(I) In no event shall the board consider or raise during a 11674
hearing required by Chapter 119. of the Revised Code the 11675
circumstances of, or the fact that the board has received, one 11676
or more complaints about a person unless the one or more 11677
complaints are the subject of the hearing or resulted in the 11678
board taking an action authorized by this section against the 11679
person on a prior occasion. 11680

(J) The board may share any information it receives 11681
pursuant to an investigation under division (D) of section 11682
4715.03 of the Revised Code, including patient records and 11683
patient record information, with law enforcement agencies, other 11684
licensing boards, and other governmental agencies that are 11685
prosecuting, adjudicating, or investigating alleged violations 11686
of statutes or administrative rules. An agency or board that 11687
receives the information shall comply with the same requirements 11688
regarding confidentiality as those with which the state dental 11689
board must comply, notwithstanding any conflicting provision of 11690
the Revised Code or procedure of the agency or board that 11691

applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state dental board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(K) The board shall not refuse to issue a license or certificate to an applicant for either of the following reasons unless the refusal is in accordance with section 9.79 of the Revised Code:

(1) A conviction or plea of guilty to an offense;

(2) A judicial finding of eligibility for treatment or intervention in lieu of a conviction.

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

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

(2) ~~If the applicant has pleaded guilty to, has been found~~

~~by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense.~~ 11721
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~~(3)~~The applicant holds at least a bachelor's degree from a college or university authorized to confer degrees by the department of higher education or the comparable legal agency of another state in which the college or university is located and submits an official transcript from that college or university with the application. 11735
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~~(4)~~(3) The applicant has satisfactorily completed at least twelve months of instruction in a prescribed course in mortuary science as approved by the board and has presented to the board a certificate showing successful completion of the course. The course of mortuary science college training may be completed either before or after the completion of the educational standard set forth in division (A) ~~(3)~~(2) of this section. 11741
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~~(5)~~(4) The applicant has been certified by the board prior to beginning an embalmer apprenticeship. 11749
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~~(6)~~(5) The applicant has satisfactorily completed at 11751
least one year of apprenticeship under an embalmer licensed in 11752
this state and has participated in embalming at least twenty- 11753
five dead human bodies. 11754

~~(7)~~(6) The applicant, upon meeting the educational 11755
standards provided for in divisions (A) ~~(3)~~(2) and ~~(4)~~(3) of 11756
this section and completing the apprenticeship required in 11757
division (A) ~~(6)~~(5) of this section, has completed the 11758
examination for an embalmer's license required by the board. 11759

(B) Upon receiving satisfactory evidence verified by oath 11760
that the applicant meets all the requirements of division (A) of 11761
this section, the board shall issue the applicant an embalmer's 11762
license. 11763

(C) Any person who desires to be licensed as a funeral 11764
director shall apply to the board on a form prescribed by the 11765
board. The application shall include an initial license fee as 11766
set forth in section 4717.07 of the Revised Code and evidence, 11767
verified by oath and satisfactory to the board, that the 11768
applicant meets all of the following requirements: 11769

(1) Except as otherwise provided in division (D) of this 11770
section, the applicant has satisfactorily met all the 11771
requirements for an embalmer's license as described in divisions 11772
(A) (1) to ~~(4)~~(3) of this section. 11773

(2) The applicant has been certified by the board prior to 11774
beginning a funeral director apprenticeship. 11775

(3) The applicant, following mortuary science college 11776
training described in division (A) ~~(4)~~(3) of this section, has 11777
satisfactorily completed a one-year apprenticeship under a 11778
licensed funeral director in this state and has participated in 11779

directing at least twenty-five funerals. 11780

(4) The applicant has satisfactorily completed the 11781
examination for a funeral director's license as required by the 11782
board. 11783

(D) In lieu of mortuary science college training required 11784
for a funeral director's license under division (C) (1) of this 11785
section, the applicant may substitute a satisfactorily completed 11786
two-year apprenticeship under a licensed funeral director in 11787
this state assisting that person in directing at least fifty 11788
funerals. 11789

(E) Upon receiving satisfactory evidence that the 11790
applicant meets all the requirements of division (C) of this 11791
section, the board shall issue to the applicant a funeral 11792
director's license. 11793

(F) A funeral director or embalmer may request the funeral 11794
director's or embalmer's license be placed on inactive status by 11795
submitting to the board a form prescribed by the board and such 11796
other information as the board may request. A funeral director 11797
or embalmer may not place the funeral director's or embalmer's 11798
license on inactive status unless the funeral director or 11799
embalmer is in good standing with the board and is in compliance 11800
with applicable continuing education requirements. A funeral 11801
director or embalmer who is granted inactive status is 11802
prohibited from participating in any activity for which a 11803
funeral director's or embalmer's license is required in this 11804
state. A funeral director or embalmer who has been granted 11805
inactive status is exempt from the continuing education 11806
requirements under section 4717.09 of the Revised Code during 11807
the period of the inactive status. 11808

(G) A funeral director or embalmer who has been granted 11809
inactive status may not return to active status for at least two 11810
years following the date that the inactive status was granted. 11811
Following a period of at least two years of inactive status, the 11812
funeral director or embalmer may apply to return to active 11813
status upon completion of all of the following conditions: 11814

(1) The funeral director or embalmer files with the board 11815
a form prescribed by the board seeking active status and 11816
provides any other information as the board may request; 11817

(2) The funeral director or embalmer takes and passes the 11818
Ohio laws examination for each license being activated; 11819

(3) The funeral director or embalmer pays a reactivation 11820
fee to the board in the amount of one hundred forty dollars for 11821
each license being reactivated. 11822

~~(H) As used in this section:— 11823~~

~~(1) "Community control sanction" has the same meaning as 11824
in section 2929.01 of the Revised Code.— 11825~~

~~(2) "Post release control sanction" has the same meaning 11826
as in section 2967.01 of the Revised Code.— 11827~~

Sec. 4717.051. (A) Any person who desires to obtain a 11828
permit as a crematory operator shall apply to the board of 11829
embalmers and funeral directors on a form prescribed by the 11830
board. The applicant shall include with the application the 11831
initial permit fee set forth in section 4717.07 of the Revised 11832
Code and evidence, verified under oath and satisfactory to the 11833
board, that the applicant satisfies all ~~both~~ of the following 11834
requirements: 11835

(1) The applicant is at least eighteen years of age ~~and of— 11836~~

~~good moral character.~~ 11837

~~(2) If the applicant has pleaded guilty to, or has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense.~~ 11838
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~~(3) The applicant has satisfactorily completed a crematory operation certification program approved by the board and has presented to the board a certificate showing completion of the program.~~ 11853
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(B) If the board of embalmers and funeral directors, upon receiving satisfactory evidence, determines that the applicant satisfies all of the requirements of division (A) of this section, the board shall issue to the applicant a permit as a crematory operator. 11857
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(C) The board of embalmers and funeral directors may revoke or suspend a crematory operator permit or subject a crematory operator permit holder to discipline in accordance with the laws, rules, and procedures applicable to licensees under this chapter. 11862
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Sec. 4717.061. (A) As used in this section, "license" and 11867
"applicant for an initial license" have the same meanings as in 11868
section 4776.01 of the Revised Code, except that "license" as 11869
used in both of those terms refers to the types of 11870
authorizations otherwise issued or conferred under this chapter. 11871

(B) In addition to any other eligibility requirement set 11872
forth in this chapter, each applicant for an initial license 11873
shall comply with sections 4776.01 to 4776.04 of the Revised 11874
Code. The board of embalmers and funeral directors shall not 11875
grant a license to an applicant for an initial license unless 11876
the applicant complies with sections 4776.01 to 4776.04 of the 11877
Revised Code ~~and the board, in its discretion, decides that the~~ 11878
~~results of the criminal records check do not make the applicant~~ 11879
~~ineligible for a license issued pursuant to section 4717.05,~~ 11880
~~4717.06, or 4717.10 of the Revised Code.~~ 11881

Sec. 4717.14. (A) The board of embalmers and funeral 11882
directors may, except as provided in division (G) of this 11883
section, refuse to grant or renew, or may suspend or revoke, any 11884
license or permit issued under this chapter or may require the 11885
holder of a license or permit to take corrective action courses 11886
for any of the following reasons: 11887

(1) The holder of a license or permit obtained the license 11888
or permit by fraud or misrepresentation either in the 11889
application or in passing the examination. 11890

(2) The ~~applicant,~~ licensee, or permit holder has been 11891
convicted of or has pleaded guilty to a felony or of any crime 11892
involving moral turpitude. 11893

(3) The applicant, licensee, or permit holder has 11894
recklessly violated any provision of sections 4717.01 to 4717.15 11895

or a rule adopted under any of those sections; division (A) or 11896
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 11897
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 11898
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 11899
(C) of section 4717.28 of the Revised Code; or any provisions of 11900
sections 4717.31 to 4717.38 of the Revised Code; any rule or 11901
order of the department of health or a board of health of a 11902
health district governing the disposition of dead human bodies; 11903
or any other rule or order applicable to the applicant or 11904
licensee. 11905

(4) The ~~applicant, licensee,~~ or permit holder has 11906
committed immoral or unprofessional conduct. 11907

(5) The applicant or licensee knowingly permitted an 11908
unlicensed person, other than a person serving an 11909
apprenticeship, to engage in the profession or business of 11910
embalming or funeral directing under the applicant's or 11911
licensee's supervision. 11912

(6) The applicant, licensee, or permit holder has been 11913
habitually intoxicated, or is addicted to the use of morphine, 11914
cocaine, or other habit-forming or illegal drugs. 11915

(7) The applicant, licensee, or permit holder has refused 11916
to promptly submit the custody of a dead human body or cremated 11917
remains upon the express order of the person legally entitled to 11918
the body or cremated remains. 11919

(8) The licensee or permit holder loaned the licensee's 11920
own license or the permit holder's own permit, or the applicant, 11921
licensee, or permit holder borrowed or used the license or 11922
permit of another person, or knowingly aided or abetted the 11923
granting of an improper license or permit. 11924

(9) The applicant, licensee, or permit holder misled the public by using false or deceptive advertising. As used in this division, "false and deceptive advertising" includes, but is not limited to, any of the following:

(a) Using the names of persons who are not licensed to practice funeral directing in a way that leads the public to believe that such persons are engaging in funeral directing;

(b) Using any name for the funeral home other than the name under which the funeral home is licensed;

(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and continuously used by the funeral home.

(B) (1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke a license or permit only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A) (1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility.

(C) If the board of embalmers and funeral directors 11954
determines that there is clear and convincing evidence that any 11955
of the circumstances described in divisions (A)(1) to (9) of 11956
this section apply to the holder of a license or permit issued 11957
under this chapter and that the licensee's or permit holder's 11958
continued practice presents a danger of immediate and serious 11959
harm to the public, the board may suspend the licensee's license 11960
or permit holder's permit without a prior adjudicatory hearing. 11961
The executive director of the board shall prepare written 11962
allegations for consideration by the board. 11963

The board, after reviewing the written allegations, may 11964
suspend a license or permit without a prior hearing. 11965

Notwithstanding section 121.22 of the Revised Code, the 11966
board may suspend a license or permit under this division by 11967
utilizing a telephone conference call to review the allegations 11968
and to take a vote. 11969

The board shall issue a written order of suspension by a 11970
delivery system or in person in accordance with section 119.07 11971
of the Revised Code. Such an order is not subject to suspension 11972
by the court during the pendency of any appeal filed under 11973
section 119.12 of the Revised Code. If the licensee or permit 11974
holder requests an adjudicatory hearing by the board, the date 11975
set for the hearing shall be within fifteen days, but not 11976
earlier than seven days, after the licensee or permit holder has 11977
requested a hearing, unless the board and the licensee or permit 11978
holder agree to a different time for holding the hearing. 11979

Upon issuing a written order of suspension to the holder 11980
of a license to operate a crematory facility, the board of 11981
embalmers and funeral directors shall send written notice of the 11982
issuance of the order to the crematory review board. The 11983

crematory review board shall hold an adjudicatory hearing on the 11984
order under division (F) of section 4717.03 of the Revised Code 11985
within fifteen days, but not earlier than seven days, after the 11986
issuance of the order, unless the crematory review board and the 11987
licensee agree to a different time for holding the adjudicatory 11988
hearing. 11989

Any summary suspension imposed under this division shall 11990
remain in effect, unless reversed on appeal, until a final 11991
adjudicatory order issued by the board of embalmers and funeral 11992
directors pursuant to this division and Chapter 119. of the 11993
Revised Code, or division (F) of section 4717.03 of the Revised 11994
Code, as applicable, becomes effective. The board of embalmers 11995
and funeral directors shall issue its final adjudicatory order 11996
within sixty days after the completion of its hearing or, in the 11997
case of the summary suspension of a license to operate a 11998
crematory facility, within sixty days after completion of the 11999
adjudicatory hearing by the crematory review board. A failure to 12000
issue the order within that time results in the dissolution of 12001
the summary suspension order, but does not invalidate any 12002
subsequent final adjudicatory order. 12003

(D) If the board of embalmers and funeral directors 12004
suspends or revokes a funeral director's license or a license to 12005
operate a funeral home for any reason identified in division (A) 12006
of this section, the board may file a complaint with the court 12007
of common pleas in the county where the violation occurred 12008
requesting appointment of a receiver and the sequestration of 12009
the assets of the funeral home that held the suspended or 12010
revoked license or the licensed funeral home that employs the 12011
funeral director that held the suspended or revoked license. If 12012
the court of common pleas is satisfied with the application for 12013
a receivership, the court may appoint a receiver. 12014

The board or a receiver may employ and procure whatever assistance or advice is necessary in the receivership or liquidation and distribution of the assets of the funeral home, and, for that purpose, may retain officers or employees of the funeral home as needed. All expenses of the receivership or liquidation shall be paid from the assets of the funeral home and shall be a lien on those assets, and that lien shall be a priority to any other lien.

(E) Any holder of a license or permit issued under this chapter who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in another jurisdiction for any substantially equivalent criminal offense, is hereby suspended from practice under this chapter by operation of law, and any license or permit issued to the individual under this chapter is hereby suspended by operation of law as of the date of the guilty plea, verdict or finding of guilt, or judicial finding of eligibility for treatment in lieu of conviction, regardless of whether the proceedings are brought in this state or another jurisdiction. The board shall notify the suspended individual of the suspension of the individual's license or permit by the operation of this division by a delivery system or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or permit is

suspended under this division fails to make a timely request for 12046
an adjudicatory hearing, the board shall enter a final order 12047
revoking the license. 12048

(F) No person whose license or permit has been suspended 12049
or revoked under or by the operation of this section shall 12050
knowingly practice embalming, funeral directing, or cremation, 12051
or operate a funeral home, embalming facility, or crematory 12052
facility until the board has reinstated the person's license or 12053
permit. 12054

(G) The board shall not refuse to issue a license or 12055
permit to an applicant because of a conviction of or plea of 12056
guilty to a criminal offense unless the refusal is in accordance 12057
with section 9.79 of the Revised Code. 12058

Sec. 4719.03. (A) Except as otherwise provided in division 12059
(B) of this section, the attorney general shall issue a 12060
certificate of registration or registration renewal as a 12061
telephone solicitor to any applicant or registrant that submits 12062
a completed application for the certificate, as specified under 12063
section 4719.02 of the Revised Code, and pays, as applicable, 12064
the registration fee or renewal fee prescribed pursuant to rule 12065
of the attorney general adopted under section 4719.10 of the 12066
Revised Code. All fees collected under this division shall be 12067
deposited into the state treasury to the credit of the 12068
telemarketing fraud enforcement fund created in section 4719.17 12069
of the Revised Code. The certificate of registration or 12070
registration renewal shall expire one year after the date on 12071
which it is issued. 12072

(B) After an adjudication conducted in accordance with 12073
Chapter 119. of the Revised Code, the attorney general may, 12074
except as provided in division (C) of this section, deny a 12075

certificate of registration or registration renewal or may 12076
suspend or revoke a certificate if the attorney general finds, 12077
by a preponderance of the evidence, that any of the following 12078
conditions apply: 12079

(1) The applicant or registrant obtained a certificate of 12080
registration or registration renewal through any false or 12081
fraudulent representation or made any material misrepresentation 12082
in any registration application. 12083

(2) The applicant or registrant made false promises 12084
through advertising or other means or engaged in a continued 12085
course of misrepresentations. 12086

(3) The applicant or registrant violated any provision of 12087
Chapter 1345. or sections 4719.01 to 4719.18 of the Revised Code 12088
or a rule adopted under that chapter or those sections. 12089

(4) In a court of competent jurisdiction of this state or 12090
any other state or of the United States, the applicant or 12091
registrant was convicted of, pleaded guilty to, or entered a 12092
plea of no contest for a felony, engaging in a pattern of 12093
corrupt activity, racketeering, a violation of federal or state 12094
securities law, or a theft offense as defined in section 2913.01 12095
of the Revised Code or in a similar law of any other state or of 12096
the United States, or failed to notify the attorney general of 12097
any conviction of that type as required under division (H) of 12098
section 4719.08 of the Revised Code. 12099

(5) The applicant or registrant engaged in conduct that 12100
constituted improper, fraudulent, or dishonest dealings. 12101

(C) The attorney general shall not refuse to issue a 12102
certificate to an applicant because of a conviction of or plea 12103
of guilty to a criminal offense unless the refusal is in 12104

accordance with section 9.79 of the Revised Code. 12105

Sec. 4723.09. (A) (1) An application for licensure by 12106
examination to practice as a registered nurse or as a licensed 12107
practical nurse shall be submitted to the board of nursing in 12108
the form prescribed by rules of the board. The application shall 12109
include all of the following: 12110

(a) Evidence that the applicant has met the educational 12111
requirements described in division (C) of this section; 12112

(b) Any other information required by rules of the board; 12113

(c) The application fee required by section 4723.08 of the 12114
Revised Code. 12115

(2) The board shall grant a license to practice nursing as 12116
a registered nurse or as a licensed practical nurse if the 12117
following conditions ~~of divisions (A) (2) (a) to (d) have been~~ are 12118
met: 12119

(a) The applicant passes the examination accepted by the 12120
board under section 4723.10 of the Revised Code. 12121

(b) In the case of an applicant who entered a prelicensure 12122
nursing education program on or after June 1, 2003, the results 12123
of a criminal records check conducted in accordance with section 12124
4723.091 of the Revised Code demonstrate that the applicant is 12125
not ineligible for licensure ~~as specified in~~ accordance with 12126
section 4723.092 of the Revised Code. 12127

(c) The board determines that the applicant has not 12128
committed any act that is grounds for disciplinary action under 12129
section 3123.47 or 4723.28 of the Revised Code or determines 12130
that an applicant who has committed any act that is grounds for 12131
disciplinary action under either section has made restitution or 12132

has been rehabilitated, or both- 12133

~~(d) The applicant is not required to register under 12134
Chapter 2950. of the Revised Code or a substantially similar law- 12135
of another state, the United States, or another country. 12136~~

(3) The board is not required to afford an adjudication to 12137
an individual to whom it has refused to grant a license because 12138
of that individual's failure to pass the examination. 12139

(B) (1) An application for licensure by endorsement to 12140
practice nursing as a registered nurse or as a licensed 12141
practical nurse shall be submitted to the board in the form 12142
prescribed by rules of the board. The application shall include 12143
all of the following: 12144

(a) Evidence that the applicant holds a current, valid, 12145
and unrestricted license or equivalent authorization from 12146
another jurisdiction granted after passing an examination 12147
approved by the board of that jurisdiction that is equivalent to 12148
the examination requirements under this chapter for a license to 12149
practice nursing as a registered nurse or licensed practical 12150
nurse; 12151

(b) Any other information required by rules of the board; 12152

(c) The application fee required by section 4723.08 of the 12153
Revised Code. 12154

(2) The board shall grant a license by endorsement to 12155
practice nursing as a registered nurse or as a licensed 12156
practical nurse if the following conditions ~~of divisions (B) (2)-~~ 12157
~~(a) to (f) have been~~ are met: 12158

(a) The applicant provides evidence satisfactory to the 12159
board that the applicant has met the educational requirements 12160

described in division (C) of this section. 12161

(b) The examination, at the time it is successfully 12162
completed, is equivalent to the examination requirements in 12163
effect at that time for applicants who were licensed by 12164
examination in this state. 12165

(c) The board determines there is sufficient evidence that 12166
the applicant completed two contact hours of continuing 12167
education directly related to this chapter or the rules adopted 12168
under it. 12169

(d) The results of a criminal records check conducted in 12170
accordance with section 4723.091 of the Revised Code demonstrate 12171
that the applicant is not ineligible for licensure ~~as specified~~ 12172
in accordance with section 4723.092 of the Revised Code. 12173

(e) The applicant has not committed any act that is 12174
grounds for disciplinary action under section 3123.47 or 4723.28 12175
of the Revised Code, or the board determines that an applicant 12176
who has committed any act that is grounds for disciplinary 12177
action under either of those sections has made restitution or 12178
has been rehabilitated, or both. 12179

~~(f) The applicant is not required to register under 12180
Chapter 2950. of the Revised Code, or a substantially similar 12181
law of another state, the United States, or another country. 12182~~

(C) (1) To be eligible for licensure by examination or 12183
endorsement, an applicant seeking a license to practice nursing 12184
as a registered nurse must successfully complete either of the 12185
following: 12186

(a) A nursing education program approved by the board 12187
under division (A) of section 4723.06 of the Revised Code; 12188

(b) A nursing education program approved by a board of 12189
another jurisdiction that is a member of the national council of 12190
state boards of nursing. 12191

(2) To be eligible for licensure by examination or 12192
endorsement, an applicant seeking a license to practice nursing 12193
as a licensed practical nurse must successfully complete one of 12194
the following: 12195

(a) A nursing education program approved by the board 12196
under division (A) of section 4723.06 of the Revised Code; 12197

(b) A nursing education program approved by a board of 12198
another jurisdiction that is a member of the national council of 12199
state boards of nursing; 12200

(c) A practical nurse course offered or approved by the 12201
United States army; 12202

(d) A practical nurse education program approved by the 12203
United States air force as either of the following: 12204

(i) The community college of the air force associate 12205
degree in practical nursing technology; 12206

(ii) The allied health program, for students who graduated 12207
that program prior to 2016. 12208

(D) The board may grant a nonrenewable temporary permit to 12209
practice nursing as a registered nurse or as a licensed 12210
practical nurse to an applicant for license by endorsement if 12211
the board is satisfied by the evidence that the applicant holds 12212
a current, valid, and unrestricted license or equivalent 12213
authorization from another jurisdiction. Subject to earlier 12214
automatic termination as described in this paragraph, the 12215
temporary permit shall expire at the earlier of one hundred 12216

eighty days after issuance or upon the issuance of a license by 12217
endorsement. The temporary permit shall terminate automatically 12218
if the criminal records check completed by the bureau of 12219
criminal identification and investigation as described in 12220
section 4723.091 of the Revised Code regarding the applicant 12221
indicates that the applicant is ineligible for licensure ~~as~~ 12222
~~specified in accordance with~~ section 4723.092 of the Revised 12223
Code. An applicant whose temporary permit is automatically 12224
terminated is permanently prohibited from obtaining a license to 12225
practice nursing in this state as a registered nurse or as a 12226
licensed practical nurse. 12227

Sec. 4723.092. ~~An individual is ineligible for licensure~~ 12228
The board of nursing shall not refuse to issue a license under 12229
section 4723.09 of the Revised Code or ~~issuance of a certificate~~ 12230
under section 4723.651, 4723.75, 4723.76, or 4723.85 of the 12231
Revised Code ~~if a criminal records check conducted in accordance~~ 12232
~~with section 4723.091 of the Revised Code indicates that the~~ 12233
~~individual has been convicted of, pleaded because of a~~ 12234
conviction of, plea of guilty to, or had a judicial finding of 12235
guilt of, a judicial finding of guilt resulting from a plea of 12236
no contest to, or a judicial finding of eligibility for a 12237
pretrial diversion or similar program or for intervention in 12238
lieu of a conviction for either of the following: 12239

~~(A) Violating section 2903.01, 2903.02, 2903.03, 2903.11,~~ 12240
~~2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11~~ 12241
~~of the Revised Code;~~ 12242

~~(B) Violating a criminal offense unless the refusal is in~~ 12243
~~accordance with section 9.79 of the Revised Code~~ ~~law of another~~ 12244
~~state, the United States, or another country that is~~ 12245
~~substantially similar to a law described in division (A) of this~~ 12246

section. 12247

Sec. 4723.28. (A) The board of nursing, by a vote of a 12248
quorum, may impose one or more of the following sanctions if it 12249
finds that a person committed fraud in passing an examination 12250
required to obtain a license or dialysis technician certificate 12251
issued by the board or to have committed fraud, 12252
misrepresentation, or deception in applying for or securing any 12253
nursing license or dialysis technician certificate issued by the 12254
board: deny, revoke, suspend, or place restrictions on any 12255
nursing license or dialysis technician certificate issued by the 12256
board; reprimand or otherwise discipline a holder of a nursing 12257
license or dialysis technician certificate; or impose a fine of 12258
not more than five hundred dollars per violation. 12259

(B) ~~The~~ Except as provided in section 4723.092 of the 12260
Revised Code, the board of nursing, by a vote of a quorum, may 12261
impose one or more of the following sanctions: deny, revoke, 12262
suspend, or place restrictions on any nursing license or 12263
dialysis technician certificate issued by the board; reprimand 12264
or otherwise discipline a holder of a nursing license or 12265
dialysis technician certificate; or impose a fine of not more 12266
than five hundred dollars per violation. The sanctions may be 12267
imposed for any of the following: 12268

(1) Denial, revocation, suspension, or restriction of 12269
authority to engage in a licensed profession or practice a 12270
health care occupation, including nursing or practice as a 12271
dialysis technician, for any reason other than a failure to 12272
renew, in Ohio or another state or jurisdiction; 12273

(2) Engaging in the practice of nursing or engaging in 12274
practice as a dialysis technician, having failed to renew a 12275
nursing license or dialysis technician certificate issued under 12276

this chapter, or while a nursing license or dialysis technician certificate is under suspension; 12277
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(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 12279
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(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude; 12285
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(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law; 12291
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(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio; 12299
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(7) Conviction of, a plea of guilty to, a judicial finding 12305

of guilt of, a judicial finding of guilt resulting from a plea 12306
of no contest to, or a judicial finding of eligibility for a 12307
pretrial diversion or similar program or for intervention in 12308
lieu of conviction for, an act in the course of practice in 12309
another jurisdiction that would constitute a misdemeanor in 12310
Ohio; 12311

(8) Self-administering or otherwise taking into the body 12312
any dangerous drug, as defined in section 4729.01 of the Revised 12313
Code, in any way that is not in accordance with a legal, valid 12314
prescription issued for that individual, or self-administering 12315
or otherwise taking into the body any drug that is a schedule I 12316
controlled substance; 12317

(9) Habitual or excessive use of controlled substances, 12318
other habit-forming drugs, or alcohol or other chemical 12319
substances to an extent that impairs the individual's ability to 12320
provide safe nursing care or safe dialysis care; 12321

(10) Impairment of the ability to practice according to 12322
acceptable and prevailing standards of safe nursing care or safe 12323
dialysis care because of the use of drugs, alcohol, or other 12324
chemical substances; 12325

(11) Impairment of the ability to practice according to 12326
acceptable and prevailing standards of safe nursing care or safe 12327
dialysis care because of a physical or mental disability; 12328

(12) Assaulting or causing harm to a patient or depriving 12329
a patient of the means to summon assistance; 12330

(13) Misappropriation or attempted misappropriation of 12331
money or anything of value in the course of practice; 12332

(14) Adjudication by a probate court of being mentally ill 12333
or mentally incompetent. The board may reinstate the person's 12334

nursing license or dialysis technician certificate upon 12335
adjudication by a probate court of the person's restoration to 12336
competency or upon submission to the board of other proof of 12337
competency. 12338

(15) The suspension or termination of employment by the 12339
United States department of defense or department of veterans 12340
affairs for any act that violates or would violate this chapter; 12341

(16) Violation of this chapter or any rules adopted under 12342
it; 12343

(17) Violation of any restrictions placed by the board on 12344
a nursing license or dialysis technician certificate; 12345

(18) Failure to use universal and standard precautions 12346
established by rules adopted under section 4723.07 of the 12347
Revised Code; 12348

(19) Failure to practice in accordance with acceptable and 12349
prevailing standards of safe nursing care or safe dialysis care; 12350

(20) In the case of a registered nurse, engaging in 12351
activities that exceed the practice of nursing as a registered 12352
nurse; 12353

(21) In the case of a licensed practical nurse, engaging 12354
in activities that exceed the practice of nursing as a licensed 12355
practical nurse; 12356

(22) In the case of a dialysis technician, engaging in 12357
activities that exceed those permitted under section 4723.72 of 12358
the Revised Code; 12359

(23) Aiding and abetting a person in that person's 12360
practice of nursing without a license or practice as a dialysis 12361
technician without a certificate issued under this chapter; 12362

(24) In the case of an advanced practice registered nurse, 12363
except as provided in division (M) of this section, either of 12364
the following: 12365

(a) Waiving the payment of all or any part of a deductible 12366
or copayment that a patient, pursuant to a health insurance or 12367
health care policy, contract, or plan that covers such nursing 12368
services, would otherwise be required to pay if the waiver is 12369
used as an enticement to a patient or group of patients to 12370
receive health care services from that provider; 12371

(b) Advertising that the nurse will waive the payment of 12372
all or any part of a deductible or copayment that a patient, 12373
pursuant to a health insurance or health care policy, contract, 12374
or plan that covers such nursing services, would otherwise be 12375
required to pay. 12376

(25) Failure to comply with the terms and conditions of 12377
participation in the substance use disorder monitoring program 12378
established under section 4723.35 of the Revised Code; 12379

(26) Failure to comply with the terms and conditions 12380
required under the practice intervention and improvement program 12381
established under section 4723.282 of the Revised Code; 12382

(27) In the case of an advanced practice registered nurse: 12383

(a) Engaging in activities that exceed those permitted for 12384
the nurse's nursing specialty under section 4723.43 of the 12385
Revised Code; 12386

(b) Failure to meet the quality assurance standards 12387
established under section 4723.07 of the Revised Code. 12388

(28) In the case of an advanced practice registered nurse 12389
other than a certified registered nurse anesthetist, failure to 12390

maintain a standard care arrangement in accordance with section	12391
4723.431 of the Revised Code or to practice in accordance with	12392
the standard care arrangement;	12393
(29) In the case of an advanced practice registered nurse	12394
who is designated as a clinical nurse specialist, certified	12395
nurse-midwife, or certified nurse practitioner, failure to	12396
prescribe drugs and therapeutic devices in accordance with	12397
section 4723.481 of the Revised Code;	12398
(30) Prescribing any drug or device to perform or induce	12399
an abortion, or otherwise performing or inducing an abortion;	12400
(31) Failure to establish and maintain professional	12401
boundaries with a patient, as specified in rules adopted under	12402
section 4723.07 of the Revised Code;	12403
(32) Regardless of whether the contact or verbal behavior	12404
is consensual, engaging with a patient other than the spouse of	12405
the registered nurse, licensed practical nurse, or dialysis	12406
technician in any of the following:	12407
(a) Sexual contact, as defined in section 2907.01 of the	12408
Revised Code;	12409
(b) Verbal behavior that is sexually demeaning to the	12410
patient or may be reasonably interpreted by the patient as	12411
sexually demeaning.	12412
(33) Assisting suicide, as defined in section 3795.01 of	12413
the Revised Code;	12414
(34) Failure to comply with the requirements in section	12415
3719.061 of the Revised Code before issuing for a minor a	12416
prescription for an opioid analgesic, as defined in section	12417
3719.01 of the Revised Code;	12418

(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;

(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.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, 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 agreement shall be of no effect.

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

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing

in accordance with section 119.07 of the Revised Code, the board 12449
is not required to hold a hearing, but may adopt, by a vote of a 12450
quorum, a final order that contains the board's findings. In the 12451
final order, the board may order any of the sanctions listed in 12452
division (A) or (B) of this section. 12453

(E) If a criminal action is brought against a registered 12454
nurse, licensed practical nurse, or dialysis technician for an 12455
act or crime described in divisions (B) (3) to (7) of this 12456
section and the action is dismissed by the trial court other 12457
than on the merits, the board shall conduct an adjudication to 12458
determine whether the registered nurse, licensed practical 12459
nurse, or dialysis technician committed the act on which the 12460
action was based. If the board determines on the basis of the 12461
adjudication that the registered nurse, licensed practical 12462
nurse, or dialysis technician committed the act, or if the 12463
registered nurse, licensed practical nurse, or dialysis 12464
technician fails to participate in the adjudication, the board 12465
may take action as though the registered nurse, licensed 12466
practical nurse, or dialysis technician had been convicted of 12467
the act. 12468

If the board takes action on the basis of a conviction, 12469
plea, or a judicial finding as described in divisions (B) (3) to 12470
(7) of this section that is overturned on appeal, the registered 12471
nurse, licensed practical nurse, or dialysis technician may, on 12472
exhaustion of the appeal process, petition the board for 12473
reconsideration of its action. On receipt of the petition and 12474
supporting court documents, the board shall temporarily rescind 12475
its action. If the board determines that the decision on appeal 12476
was a decision on the merits, it shall permanently rescind its 12477
action. If the board determines that the decision on appeal was 12478
not a decision on the merits, it shall conduct an adjudication 12479

to determine whether the registered nurse, licensed practical 12480
nurse, or dialysis technician committed the act on which the 12481
original conviction, plea, or judicial finding was based. If the 12482
board determines on the basis of the adjudication that the 12483
registered nurse, licensed practical nurse, or dialysis 12484
technician committed such act, or if the registered nurse, 12485
licensed practical nurse, or dialysis technician does not 12486
request an adjudication, the board shall reinstate its action; 12487
otherwise, the board shall permanently rescind its action. 12488

Notwithstanding the provision of division (C) (2) of 12489
section 2953.32 of the Revised Code specifying that if records 12490
pertaining to a criminal case are sealed under that section the 12491
proceedings in the case shall be deemed not to have occurred, 12492
sealing of the following records on which the board has based an 12493
action under this section shall have no effect on the board's 12494
action or any sanction imposed by the board under this section: 12495
records of any conviction, guilty plea, judicial finding of 12496
guilt resulting from a plea of no contest, or a judicial finding 12497
of eligibility for a pretrial diversion program or intervention 12498
in lieu of conviction. 12499

The board shall not be required to seal, destroy, redact, 12500
or otherwise modify its records to reflect the court's sealing 12501
of conviction records. 12502

(F) The board may investigate an individual's criminal 12503
background in performing its duties under this section. As part 12504
of such investigation, the board may order the individual to 12505
submit, at the individual's expense, a request to the bureau of 12506
criminal identification and investigation for a criminal records 12507
check and check of federal bureau of investigation records in 12508
accordance with the procedure described in section 4723.091 of 12509

the Revised Code. 12510

(G) During the course of an investigation conducted under 12511
this section, the board may compel any registered nurse, 12512
licensed practical nurse, or dialysis technician or applicant 12513
under this chapter to submit to a mental or physical 12514
examination, or both, as required by the board and at the 12515
expense of the individual, if the board finds reason to believe 12516
that the individual under investigation may have a physical or 12517
mental impairment that may affect the individual's ability to 12518
provide safe nursing care. Failure of any individual to submit 12519
to a mental or physical examination when directed constitutes an 12520
admission of the allegations, unless the failure is due to 12521
circumstances beyond the individual's control, and a default and 12522
final order may be entered without the taking of testimony or 12523
presentation of evidence. 12524

If the board finds that an individual is impaired, the 12525
board shall require the individual to submit to care, 12526
counseling, or treatment approved or designated by the board, as 12527
a condition for initial, continued, reinstated, or renewed 12528
authority to practice. The individual shall be afforded an 12529
opportunity to demonstrate to the board that the individual can 12530
begin or resume the individual's occupation in compliance with 12531
acceptable and prevailing standards of care under the provisions 12532
of the individual's authority to practice. 12533

For purposes of this division, any registered nurse, 12534
licensed practical nurse, or dialysis technician or applicant 12535
under this chapter shall be deemed to have given consent to 12536
submit to a mental or physical examination when directed to do 12537
so in writing by the board, and to have waived all objections to 12538
the admissibility of testimony or examination reports that 12539

constitute a privileged communication. 12540

(H) The board shall investigate evidence that appears to 12541
show that any person has violated any provision of this chapter 12542
or any rule of the board. Any person may report to the board any 12543
information the person may have that appears to show a violation 12544
of any provision of this chapter or rule of the board. In the 12545
absence of bad faith, any person who reports such information or 12546
who testifies before the board in any adjudication conducted 12547
under Chapter 119. of the Revised Code shall not be liable for 12548
civil damages as a result of the report or testimony. 12549

(I) All of the following apply under this chapter with 12550
respect to the confidentiality of information: 12551

(1) Information received by the board pursuant to a 12552
complaint or an investigation is confidential and not subject to 12553
discovery in any civil action, except that the board may 12554
disclose information to law enforcement officers and government 12555
entities for purposes of an investigation of either a licensed 12556
health care professional, including a registered nurse, licensed 12557
practical nurse, or dialysis technician, or a person who may 12558
have engaged in the unauthorized practice of nursing or dialysis 12559
care. No law enforcement officer or government entity with 12560
knowledge of any information disclosed by the board pursuant to 12561
this division shall divulge the information to any other person 12562
or government entity except for the purpose of a government 12563
investigation, a prosecution, or an adjudication by a court or 12564
government entity. 12565

(2) If an investigation requires a review of patient 12566
records, the investigation and proceeding shall be conducted in 12567
such a manner as to protect patient confidentiality. 12568

(3) All adjudications and investigations of the board 12569
shall be considered civil actions for the purposes of section 12570
2305.252 of the Revised Code. 12571

(4) Any board activity that involves continued monitoring 12572
of an individual as part of or following any disciplinary action 12573
taken under this section shall be conducted in a manner that 12574
maintains the individual's confidentiality. Information received 12575
or maintained by the board with respect to the board's 12576
monitoring activities is not subject to discovery in any civil 12577
action and is confidential, except that the board may disclose 12578
information to law enforcement officers and government entities 12579
for purposes of an investigation of a licensee or certificate 12580
holder. 12581

(J) Any action taken by the board under this section 12582
resulting in a suspension from practice shall be accompanied by 12583
a written statement of the conditions under which the person may 12584
be reinstated to practice. 12585

(K) When the board refuses to grant a license or 12586
certificate to an applicant, revokes a license or certificate, 12587
or refuses to reinstate a license or certificate, the board may 12588
specify that its action is permanent. An individual subject to 12589
permanent action taken by the board is forever ineligible to 12590
hold a license or certificate of the type that was refused or 12591
revoked and the board shall not accept from the individual an 12592
application for reinstatement of the license or certificate or 12593
for a new license or certificate. 12594

(L) No unilateral surrender of a nursing license or 12595
dialysis technician certificate issued under this chapter shall 12596
be effective unless accepted by majority vote of the board. No 12597
application for a nursing license or dialysis technician 12598

certificate issued under this chapter may be withdrawn without a majority vote of the board. The board's jurisdiction to take disciplinary action under this section is not removed or limited when an individual has a license or certificate classified as inactive or fails to renew a license or certificate.

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

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

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

Sec. 4723.651. (A) To be eligible to receive a medication aide certificate, an applicant shall meet all of the following conditions:

(1) Be at least eighteen years of age;

(2) Have a high school diploma or a certificate of high school equivalence as defined in section 5107.40 of the Revised Code;

(3) If the applicant is to practice as a medication aide in a nursing home, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code;

(4) If the applicant is to practice as a medication aide 12627
in a residential care facility, be a nurse aide who satisfies 12628
the requirements of division (A) (1), (2), (3), (4), (5), (6), or 12629
(8) of section 3721.32 of the Revised Code or an individual who 12630
has at least one year of direct care experience in a residential 12631
care facility; 12632

(5) If the applicant is to practice as a medication aide 12633
in an ICF/IID, be a nurse aide who satisfies the requirements of 12634
division (A) (1), (2), (3), (4), (5), (6), or (8) of section 12635
3721.32 of the Revised Code or an individual who has at least 12636
one year of direct care experience in an ICF/IID; 12637

(6) Successfully complete the course of instruction 12638
provided by a training program approved under section 4723.66 of 12639
the Revised Code; 12640

(7) Not be ineligible for licensure or certification ~~as~~ 12641
~~specified in accordance with~~ section 4723.092 of the Revised 12642
Code; 12643

(8) Have not committed any act that is grounds for 12644
disciplinary action under section 3123.47 or 4723.28 of the 12645
Revised Code or be determined by the board to have made 12646
restitution, been rehabilitated, or both; 12647

(9) ~~Not be required to register under Chapter 2950. of the~~ 12648
~~Revised Code or a substantially similar law of another state,~~ 12649
~~the United States, or another country;~~ 12650

~~(10)~~ Meet all other requirements for a medication aide 12651
certificate established in rules adopted under section 4723.69 12652
of the Revised Code. 12653

(B) If an applicant meets the requirements specified in 12654
division (A) of this section, the board of nursing shall issue a 12655

medication aide certificate to the applicant. If a medication 12656
aide certificate is issued to an individual on the basis of 12657
having at least one year of direct care experience working in a 12658
residential care facility, as provided in division (A) (4) of 12659
this section, the certificate is valid for use only in a 12660
residential care facility. If a medication aide certificate is 12661
issued to an individual on the basis of having at least one year 12662
of direct care experience working in an ICF/IID, as provided in 12663
division (A) (5) of this section, the certificate is valid for 12664
use only in an ICF/IID. The board shall state the limitation on 12665
the certificate issued to the individual. 12666

(C) A medication aide certificate is valid for two years, 12667
unless earlier suspended or revoked. The certificate may be 12668
renewed in accordance with procedures specified by the board in 12669
rules adopted under section 4723.69 of the Revised Code. To be 12670
eligible for renewal, an applicant shall pay the renewal fee 12671
established in the rules and meet all renewal qualifications 12672
specified in the rules. 12673

Sec. 4723.75. (A) The board of nursing shall issue a 12674
certificate to practice as a dialysis technician to an applicant 12675
if the following conditions ~~of divisions (A) (1) to (5) of this~~ 12676
~~section have been~~ are met: 12677

(1) The application is submitted to the board in 12678
accordance with rules adopted under section 4723.79 of the 12679
Revised Code and includes both of the following: 12680

(a) The fee established in rules adopted under section 12681
4723.79 of the Revised Code; 12682

(b) The name and address of each approved dialysis 12683
training program in which the applicant has enrolled and the 12684

dates during which the applicant was enrolled in each program. 12685

(2) The applicant meets the requirements established by 12686
the board's rules. 12687

(3) The applicant demonstrates competency to practice as a 12688
dialysis technician, as specified in division (B) of this 12689
section. 12690

(4) In the case of an applicant who entered a dialysis 12691
training program on or after June 1, 2003, the results of a 12692
criminal records check conducted in accordance with section 12693
4723.091 of the Revised Code demonstrate that the applicant is 12694
not ineligible for certification ~~as specified in~~ accordance with 12695
section 4723.092 of the Revised Code. 12696

~~(5) The applicant is not required to register under 12697
Chapter 2950. of the Revised Code or a substantially similar law 12698
of another state, the United States, or another country. 12699~~

(B) For an applicant to demonstrate competence to practice 12700
as a dialysis technician, one of the following must apply: 12701

(1) The applicant has successfully completed a dialysis 12702
training program approved by the board under section 4723.74 of 12703
the Revised Code and meets both of the following requirements: 12704

(a) Has performed dialysis care for a dialysis provider 12705
for not less than six months immediately prior to the date of 12706
application; 12707

(b) Has passed a certification examination demonstrating 12708
competence to perform dialysis care not later than eighteen 12709
months after successfully completing a dialysis training program 12710
approved by the board under section 4723.74 of the Revised Code. 12711

(2) The applicant does all of the following: 12712

(a) Has a testing organization approved by the board	12713
submit evidence satisfactory to the board that the applicant	12714
passed an examination, in another jurisdiction, that	12715
demonstrates the applicant's competence to provide dialysis	12716
care;	12717
(b) Submits evidence satisfactory to the board that the	12718
applicant has been employed to perform dialysis care in another	12719
jurisdiction for not less than six months immediately prior to	12720
the date of application for certification under this section;	12721
(c) Submits evidence satisfactory to the board that the	12722
applicant completed at least two hours of education directly	12723
related to this chapter and the rules adopted under it.	12724
(C) An applicant who does not pass the certification	12725
examination described in division (B) (1) (b) of this section	12726
within the time period prescribed in that division may continue	12727
to pursue certification by repeating the entire training and	12728
application process, including doing all of the following:	12729
(1) Enrolling in and successfully completing a dialysis	12730
training program approved by the board;	12731
(2) Submitting a request to the bureau of criminal	12732
identification and investigation for a criminal records check	12733
and check of federal bureau of investigation records pursuant to	12734
section 4723.091 of the Revised Code;	12735
(3) Submitting an application for a dialysis technician	12736
intern certificate in accordance with section 4723.76 of the	12737
Revised Code;	12738
(4) Demonstrating competence to perform dialysis care in	12739
accordance with division (B) of this section.	12740

Sec. 4723.76. (A) The board of nursing shall issue a certificate to practice as a dialysis technician intern to an applicant who has not passed the dialysis technician certification examination required by section 4723.751 of the Revised Code, but who satisfies all of the following requirements:

(1) Applies to the board in accordance with rules adopted under section 4723.79 of the Revised Code and includes with the application both of the following:

(a) The fee established in rules adopted under section 4723.79 of the Revised Code;

(b) The name and address of all dialysis training programs approved by the board in which the applicant has been enrolled and the dates of enrollment in each program.

(2) Provides documentation from the applicant's employer attesting that the applicant is competent to perform dialysis care;

(3) Has successfully completed a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code;

~~(4) Is not required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country.~~

(B) A dialysis technician intern certificate issued to an applicant who meets the requirements in division (A) of this section is valid for a period of time that is eighteen months from the date on which the applicant successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code, minus the time the applicant was

enrolled in one or more dialysis training programs approved by the board. 12770
12771

(C) A dialysis technician intern certificate issued under this section may not be renewed. 12772
12773

Sec. 4723.84. (A) To be eligible to receive a community health worker certificate, an applicant shall meet all of the following conditions: 12774
12775
12776

(1) Be eighteen years of age or older; 12777

(2) Possess a high school diploma or the equivalent of a high school diploma, as determined by the board; 12778
12779

(3) Except as provided in division (B) of this section, successfully complete a community health worker training program approved by the board under section 4723.87 of the Revised Code; 12780
12781
12782

(4) Not be ineligible for certification ~~as specified in~~ accordance with section 4723.092 of the Revised Code; 12783
12784

(5) Not have committed any act that is grounds for disciplinary action under section 3123.47 of the Revised Code or rules adopted under division (F) of section 4723.88 of the Revised Code or, if such an act has been committed, be determined by the board to have made restitution, been rehabilitated, or both; 12785
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~~(6) Not be required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country;~~ 12791
12792
12793

~~(7)~~ Meet all other requirements the board specifies in rules adopted under section 4723.88 of the Revised Code. 12794
12795

(B) In lieu of meeting the condition of completing a 12796

community health worker training program, an applicant may be 12797
issued a community health worker certificate if the individual 12798
was employed in a capacity substantially the same as a community 12799
health worker prior to February 1, 2005. To be eligible under 12800
this division, an applicant must meet the requirements specified 12801
in rules adopted by the board under section 4723.88 of the 12802
Revised Code and provide documentation from the employer 12803
attesting to the employer's belief that the applicant is 12804
competent to perform activities as a certified community health 12805
worker. 12806

Sec. 4725.12. (A) Each person who desires to commence the 12807
practice of optometry in the state shall file with the executive 12808
director of the state vision professionals board an application 12809
for a certificate of licensure and a therapeutic pharmaceutical 12810
agents certificate. The application shall be accompanied by the 12811
fees specified under section 4725.34 of the Revised Code and 12812
shall contain all information the board considers necessary to 12813
determine whether an applicant is qualified to receive the 12814
certificates. The application shall be made upon the form 12815
prescribed by the board and shall be verified by the oath of the 12816
applicant. 12817

(B) To receive a certificate of licensure and a 12818
therapeutic pharmaceutical agents certificate, an applicant must 12819
meet all of the following conditions: 12820

- (1) Be at least eighteen years of age; 12821
- (2) ~~Be of good moral character;~~ 12822
- ~~(3)~~ Complete satisfactorily a course of study of at least 12823
six college years; 12824
- ~~(4)~~ (3) Graduate from a school of optometry approved by 12825

the board under section 4725.10 of the Revised Code; 12826

~~(5)~~ (4) Pass the licensing examination accepted by the 12827
board under section 4725.11 of the Revised Code. 12828

Sec. 4725.121. (A) As used in this section, "license" and 12829
"applicant for an initial license" have the same meanings as in 12830
section 4776.01 of the Revised Code, except that "license" as 12831
used in both of those terms refers to the types of 12832
authorizations otherwise issued or conferred under this chapter. 12833

(B) In addition to any other eligibility requirement set 12834
forth in this chapter, each applicant for an initial license 12835
shall comply with sections 4776.01 to 4776.04 of the Revised 12836
Code. The state vision professionals board shall not grant a 12837
license to an applicant for an initial license unless the 12838
applicant complies with sections 4776.01 to 4776.04 of the 12839
Revised Code ~~and the board, in its discretion, decides that the~~ 12840
~~results of the criminal records check do not make the applicant~~ 12841
~~ineligible for a license issued pursuant to section 4725.13 or~~ 12842
~~4725.18 of the Revised Code.~~ 12843

Sec. 4725.18. (A) The state vision professionals board may 12844
issue a certificate of licensure and therapeutic pharmaceutical 12845
agents certificate by endorsement to an individual licensed as 12846
an optometrist by another state or a Canadian province if the 12847
board determines that the other state or province has standards 12848
for the practice of optometry that are at least as stringent as 12849
the standards established under sections 4725.01 to 4725.34 of 12850
the Revised Code and the individual meets the conditions 12851
specified in division (B) of this section. The certificates may 12852
be issued only by an affirmative vote of a majority of the 12853
board's members. 12854

(B) An individual seeking a certificate of licensure and therapeutic pharmaceutical agents certificate pursuant to this section shall submit an application to the board. To receive the certificates, an applicant must meet all of the following conditions:

(1) Meet the same qualifications that an individual must meet under divisions (B) (1) to ~~(4)~~ (3) of section 4725.12 of the Revised Code to receive a certificate of licensure and therapeutic pharmaceutical agents certificate under that section;

(2) Be licensed to practice optometry by a state or province that requires passage of a written, entry-level examination at the time of initial licensure;

(3) Be licensed in good standing by the optometry licensing agency of the other state or province, evidenced by submission of a letter from the licensing agency of the other state or province attesting to the applicant's good standing;

(4) Provide the board with certified reports from the optometry licensing agencies of all states and provinces in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license;

(5) Have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section;

(6) Pay the nonrefundable application fees established	12884
under section 4725.34 of the Revised Code for a certificate of	12885
licensure and therapeutic pharmaceutical agents certificate;	12886
(7) Submit all transcripts, reports, or other information	12887
the board requires;	12888
(8) Participate in a two-hour instruction session provided	12889
by the board on the optometry statutes and rules of this state	12890
or pass an Ohio optometry jurisprudence test administered by the	12891
board;	12892
(9) Pass all or part of the licensing examination accepted	12893
by the board under section 4725.11 of the Revised Code, if the	12894
board determines that testing is necessary to determine whether	12895
the applicant's qualifications are sufficient for issuance of a	12896
certificate of licensure and therapeutic pharmaceutical agents	12897
certificate under this section;	12898
(10) Not have been previously denied issuance of a	12899
certificate by the board.	12900
Sec. 4725.19. (A) In accordance with Chapter 119. of the	12901
Revised Code and by an affirmative vote of a majority of its	12902
members, the state vision professionals board, for any of the	12903
reasons specified in division (B) of this section, shall refuse	12904
to grant a certificate of licensure to practice optometry to an	12905
applicant and may, with respect to a licensed optometrist, do	12906
one or more of the following:	12907
(1) Suspend the operation of any certificate of licensure,	12908
topical ocular pharmaceutical agents certificate, or therapeutic	12909
pharmaceutical agents certificate, or all certificates granted	12910
by it to the optometrist;	12911
(2) Permanently revoke any or all of the certificates;	12912

- (3) Limit or otherwise place restrictions on any or all of the certificates; 12913
12914
- (4) Reprimand the optometrist; 12915
- (5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars. 12916
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- (6) Require the optometrist to take corrective action courses. 12922
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- The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code. 12924
12925
12926
- (B) ~~The~~ Except as provided in division (E) of this section, the sanctions specified in division (A) of this section may be taken by the board for any of the following reasons: 12927
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- (1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure; 12930
12931
12932
- (2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed; 12933
12934
- (3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry; 12935
12936
- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 12937
12938
- (5) Being at any time guilty of a misdemeanor committed in 12939

the course of practice, regardless of the jurisdiction in which	12940
the act was committed;	12941
(6) Violating the conditions of any limitation or other	12942
restriction placed by the board on any certificate issued by the	12943
board;	12944
(7) Engaging in the practice of optometry as provided in	12945
division (A) (1), (2), or (3) of section 4725.01 of the Revised	12946
Code when the certificate authorizing that practice is under	12947
suspension, in which case the board shall permanently revoke the	12948
certificate;	12949
(8) Being denied a license to practice optometry in	12950
another state or country or being subject to any other sanction	12951
by the optometric licensing authority of another state or	12952
country, other than sanctions imposed for the nonpayment of	12953
fees;	12954
(9) Departing from or failing to conform to acceptable and	12955
prevailing standards of care in the practice of optometry as	12956
followed by similar practitioners under the same or similar	12957
circumstances, regardless of whether actual injury to a patient	12958
is established;	12959
(10) Failing to maintain comprehensive patient records;	12960
(11) Advertising a price of optical accessories, eye	12961
examinations, or other products or services by any means that	12962
would deceive or mislead the public;	12963
(12) Being addicted to the use of alcohol, stimulants,	12964
narcotics, or any other substance which impairs the intellect	12965
and judgment to such an extent as to hinder or diminish the	12966
performance of the duties included in the person's practice of	12967
optometry;	12968

- (13) Engaging in the practice of optometry as provided in 12969
division (A) (2) or (3) of section 4725.01 of the Revised Code 12970
without authority to do so or, if authorized, in a manner 12971
inconsistent with the authority granted; 12972
- (14) Failing to make a report to the board as required by 12973
division (A) of section 4725.21 or section 4725.31 of the 12974
Revised Code; 12975
- (15) Soliciting patients from door to door or establishing 12976
temporary offices, in which case the board shall suspend all 12977
certificates held by the optometrist; 12978
- (16) Except as provided in division (D) of this section: 12979
- (a) Waiving the payment of all or any part of a deductible 12980
or copayment that a patient, pursuant to a health insurance or 12981
health care policy, contract, or plan that covers optometric 12982
services, would otherwise be required to pay if the waiver is 12983
used as an enticement to a patient or group of patients to 12984
receive health care services from that optometrist. 12985
- (b) Advertising that the optometrist will waive the 12986
payment of all or any part of a deductible or copayment that a 12987
patient, pursuant to a health insurance or health care policy, 12988
contract, or plan that covers optometric services, would 12989
otherwise be required to pay. 12990
- (17) Failing to comply with the requirements in section 12991
3719.061 of the Revised Code before issuing for a minor a 12992
prescription for an analgesic controlled substance authorized 12993
pursuant to section 4725.091 of the Revised Code that is an 12994
opioid analgesic, as defined in section 3719.01 of the Revised 12995
Code; 12996
- (18) Violating the rules adopted under section 4725.66 of 12997

the Revised Code; 12998

(19) A pattern of continuous or repeated violations of 12999
division (E) (2) or (3) of section 3963.02 of the Revised Code. 13000

(C) Any person who is the holder of a certificate of 13001
licensure, or who is an applicant for a certificate of licensure 13002
against whom is preferred any charges, shall be furnished by the 13003
board with a copy of the complaint and shall have a hearing 13004
before the board in accordance with Chapter 119. of the Revised 13005
Code. 13006

(D) Sanctions shall not be imposed under division (B) (17) 13007
of this section against any optometrist who waives deductibles 13008
and copayments: 13009

(1) In compliance with the health benefit plan that 13010
expressly allows such a practice. Waiver of the deductibles or 13011
copayments shall be made only with the full knowledge and 13012
consent of the plan purchaser, payer, and third-party 13013
administrator. Documentation of the consent shall be made 13014
available to the board upon request. 13015

(2) For professional services rendered to any other 13016
optometrist licensed by the board, to the extent allowed by 13017
sections 4725.01 to 4725.34 of the Revised Code and the rules of 13018
the board. 13019

(E) The board shall not refuse to grant a certificate of 13020
licensure to practice optometry to an applicant because of a 13021
conviction of or plea of guilty to an offense unless the refusal 13022
is in accordance with section 9.79 of the Revised Code. 13023

Sec. 4725.44. (A) The state vision professionals board 13024
shall be responsible for the administration of sections 4725.40 13025
to 4725.59 of the Revised Code and, in particular, shall process 13026

applications for licensure as licensed dispensing opticians and 13027
ocularists; schedule, administer, and supervise the qualifying 13028
examinations for licensure or contract with a testing service to 13029
schedule, administer, and supervise the qualifying examination 13030
for licensure; issue licenses to qualified individuals; and 13031
revoke and suspend licenses. 13032

(B) The board shall adopt, amend, or rescind rules, 13033
pursuant to Chapter 119. of the Revised Code, for the licensure 13034
of dispensing opticians and ocularists, and such other rules as 13035
are required by or necessary to carry out the responsibilities 13036
imposed by sections 4725.40 to 4725.59 of the Revised Code, 13037
including rules establishing criminal records check requirements 13038
under section 4776.03 of the Revised Code and rules establishing 13039
disqualifying offenses for licensure as a dispensing optician or 13040
certification as an apprentice dispensing optician pursuant to 13041
sections 9.79, 4725.48, 4725.52, 4725.53, and 4776.10 of the 13042
Revised Code. 13043

(C) The board shall have no authority to adopt rules 13044
governing the employment of dispensing opticians, the location 13045
or number of optical stores, advertising of optical products or 13046
services, or the manner in which optical products can be 13047
displayed. 13048

Sec. 4725.48. (A) Any person who desires to engage in 13049
optical dispensing shall file a properly completed application 13050
for an examination with the state vision professionals board or 13051
with the testing service the board has contracted with pursuant 13052
to section 4725.49 of the Revised Code. The application for 13053
examination shall be made using a form provided by the board and 13054
shall be accompanied by an examination fee the board shall 13055
establish by rule. 13056

(B) Any person who desires to engage in optical dispensing 13057
shall file a properly completed application for a license with 13058
the board with a licensure application fee of fifty dollars. 13059

No person shall be eligible to apply for a license under 13060
this division, unless the person is at least eighteen years of 13061
age, is free of contagious or infectious disease, has received a 13062
passing score, as determined by the board, on the examination 13063
administered under division (A) of this section, is a graduate 13064
of an accredited high school of any state, or has received an 13065
equivalent education and has successfully completed either of 13066
the following: 13067

(1) Two years of supervised experience under a licensed 13068
dispensing optician, optometrist, or physician engaged in the 13069
practice of ophthalmology, up to one year of which may be 13070
continuous experience of not less than thirty hours a week in an 13071
optical laboratory; 13072

(2) A two-year college level program in optical dispensing 13073
that has been approved by the board and that includes, but is 13074
not limited to, courses of study in mathematics, science, 13075
English, anatomy and physiology of the eye, applied optics, 13076
ophthalmic optics, measurement and inspection of lenses, lens 13077
grinding and edging, ophthalmic lens design, keratometry, and 13078
the fitting and adjusting of spectacle lenses and frames and 13079
contact lenses, including methods of fitting contact lenses and 13080
post-fitting care. 13081

(C) Any person who desires to obtain a license to practice 13082
as an ocularist shall file a properly completed application with 13083
the board accompanied by the appropriate fee and proof that the 13084
applicant has met the requirements for licensure. The board 13085
shall establish, by rule, the application fee and the minimum 13086

requirements for licensure, including education, examination, or 13087
experience standards recognized by the board as national 13088
standards for ocularists. The board shall issue a license to 13089
practice as an ocularist to an applicant who satisfies the 13090
requirements of this division and rules adopted pursuant to this 13091
division. 13092

(D) (1) Subject to divisions (D) ~~(2)~~, ~~(3)~~, and (4) of this 13093
section, the board shall not adopt, maintain, renew, or enforce 13094
any rule that precludes an individual from ~~receiving or renewing~~ 13095
a license as a dispensing optician issued under sections 4725.40 13096
to 4725.59 of the Revised Code due to any past criminal activity 13097
or interpretation of moral character, unless the individual has 13098
committed a crime of moral turpitude or a disqualifying offense 13099
as those terms are defined in section 4776.10 of the Revised 13100
Code. 13101

If the board denies an individual a license or license 13102
renewal, the reasons for such denial shall be put in writing. 13103

~~(2) Except as otherwise provided in this division, if an 13104
individual applying for a license has been convicted of or 13105
pleaded guilty to a misdemeanor that is not a crime of moral 13106
turpitude or a disqualifying offense less than one year prior to 13107
making the application, the The board may use its discretion in 13108
granting or denying the individual refuse to issue a license. 13109
Except as otherwise provided in this division, if an individual 13110
applying for a license has been convicted of or pleaded guilty 13111
to a felony that is not a crime of moral turpitude or a 13112
disqualifying offense less than three years prior to making the 13113
application, the board may use its discretion in granting or 13114
denying the individual a license. The provisions in this 13115
paragraph do not apply with respect to any offense unless the 13116~~

~~board, prior to September 28, 2012, was required or authorized~~ 13117
~~to deny the application based on that offense.~~ 13118

~~In all other circumstances, the board shall follow the~~ 13119
~~procedures it adopts by rule that conform to division (D)(1) of~~ 13120
~~this section to an applicant because of a conviction of or plea~~ 13121
~~of guilty to an offense if the refusal is in accordance with~~ 13122
~~section 9.79 of the Revised Code.~~ 13123

(3) In considering a renewal of an individual's license, 13124
the board shall not consider any conviction or plea of guilty 13125
prior to the initial licensing. However, the board may consider 13126
a conviction or plea of guilty if it occurred after the 13127
individual was initially licensed, or after the most recent 13128
license renewal. 13129

(4) The board may grant an individual a conditional 13130
license that lasts for one year. After the one-year period has 13131
expired, the license is no longer considered conditional, and 13132
the individual shall be considered fully licensed. 13133

(E) The board, subject to the approval of the controlling 13134
board, may establish examination fees in excess of the amount 13135
established by rule pursuant to this section, provided that such 13136
fees do not exceed those amounts established in rule by more 13137
than fifty per cent. 13138

Sec. 4725.501. (A) As used in this section, "license" and 13139
"applicant for an initial license" have the same meanings as in 13140
section 4776.01 of the Revised Code, except that "license" as 13141
used in both of those terms refers to the types of 13142
authorizations otherwise issued or conferred under this chapter. 13143

(B) In addition to any other eligibility requirement set 13144
forth in this chapter, each applicant for an initial license 13145

shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state vision professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code ~~and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4725.50 or 4725.57 of the Revised Code.~~

Sec. 4725.52. Any licensed dispensing optician may supervise a maximum of three apprentices who shall be permitted to engage in optical dispensing only under the supervision of the licensed dispensing optician.

To serve as an apprentice, a person shall register with the state vision professionals board on a form provided by the board and in the form of a statement giving the name and address of the supervising licensed dispensing optician, the location at which the apprentice will be employed, and any other information required by the board. For the duration of the apprenticeship, the apprentice shall register annually on the form provided by the board and in the form of a statement.

Each apprentice shall pay an initial registration fee of twenty dollars. For each registration renewal thereafter, each apprentice shall pay a registration renewal fee of twenty dollars.

The board shall not deny registration as an apprentice under this section to any individual based on the individual's past criminal history or an interpretation of moral character unless the ~~individual has committed~~ denial is for a disqualifying offense ~~or crime of moral turpitude as those terms are defined in accordance with~~ section ~~4776.10~~ 9.79 of the

Revised Code. ~~Except as otherwise provided in this division, if~~ 13176
~~an individual applying for a registration has been convicted of~~ 13177
~~or pleaded guilty to a misdemeanor that is not a crime of moral~~ 13178
~~turpitude or a disqualifying offense less than one year prior to~~ 13179
~~making the application, the board may use its discretion in~~ 13180
~~granting or denying the individual a registration. Except as~~ 13181
~~otherwise provided in this division, if an individual applying~~ 13182
~~for a registration has been convicted of or pleaded guilty to a~~ 13183
~~felony that is not a crime of moral turpitude or a disqualifying~~ 13184
~~offense less than three years prior to making the application,~~ 13185
~~the board may use its discretion in granting or denying the~~ 13186
~~individual a registration. The provisions in this paragraph do~~ 13187
~~not apply with respect to any offense unless the board, prior to~~ 13188
~~September 28, 2012, was required or authorized to deny the~~ 13189
~~registration based on that offense.~~ 13190

~~In all other circumstances, the board shall follow the~~ 13191
~~procedures it adopts by rule that conform to this section. In~~ 13192
considering a renewal of an individual's registration, the board 13193
shall not consider any conviction or plea of guilty prior to the 13194
initial registration. However, the board may consider a 13195
conviction or plea of guilty if it occurred after the individual 13196
was initially registered, or after the most recent registration 13197
renewal. If the board denies an individual for a registration or 13198
registration renewal, the reasons for such denial shall be put 13199
in writing. Additionally, the board may grant an individual a 13200
conditional registration that lasts for one year. After the one- 13201
year period has expired, the registration is no longer 13202
considered conditional, and the individual shall be considered 13203
fully registered. 13204

A person who is gaining experience under the supervision 13205
of a licensed optometrist or ophthalmologist that would qualify 13206

the person under division (B) (1) of section 4725.48 of the Revised Code to take the examination for optical dispensing is not required to register with the board.

Sec. 4725.53. (A) ~~The~~ Except as provided in division (D) of this section, the state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

(1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

(2) Obtaining or attempting to obtain a license by fraud or deception;

(3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;

(4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;

(5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;

(6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;

(7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to

engage in optical dispensing; 13235

(8) Permitting another person to use the licensee's 13236
license; 13237

(9) Engaging in optical dispensing not pursuant to the 13238
prescription of a licensed physician or licensed optometrist, 13239
but nothing in this section shall prohibit the duplication or 13240
replacement of previously prepared optical aids, except contact 13241
lenses shall not be duplicated or replaced without a written 13242
prescription; 13243

(10) Violation of sections 4725.40 to 4725.59 of the 13244
Revised Code; 13245

(11) Waiving the payment of all or any part of a 13246
deductible or copayment that a patient, pursuant to a health 13247
insurance or health care policy, contract, or plan that covers 13248
optical dispensing services, would otherwise be required to pay 13249
if the waiver is used as an enticement to a patient or group of 13250
patients to receive health care services from that provider; 13251

(12) Advertising that the licensee will waive the payment 13252
of all or any part of a deductible or copayment that a patient, 13253
pursuant to a health insurance or health care policy, contract, 13254
or plan that covers optical dispensing services, would otherwise 13255
be required to pay; 13256

(13) Violating the code of ethical conduct adopted under 13257
section 4725.66 of the Revised Code. 13258

(B) The board may impose a fine of not more than five 13259
hundred dollars for a first occurrence of an action that is 13260
grounds for discipline under this section and of not less than 13261
five hundred nor more than one thousand dollars for a subsequent 13262
occurrence, or may order the licensee to make restitution to a 13263

person who has suffered a financial loss as a result of the 13264
licensee's failure to comply with sections 4725.40 to 4725.59 of 13265
the Revised Code. 13266

(C) Notwithstanding divisions (A) (11) and (12) of this 13267
section, sanctions shall not be imposed against any licensee who 13268
waives deductibles and copayments: 13269

(1) In compliance with the health benefit plan that 13270
expressly allows such a practice. Waiver of the deductibles or 13271
copays shall be made only with the full knowledge and consent of 13272
the plan purchaser, payer, and third-party administrator. Such 13273
consent shall be made available to the board upon request. 13274

(2) For professional services rendered to any other person 13275
licensed pursuant to this chapter to the extent allowed by this 13276
chapter and the rules of the board. 13277

(D) The board shall not refuse to grant a license to an 13278
applicant because of a conviction unless the refusal is in 13279
accordance with section 9.79 of the Revised Code. 13280

Sec. 4727.03. (A) As used in this section, "~~experience and 13281~~
~~fitness~~ in the capacity involved" means that the applicant for a 13282
pawnbroker's license demonstrates sufficient financial 13283
responsibility, ~~reputation,~~ and experience in the pawnbroker 13284
business, or in a related business, to act as a pawnbroker in 13285
compliance with this chapter. "~~Experience and fitness~~ in the 13286
capacity involved" shall be determined by: 13287

(1) Prior or current ownership or management of, or 13288
employment in, a pawnshop; 13289

(2) Demonstration to the satisfaction of the 13290
superintendent of financial institutions of a thorough working 13291
knowledge of all pawnbroker laws and rules as they relate to the 13292

actual operation of a pawnshop. 13293

A demonstration shall include a demonstration of an 13294
ability to properly complete forms, knowledge of how to properly 13295
calculate interest and storage charges, and knowledge of legal 13296
notice and forfeiture procedures. The final determination of 13297
whether an applicant's demonstration is adequate rests with the 13298
superintendent. 13299

(3) A submission by the applicant and any stockholders, 13300
owners, managers, directors, or officers of the pawnshop, and 13301
employees of the applicant to a police record check; and 13302

(4) Liquid assets in a minimum amount of one hundred 13303
twenty-five thousand dollars at the time of applying for initial 13304
licensure and demonstration of the ability to maintain the 13305
liquid assets at a minimum amount of seventy-five thousand 13306
dollars for the duration of holding a valid pawnbroker's 13307
license. If an applicant holds a pawnbroker's license at the 13308
time of application or is applying for more than one license, 13309
this requirement shall be met separately for each license. 13310

(B) The superintendent may grant a license to act as a 13311
pawnbroker to any person ~~of good character and~~ having experience 13312
~~and fitness~~ in the capacity involved to engage in the business 13313
of pawnbroking upon the payment to the superintendent of a 13314
license fee determined by the superintendent pursuant to section 13315
1321.20 of the Revised Code. A license is not transferable or 13316
assignable. 13317

(C) The superintendent may consider an application 13318
withdrawn and may retain the investigation fee required under 13319
division (D) of this section if both of the following are true: 13320

(1) An application for a license does not contain all of 13321

the information required under division (B) of this section. 13322

(2) The information is not submitted to the superintendent 13323
within ninety days after the superintendent requests the 13324
information from the applicant in writing. 13325

(D) The superintendent shall require an applicant for a 13326
pawnbroker's license to pay to the superintendent a 13327
nonrefundable initial investigation fee of two hundred dollars, 13328
which is for the exclusive use of the state. 13329

(E) (1) Except as otherwise provided in division (E) (2) of 13330
this section, a pawnbroker's license issued by the 13331
superintendent expires on the thirtieth day of June next 13332
following the date of its issuance, or on a different date set 13333
by the superintendent pursuant to section 1181.23 of the Revised 13334
Code, and may be renewed annually in accordance with the 13335
standard renewal procedure set forth in Chapter 4745. of the 13336
Revised Code. Fifty per cent of the annual license fee shall be 13337
for the use of the state, and fifty per cent shall be paid by 13338
the state to the municipal corporation, or if outside the limits 13339
of any municipal corporation, to the county, in which the office 13340
of the licensee is located. All such fees payable to municipal 13341
corporations or counties shall be paid annually. 13342

(2) A pawnbroker's license issued or renewed by the 13343
superintendent on or after January 1, 2006, expires on the 13344
thirtieth day of June in the even-numbered year next following 13345
the date of its issuance or renewal, as applicable, and may be 13346
renewed biennially by the thirtieth day of June in accordance 13347
with the standard renewal procedure set forth in Chapter 4745. 13348
of the Revised Code. Fifty per cent of the biennial license fee 13349
shall be for the use of the state, and fifty per cent shall be 13350
paid by the state to the municipal corporation, or if outside 13351

the limits of any municipal corporation, to the county, in which 13352
the office of the licensee is located. All such fees payable to 13353
municipal corporations or counties shall be paid biennially. If 13354
deemed necessary for participation, the superintendent may reset 13355
the renewal date and require annual registration pursuant to 13356
section 1181.23 of the Revised Code. 13357

(F) The fee for renewal of a license shall be equivalent 13358
to the fee for an initial license established by the 13359
superintendent pursuant to section 1321.20 of the Revised Code. 13360
Any licensee who wishes to renew the pawnbroker's license but 13361
who fails to do so on or before the date the license expires 13362
shall reapply for licensure in the same manner and pursuant to 13363
the same requirements as for initial licensure, unless the 13364
licensee pays to the superintendent on or before the thirty- 13365
first day of August of the year the license expires, a late 13366
renewal penalty of one hundred dollars in addition to the 13367
regular renewal fee. Any licensee who fails to renew the license 13368
on or before the date the license expires is prohibited from 13369
acting as a pawnbroker until the license is renewed or a new 13370
license is issued under this section. Any licensee who renews a 13371
license between the first day of July and the thirty-first day 13372
of August of the year the license expires is not relieved from 13373
complying with this division. The superintendent may refuse to 13374
issue to or renew the license of any licensee who violates this 13375
division. 13376

(G) No license shall be granted to any person not a 13377
resident of or the principal office of which is not located in 13378
the municipal corporation or county designated in such license 13379
unless that applicant, in writing and in due form approved by 13380
and filed with the superintendent, first appoints an agent, a 13381
resident of the state, and city or county where the office is to 13382

be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served. In case of the death, removal from the state, or any legal disability or any disqualification of any such agent, service of such process or notice may be made upon the superintendent.

The superintendent may, upon notice to the licensee and reasonable opportunity to be heard, suspend or revoke any license or assess a penalty against the licensee if the licensee, or the licensee's officers, agents, or employees, has violated this chapter. Any penalty shall be appropriate to the violation but in no case shall the penalty be less than two hundred nor more than two thousand dollars. Whenever, for any cause, a license is suspended or revoked, the superintendent shall not issue another license to the licensee nor to the legal spouse of the licensee, nor to any business entity of which the licensee is an officer or member or partner, nor to any person employed by the licensee, until the expiration of at least two years from the date of 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 13413
another person holding a valid pawnbroker's license issued under 13414
this section; 13415

(2) Reduce the rate of interest on pledged articles held 13416
as security for a loan to eight per cent per annum or less 13417
effective on the date that the pawnbroker's license is no longer 13418
valid. 13419

Sec. 4728.03. (A) As used in this section, "~~experience and~~ 13420
~~fitness~~ in the capacity involved" means that the applicant for a 13421
precious metals dealer's license has had sufficient financial 13422
responsibility, ~~reputation,~~ and experience in the business of 13423
precious metals dealer, or a related business, to act as a 13424
precious metals dealer in compliance with this chapter. 13425

(B) (1) The division of financial institutions in the 13426
department of commerce may grant a precious metals dealer's 13427
license to any person ~~of good character,~~ having experience ~~and~~ 13428
~~fitness~~ in the capacity involved, who demonstrates a net worth 13429
of at least ten thousand dollars and the ability to maintain 13430
that net worth during the licensure period. The superintendent 13431
of financial institutions shall compute the applicant's net 13432
worth according to generally accepted accounting principles. 13433

(2) In place of the demonstration of net worth required by 13434
division (B) (1) of this section, an applicant may obtain a 13435
surety bond issued by a surety company authorized to do business 13436
in this state if all of the following conditions are met: 13437

(a) A copy of the surety bond is filed with the division; 13438

(b) The bond is in favor of any person, and of the state 13439
for the benefit of any person, injured by any violation of this 13440
chapter; 13441

(c) The bond is in the amount of not less than ten 13442
thousand dollars. 13443

(3) Before granting a license under this division, the 13444
division shall determine that the applicant meets the 13445
requirements of division (B) (1) or (2) of this section. 13446

(C) The division shall require an applicant for a precious 13447
metals dealer's license to pay to the division a nonrefundable, 13448
initial investigation fee of two hundred dollars which shall be 13449
for the exclusive use of the state. The license fee for a 13450
precious metals dealer's license and the renewal fee shall be 13451
determined by the superintendent, provided that the fee may not 13452
exceed three hundred dollars. A license issued by the division 13453
shall expire on the last day of June next following the date of 13454
its issuance or annually on a different date set by the 13455
superintendent pursuant to section 1181.23 of the Revised Code. 13456
Fifty per cent of license fees shall be for the use of the 13457
state, and fifty per cent shall be paid to the municipal 13458
corporation, or if outside the limits of any municipal 13459
corporation, to the county in which the office of the licensee 13460
is located. All portions of license fees payable to municipal 13461
corporations or counties shall be paid as they accrue, by the 13462
treasurer of state, on vouchers issued by the director of budget 13463
and management. 13464

(D) Every such license shall be renewed annually by the 13465
last day of June, or annually on a different date set by the 13466
superintendent pursuant to section 1181.23 of the Revised Code, 13467
according to the standard renewal procedure of Chapter 4745. of 13468
the Revised Code. No license shall be granted to any person not 13469
a resident of or the principal office of which is not located in 13470
the municipal corporation or county designated in such license, 13471

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.

(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.

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 13502
this section, the superintendent may require the applicant to 13503
pay any of the actual expenses incurred by the division to 13504
conduct such an investigation, provided that the superintendent 13505
shall assess the applicant a total no greater than one thousand 13506
dollars for such expenses. The superintendent may require the 13507
applicant to pay in advance of the investigation, sufficient 13508
funds to cover the estimated cost of the actual expenses. If the 13509
superintendent requires the applicant to pay investigation 13510
expenses, the superintendent shall provide to the applicant an 13511
itemized statement of the actual expenses incurred by the 13512
division to conduct the investigation. 13513

(G) (1) Except as otherwise provided in division (G) (2) of 13514
this section a precious metals dealer licensed under this 13515
section shall maintain a net worth of at least ten thousand 13516
dollars, computed as required under division (B) (1) of this 13517
section, for as long as the licensee holds a valid precious 13518
metals dealer's license issued pursuant to this section. 13519

(2) A licensee who obtains a surety bond under division 13520
(B) (2) of this section is exempt from the requirement of 13521
division (G) (1) of this section, but shall maintain the bond for 13522
at least two years after the date on which the licensee ceases 13523
to conduct business in this state. 13524

Sec. 4729.071. (A) As used in this section, "license" and 13525
"applicant for an initial license" have the same meanings as in 13526
section 4776.01 of the Revised Code, except that "license" as 13527
used in both of those terms refers to the types of 13528
authorizations otherwise issued or conferred under this chapter. 13529

(B) In addition to any other eligibility requirement set 13530
forth in this chapter, each applicant for an initial license 13531

shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state board of pharmacy shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4729.08, 4729.09, 4729.11, 4729.552, or 4729.553 of the Revised Code.

Sec. 4729.08. Every applicant for examination and licensure as a pharmacist shall:

(A) Be at least eighteen years of age;

~~(B) Be of good moral character, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;~~

~~(C)~~ Have obtained a degree in pharmacy from a program that has been recognized and approved by the state board of pharmacy, except that graduates of schools or colleges of pharmacy that are located outside the United States and have not demonstrated that the standards of their programs are at least equivalent to programs recognized and approved by the board shall be required to pass an equivalency examination recognized and approved by the board and to establish written and oral proficiency in English.

~~(D)~~ (C) Have satisfactorily completed at least the minimum requirements for pharmacy internship as outlined by the board.

If the board is satisfied that the applicant meets the foregoing requirements and if the applicant passes the examination required under section 4729.07 of the Revised Code, the board shall issue to the applicant a license authorizing the

individual to practice pharmacy. 13561

Sec. 4729.09. The state board of pharmacy may license an 13562
individual as a pharmacist without examination if the 13563
individual: 13564

(A) Holds a license in good standing to practice pharmacy 13565
under the laws of another state, has successfully completed an 13566
examination for licensure in the other state, and in the opinion 13567
of the board, the examination was at least as thorough as that 13568
required by the board at the time the individual took the 13569
examination; 13570

~~(B) Is of good moral character, as defined in rules 13571
adopted by the board under section 4729.26 of the Revised Code;~~ 13572

~~(C) Has filed with the licensing body of the other state 13573
at least the credentials or the equivalent that were required by 13574
this state at the time the other state licensed the individual 13575
as a pharmacist. 13576~~

The board shall not issue a license to practice pharmacy 13577
to an individual licensed in another state if the state in which 13578
the individual is licensed does not reciprocate by granting 13579
licenses to practice pharmacy to individuals holding valid 13580
licenses received through examination by the state board of 13581
pharmacy. 13582

Sec. 4729.16. (A) (1) The state board of pharmacy, after 13583
notice and hearing in accordance with Chapter 119. of the 13584
Revised Code, may impose any one or more of the following 13585
sanctions on a pharmacist or pharmacy intern if the board finds 13586
the individual engaged in any of the conduct set forth in 13587
division (A) (2) of this section: 13588

(a) Revoke, suspend, restrict, limit, or refuse to grant 13589

or renew a license;	13590
(b) Reprimand or place the license holder on probation;	13591
(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars.	13592 13593 13594 13595 13596
(2) The <u>Except as provided in division (I) of this section, the</u> board may impose the sanctions listed in division (A) (1) of this section if the board finds a pharmacist or pharmacy intern:	13597 13598 13599 13600
(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;	13601 13602
(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;	13603 13604
(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;	13605 13606 13607
(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	13608 13609
(e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	13610 13611 13612 13613 13614
(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;	13615 13616

(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;

(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;

(k) Failed to comply with an order of the board or a settlement agreement;

(l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.

(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.

(C) As used in this section:

"Unprofessional conduct in the practice of pharmacy" includes any of the following:

(1) Advertising or displaying signs that promote dangerous

drugs to the public in a manner that is false or misleading; 13645

(2) Except as provided in section 4729.281, 4729.44, or 13646
4729.47 of the Revised Code, the dispensing or sale of any drug 13647
for which a prescription is required, without having received a 13648
prescription for the drug; 13649

(3) Knowingly dispensing medication pursuant to false or 13650
forged prescriptions; 13651

(4) Knowingly failing to maintain complete and accurate 13652
records of all dangerous drugs received or dispensed in 13653
compliance with federal laws and regulations and state laws and 13654
rules; 13655

(5) Obtaining any remuneration by fraud, 13656
misrepresentation, or deception; 13657

(6) Failing to conform to prevailing standards of care of 13658
similar pharmacists or pharmacy interns under the same or 13659
similar circumstances, whether or not actual injury to a patient 13660
is established; 13661

(7) Engaging in any other conduct that the board specifies 13662
as unprofessional conduct in the practice of pharmacy in rules 13663
adopted under section 4729.26 of the Revised Code. 13664

(D) The board may suspend a license under division (B) of 13665
section 3719.121 of the Revised Code by utilizing a telephone 13666
conference call to review the allegations and take a vote. 13667

(E) For purposes of this division, an individual 13668
authorized to practice as a pharmacist or pharmacy intern 13669
accepts the privilege of practicing in this state subject to 13670
supervision by the board. By filing an application for or 13671
holding a license to practice as a pharmacist or pharmacy 13672

intern, an individual gives consent to submit to a mental or 13673
physical examination when ordered to do so by the board in 13674
writing and waives all objections to the admissibility of 13675
testimony or examination reports that constitute privileged 13676
communications. 13677

If the board has reasonable cause to believe that an 13678
individual who is a pharmacist or pharmacy intern is physically 13679
or mentally impaired, the board may require the individual to 13680
submit to a physical or mental examination, or both. The expense 13681
of the examination is the responsibility of the individual 13682
required to be examined. 13683

Failure of an individual who is a pharmacist or pharmacy 13684
intern to submit to a physical or mental examination ordered by 13685
the board, unless the failure is due to circumstances beyond the 13686
individual's control, constitutes an admission of the 13687
allegations and a suspension order shall be entered without the 13688
taking of testimony or presentation of evidence. Any subsequent 13689
adjudication hearing under Chapter 119. of the Revised Code 13690
concerning failure to submit to an examination is limited to 13691
consideration of whether the failure was beyond the individual's 13692
control. 13693

If, based on the results of an examination ordered under 13694
this division, the board determines that the individual's 13695
ability to practice is impaired, the board shall suspend the 13696
individual's license or deny the individual's application and 13697
shall require the individual, as a condition for an initial, 13698
continued, reinstated, or renewed license to practice, to submit 13699
to a physical or mental examination and treatment. 13700

An order of suspension issued under this division shall 13701
not be subject to suspension by a court during pendency of any 13702

appeal filed under section 119.12 of the Revised Code. 13703

(F) If the board is required under Chapter 119. of the 13704
Revised Code to give notice of an opportunity for a hearing and 13705
the applicant or licensee does not make a timely request for a 13706
hearing in accordance with section 119.07 of the Revised Code, 13707
the board is not required to hold a hearing, but may adopt a 13708
final order that contains the board's findings. In the final 13709
order, the board may impose any of the sanctions listed in 13710
division (A) of this section. 13711

(G) Notwithstanding the provision of division (C) (2) of 13712
section 2953.32 of the Revised Code specifying that if records 13713
pertaining to a criminal case are sealed under that section the 13714
proceedings in the case must be deemed not to have occurred, 13715
sealing of the following records on which the board has based an 13716
action under this section shall have no effect on the board's 13717
action or any sanction imposed by the board under this section: 13718
records of any conviction, guilty plea, judicial finding of 13719
guilt resulting from a plea of no contest, or a judicial finding 13720
of eligibility for a pretrial diversion program or intervention 13721
in lieu of conviction. The board shall not be required to seal, 13722
destroy, redact, or otherwise modify its records to reflect the 13723
court's sealing of conviction records. 13724

(H) No pharmacist or pharmacy intern shall knowingly 13725
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 13726
(e) to (l) of this section. 13727

(I) The board shall not refuse to issue a license to an 13728
applicant for a conviction of an offense unless the refusal is 13729
in accordance with section 9.79 of the Revised Code. 13730

Sec. 4729.90. (A) ~~As used in this section, "responsible"~~ 13731

~~person" has the same meaning as in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code.~~ 13732
13733

~~(B)~~(1) An applicant for registration as a registered pharmacy technician shall: 13734
13735

(a) Be at least eighteen years of age; 13736

(b) Possess a high school diploma or a certificate of high school equivalence or have been employed continuously since prior to April 8, 2009, as a pharmacy technician without a high school diploma or certificate of high school equivalence; 13737
13738
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13740

~~(c) Be of good moral character, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;~~ 13741
13742
13743

~~(d) Except as provided in division (D) of this section,~~
comply Comply with sections 4776.01 to 4776.04 of the Revised Code; 13744
13745
13746

~~(e) Except as provided in division (E) (1) of this section,~~
have (d) Have successfully completed education and training that meets the requirements established by the board in rules adopted under section 4729.94 of the Revised Code. 13747
13748
13749
13750

(2) An applicant for registration as a certified pharmacy technician shall: 13751
13752

(a) Comply with divisions ~~(B)~~ (A) (1) (a) and (c) ~~and (d)~~ of this section; 13753
13754

(b) Possess a high school diploma or a certificate of high school equivalence; 13755
13756

~~(c) Except as provided in division (E) (2) of this section,~~
have Have successfully completed education and training that 13757
13758

meets the requirements established by the board in rules adopted 13759
under section 4729.94 of the Revised Code; 13760

(d) Have a current pharmacy technician certification from 13761
an organization that has been recognized by the board. 13762

~~(C)~~ (B) A pharmacist or pharmacy intern whose license has 13763
been denied, revoked, suspended, or otherwise restricted by the 13764
board shall not be registered as a registered pharmacy 13765
technician or certified pharmacy technician. 13766

~~(D) Until the date that is two years after April 6, 2017,~~ 13767
~~an applicant for registration as a registered pharmacy~~ 13768
~~technician or certified pharmacy technician who meets the~~ 13769
~~requirements to be a qualified pharmacy technician under section~~ 13770
~~4729.42 of the Revised Code, as it existed immediately prior to~~ 13771
~~the effective date of section 4729.95 of the Revised Code, may,~~ 13772
~~instead of complying with division (B)(1)(d) of this section,~~ 13773
~~authorize the superintendent of the bureau of criminal~~ 13774
~~identification and investigation to make the results of a~~ 13775
~~criminal records check of the applicant available to the state~~ 13776
~~board of pharmacy. The criminal records check must have been~~ 13777
~~conducted not earlier than twenty four months before the date of~~ 13778
~~the application for registration.~~ 13779

~~(E)(1) Until the date that is two years after April 6,~~ 13780
~~2017, an applicant for registration as a registered pharmacy~~ 13781
~~technician who meets the requirements to be a qualified pharmacy~~ 13782
~~technician under section 4729.42 of the Revised Code, as it~~ 13783
~~existed immediately prior to the effective date of section~~ 13784
~~4729.95 of the Revised Code, may, instead of complying with~~ 13785
~~division (B)(1)(c) of this section, submit an attestation from a~~ 13786
~~pharmacy's responsible person that the applicant has completed a~~ 13787
~~pharmacy technician training program that is of appropriate~~ 13788

~~breadth and depth to clearly address the competencies for a technician to safely and effectively work in that particular setting and includes instruction in all of the following:~~ 13789

~~(a) Packaging and labeling drugs;~~ 13790

~~(b) Pharmacy terminology;~~ 13791

~~(c) Basic drug information;~~ 13792

~~(d) Basic calculations;~~ 13793

~~(e) Quality control procedures;~~ 13794

~~(f) State and federal statutes, rules, and regulations regarding pharmacy technician duties, pharmacist duties, pharmacy intern duties, prescription or drug order processing procedures, non-sterile drug compounding, drug record-keeping requirements, patient confidentiality, security requirements, and storage requirements.~~ 13795

~~(2) Until the date that is two years after April 6, 2017, an applicant for registration as a certified pharmacy technician who meets the requirements to be a qualified pharmacy technician under section 4729.42 of the Revised Code, as it existed immediately prior to the effective date of section 4729.95 of the Revised Code, may, instead of complying with division (B)(2)(c) of this section, submit an attestation from a pharmacy's responsible person that the applicant has completed a pharmacy technician training program that is of appropriate breadth and depth to clearly address the competencies for a technician to safely and effectively work in that particular setting and includes instruction in all of the following:~~ 13796

~~(a) The topics listed in divisions (E)(1)(a) to (f) of this section;~~ 13797

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(b) Sterile drug compounding;	13817
(c) Preparing and mixing intravenous drugs to be injected into a human being.	13818
	13819
Sec. 4729.92. (A) An applicant for registration as a pharmacy technician trainee shall:	13820
	13821
(1) Comply with divisions (B) <u>(A)</u> (1) (a) to (c) <u>and (b)</u> of section 4729.90 of the Revised Code;	13822
	13823
(2) Be enrolled in or plan to enroll in education and training that will allow the applicant to meet the requirements established by the state board of pharmacy in rules adopted under section 4729.94 of the Revised Code;	13824
	13825
	13826
	13827
(3) Comply with sections 4776.01 to 4776.04 of the Revised Code.	13828
	13829
(B) A pharmacist or pharmacy intern whose license has been denied, revoked, suspended, or otherwise restricted by the board shall not be registered as a pharmacy technician trainee.	13830
	13831
	13832
Sec. 4729.96. (A) (1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose one or more of the following sanctions on a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician if the board finds the individual engaged in any of the conduct set forth in division (A) (2) of this section:	13833
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	13839
(a) Revoke, suspend, restrict, limit, or refuse to grant or renew a registration;	13840
	13841
(b) Reprimand or place the holder of the registration on probation;	13842
	13843

(c) Impose a monetary penalty or forfeiture not to exceed 13844
in severity any fine designated under the Revised Code for a 13845
similar offense, or in the case of a violation of a section of 13846
the Revised Code that does not bear a penalty, a monetary 13847
penalty or forfeiture of not more than five hundred dollars. 13848

(2) ~~The~~ Except as provided in division (G) of this 13849
section, the board may impose the sanctions listed in division 13850
(A) (1) of this section if the board finds a pharmacy technician 13851
trainee, registered pharmacy technician, or certified pharmacy 13852
technician: 13853

(a) Has been convicted of a felony, or a crime of moral 13854
turpitude, as defined in section 4776.10 of the Revised Code; 13855

(b) Engaged in dishonesty or unprofessional conduct, as 13856
prescribed in rules adopted by the board under section 4729.94 13857
of the Revised Code; 13858

(c) Is addicted to or abusing alcohol or drugs or impaired 13859
physically or mentally to such a degree as to render the 13860
individual unable to perform the individual's duties; 13861

(d) Violated, conspired to violate, attempted to violate, 13862
or aided and abetted the violation of any of the provisions of 13863
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 13864
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 13865
by the board under those provisions; 13866

(e) Committed fraud, misrepresentation, or deception in 13867
applying for or securing a registration issued by the board 13868
under this chapter; 13869

(f) Failed to comply with an order of the board or a 13870
settlement agreement; 13871

(g) Engaged in any other conduct for which the board may 13872
impose discipline as set forth in rules adopted by the board 13873
under section 4729.94 of the Revised Code. 13874

(B) The board may suspend a registration under division 13875
(B) of section 3719.121 of the Revised Code by utilizing a 13876
telephone conference call to review the allegations and take a 13877
vote. 13878

(C) For purposes of this division, an individual 13879
authorized to practice as a pharmacy technician trainee, 13880
registered pharmacy technician, or certified pharmacy technician 13881
accepts the privilege of practicing in this state subject to 13882
supervision by the board. By filing an application for or 13883
holding a registration under this chapter, the individual gives 13884
consent to submit to a mental or physical examination when 13885
ordered to do so by the board in writing and waives all 13886
objections to the admissibility of testimony or examination 13887
reports that constitute privileged communications. 13888

If the board has reasonable cause to believe that an 13889
individual who is a pharmacy technician trainee, registered 13890
pharmacy technician, or certified pharmacy technician is 13891
physically or mentally impaired, the board may require the 13892
individual to submit to a physical or mental examination, or 13893
both. The expense of the examination is the responsibility of 13894
the individual required to be examined. 13895

Failure of an individual who is a pharmacy technician 13896
trainee, registered pharmacy technician, or certified pharmacy 13897
technician to submit to a physical or mental examination ordered 13898
by the board, unless the failure is due to circumstances beyond 13899
the individual's control, constitutes an admission of the 13900
allegations and a suspension order shall be entered without the 13901

taking of testimony or presentation of evidence. Any subsequent 13902
adjudication hearing under Chapter 119. of the Revised Code 13903
concerning failure to submit to an examination is limited to 13904
consideration of whether the failure was beyond the individual's 13905
control. 13906

If, based on the results of an examination ordered under 13907
this division, the board determines that the individual's 13908
ability to practice is impaired, the board shall suspend the 13909
individual's registration or deny the individual's application 13910
and shall require the individual, as a condition for an initial, 13911
continued, reinstated, or renewed registration to practice, to 13912
submit to a physical or mental examination and treatment. 13913

An order of suspension issued under this division shall 13914
not be subject to suspension by a court during pendency of any 13915
appeal filed under section 119.12 of the Revised Code. 13916

(D) If the board is required under Chapter 119. of the 13917
Revised Code to give notice of an opportunity for a hearing and 13918
the applicant or registrant does not make a timely request for a 13919
hearing in accordance with section 119.07 of the Revised Code, 13920
the board is not required to hold a hearing, but may adopt a 13921
final order that contains the board's findings. In the final 13922
order, the board may impose any of the sanctions listed in 13923
division (A) of this section. 13924

(E) Notwithstanding the provision of division (C) (2) of 13925
section 2953.32 of the Revised Code specifying that if records 13926
pertaining to a criminal case are sealed under that section the 13927
proceedings in the case must be deemed not to have occurred, 13928
sealing of the following records on which the board has based an 13929
action under this section shall have no effect on the board's 13930
action or any sanction imposed by the board under this section: 13931

records of any conviction, guilty plea, judicial finding of 13932
guilt resulting from a plea of no contest, or a judicial finding 13933
of eligibility for a pretrial diversion program or intervention 13934
in lieu of conviction. The board shall not be required to seal, 13935
destroy, redact, or otherwise modify its records to reflect the 13936
court's sealing of conviction records. 13937

(F) No pharmacy technician trainee, registered pharmacy 13938
technician, or certified pharmacy technician shall knowingly 13939
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 13940
(d) to (g) of this section. 13941

(G) The board shall not refuse to issue a registration to 13942
an applicant because of a conviction of an offense unless the 13943
refusal is in accordance with section 9.79 of the Revised Code. 13944

Sec. 4730.10. (A) An individual seeking a license to 13945
practice as a physician assistant shall file with the state 13946
medical board a written application on a form prescribed and 13947
supplied by the board. The application shall include all of the 13948
following: 13949

(1) The applicant's name, residential address, business 13950
address, if any, and social security number; 13951

(2) Satisfactory proof that the applicant meets the age 13952
~~and moral character requirements~~ requirement specified in 13953
~~divisions~~ division (A) (1) ~~and (2)~~ of section 4730.11 of the 13954
Revised Code; 13955

(3) Satisfactory proof that the applicant meets either the 13956
educational requirements specified in division (B) (1) or (2) of 13957
section 4730.11 of the Revised Code or the educational or other 13958
applicable requirements specified in division (C) (1), (2), or 13959
(3) of that section; 13960

- (4) Any other information the board requires. 13961
- (B) At the time of making application for a license to 13962
practice, the applicant shall pay the board a fee of four 13963
hundred dollars, no part of which shall be returned. The fees 13964
shall be deposited in accordance with section 4731.24 of the 13965
Revised Code. 13966
- Sec. 4730.101.** In addition to any other eligibility 13967
requirement set forth in this chapter, each applicant for a 13968
license to practice as a physician assistant shall comply with 13969
sections 4776.01 to 4776.04 of the Revised Code. ~~The state~~ 13970
~~medical board shall not grant to an applicant a license to~~ 13971
~~practice as a physician assistant unless the board, in its~~ 13972
~~discretion, decides that the results of the criminal records~~ 13973
~~check do not make the applicant ineligible for a license issued~~ 13974
~~pursuant to section 4730.12 of the Revised Code.~~ 13975
- Sec. 4730.11.** (A) To be eligible to receive a license to 13976
practice as a physician assistant, all of the following apply to 13977
an applicant: 13978
- (1) The applicant shall be at least eighteen years of age. 13979
- (2) ~~The applicant shall be of good moral character.~~ 13980
- ~~(3)~~ The applicant shall hold current certification by the 13981
national commission on certification of physician assistants or 13982
a successor organization that is recognized by the state medical 13983
board. 13984
- ~~(4)~~ (3) The applicant shall meet either of the following 13985
requirements: 13986
- (a) The educational requirements specified in division (B) 13987
(1) or (2) of this section; 13988

(b) The educational or other applicable requirements 13989
specified in division (C) (1), (2), or (3) of this section. 13990

(B) For purposes of division (A) ~~(4)~~ (3) (a) of this section, 13991
an applicant shall meet either of the following educational 13992
requirements: 13993

(1) The applicant shall hold a master's or higher degree 13994
obtained from a program accredited by the accreditation review 13995
commission on education for the physician assistant or a 13996
predecessor or successor organization recognized by the board. 13997

(2) The applicant shall hold both of the following 13998
degrees: 13999

(a) A degree other than a master's or higher degree 14000
obtained from a program accredited by the accreditation review 14001
commission on education for the physician assistant or a 14002
predecessor or successor organization recognized by the board; 14003

(b) A master's or higher degree in a course of study with 14004
clinical relevance to the practice of physician assistants and 14005
obtained from a program accredited by a regional or specialized 14006
and professional accrediting agency recognized by the council 14007
for higher education accreditation. 14008

(C) For purposes of division (A) ~~(4)~~ (3) (b) of this section, 14009
an applicant shall present evidence satisfactory to the board of 14010
meeting one of the following requirements in lieu of meeting the 14011
educational requirements specified in division (B) (1) or (2) of 14012
this section: 14013

(1) The applicant shall hold a current, valid license or 14014
other form of authority to practice as a physician assistant 14015
issued by another jurisdiction and either have been in active 14016
practice in any jurisdiction throughout the two-year period 14017

immediately preceding the date of application or have met one or 14018
more of the following requirements as specified by the board: 14019

(a) Passed an oral or written examination or assessment, 14020
or both types of examination or assessment, that determined the 14021
applicant's present fitness to resume practice; 14022

(b) Obtained additional training and passed an examination 14023
or assessment on completion of the training; 14024

(c) Agreed to limitations on the applicant's extent, 14025
scope, or type of practice. 14026

(2) The applicant shall hold a degree obtained as a result 14027
of being enrolled on January 1, 2008, in a program in this state 14028
that was accredited by the accreditation review commission on 14029
education for the physician assistant but did not grant a 14030
master's or higher degree to individuals enrolled in the program 14031
on that date, and completing the program on or before December 14032
31, 2009. 14033

(3) The applicant shall hold a degree obtained from a 14034
program accredited by the accreditation review commission on 14035
education for the physician assistant and meet either of the 14036
following experience requirements: 14037

(a) Either have experience practicing as a physician 14038
assistant for at least two consecutive years immediately 14039
preceding the date of application while on active duty, with 14040
evidence of service under honorable conditions, in any of the 14041
armed forces of the United States or the national guard of any 14042
state, including any experience attained while practicing as a 14043
physician assistant at a health care facility or clinic operated 14044
by the United States department of veterans affairs or have met 14045
one or more of the following requirements as specified by the 14046

board:	14047
(i) Passed an oral or written examination or assessment,	14048
or both types of examination or assessment, that determined the	14049
applicant's present fitness to resume practice;	14050
(ii) Obtained additional training and passed an	14051
examination or assessment on completion of the training;	14052
(iii) Agreed to limitations on the applicant's extent,	14053
scope, or type of practice;	14054
(b) Either have experience practicing as a physician	14055
assistant for at least two consecutive years immediately	14056
preceding the date of application while on active duty in the	14057
United States public health service commissioned corps or have	14058
met one or more of the following requirements as specified by	14059
the board:	14060
(i) Passed an oral or written examination or assessment,	14061
or both types of examination or assessment, that determined the	14062
applicant's present fitness to resume practice;	14063
(ii) Obtained additional training and passed an	14064
examination or assessment on completion of the training;	14065
(iii) Agreed to limitations on the applicant's extent,	14066
scope, or type of practice.	14067
(D) This section does not require an individual to obtain	14068
a master's or higher degree as a condition of retaining or	14069
renewing a license to practice as a physician assistant if the	14070
individual received the license without holding a master's or	14071
higher degree as provided in either of the following:	14072
(1) Before the educational requirements specified in	14073
division (B) (1) or (2) of this section became effective January	14074

1, 2008; 14075

(2) By meeting the educational or other applicable 14076
requirements specified in division (C) (1), (2), or (3) of this 14077
section. 14078

Sec. 4730.25. (A) The state medical board, by an 14079
affirmative vote of not fewer than six members, may revoke or 14080
may refuse to grant a license to practice as a physician 14081
assistant to a person found by the board to have committed 14082
fraud, misrepresentation, or deception in applying for or 14083
securing the license. 14084

(B) ~~The~~ Except as provided in division (N) of this 14085
section, the board, by an affirmative vote of not fewer than six 14086
members, shall, to the extent permitted by law, limit, revoke, 14087
or suspend an individual's license to practice as a physician 14088
assistant or prescriber number, refuse to issue a license to an 14089
applicant, refuse to renew a license, refuse to reinstate a 14090
license, or reprimand or place on probation the holder of a 14091
license for any of the following reasons: 14092

(1) Failure to practice in accordance with the supervising 14093
physician's supervision agreement with the physician assistant, 14094
including, if applicable, the policies of the health care 14095
facility in which the supervising physician and physician 14096
assistant are practicing; 14097

(2) Failure to comply with the requirements of this 14098
chapter, Chapter 4731. of the Revised Code, or any rules adopted 14099
by the board; 14100

(3) Violating or attempting to violate, directly or 14101
indirectly, or assisting in or abetting the violation of, or 14102
conspiring to violate, any provision of this chapter, Chapter 14103

4731. of the Revised Code, or the rules adopted by the board;	14104
(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;	14105 14106 14107 14108
(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;	14109 14110 14111 14112
(6) Administering drugs for purposes other than those authorized under this chapter;	14113 14114
(7) Willfully betraying a professional confidence;	14115
(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.	14116 14117 14118 14119 14120 14121 14122
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.	14123 14124 14125 14126 14127 14128 14129 14130
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other	14131 14132

person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	14133 14134
(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	14135 14136 14137
(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;	14138 14139 14140
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	14141 14142 14143
(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;	14144 14145 14146 14147
(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;	14148 14149 14150
(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;	14151 14152 14153
(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;	14154 14155 14156
(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	14157 14158 14159 14160

trafficking in drugs;	14161
(18) Any of the following actions taken by the state	14162
agency responsible for regulating the practice of physician	14163
assistants in another state, for any reason other than the	14164
nonpayment of fees: the limitation, revocation, or suspension of	14165
an individual's license to practice; acceptance of an	14166
individual's license surrender; denial of a license; refusal to	14167
renew or reinstate a license; imposition of probation; or	14168
issuance of an order of censure or other reprimand;	14169
(19) A departure from, or failure to conform to, minimal	14170
standards of care of similar physician assistants under the same	14171
or similar circumstances, regardless of whether actual injury to	14172
a patient is established;	14173
(20) Violation of the conditions placed by the board on a	14174
license to practice as a physician assistant;	14175
(21) Failure to use universal blood and body fluid	14176
precautions established by rules adopted under section 4731.051	14177
of the Revised Code;	14178
(22) Failure to cooperate in an investigation conducted by	14179
the board under section 4730.26 of the Revised Code, including	14180
failure to comply with a subpoena or order issued by the board	14181
or failure to answer truthfully a question presented by the	14182
board at a deposition or in written interrogatories, except that	14183
failure to cooperate with an investigation shall not constitute	14184
grounds for discipline under this section if a court of	14185
competent jurisdiction has issued an order that either quashes a	14186
subpoena or permits the individual to withhold the testimony or	14187
evidence in issue;	14188
(23) Assisting suicide, as defined in section 3795.01 of	14189

the Revised Code;	14190
(24) Prescribing any drug or device to perform or induce	14191
an abortion, or otherwise performing or inducing an abortion;	14192
(25) Failure to comply with section 4730.53 of the Revised	14193
Code, unless the board no longer maintains a drug database	14194
pursuant to section 4729.75 of the Revised Code;	14195
(26) Failure to comply with the requirements in section	14196
3719.061 of the Revised Code before issuing for a minor a	14197
prescription for an opioid analgesic, as defined in section	14198
3719.01 of the Revised Code;	14199
(27) Having certification by the national commission on	14200
certification of physician assistants or a successor	14201
organization expire, lapse, or be suspended or revoked;	14202
(28) The revocation, suspension, restriction, reduction,	14203
or termination of clinical privileges by the United States	14204
department of defense or department of veterans affairs or the	14205
termination or suspension of a certificate of registration to	14206
prescribe drugs by the drug enforcement administration of the	14207
United States department of justice.	14208
(C) Disciplinary actions taken by the board under	14209
divisions (A) and (B) of this section shall be taken pursuant to	14210
an adjudication under Chapter 119. of the Revised Code, except	14211
that in lieu of an adjudication, the board may enter into a	14212
consent agreement with a physician assistant or applicant to	14213
resolve an allegation of a violation of this chapter or any rule	14214
adopted under it. A consent agreement, when ratified by an	14215
affirmative vote of not fewer than six members of the board,	14216
shall constitute the findings and order of the board with	14217
respect to the matter addressed in the agreement. If the board	14218

refuses to ratify a consent agreement, the admissions and 14219
findings contained in the consent agreement shall be of no force 14220
or effect. 14221

(D) For purposes of divisions (B) (12), (15), and (16) of 14222
this section, the commission of the act may be established by a 14223
finding by the board, pursuant to an adjudication under Chapter 14224
119. of the Revised Code, that the applicant or license holder 14225
committed the act in question. The board shall have no 14226
jurisdiction under these divisions in cases where the trial 14227
court renders a final judgment in the license holder's favor and 14228
that judgment is based upon an adjudication on the merits. The 14229
board shall have jurisdiction under these divisions in cases 14230
where the trial court issues an order of dismissal upon 14231
technical or procedural grounds. 14232

(E) The sealing of conviction records by any court shall 14233
have no effect upon a prior board order entered under the 14234
provisions of this section or upon the board's jurisdiction to 14235
take action under the provisions of this section if, based upon 14236
a plea of guilty, a judicial finding of guilt, or a judicial 14237
finding of eligibility for intervention in lieu of conviction, 14238
the board issued a notice of opportunity for a hearing prior to 14239
the court's order to seal the records. The board shall not be 14240
required to seal, destroy, redact, or otherwise modify its 14241
records to reflect the court's sealing of conviction records. 14242

(F) For purposes of this division, any individual who 14243
holds a license issued under this chapter, or applies for a 14244
license issued under this chapter, shall be deemed to have given 14245
consent to submit to a mental or physical examination when 14246
directed to do so in writing by the board and to have waived all 14247
objections to the admissibility of testimony or examination 14248

reports that constitute a privileged communication. 14249

(1) In enforcing division (B)(4) of this section, the 14250
board, upon a showing of a possible violation, may compel any 14251
individual who holds a license issued under this chapter or who 14252
has applied for a license pursuant to this chapter to submit to 14253
a mental examination, physical examination, including an HIV 14254
test, or both a mental and physical examination. The expense of 14255
the examination is the responsibility of the individual 14256
compelled to be examined. Failure to submit to a mental or 14257
physical examination or consent to an HIV test ordered by the 14258
board constitutes an admission of the allegations against the 14259
individual unless the failure is due to circumstances beyond the 14260
individual's control, and a default and final order may be 14261
entered without the taking of testimony or presentation of 14262
evidence. If the board finds a physician assistant unable to 14263
practice because of the reasons set forth in division (B)(4) of 14264
this section, the board shall require the physician assistant to 14265
submit to care, counseling, or treatment by physicians approved 14266
or designated by the board, as a condition for an initial, 14267
continued, reinstated, or renewed license. An individual 14268
affected under this division shall be afforded an opportunity to 14269
demonstrate to the board the ability to resume practicing in 14270
compliance with acceptable and prevailing standards of care. 14271

(2) For purposes of division (B)(5) of this section, if 14272
the board has reason to believe that any individual who holds a 14273
license issued under this chapter or any applicant for a license 14274
suffers such impairment, the board may compel the individual to 14275
submit to a mental or physical examination, or both. The expense 14276
of the examination is the responsibility of the individual 14277
compelled to be examined. Any mental or physical examination 14278
required under this division shall be undertaken by a treatment 14279

provider or physician qualified to conduct such examination and 14280
chosen by the board. 14281

Failure to submit to a mental or physical examination 14282
ordered by the board constitutes an admission of the allegations 14283
against the individual unless the failure is due to 14284
circumstances beyond the individual's control, and a default and 14285
final order may be entered without the taking of testimony or 14286
presentation of evidence. If the board determines that the 14287
individual's ability to practice is impaired, the board shall 14288
suspend the individual's license or deny the individual's 14289
application and shall require the individual, as a condition for 14290
initial, continued, reinstated, or renewed licensure, to submit 14291
to treatment. 14292

Before being eligible to apply for reinstatement of a 14293
license suspended under this division, the physician assistant 14294
shall demonstrate to the board the ability to resume practice or 14295
prescribing in compliance with acceptable and prevailing 14296
standards of care. The demonstration shall include the 14297
following: 14298

(a) Certification from a treatment provider approved under 14299
section 4731.25 of the Revised Code that the individual has 14300
successfully completed any required inpatient treatment; 14301

(b) Evidence of continuing full compliance with an 14302
aftercare contract or consent agreement; 14303

(c) Two written reports indicating that the individual's 14304
ability to practice has been assessed and that the individual 14305
has been found capable of practicing according to acceptable and 14306
prevailing standards of care. The reports shall be made by 14307
individuals or providers approved by the board for making such 14308

assessments and shall describe the basis for their 14309
determination. 14310

The board may reinstate a license suspended under this 14311
division after such demonstration and after the individual has 14312
entered into a written consent agreement. 14313

When the impaired physician assistant resumes practice or 14314
prescribing, the board shall require continued monitoring of the 14315
physician assistant. The monitoring shall include compliance 14316
with the written consent agreement entered into before 14317
reinstatement or with conditions imposed by board order after a 14318
hearing, and, upon termination of the consent agreement, 14319
submission to the board for at least two years of annual written 14320
progress reports made under penalty of falsification stating 14321
whether the physician assistant has maintained sobriety. 14322

(G) If the secretary and supervising member determine that 14323
there is clear and convincing evidence that a physician 14324
assistant has violated division (B) of this section and that the 14325
individual's continued practice or prescribing presents a danger 14326
of immediate and serious harm to the public, they may recommend 14327
that the board suspend the individual's license without a prior 14328
hearing. Written allegations shall be prepared for consideration 14329
by the board. 14330

The board, upon review of those allegations and by an 14331
affirmative vote of not fewer than six of its members, excluding 14332
the secretary and supervising member, may suspend a license 14333
without a prior hearing. A telephone conference call may be 14334
utilized for reviewing the allegations and taking the vote on 14335
the summary suspension. 14336

The board shall issue a written order of suspension by 14337

certified mail or in person in accordance with section 119.07 of 14338
the Revised Code. The order shall not be subject to suspension 14339
by the court during pendency of any appeal filed under section 14340
119.12 of the Revised Code. If the physician assistant requests 14341
an adjudicatory hearing by the board, the date set for the 14342
hearing shall be within fifteen days, but not earlier than seven 14343
days, after the physician assistant requests the hearing, unless 14344
otherwise agreed to by both the board and the license holder. 14345

A summary suspension imposed under this division shall 14346
remain in effect, unless reversed on appeal, until a final 14347
adjudicative order issued by the board pursuant to this section 14348
and Chapter 119. of the Revised Code becomes effective. The 14349
board shall issue its final adjudicative order within sixty days 14350
after completion of its hearing. Failure to issue the order 14351
within sixty days shall result in dissolution of the summary 14352
suspension order, but shall not invalidate any subsequent, final 14353
adjudicative order. 14354

(H) If the board takes action under division (B) (11), 14355
(13), or (14) of this section, and the judicial finding of 14356
guilt, guilty plea, or judicial finding of eligibility for 14357
intervention in lieu of conviction is overturned on appeal, upon 14358
exhaustion of the criminal appeal, a petition for 14359
reconsideration of the order may be filed with the board along 14360
with appropriate court documents. Upon receipt of a petition and 14361
supporting court documents, the board shall reinstate the 14362
individual's license. The board may then hold an adjudication 14363
under Chapter 119. of the Revised Code to determine whether the 14364
individual committed the act in question. Notice of opportunity 14365
for hearing shall be given in accordance with Chapter 119. of 14366
the Revised Code. If the board finds, pursuant to an 14367
adjudication held under this division, that the individual 14368

committed the act, or if no hearing is requested, it may order 14369
any of the sanctions identified under division (B) of this 14370
section. 14371

(I) The license to practice issued to a physician 14372
assistant and the physician assistant's practice in this state 14373
are automatically suspended as of the date the physician 14374
assistant pleads guilty to, is found by a judge or jury to be 14375
guilty of, or is subject to a judicial finding of eligibility 14376
for intervention in lieu of conviction in this state or 14377
treatment or intervention in lieu of conviction in another state 14378
for any of the following criminal offenses in this state or a 14379
substantially equivalent criminal offense in another 14380
jurisdiction: aggravated murder, murder, voluntary manslaughter, 14381
felonious assault, kidnapping, rape, sexual battery, gross 14382
sexual imposition, aggravated arson, aggravated robbery, or 14383
aggravated burglary. Continued practice after the suspension 14384
shall be considered practicing without a license. 14385

The board shall notify the individual subject to the 14386
suspension by certified mail or in person in accordance with 14387
section 119.07 of the Revised Code. If an individual whose 14388
license is suspended under this division fails to make a timely 14389
request for an adjudication under Chapter 119. of the Revised 14390
Code, the board shall enter a final order permanently revoking 14391
the individual's license to practice. 14392

(J) In any instance in which the board is required by 14393
Chapter 119. of the Revised Code to give notice of opportunity 14394
for hearing and the individual subject to the notice does not 14395
timely request a hearing in accordance with section 119.07 of 14396
the Revised Code, the board is not required to hold a hearing, 14397
but may adopt, by an affirmative vote of not fewer than six of 14398

its members, a final order that contains the board's findings. 14399
In that final order, the board may order any of the sanctions 14400
identified under division (A) or (B) of this section. 14401

(K) Any action taken by the board under division (B) of 14402
this section resulting in a suspension shall be accompanied by a 14403
written statement of the conditions under which the physician 14404
assistant's license may be reinstated. The board shall adopt 14405
rules in accordance with Chapter 119. of the Revised Code 14406
governing conditions to be imposed for reinstatement. 14407
Reinstatement of a license suspended pursuant to division (B) of 14408
this section requires an affirmative vote of not fewer than six 14409
members of the board. 14410

(L) When the board refuses to grant or issue to an 14411
applicant a license to practice as a physician assistant, 14412
revokes an individual's license, refuses to renew an 14413
individual's license, or refuses to reinstate an individual's 14414
license, the board may specify that its action is permanent. An 14415
individual subject to a permanent action taken by the board is 14416
forever thereafter ineligible to hold the license and the board 14417
shall not accept an application for reinstatement of the license 14418
or for issuance of a new license. 14419

(M) Notwithstanding any other provision of the Revised 14420
Code, all of the following apply: 14421

(1) The surrender of a license issued under this chapter 14422
is not effective unless or until accepted by the board. 14423
Reinstatement of a license surrendered to the board requires an 14424
affirmative vote of not fewer than six members of the board. 14425

(2) An application made under this chapter for a license 14426
may not be withdrawn without approval of the board. 14427

(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.

Sec. 4731.08. In addition to any other eligibility requirement set forth in this chapter, each applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall comply with sections 4776.01 to 4776.04 of the Revised Code. ~~The state medical board shall not grant to an applicant a license to practice medicine and surgery or osteopathic medicine and surgery unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4731.14 of the Revised Code.~~

Sec. 4731.09. (A) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery must meet all of the following requirements:

(1) Be at least eighteen years of age ~~and of good moral character;~~

(2) Possess a high school diploma or a certificate of high school equivalence or have obtained the equivalent of such education as determined by the state medical board;

(3) Have completed two years of undergraduate work in a

college of arts and sciences or the equivalent of such education 14457
as determined by the board; 14458

(4) Meet one of the following medical education and 14459
graduate medical education requirements: 14460

(a) Hold a diploma from a medical school or osteopathic 14461
medical school that, at the time the diploma was issued, was a 14462
medical school accredited by the liaison committee on medical 14463
education or an osteopathic medical school accredited by the 14464
American osteopathic association and have successfully completed 14465
not less than twelve months of graduate medical education 14466
through the first-year level of graduate medical education or 14467
its equivalent as determined by the board; 14468

(b) Hold certification from the educational commission for 14469
foreign medical graduates and have successfully completed not 14470
less than twenty-four months of graduate medical education 14471
through the second-year level of graduate medical education or 14472
its equivalent as determined by the board; 14473

(c) Be a qualified graduate of a fifth pathway training 14474
program as recognized by the board under section 4731.091 of the 14475
Revised Code and have successfully completed, subsequent to 14476
completing fifth pathway training, not less than twelve months 14477
of graduate medical education or its equivalent as determined by 14478
the board. 14479

(5) Have successfully passed an examination prescribed in 14480
rules adopted by the board to determine competency to practice 14481
medicine and surgery or osteopathic medicine and surgery; 14482

(6) Comply with section 4731.08 of the Revised Code; 14483

(7) Meet the requirements of section 4731.142 of the 14484
Revised Code if eligibility for the license applied for is based 14485

in part on certification from the educational commission for 14486
foreign medical graduates and the undergraduate education 14487
requirements established by this section were fulfilled at an 14488
institution outside of the United States. 14489

(B) An applicant for a license to practice medicine and 14490
surgery or osteopathic medicine and surgery shall submit to the 14491
board an application in the form and manner prescribed by the 14492
board. The application must include all of the following: 14493

(1) Evidence satisfactory to the board to demonstrate that 14494
the applicant meets all of the requirements of division (A) of 14495
this section; 14496

(2) An attestation that the information submitted under 14497
this section is accurate and truthful; 14498

(3) Consent to the release of the applicant's information; 14499

(4) Any other information the board requires. 14500

(C) An applicant for a license to practice medicine and 14501
surgery or osteopathic medicine and surgery shall include with 14502
the application a fee of three hundred five dollars, no part of 14503
which may be returned. An application is not considered 14504
submitted until the board receives the fee. 14505

(D) The board may conduct an investigation related to the 14506
application materials received pursuant to this section and may 14507
contact any individual, agency, or organization for 14508
recommendations or other information about the applicant. 14509

(E) The board shall conclude any investigation of an 14510
applicant conducted under section 4731.22 of the Revised Code 14511
not later than ninety days after receipt of a complete 14512
application unless the applicant agrees in writing to an 14513

extension or the board determines that there is a substantial 14514
question of a violation of this chapter or the rules adopted 14515
under it and notifies the applicant in writing of the reasons 14516
for continuation of the investigation. If the board determines 14517
that the applicant is not in violation of this chapter or the 14518
rules adopted under it, the board shall issue a license not 14519
later than forty-five days after making that determination. 14520

Sec. 4731.171. In addition to any other eligibility 14521
requirement set forth in this chapter, each applicant for a 14522
license to practice massage therapy or cosmetic therapy shall 14523
comply with sections 4776.01 to 4776.04 of the Revised Code. ~~The~~ 14524
~~state medical board shall not grant to an applicant a license to~~ 14525
~~practice massage therapy or cosmetic therapy unless the board,~~ 14526
~~in its discretion, decides that the results of the criminal~~ 14527
~~records check do not make the applicant ineligible for a license~~ 14528
~~issued pursuant to section 4731.17 of the Revised Code.~~ 14529

Sec. 4731.19. (A) A person seeking a license to practice a 14530
limited branch of medicine shall file with the state medical 14531
board an application in a manner prescribed by the board. The 14532
application shall include or be accompanied by all of the 14533
following: 14534

(1) Evidence that the applicant is at least eighteen years 14535
of age ~~and of good moral character;~~ 14536

(2) Evidence that the applicant has attained high school 14537
graduation or its equivalent; 14538

(3) Evidence that the applicant holds one of the 14539
following: 14540

(a) A diploma or certificate from a school, college, or 14541
institution in good standing as determined by the board, showing 14542

the completion of the required courses of instruction; 14543

(b) A diploma or certificate from a school, college, or 14544
institution in another state or jurisdiction showing completion 14545
of a course of instruction that meets course requirements 14546
determined by the board through rules adopted under section 14547
4731.05 of the Revised Code; 14548

(c) During the five-year period immediately preceding the 14549
date of application, a current license, registration, or 14550
certificate in good standing in another state for massage 14551
therapy or cosmetic therapy. 14552

(4) Evidence that the applicant has successfully passed an 14553
examination, prescribed in rules described in section 4731.16 of 14554
the Revised Code, to determine competency to practice the 14555
applicable limited branch of medicine; 14556

(5) An attestation that the information submitted under 14557
this section is accurate and truthful and that the applicant 14558
consents to release of information; 14559

(6) Any other information the board requires. 14560

(B) An applicant for a license to practice a limited 14561
branch of medicine shall comply with the requirements of section 14562
4731.171 of the Revised Code. 14563

(C) At the time of making application for a license to 14564
practice a limited branch of medicine, the applicant shall pay 14565
to the board a fee of one hundred fifty dollars, no part of 14566
which shall be returned. No application shall be considered 14567
filed until the board receives the appropriate fee. 14568

(D) The board may investigate the application materials 14569
received under this section and contact any agency or 14570

organization for recommendations or other information about the 14571
applicant. 14572

Sec. 4731.22. (A) The state medical board, by an 14573
affirmative vote of not fewer than six of its members, may 14574
limit, revoke, or suspend a license or certificate to practice 14575
or certificate to recommend, refuse to grant a license or 14576
certificate, refuse to renew a license or certificate, refuse to 14577
reinstate a license or certificate, or reprimand or place on 14578
probation the holder of a license or certificate if the 14579
individual applying for or holding the license or certificate is 14580
found by the board to have committed fraud during the 14581
administration of the examination for a license or certificate 14582
to practice or to have committed fraud, misrepresentation, or 14583
deception in applying for, renewing, or securing any license or 14584
certificate to practice or certificate to recommend issued by 14585
the board. 14586

(B) ~~The~~ Except as provided in division (P) of this 14587
section, the board, by an affirmative vote of not fewer than six 14588
members, shall, to the extent permitted by law, limit, revoke, 14589
or suspend a license or certificate to practice or certificate 14590
to recommend, refuse to issue a license or certificate, refuse 14591
to renew a license or certificate, refuse to reinstate a license 14592
or certificate, or reprimand or place on probation the holder of 14593
a license or certificate for one or more of the following 14594
reasons: 14595

(1) Permitting one's name or one's license or certificate 14596
to practice to be used by a person, group, or corporation when 14597
the individual concerned is not actually directing the treatment 14598
given; 14599

(2) Failure to maintain minimal standards applicable to 14600

the selection or administration of drugs, or failure to employ 14601
acceptable scientific methods in the selection of drugs or other 14602
modalities for treatment of disease; 14603

(3) Except as provided in section 4731.97 of the Revised 14604
Code, selling, giving away, personally furnishing, prescribing, 14605
or administering drugs for other than legal and legitimate 14606
therapeutic purposes or a plea of guilty to, a judicial finding 14607
of guilt of, or a judicial finding of eligibility for 14608
intervention in lieu of conviction of, a violation of any 14609
federal or state law regulating the possession, distribution, or 14610
use of any drug; 14611

(4) Willfully betraying a professional confidence. 14612

For purposes of this division, "willfully betraying a 14613
professional confidence" does not include providing any 14614
information, documents, or reports under sections 307.621 to 14615
307.629 of the Revised Code to a child fatality review board; 14616
does not include providing any information, documents, or 14617
reports to the director of health pursuant to guidelines 14618
established under section 3701.70 of the Revised Code; does not 14619
include written notice to a mental health professional under 14620
section 4731.62 of the Revised Code; and does not include the 14621
making of a report of an employee's use of a drug of abuse, or a 14622
report of a condition of an employee other than one involving 14623
the use of a drug of abuse, to the employer of the employee as 14624
described in division (B) of section 2305.33 of the Revised 14625
Code. Nothing in this division affects the immunity from civil 14626
liability conferred by section 2305.33 or 4731.62 of the Revised 14627
Code upon a physician who makes a report in accordance with 14628
section 2305.33 or notifies a mental health professional in 14629
accordance with section 4731.62 of the Revised Code. As used in 14630

this division, "employee," "employer," and "physician" have the 14631
same meanings as in section 2305.33 of the Revised Code. 14632

(5) Making a false, fraudulent, deceptive, or misleading 14633
statement in the solicitation of or advertising for patients; in 14634
relation to the practice of medicine and surgery, osteopathic 14635
medicine and surgery, podiatric medicine and surgery, or a 14636
limited branch of medicine; or in securing or attempting to 14637
secure any license or certificate to practice issued by the 14638
board. 14639

As used in this division, "false, fraudulent, deceptive, 14640
or misleading statement" means a statement that includes a 14641
misrepresentation of fact, is likely to mislead or deceive 14642
because of a failure to disclose material facts, is intended or 14643
is likely to create false or unjustified expectations of 14644
favorable results, or includes representations or implications 14645
that in reasonable probability will cause an ordinarily prudent 14646
person to misunderstand or be deceived. 14647

(6) A departure from, or the failure to conform to, 14648
minimal standards of care of similar practitioners under the 14649
same or similar circumstances, whether or not actual injury to a 14650
patient is established; 14651

(7) Representing, with the purpose of obtaining 14652
compensation or other advantage as personal gain or for any 14653
other person, that an incurable disease or injury, or other 14654
incurable condition, can be permanently cured; 14655

(8) The obtaining of, or attempting to obtain, money or 14656
anything of value by fraudulent misrepresentations in the course 14657
of practice; 14658

(9) A plea of guilty to, a judicial finding of guilt of, 14659

or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 14660
14661

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 14662
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14664

(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 misdemeanor committed in the course of practice; 14665
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(12) 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; 14669
14670
14671

(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; 14672
14673
14674

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 14675
14676
14677

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice; 14678
14679

(16) Failure to pay license renewal fees specified in this chapter; 14680
14681

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business; 14682
14683
14684
14685
14686

(18) Subject to section 4731.226 of the Revised Code, 14687

violation of any provision of a code of ethics of the American 14688
medical association, the American osteopathic association, the 14689
American podiatric medical association, or any other national 14690
professional organizations that the board specifies by rule. The 14691
state medical board shall obtain and keep on file current copies 14692
of the codes of ethics of the various national professional 14693
organizations. The individual whose license or certificate is 14694
being suspended or revoked shall not be found to have violated 14695
any provision of a code of ethics of an organization not 14696
appropriate to the individual's profession. 14697

For purposes of this division, a "provision of a code of 14698
ethics of a national professional organization" does not include 14699
any provision that would preclude the making of a report by a 14700
physician of an employee's use of a drug of abuse, or of a 14701
condition of an employee other than one involving the use of a 14702
drug of abuse, to the employer of the employee as described in 14703
division (B) of section 2305.33 of the Revised Code. Nothing in 14704
this division affects the immunity from civil liability 14705
conferred by that section upon a physician who makes either type 14706
of report in accordance with division (B) of that section. As 14707
used in this division, "employee," "employer," and "physician" 14708
have the same meanings as in section 2305.33 of the Revised 14709
Code. 14710

(19) Inability to practice according to acceptable and 14711
prevailing standards of care by reason of mental illness or 14712
physical illness, including, but not limited to, physical 14713
deterioration that adversely affects cognitive, motor, or 14714
perceptive skills. 14715

In enforcing this division, the board, upon a showing of a 14716
possible violation, may compel any individual authorized to 14717

practice by this chapter or who has submitted an application 14718
pursuant to this chapter to submit to a mental examination, 14719
physical examination, including an HIV test, or both a mental 14720
and a physical examination. The expense of the examination is 14721
the responsibility of the individual compelled to be examined. 14722
Failure to submit to a mental or physical examination or consent 14723
to an HIV test ordered by the board constitutes an admission of 14724
the allegations against the individual unless the failure is due 14725
to circumstances beyond the individual's control, and a default 14726
and final order may be entered without the taking of testimony 14727
or presentation of evidence. If the board finds an individual 14728
unable to practice because of the reasons set forth in this 14729
division, the board shall require the individual to submit to 14730
care, counseling, or treatment by physicians approved or 14731
designated by the board, as a condition for initial, continued, 14732
reinstated, or renewed authority to practice. An individual 14733
affected under this division shall be afforded an opportunity to 14734
demonstrate to the board the ability to resume practice in 14735
compliance with acceptable and prevailing standards under the 14736
provisions of the individual's license or certificate. For the 14737
purpose of this division, any individual who applies for or 14738
receives a license or certificate to practice under this chapter 14739
accepts the privilege of practicing in this state and, by so 14740
doing, shall be deemed to have given consent to submit to a 14741
mental or physical examination when directed to do so in writing 14742
by the board, and to have waived all objections to the 14743
admissibility of testimony or examination reports that 14744
constitute a privileged communication. 14745

(20) Except as provided in division (F)(1)(b) of section 14746
4731.282 of the Revised Code or when civil penalties are imposed 14747
under section 4731.225 of the Revised Code, and subject to 14748

section 4731.226 of the Revised Code, violating or attempting to 14749
violate, directly or indirectly, or assisting in or abetting the 14750
violation of, or conspiring to violate, any provisions of this 14751
chapter or any rule promulgated by the board. 14752

This division does not apply to a violation or attempted 14753
violation of, assisting in or abetting the violation of, or a 14754
conspiracy to violate, any provision of this chapter or any rule 14755
adopted by the board that would preclude the making of a report 14756
by a physician of an employee's use of a drug of abuse, or of a 14757
condition of an employee other than one involving the use of a 14758
drug of abuse, to the employer of the employee as described in 14759
division (B) of section 2305.33 of the Revised Code. Nothing in 14760
this division affects the immunity from civil liability 14761
conferred by that section upon a physician who makes either type 14762
of report in accordance with division (B) of that section. As 14763
used in this division, "employee," "employer," and "physician" 14764
have the same meanings as in section 2305.33 of the Revised 14765
Code. 14766

(21) The violation of section 3701.79 of the Revised Code 14767
or of any abortion rule adopted by the director of health 14768
pursuant to section 3701.341 of the Revised Code; 14769

(22) Any of the following actions taken by an agency 14770
responsible for authorizing, certifying, or regulating an 14771
individual to practice a health care occupation or provide 14772
health care services in this state or another jurisdiction, for 14773
any reason other than the nonpayment of fees: the limitation, 14774
revocation, or suspension of an individual's license to 14775
practice; acceptance of an individual's license surrender; 14776
denial of a license; refusal to renew or reinstate a license; 14777
imposition of probation; or issuance of an order of censure or 14778

other reprimand; 14779

(23) The violation of section 2919.12 of the Revised Code 14780
or the performance or inducement of an abortion upon a pregnant 14781
woman with actual knowledge that the conditions specified in 14782
division (B) of section 2317.56 of the Revised Code have not 14783
been satisfied or with a heedless indifference as to whether 14784
those conditions have been satisfied, unless an affirmative 14785
defense as specified in division (H) (2) of that section would 14786
apply in a civil action authorized by division (H) (1) of that 14787
section; 14788

(24) The revocation, suspension, restriction, reduction, 14789
or termination of clinical privileges by the United States 14790
department of defense or department of veterans affairs or the 14791
termination or suspension of a certificate of registration to 14792
prescribe drugs by the drug enforcement administration of the 14793
United States department of justice; 14794

(25) Termination or suspension from participation in the 14795
medicare or medicaid programs by the department of health and 14796
human services or other responsible agency; 14797

(26) Impairment of ability to practice according to 14798
acceptable and prevailing standards of care because of habitual 14799
or excessive use or abuse of drugs, alcohol, or other substances 14800
that impair ability to practice. 14801

For the purposes of this division, any individual 14802
authorized to practice by this chapter accepts the privilege of 14803
practicing in this state subject to supervision by the board. By 14804
filing an application for or holding a license or certificate to 14805
practice under this chapter, an individual shall be deemed to 14806
have given consent to submit to a mental or physical examination 14807

when ordered to do so by the board in writing, and to have 14808
waived all objections to the admissibility of testimony or 14809
examination reports that constitute privileged communications. 14810

If it has reason to believe that any individual authorized 14811
to practice by this chapter or any applicant for licensure or 14812
certification to practice suffers such impairment, the board may 14813
compel the individual to submit to a mental or physical 14814
examination, or both. The expense of the examination is the 14815
responsibility of the individual compelled to be examined. Any 14816
mental or physical examination required under this division 14817
shall be undertaken by a treatment provider or physician who is 14818
qualified to conduct the examination and who is chosen by the 14819
board. 14820

Failure to submit to a mental or physical examination 14821
ordered by the board constitutes an admission of the allegations 14822
against the individual unless the failure is due to 14823
circumstances beyond the individual's control, and a default and 14824
final order may be entered without the taking of testimony or 14825
presentation of evidence. If the board determines that the 14826
individual's ability to practice is impaired, the board shall 14827
suspend the individual's license or certificate or deny the 14828
individual's application and shall require the individual, as a 14829
condition for initial, continued, reinstated, or renewed 14830
licensure or certification to practice, to submit to treatment. 14831

Before being eligible to apply for reinstatement of a 14832
license or certificate suspended under this division, the 14833
impaired practitioner shall demonstrate to the board the ability 14834
to resume practice in compliance with acceptable and prevailing 14835
standards of care under the provisions of the practitioner's 14836
license or certificate. The demonstration shall include, but 14837

shall not be limited to, the following: 14838

(a) Certification from a treatment provider approved under 14839
section 4731.25 of the Revised Code that the individual has 14840
successfully completed any required inpatient treatment; 14841

(b) Evidence of continuing full compliance with an 14842
aftercare contract or consent agreement; 14843

(c) Two written reports indicating that the individual's 14844
ability to practice has been assessed and that the individual 14845
has been found capable of practicing according to acceptable and 14846
prevailing standards of care. The reports shall be made by 14847
individuals or providers approved by the board for making the 14848
assessments and shall describe the basis for their 14849
determination. 14850

The board may reinstate a license or certificate suspended 14851
under this division after that demonstration and after the 14852
individual has entered into a written consent agreement. 14853

When the impaired practitioner resumes practice, the board 14854
shall require continued monitoring of the individual. The 14855
monitoring shall include, but not be limited to, compliance with 14856
the written consent agreement entered into before reinstatement 14857
or with conditions imposed by board order after a hearing, and, 14858
upon termination of the consent agreement, submission to the 14859
board for at least two years of annual written progress reports 14860
made under penalty of perjury stating whether the individual has 14861
maintained sobriety. 14862

(27) A second or subsequent violation of section 4731.66 14863
or 4731.69 of the Revised Code; 14864

(28) Except as provided in division (N) of this section: 14865

(a) Waiving the payment of all or any part of a deductible	14866
or copayment that a patient, pursuant to a health insurance or	14867
health care policy, contract, or plan that covers the	14868
individual's services, otherwise would be required to pay if the	14869
waiver is used as an enticement to a patient or group of	14870
patients to receive health care services from that individual;	14871
(b) Advertising that the individual will waive the payment	14872
of all or any part of a deductible or copayment that a patient,	14873
pursuant to a health insurance or health care policy, contract,	14874
or plan that covers the individual's services, otherwise would	14875
be required to pay.	14876
(29) Failure to use universal blood and body fluid	14877
precautions established by rules adopted under section 4731.051	14878
of the Revised Code;	14879
(30) Failure to provide notice to, and receive	14880
acknowledgment of the notice from, a patient when required by	14881
section 4731.143 of the Revised Code prior to providing	14882
nonemergency professional services, or failure to maintain that	14883
notice in the patient's medical record;	14884
(31) Failure of a physician supervising a physician	14885
assistant to maintain supervision in accordance with the	14886
requirements of Chapter 4730. of the Revised Code and the rules	14887
adopted under that chapter;	14888
(32) Failure of a physician or podiatrist to enter into a	14889
standard care arrangement with a clinical nurse specialist,	14890
certified nurse-midwife, or certified nurse practitioner with	14891
whom the physician or podiatrist is in collaboration pursuant to	14892
section 4731.27 of the Revised Code or failure to fulfill the	14893
responsibilities of collaboration after entering into a standard	14894

care arrangement;	14895
(33) Failure to comply with the terms of a consult	14896
agreement entered into with a pharmacist pursuant to section	14897
4729.39 of the Revised Code;	14898
(34) Failure to cooperate in an investigation conducted by	14899
the board under division (F) of this section, including failure	14900
to comply with a subpoena or order issued by the board or	14901
failure to answer truthfully a question presented by the board	14902
in an investigative interview, an investigative office	14903
conference, at a deposition, or in written interrogatories,	14904
except that failure to cooperate with an investigation shall not	14905
constitute grounds for discipline under this section if a court	14906
of competent jurisdiction has issued an order that either	14907
quashes a subpoena or permits the individual to withhold the	14908
testimony or evidence in issue;	14909
(35) Failure to supervise an oriental medicine	14910
practitioner or acupuncturist in accordance with Chapter 4762.	14911
of the Revised Code and the board's rules for providing that	14912
supervision;	14913
(36) Failure to supervise an anesthesiologist assistant in	14914
accordance with Chapter 4760. of the Revised Code and the	14915
board's rules for supervision of an anesthesiologist assistant;	14916
(37) Assisting suicide, as defined in section 3795.01 of	14917
the Revised Code;	14918
(38) Failure to comply with the requirements of section	14919
2317.561 of the Revised Code;	14920
(39) Failure to supervise a radiologist assistant in	14921
accordance with Chapter 4774. of the Revised Code and the	14922
board's rules for supervision of radiologist assistants;	14923

(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;	14924 14925 14926 14927
(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;	14928 14929 14930 14931
(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;	14932 14933 14934 14935
(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;	14936 14937 14938 14939
(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 2919.202 of the Revised Code;	14940 14941 14942 14943 14944
(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;	14945 14946 14947 14948 14949
(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	14950 14951 14952

with the classification;	14953
(47) Failure to comply with any of the requirements	14954
regarding making or maintaining medical records or documents	14955
described in division (A) of section 2919.192, division (C) of	14956
section 2919.193, division (B) of section 2919.195, or division	14957
(A) of section 2919.196 of the Revised Code;	14958
(48) Failure to comply with the requirements in section	14959
3719.061 of the Revised Code before issuing for a minor a	14960
prescription for an opioid analgesic, as defined in section	14961
3719.01 of the Revised Code;	14962
(49) Failure to comply with the requirements of section	14963
4731.30 of the Revised Code or rules adopted under section	14964
4731.301 of the Revised Code when recommending treatment with	14965
medical marijuana;	14966
(50) Practicing at a facility, clinic, or other location	14967
that is subject to licensure as a category III terminal	14968
distributor of dangerous drugs with an office-based opioid	14969
treatment classification unless the person operating that place	14970
has obtained and maintains the license with the classification;	14971
(51) Owning a facility, clinic, or other location that is	14972
subject to licensure as a category III terminal distributor of	14973
dangerous drugs with an office-based opioid treatment	14974
classification unless that place is licensed with the	14975
classification;	14976
(52) A pattern of continuous or repeated violations of	14977
division (E) (2) or (3) of section 3963.02 of the Revised Code.	14978
(C) Disciplinary actions taken by the board under	14979
divisions (A) and (B) of this section shall be taken pursuant to	14980
an adjudication under Chapter 119. of the Revised Code, except	14981

that in lieu of an adjudication, the board may enter into a consent agreement with an individual 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.

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

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B) (10), (12), and (14) of 15013
this section, the commission of the act may be established by a 15014
finding by the board, pursuant to an adjudication under Chapter 15015
119. of the Revised Code, that the individual committed the act. 15016
The board does not have jurisdiction under those divisions if 15017
the trial court renders a final judgment in the individual's 15018
favor and that judgment is based upon an adjudication on the 15019
merits. The board has jurisdiction under those divisions if the 15020
trial court issues an order of dismissal upon technical or 15021
procedural grounds. 15022

(E) The sealing of conviction records by any court shall 15023
have no effect upon a prior board order entered under this 15024
section or upon the board's jurisdiction to take action under 15025
this section if, based upon a plea of guilty, a judicial finding 15026
of guilt, or a judicial finding of eligibility for intervention 15027
in lieu of conviction, the board issued a notice of opportunity 15028
for a hearing prior to the court's order to seal the records. 15029
The board shall not be required to seal, destroy, redact, or 15030
otherwise modify its records to reflect the court's sealing of 15031
conviction records. 15032

(F) (1) The board shall investigate evidence that appears 15033
to show that a person has violated any provision of this chapter 15034
or any rule adopted under it. Any person may report to the board 15035
in a signed writing any information that the person may have 15036
that appears to show a violation of any provision of this 15037
chapter or any rule adopted under it. In the absence of bad 15038
faith, any person who reports information of that nature or who 15039
testifies before the board in any adjudication conducted under 15040
Chapter 119. of the Revised Code shall not be liable in damages 15041
in a civil action as a result of the report or testimony. Each 15042
complaint or allegation of a violation received by the board 15043

shall be assigned a case number and shall be recorded by the board. 15044
15045

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 15046
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(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board. 15055
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(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable 15067
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period of time surrounding the alleged violation. 15074

(b) On failure to comply with any subpoena issued by the 15075
board and after reasonable notice to the person being 15076
subpoenaed, the board may move for an order compelling the 15077
production of persons or records pursuant to the Rules of Civil 15078
Procedure. 15079

(c) A subpoena issued by the board may be served by a 15080
sheriff, the sheriff's deputy, or a board employee or agent 15081
designated by the board. Service of a subpoena issued by the 15082
board may be made by delivering a copy of the subpoena to the 15083
person named therein, reading it to the person, or leaving it at 15084
the person's usual place of residence, usual place of business, 15085
or address on file with the board. When serving a subpoena to an 15086
applicant for or the holder of a license or certificate issued 15087
under this chapter, service of the subpoena may be made by 15088
certified mail, return receipt requested, and the subpoena shall 15089
be deemed served on the date delivery is made or the date the 15090
person refuses to accept delivery. If the person being served 15091
refuses to accept the subpoena or is not located, service may be 15092
made to an attorney who notifies the board that the attorney is 15093
representing the person. 15094

(d) A sheriff's deputy who serves a subpoena shall receive 15095
the same fees as a sheriff. Each witness who appears before the 15096
board in obedience to a subpoena shall receive the fees and 15097
mileage provided for under section 119.094 of the Revised Code. 15098

(4) All hearings, investigations, and inspections of the 15099
board shall be considered civil actions for the purposes of 15100
section 2305.252 of the Revised Code. 15101

(5) A report required to be submitted to the board under 15102

this chapter, a complaint, or information received by the board 15103
pursuant to an investigation or pursuant to an inspection under 15104
division (E) of section 4731.054 of the Revised Code is 15105
confidential and not subject to discovery in any civil action. 15106

The board shall conduct all investigations or inspections 15107
and proceedings in a manner that protects the confidentiality of 15108
patients and persons who file complaints with the board. The 15109
board shall not make public the names or any other identifying 15110
information about patients or complainants unless proper consent 15111
is given or, in the case of a patient, a waiver of the patient 15112
privilege exists under division (B) of section 2317.02 of the 15113
Revised Code, except that consent or a waiver of that nature is 15114
not required if the board possesses reliable and substantial 15115
evidence that no bona fide physician-patient relationship 15116
exists. 15117

The board may share any information it receives pursuant 15118
to an investigation or inspection, including patient records and 15119
patient record information, with law enforcement agencies, other 15120
licensing boards, and other governmental agencies that are 15121
prosecuting, adjudicating, or investigating alleged violations 15122
of statutes or administrative rules. An agency or board that 15123
receives the information shall comply with the same requirements 15124
regarding confidentiality as those with which the state medical 15125
board must comply, notwithstanding any conflicting provision of 15126
the Revised Code or procedure of the agency or board that 15127
applies when it is dealing with other information in its 15128
possession. In a judicial proceeding, the information may be 15129
admitted into evidence only in accordance with the Rules of 15130
Evidence, but the court shall require that appropriate measures 15131
are taken to ensure that confidentiality is maintained with 15132
respect to any part of the information that contains names or 15133

other identifying information about patients or complainants 15134
whose confidentiality was protected by the state medical board 15135
when the information was in the board's possession. Measures to 15136
ensure confidentiality that may be taken by the court include 15137
sealing its records or deleting specific information from its 15138
records. 15139

(6) On a quarterly basis, the board shall prepare a report 15140
that documents the disposition of all cases during the preceding 15141
three months. The report shall contain the following information 15142
for each case with which the board has completed its activities: 15143

(a) The case number assigned to the complaint or alleged 15144
violation; 15145

(b) The type of license or certificate to practice, if 15146
any, held by the individual against whom the complaint is 15147
directed; 15148

(c) A description of the allegations contained in the 15149
complaint; 15150

(d) The disposition of the case. 15151

The report shall state how many cases are still pending 15152
and shall be prepared in a manner that protects the identity of 15153
each person involved in each case. The report shall be a public 15154
record under section 149.43 of the Revised Code. 15155

(G) If the secretary and supervising member determine both 15156
of the following, they may recommend that the board suspend an 15157
individual's license or certificate to practice or certificate 15158
to recommend without a prior hearing: 15159

(1) That there is clear and convincing evidence that an 15160
individual has violated division (B) of this section; 15161

(2) That the individual's continued practice presents a 15162
danger of immediate and serious harm to the public. 15163

Written allegations shall be prepared for consideration by 15164
the board. The board, upon review of those allegations and by an 15165
affirmative vote of not fewer than six of its members, excluding 15166
the secretary and supervising member, may suspend a license or 15167
certificate without a prior hearing. A telephone conference call 15168
may be utilized for reviewing the allegations and taking the 15169
vote on the summary suspension. 15170

The board shall issue a written order of suspension by 15171
certified mail or in person in accordance with section 119.07 of 15172
the Revised Code. The order shall not be subject to suspension 15173
by the court during pendency of any appeal filed under section 15174
119.12 of the Revised Code. If the individual subject to the 15175
summary suspension requests an adjudicatory hearing by the 15176
board, the date set for the hearing shall be within fifteen 15177
days, but not earlier than seven days, after the individual 15178
requests the hearing, unless otherwise agreed to by both the 15179
board and the individual. 15180

Any summary suspension imposed under this division shall 15181
remain in effect, unless reversed on appeal, until a final 15182
adjudicative order issued by the board pursuant to this section 15183
and Chapter 119. of the Revised Code becomes effective. The 15184
board shall issue its final adjudicative order within seventy- 15185
five days after completion of its hearing. A failure to issue 15186
the order within seventy-five days shall result in dissolution 15187
of the summary suspension order but shall not invalidate any 15188
subsequent, final adjudicative order. 15189

(H) If the board takes action under division (B) (9), (11), 15190
or (13) of this section and the judicial finding of guilt, 15191

guilty plea, or judicial finding of eligibility for intervention 15192
in lieu of conviction is overturned on appeal, upon exhaustion 15193
of the criminal appeal, a petition for reconsideration of the 15194
order may be filed with the board along with appropriate court 15195
documents. Upon receipt of a petition of that nature and 15196
supporting court documents, the board shall reinstate the 15197
individual's license or certificate to practice. The board may 15198
then hold an adjudication under Chapter 119. of the Revised Code 15199
to determine whether the individual committed the act in 15200
question. Notice of an opportunity for a hearing shall be given 15201
in accordance with Chapter 119. of the Revised Code. If the 15202
board finds, pursuant to an adjudication held under this 15203
division, that the individual committed the act or if no hearing 15204
is requested, the board may order any of the sanctions 15205
identified under division (B) of this section. 15206

(I) The license or certificate to practice issued to an 15207
individual under this chapter and the individual's practice in 15208
this state are automatically suspended as of the date of the 15209
individual's second or subsequent plea of guilty to, or judicial 15210
finding of guilt of, a violation of section 2919.123 of the 15211
Revised Code. In addition, the license or certificate to 15212
practice or certificate to recommend issued to an individual 15213
under this chapter and the individual's practice in this state 15214
are automatically suspended as of the date the individual pleads 15215
guilty to, is found by a judge or jury to be guilty of, or is 15216
subject to a judicial finding of eligibility for intervention in 15217
lieu of conviction in this state or treatment or intervention in 15218
lieu of conviction in another jurisdiction for any of the 15219
following criminal offenses in this state or a substantially 15220
equivalent criminal offense in another jurisdiction: aggravated 15221
murder, murder, voluntary manslaughter, felonious assault, 15222

kidnapping, rape, sexual battery, gross sexual imposition, 15223
aggravated arson, aggravated robbery, or aggravated burglary. 15224
Continued practice after suspension shall be considered 15225
practicing without a license or certificate. 15226

The board shall notify the individual subject to the 15227
suspension by certified mail or in person in accordance with 15228
section 119.07 of the Revised Code. If an individual whose 15229
license or certificate is automatically suspended under this 15230
division fails to make a timely request for an adjudication 15231
under Chapter 119. of the Revised Code, the board shall do 15232
whichever of the following is applicable: 15233

(1) If the automatic suspension under this division is for 15234
a second or subsequent plea of guilty to, or judicial finding of 15235
guilt of, a violation of section 2919.123 of the Revised Code, 15236
the board shall enter an order suspending the individual's 15237
license or certificate to practice for a period of at least one 15238
year or, if determined appropriate by the board, imposing a more 15239
serious sanction involving the individual's license or 15240
certificate to practice. 15241

(2) In all circumstances in which division (I)(1) of this 15242
section does not apply, enter a final order permanently revoking 15243
the individual's license or certificate to practice. 15244

(J) If the board is required by Chapter 119. of the 15245
Revised Code to give notice of an opportunity for a hearing and 15246
if the individual subject to the notice does not timely request 15247
a hearing in accordance with section 119.07 of the Revised Code, 15248
the board is not required to hold a hearing, but may adopt, by 15249
an affirmative vote of not fewer than six of its members, a 15250
final order that contains the board's findings. In that final 15251
order, the board may order any of the sanctions identified under 15252

division (A) or (B) of this section. 15253

(K) Any action taken by the board under division (B) of 15254
this section resulting in a suspension from practice shall be 15255
accompanied by a written statement of the conditions under which 15256
the individual's license or certificate to practice may be 15257
reinstated. The board shall adopt rules governing conditions to 15258
be imposed for reinstatement. Reinstatement of a license or 15259
certificate suspended pursuant to division (B) of this section 15260
requires an affirmative vote of not fewer than six members of 15261
the board. 15262

(L) When the board refuses to grant or issue a license or 15263
certificate to practice to an applicant, revokes an individual's 15264
license or certificate to practice, refuses to renew an 15265
individual's license or certificate to practice, or refuses to 15266
reinstatement an individual's license or certificate to practice, 15267
the board may specify that its action is permanent. An 15268
individual subject to a permanent action taken by the board is 15269
forever thereafter ineligible to hold a license or certificate 15270
to practice and the board shall not accept an application for 15271
reinstatement of the license or certificate or for issuance of a 15272
new license or certificate. 15273

(M) Notwithstanding any other provision of the Revised 15274
Code, all of the following apply: 15275

(1) The surrender of a license or certificate issued under 15276
this chapter shall not be effective unless or until accepted by 15277
the board. A telephone conference call may be utilized for 15278
acceptance of the surrender of an individual's license or 15279
certificate to practice. The telephone conference call shall be 15280
considered a special meeting under division (F) of section 15281
121.22 of the Revised Code. Reinstatement of a license or 15282

certificate surrendered to the board requires an affirmative 15283
vote of not fewer than six members of the board. 15284

(2) An application for a license or certificate made under 15285
the provisions of this chapter may not be withdrawn without 15286
approval of the board. 15287

(3) Failure by an individual to renew a license or 15288
certificate to practice in accordance with this chapter or a 15289
certificate to recommend in accordance with rules adopted under 15290
section 4731.301 of the Revised Code shall not remove or limit 15291
the board's jurisdiction to take any disciplinary action under 15292
this section against the individual. 15293

(4) At the request of the board, a license or certificate 15294
holder shall immediately surrender to the board a license or 15295
certificate that the board has suspended, revoked, or 15296
permanently revoked. 15297

(N) Sanctions shall not be imposed under division (B) (28) 15298
of this section against any person who waives deductibles and 15299
copayments as follows: 15300

(1) In compliance with the health benefit plan that 15301
expressly allows such a practice. Waiver of the deductibles or 15302
copayments shall be made only with the full knowledge and 15303
consent of the plan purchaser, payer, and third-party 15304
administrator. Documentation of the consent shall be made 15305
available to the board upon request. 15306

(2) For professional services rendered to any other person 15307
authorized to practice pursuant to this chapter, to the extent 15308
allowed by this chapter and rules adopted by the board. 15309

(O) Under the board's investigative duties described in 15310
this section and subject to division (F) of this section, the 15311

board shall develop and implement a quality intervention program 15312
designed to improve through remedial education the clinical and 15313
communication skills of individuals authorized under this 15314
chapter to practice medicine and surgery, osteopathic medicine 15315
and surgery, and podiatric medicine and surgery. In developing 15316
and implementing the quality intervention program, the board may 15317
do all of the following: 15318

(1) Offer in appropriate cases as determined by the board 15319
an educational and assessment program pursuant to an 15320
investigation the board conducts under this section; 15321

(2) Select providers of educational and assessment 15322
services, including a quality intervention program panel of case 15323
reviewers; 15324

(3) Make referrals to educational and assessment service 15325
providers and approve individual educational programs 15326
recommended by those providers. The board shall monitor the 15327
progress of each individual undertaking a recommended individual 15328
educational program. 15329

(4) Determine what constitutes successful completion of an 15330
individual educational program and require further monitoring of 15331
the individual who completed the program or other action that 15332
the board determines to be appropriate; 15333

(5) Adopt rules in accordance with Chapter 119. of the 15334
Revised Code to further implement the quality intervention 15335
program. 15336

An individual who participates in an individual 15337
educational program pursuant to this division shall pay the 15338
financial obligations arising from that educational program. 15339

(P) The board shall not refuse to issue a license to an 15340

applicant because of a conviction, plea of guilty, judicial 15341
finding of guilt, judicial finding of eligibility for 15342
intervention in lieu of conviction, or the commission of an act 15343
that constitutes a criminal offense, unless the refusal is in 15344
accordance with section 9.79 of the Revised Code. 15345

Sec. 4731.291. (A) An individual seeking to pursue an 15346
internship, residency, clinical fellowship program, or elective 15347
clinical rotation in this state, who does not hold a license to 15348
practice medicine and surgery or osteopathic medicine or surgery 15349
issued under this chapter, shall apply to the state medical 15350
board for a training certificate. The application shall be made 15351
on forms that the board shall furnish and shall be accompanied 15352
by an application fee of one hundred thirty dollars. 15353

An applicant for a training certificate shall furnish to 15354
the board all of the following: 15355

(1) Evidence satisfactory to the board that the applicant 15356
is at least eighteen years of age ~~and is of good moral~~ 15357
~~character.~~; 15358

(2) Evidence satisfactory to the board that the applicant 15359
has been accepted or appointed to participate in this state in 15360
one of the following: 15361

(a) An internship, residency, or clinical fellowship 15362
program accredited by either the accreditation council for 15363
graduate medical education of the American medical association 15364
or the American osteopathic association; 15365

(b) A clinical fellowship program that is not accredited 15366
as described in division (A) (2) (a) of this section, but is 15367
conducted at an institution with a residency program that is 15368
accredited as described in that division and is in a clinical 15369

field the same as or related to the clinical field of the 15370
fellowship program; 15371

(c) An elective clinical rotation that lasts not more than 15372
one year and is offered to interns, residents, or clinical 15373
fellows participating in programs that are located outside this 15374
state and meet the requirements of division (A) (2) (a) or (b) of 15375
this section. 15376

(3) Information identifying the beginning and ending dates 15377
of the period for which the applicant has been accepted or 15378
appointed to participate in the internship, residency, or 15379
clinical fellowship program; 15380

(4) Any other information that the board requires. 15381

(B) If no grounds for denying a license or certificate 15382
under section 4731.22 of the Revised Code apply, and the 15383
applicant meets the requirements of division (A) of this 15384
section, the board shall issue a training certificate to the 15385
applicant. The board shall not require an examination as a 15386
condition of receiving a training certificate. 15387

A training certificate issued pursuant to this section 15388
shall be valid only for three years, but may be renewed by the 15389
board for one additional three-year period. To renew a training 15390
certificate, the holder shall apply to the board on or before 15391
the certificate's expiration date. 15392

The fee for renewal of a training certificate shall be one 15393
hundred dollars. A late application may be submitted not more 15394
than thirty days after the certificate's expiration date. In 15395
such a case, the holder shall include with the application a 15396
one-hundred-fifty-dollar reinstatement fee. 15397

(C) The holder of a valid training certificate shall be 15398

entitled to perform such acts as may be prescribed by or 15399
incidental to the holder's internship, residency, or clinical 15400
fellowship program, but the holder shall not be entitled 15401
otherwise to engage in the practice of medicine and surgery or 15402
osteopathic medicine and surgery in this state. The holder shall 15403
limit activities under the certificate to the programs of the 15404
hospitals or facilities for which the training certificate is 15405
issued. The holder shall train only under the supervision of the 15406
physicians responsible for supervision as part of the 15407
internship, residency, or clinical fellowship program. 15408

A training certificate may be revoked by the board upon 15409
proof, satisfactory to the board, that the holder thereof has 15410
engaged in practice in this state outside the scope of the 15411
internship, residency, or clinical fellowship program for which 15412
the training certificate has been issued, or upon proof, 15413
satisfactory to the board, that the holder thereof has engaged 15414
in unethical conduct or that there are grounds for action 15415
against the holder under section 4731.22 of the Revised Code. 15416

(D) The board may adopt rules as the board finds necessary 15417
to effect the purpose of this section. 15418

Sec. 4731.299. (A) The state medical board may issue, 15419
without examination, to an applicant who meets all of the 15420
requirements of this section an expedited license to practice 15421
medicine and surgery or osteopathic medicine and surgery by 15422
endorsement. 15423

(B) An individual who seeks an expedited license by 15424
endorsement shall file with the board a written application on a 15425
form prescribed and supplied by the board. The application shall 15426
include all of the information the board considers necessary to 15427
process it. 15428

(C) To be eligible to receive an expedited license by endorsement, an applicant shall do both of the following:	15429 15430
(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:	15431 15432
(a) Has passed one of the following:	15433
(i) Steps one, two, and three of the United States medical licensing examination;	15434 15435
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	15436 15437
(iii) Any other medical licensing examination recognized by the board.	15438 15439
(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;	15440 15441 15442 15443 15444
(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;	15445 15446 15447
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	15448 15449 15450
(2) Certify to the board that all of the following are the case:	15451 15452
(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	15453 15454 15455

the date of application and no malpractice claim against the 15456
applicant during that ten-year period has resulted in total 15457
payment of more than five hundred thousand dollars. 15458

~~(b) The applicant does not have a criminal record— 15459
according to the criminal records check required by section— 15460
4731.08 of the Revised Code.— 15461~~

~~(e) The applicant does not have a medical condition that 15462
could affect the applicant's ability to practice according to 15463
acceptable and prevailing standards of care. 15464~~

~~(d) (c) No adverse action has been taken against the 15465
applicant by a health care institution. 15466~~

~~(e) (d) To the applicant's knowledge, no federal agency, 15467
medical society, medical association, or branch of the United 15468
States military has investigated or taken action against the 15469
applicant. 15470~~

~~(f) (e) No professional licensing or regulatory authority 15471
has filed a complaint against, investigated, or taken action 15472
against the applicant and the applicant has not withdrawn a 15473
professional license application. 15474~~

~~(g) (f) The applicant has not been suspended or expelled 15475
from any institution of higher education or school, including a 15476
medical school. 15477~~

(D) An applicant for an expedited license by endorsement 15478
shall comply with section 4731.08 of the Revised Code. 15479

(E) At the time of application, the applicant shall pay to 15480
the board a fee of one thousand dollars, no part of which shall 15481
be returned. No application shall be considered filed until the 15482
board receives the fee. 15483

(F) The secretary and supervising member of the board 15484
shall review all applications received under this section. 15485

If the secretary and supervising member determine that an 15486
applicant meets the requirements for an expedited license by 15487
endorsement, the board shall issue the license to the applicant. 15488

If the secretary and supervising member determine that an 15489
applicant does not meet the requirements for an expedited 15490
license by endorsement, the application shall be treated as an 15491
application under section 4731.09 of the Revised Code. 15492

(G) Each license issued by the board under this section 15493
shall be signed by the president and secretary of the board and 15494
attested by the board's seal. 15495

(H) Within sixty days after September 29, 2013, the board 15496
shall approve acceptable means of demonstrating compliance with 15497
sections 4731.09 and 4731.14 of the Revised Code as required by 15498
division (C) (1) (d) of this section. 15499

Sec. 4731.52. (A) A person seeking a license to practice 15500
podiatric medicine and surgery shall file with the state medical 15501
board an application in the form and manner prescribed by the 15502
board. The application must include all of the following: 15503

(1) Evidence satisfactory to the board to demonstrate that 15504
the applicant meets all of the following requirements: 15505

(a) Is at least eighteen years of age ~~and of good moral~~ 15506
~~character;~~ 15507

(b) Possesses a high school diploma or a certificate of 15508
high school equivalence or has obtained the equivalent of such 15509
education as determined by the board; 15510

(c) Has completed at least two years of undergraduate work 15511

in a college of arts and sciences or the equivalent of such 15512
education as determined by the board; 15513

(d) Holds a degree from a college of podiatric medicine 15514
and surgery that was in good standing with the board at the time 15515
the degree was granted, as determined by the board; 15516

(e) Has completed one year of postgraduate training in a 15517
podiatric internship, residency, or clinical fellowship program 15518
accredited by the council on podiatric medicine or the American 15519
podiatric medical association or its equivalent as determined by 15520
the board; 15521

(f) Has successfully passed an examination prescribed in 15522
rules adopted by the board to determine competency to practice 15523
podiatric medicine and surgery; 15524

(g) Has complied with section 4731.531 of the Revised 15525
Code. 15526

(2) An attestation that the information submitted under 15527
this section is accurate and truthful; 15528

(3) Consent to the release of the applicant's information; 15529

(4) Any other information the board requires. 15530

(B) An applicant for a license to practice podiatric 15531
medicine and surgery shall include with the application a fee of 15532
three hundred five dollars, no part of which may be returned. An 15533
application is not considered submitted until the board receives 15534
the fee. 15535

(C) The board may conduct an investigation related to the 15536
application materials received pursuant to this section and may 15537
contact any individual, agency, or organization for 15538
recommendations or other information about the applicant. 15539

(D) The board shall conclude any investigation of an 15540
applicant conducted under section 4731.22 of the Revised Code 15541
not later than ninety days after receipt of a complete 15542
application unless the applicant agrees in writing to an 15543
extension or the board determines that there is a substantial 15544
question of a violation of this chapter or the rules adopted 15545
under it and notifies the applicant in writing of the reasons 15546
for continuation of the investigation. If the board determines 15547
that the applicant is not in violation of this chapter or the 15548
rules adopted under it, the board shall issue a license not 15549
later than forty-five days after making that determination. 15550

Sec. 4731.531. In addition to any other eligibility 15551
requirement set forth in this chapter, each applicant for a 15552
license to practice podiatric medicine and surgery shall comply 15553
with sections 4776.01 to 4776.04 of the Revised Code. ~~The state-~~ 15554
~~medical board shall not grant to an applicant a license to-~~ 15555
~~practice podiatric medicine and surgery unless the board, in its-~~ 15556
~~discretion, decides that the results of the criminal records-~~ 15557
~~check do not make the applicant ineligible for a license issued-~~ 15558
~~pursuant to section 4731.56 of the Revised Code.~~ 15559

Sec. 4731.573. (A) An individual seeking to pursue an 15560
internship, residency, or clinical fellowship program in 15561
podiatric medicine and surgery in this state, who does not hold 15562
a license to practice podiatric medicine and surgery issued 15563
under this chapter, shall apply to the state medical board for a 15564
training certificate. The application shall be made on forms 15565
that the board shall furnish and shall be accompanied by an 15566
application fee of one hundred thirty dollars. 15567

An applicant for a training certificate shall furnish to 15568
the board all of the following: 15569

(1) Evidence satisfactory to the board that the applicant 15570
is at least eighteen years of age ~~and is of good moral~~ 15571
~~character;~~ 15572

(2) Evidence satisfactory to the board that the applicant 15573
has been accepted or appointed to participate in this state in 15574
one of the following: 15575

(a) An internship, residency, or clinical fellowship 15576
program accredited by either the council on podiatric medical 15577
education or the American podiatric medical association; 15578

(b) A clinical fellowship program that is not accredited 15579
as described in division (A) (2) (a) of this section, but is 15580
conducted at an institution with a residency program that is 15581
accredited as described in that division and is in a clinical 15582
field the same as or related to the clinical field of the 15583
fellowship program. 15584

(3) Information identifying the beginning and ending dates 15585
of the period for which the applicant has been accepted or 15586
appointed to participate in the internship, residency, or 15587
clinical fellowship program; 15588

(4) Any other information that the board requires. 15589

(B) If no grounds for denying a license or certificate 15590
under section 4731.22 of the Revised Code apply and the 15591
applicant meets the requirements of division (A) of this 15592
section, the board shall issue a training certificate to the 15593
applicant. The board shall not require an examination as a 15594
condition of receiving a training certificate. 15595

A training certificate issued pursuant to this section 15596
shall be valid only for three years, but may be renewed by the 15597
board for one additional three-year period. To renew a training 15598

certificate, the holder shall apply to the board on or before 15599
the certificate's expiration date. 15600

The fee for renewal of a training certificate shall be one 15601
hundred dollars. A late application may be submitted not more 15602
than thirty days after the certificate's expiration date. In 15603
such a case, the holder shall include with the application a 15604
one-hundred-fifty-dollar reinstatement fee. 15605

(C) The holder of a valid training certificate shall be 15606
entitled to perform such acts as may be prescribed by or 15607
incidental to the holder's internship, residency, or clinical 15608
fellowship program, but the holder shall not be entitled 15609
otherwise to engage in the practice of podiatric medicine and 15610
surgery in this state. The holder shall limit activities under 15611
the certificate to the programs of the hospitals or facilities 15612
for which the training certificate is issued. The holder shall 15613
train only under the supervision of the podiatrists responsible 15614
for supervision as part of the internship, residency, or 15615
clinical fellowship program. A training certificate may be 15616
revoked by the board upon proof, satisfactory to the board, that 15617
the holder thereof has engaged in practice in this state outside 15618
the scope of the internship, residency, or clinical fellowship 15619
program for which the training certificate has been issued, or 15620
upon proof, satisfactory to the board, that the holder thereof 15621
has engaged in unethical conduct or that there are grounds for 15622
action against the holder under section 4731.22 of the Revised 15623
Code. 15624

(D) The board may adopt rules as the board finds necessary 15625
to effect the purpose of this section. 15626

Sec. 4732.091. (A) As used in this section, "license" and 15627
"applicant for an initial license" have the same meanings as in 15628

section 4776.01 of the Revised Code, except that "license" as 15629
used in both of those terms refers to the types of 15630
authorizations otherwise issued or conferred under this chapter. 15631

(B) In addition to any other eligibility requirement set 15632
forth in this chapter, each applicant for an initial license 15633
shall comply with sections 4776.01 to 4776.04 of the Revised 15634
Code. The state board of psychology shall not grant a license to 15635
an applicant for an initial license unless the applicant 15636
complies with sections 4776.01 to 4776.04 of the Revised Code 15637
~~and the board, in its discretion, decides that the results of-~~ 15638
~~the criminal records check do not make the applicant ineligible-~~ 15639
~~for a license issued pursuant to section 4732.14 of the Revised-~~ 15640
Code. 15641

Sec. 4732.10. (A) The state board of psychology shall 15642
appoint an entrance examiner who shall determine the sufficiency 15643
of an applicant's qualifications for admission to the 15644
appropriate examination. A member of the board or the executive 15645
director may be appointed as the entrance examiner. 15646

(B) Requirements for admission to examination for a 15647
psychologist license shall be that the applicant: 15648

(1) Is at least twenty-one years of age; 15649

(2) ~~Is of good moral character;~~ 15650

~~(3)~~ Meets one of the following requirements: 15651

(a) Received an earned doctoral degree from an institution 15652
accredited or recognized by a national or regional accrediting 15653
agency and a program accredited by any of the following: 15654

(i) The American psychological association, office of 15655
program consultation and accreditation; 15656

(ii) The accreditation office of the Canadian psychological association;	15657 15658
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	15659 15660 15661
(iv) The national association of school psychologists.	15662
(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B) (3) <u>(2)</u> (a) of this section;	15663 15664 15665 15666 15667
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) (3) <u>(2)</u> (a) of this section;	15668 15669 15670 15671 15672
(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	15673 15674 15675 15676 15677
(4) <u>(3)</u> Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.	15678 15679 15680 15681 15682 15683
(5) <u>(4)</u> If applying under division (B) (3) <u>(2)</u> (b) or (c) of this section, has had at least two years of supervised	15684 15685

professional experience in psychological work of a type 15686
satisfactory to the board, at least one year of which must be 15687
postdoctoral. The board shall adopt guidelines for the kind of 15688
supervised professional experience that fulfill this 15689
requirement. 15690

(C) Requirements for admission to examination for a school 15691
psychologist license shall be that the applicant: 15692

(1) Has received from an educational institution 15693
accredited or recognized by national or regional accrediting 15694
agencies as maintaining satisfactory standards, including those 15695
approved by the state board of education for the training of 15696
school psychologists, at least a master's degree in school 15697
psychology, or a degree considered equivalent by the board; 15698

(2) Is at least twenty-one years of age; 15699

(3) ~~Is of good moral character;~~ 15700

~~(4)~~ Has completed at least sixty quarter hours, or the 15701
semester hours equivalent, at the graduate level, of accredited 15702
study in course work relevant to the study of school psychology; 15703

~~(5)~~ (4) Has completed an internship in an educational 15704
institution approved by the Ohio department of education for 15705
school psychology supervised experience or one year of other 15706
training experience acceptable to the board, such as supervised 15707
professional experience under the direction of a licensed 15708
psychologist or licensed school psychologist; 15709

~~(6)~~ (5) Furnishes proof of at least twenty-seven months, 15710
exclusive of internship, of full-time experience as a 15711
certificated school psychologist employed by a board of 15712
education or a private school meeting the standards prescribed 15713
by the state board of education, or of experience that the board 15714

deems equivalent. 15715

(D) If the entrance examiner finds that the applicant 15716
meets the requirements set forth in this section, the applicant 15717
shall be admitted to the appropriate examination. 15718

(E) The board shall adopt under Chapter 119. of the 15719
Revised Code rules for determining for the purposes of division 15720
(B) ~~(3)~~ (2) (b) of this section whether a degree is equivalent to a 15721
degree in psychology from an institution in the United States. 15722

Sec. 4732.17. (A) Subject to division (F) of this section 15723
and except as provided in division (G) of this section, the 15724
state board of psychology may take any of the actions specified 15725
in division (C) of this section against an applicant for or a 15726
person who holds a license issued under this chapter on any of 15727
the following grounds as applicable: 15728

(1) Conviction, including a plea of guilty or no contest, 15729
of a felony, or of any offense involving moral turpitude, in a 15730
court of this or any other state or in a federal court; 15731

(2) A judicial finding of eligibility for intervention in 15732
lieu of conviction for a felony or any offense involving moral 15733
turpitude in a court of this or any other state or in a federal 15734
court; 15735

(3) Using fraud or deceit in the procurement of the 15736
license to practice psychology or school psychology or knowingly 15737
assisting another in the procurement of such a license through 15738
fraud or deceit; 15739

(4) Accepting commissions or rebates or other forms of 15740
remuneration for referring persons to other professionals; 15741

(5) Willful, unauthorized communication of information 15742

received in professional confidence;	15743
(6) Being negligent in the practice of psychology or school psychology;	15744 15745
(7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;	15746 15747 15748
(8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;	15749 15750 15751
(9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;	15752 15753
(10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.	15754 15755 15756 15757 15758 15759 15760 15761
(11) 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 psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	15762 15763 15764 15765 15766 15767
(12) Advertising that the person will waive 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 psychological services, would otherwise be	15768 15769 15770 15771

required to pay;	15772
(13) Any of the following actions taken by the agency	15773
responsible for authorizing or certifying the person to practice	15774
or regulating the person's practice of a health care occupation	15775
or provision of health care services in this state or another	15776
jurisdiction, as evidenced by a certified copy of that agency's	15777
records and findings for any reason other than the nonpayment of	15778
fees:	15779
(a) Limitation, revocation, or suspension of the person's	15780
license to practice;	15781
(b) Acceptance of the person's license surrender;	15782
(c) Denial of a license to the person;	15783
(d) Refuse to renew or reinstate the person's license;	15784
(e) Imposition of probation on the person;	15785
(f) Issuance of an order of censure or other reprimand	15786
against the person;	15787
(g) Other negative action or finding against the person	15788
about which information is available to the public.	15789
(14) Offering or rendering psychological services after a	15790
license issued under this chapter has expired due to a failure	15791
to timely register under section 4732.14 of the Revised Code or	15792
complete continuing education requirements;	15793
(15) Offering or rendering psychological services after a	15794
license issued under this chapter has been placed in retired	15795
status pursuant to section 4732.142 of the Revised Code;	15796
(16) Unless the person is a school psychologist licensed	15797
by the state board of education:	15798

(a) Offering or rendering school psychological services	15799
after a license issued under this chapter has expired due to a	15800
failure to timely register under section 4732.14 of the Revised	15801
Code or complete continuing education requirements;	15802
(b) Offering or rendering school psychological services	15803
after a license issued under this chapter has been placed in	15804
retired status pursuant to section 4732.142 of the Revised Code.	15805
(17) Violating any adjudication order or consent agreement	15806
adopted by the board;	15807
(18) Failure to submit to mental, cognitive, substance	15808
abuse, or medical evaluations, or a combination of these	15809
evaluations, ordered by the board under division (E) of this	15810
section.	15811
(B) Notwithstanding divisions (A) (11) and (12) of this	15812
section, sanctions shall not be imposed against any license	15813
holder who waives deductibles and copayments:	15814
(1) In compliance with the health benefit plan that	15815
expressly allows such a practice. Waiver of the deductibles or	15816
copays shall be made only with the full knowledge and consent of	15817
the plan purchaser, payer, and third-party administrator. Such	15818
consent shall be made available to the board upon request.	15819
(2) For professional services rendered to any other person	15820
licensed pursuant to this chapter to the extent allowed by this	15821
chapter and the rules of the board.	15822
(C) For any of the reasons specified in division (A) of	15823
this section, the board may do one or more of the following:	15824
(1) Refuse to issue a license to an applicant;	15825
(2) Issue a reprimand to a license holder;	15826

(3) Suspend the license of a license holder;	15827
(4) Revoke the license of a license holder;	15828
(5) Limit or restrict the areas of practice of an applicant or a license holder;	15829 15830
(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;	15831 15832 15833
(7) Require remedial education and training of an applicant or a license holder.	15834 15835
(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.	15836 15837 15838 15839 15840 15841
(E) When the board issues a notice of opportunity for a hearing on the basis of division (A)(7) of this section, the supervising member of the board, with cause and upon consultation with the board's executive director and the board's legal counsel, may compel the applicant or license holder to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, by a person or persons selected by the board. Notice shall be given to the applicant or license holder in writing signed by the supervising member, the executive director, and the board's legal counsel. The applicant or license holder is deemed to have given consent to submit to these evaluations and to have waived all objections to the admissibility of testimony or evaluation reports that constitute a privileged communication. The expense of the	15842 15843 15844 15845 15846 15847 15848 15849 15850 15851 15852 15853 15854 15855

evaluation or evaluations shall be the responsibility of the 15856
applicant or license holder who is evaluated. 15857

(F) Before the board may take action under this section, 15858
written charges shall be filed with the board by the secretary 15859
and a hearing shall be had thereon in accordance with Chapter 15860
119. of the Revised Code, except as follows: 15861

(1) On receipt of a complaint that any of the grounds 15862
listed in division (A) of this section exist, the state board of 15863
psychology may suspend a license issued under this chapter prior 15864
to holding a hearing in accordance with Chapter 119. of the 15865
Revised Code if it determines, based on the complaint, that 15866
there is an immediate threat to the public. A telephone 15867
conference call may be used to conduct an emergency meeting for 15868
review of the matter by a quorum of the board, taking the vote, 15869
and memorializing the action in the minutes of the meeting. 15870

After suspending a license pursuant to division (F)(1) of 15871
this section, the board shall notify the license holder of the 15872
suspension in accordance with section 119.07 of the Revised 15873
Code. If the individual whose license is suspended fails to make 15874
a timely request for an adjudication under Chapter 119. of the 15875
Revised Code, the board shall enter a final order permanently 15876
revoking the license. 15877

(2) The board shall adopt rules establishing a case 15878
management schedule for pre-hearing procedures by the hearing 15879
examiner or presiding board member. The schedule shall include 15880
applicable deadlines related to the hearing process, including 15881
all of the following: 15882

(a) The date of the hearing; 15883

(b) The date for the disclosure of witnesses and exhibits; 15884

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports; 15885
15886

(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F) (4) of this section. 15887
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(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses, summary of their testimony, and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension. Failure to timely provide a list or copies requested in accordance with this section may, at the discretion of the hearing officer or presiding board member, result in exclusion from the hearing of the witnesses, testimony, or documents. 15890
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(4) In addition to subpoenas for the production of books, records, and papers requested under Chapter 119. of the Revised Code, either party may ask the board to issue a subpoena for the production of other tangible items. 15905
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The person subject to a subpoena for the production of books, records, papers, or other tangible items shall respond to the subpoena at least twenty days prior to the date of the hearing. If a person fails to respond to a subpoena issued by the board, after providing reasonable notice to the person, the board, the hearing officer, or both may proceed with enforcement 15909
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of the subpoena pursuant to section 119.09 of the Revised Code. 15915

(G) The board shall not refuse to issue a license to an 15916
applicant because of a conviction or plea of guilty or no 15917
contest to an offense or a judicial finding of eligibility for 15918
intervention in lieu of conviction, unless the refusal is in 15919
accordance with section 9.79 of the Revised Code. 15920

Sec. 4733.11. (A) The state board of registration for 15921
professional engineers and surveyors shall consider an applicant 15922
to be qualified for registration as a professional engineer if 15923
an applicant satisfies all of the requirements listed in either 15924
division (A) (1) or (2) of this section as follows: 15925

(1) (a) Graduation from an accredited engineering 15926
curriculum of four years or more; 15927

(b) A specific record of four years or more of practical 15928
experience in engineering work completed in addition to, and not 15929
overlapping in time, any school work completed under division 15930
(A) (1) (a) of this section that is acceptable to the board, not 15931
more than two years of which may be before graduation but after 15932
the completion of the second year of college, indicating that 15933
the applicant is competent to be placed in responsible charge of 15934
such work; 15935

(c) Passing the prescribed examinations under divisions 15936
(A) and (B) of section 4733.13 of the Revised Code. 15937

(2) (a) Graduation from a college curriculum in engineering 15938
of four years or more that is not accredited, whose curricula is 15939
evaluated by the board and found to be of a high quality 15940
essentially equal to the curricula that are accredited by ABET, 15941
Inc., or graduation from a college curriculum in engineering 15942
technology of four years or more that is accredited by the 15943

engineering technical accreditation commission of ABET, Inc.; 15944

(b) Eight years or more of practical experience in 15945
engineering work completed in addition to, and not overlapping 15946
in time, any school work completed under division (A) (2) (a) of 15947
this section that is acceptable to the state board of 15948
registration for professional engineers and surveyors, not more 15949
than two years of which may be before college graduation but 15950
after completion of the second year of college, indicating that 15951
the applicant is competent to be placed in responsible charge of 15952
such work; 15953

(c) Passing the prescribed examinations under divisions 15954
(A) and (B) of section 4733.13 of the Revised Code. 15955

(B) The state board of registration for professional 15956
engineers and surveyors shall consider an applicant to be 15957
qualified for registration as a professional surveyor if the 15958
applicant satisfies all of the requirements listed in either 15959
division (B) (1) or (2) of this section as follows: 15960

(1) (a) Graduation from an approved curriculum in surveying 15961
of four years or more; 15962

(b) A specific record of four years or more of surveying 15963
office and field experience completed in addition to, and not 15964
overlapping in time, any school work completed under division 15965
(B) (1) (a) of this section that is of a character acceptable to 15966
the board, at least two years of which shall be after college 15967
graduation, with at least two of the four years of work in the 15968
surveying of land boundaries under the direct supervision of a 15969
professional surveyor, who may indicate in writing that the 15970
applicant is competent to be placed in responsible charge of the 15971
work; 15972

(c) Passing the prescribed examinations under divisions	15973
(A) and (C) of section 4733.13 of the Revised Code.	15974
(2) (a) Graduation from an accredited curriculum in civil	15975
engineering of four years or more in a recognized school or	15976
college;	15977
(b) Successful completion of at least sixteen semester	15978
hours, or equivalent quarter or trimester hours, of approved	15979
surveying courses in surveying and mapping arts and sciences,	15980
except that courses successfully completed as prior studies may	15981
be credited by the board toward this requirement, of which at	15982
least six semester hours, or equivalent quarter or trimester	15983
hours, are in surveying of land boundaries;	15984
(c) A specific record of four years or more of surveying	15985
office and field experience completed in addition to, and not	15986
overlapping in time, any school work completed under division	15987
(B) (2) (a) of this section that is of a character acceptable to	15988
the board, at least two years of which shall be after college	15989
graduation, with at least two of the four years of work in	15990
surveying of land boundaries under the direct supervision of a	15991
professional surveyor, who may indicate in writing that the	15992
applicant is competent to be placed in responsible charge of the	15993
work;	15994
(d) Passing the prescribed examinations under divisions	15995
(A) and (C) of section 4733.13 of the Revised Code.	15996
(C) Engineering experience, for a professional engineer's	15997
practical experience requirement, or surveying experience, for a	15998
professional surveyor's practical experience requirement, in any	15999
of the armed forces of the United States or civilian war	16000
services may be credited for registration, if the experience is	16001

acceptable to the board. 16002

(D) As used in this section, "an approved curriculum in 16003
surveying" is one which has been accredited by the related 16004
accreditation committee of ABET, Inc., or one which has been 16005
approved by the state board of registration for professional 16006
engineers and surveyors. 16007

~~(E) No person is eligible for registration as a 16008
professional engineer, or professional surveyor, who is not of 16009
good character and reputation. 16010~~

~~(F)~~—In considering the qualifications of applicants, 16011
responsible charge of engineering or surveying teaching may be 16012
construed as responsible charge of engineering or surveying 16013
work, respectively. No applicant shall receive credit for more 16014
than six years of engineering or surveying experience because of 16015
educational qualifications. The mere execution, as a contractor, 16016
of work designed by a professional engineer or professional 16017
surveyor, or the supervision of the construction of such work as 16018
a superintendent is not deemed to be practical experience in 16019
engineering or surveying work. 16020

~~(G)~~—(F) Every person applying for registration as a 16021
professional engineer or professional surveyor shall be required 16022
to pass the fundamentals examination and the principles and 16023
practice examination as provided in section 4733.13 of the 16024
Revised Code. In addition to passing each requisite examination, 16025
each applicant must submit evidence, satisfactory to the board, 16026
that the applicant has completed the practical experience 16027
required in this section. 16028

~~(H)~~—(G) The board shall require the applicant for 16029
registration as a professional engineer or professional surveyor 16030

to take two examinations. The first examination, known as the
fundamentals examination, may be taken by the applicant at any
time after the applicant has completed the required education
under division (A) or (B) of this section, or, at the discretion
of the board, an applicant may be permitted to take the first
examination during the applicant's concluding term of an
approved curriculum in engineering or surveying of four years or
more.

~~(I)~~ (H) The board shall give an applicant an appropriate
certificate showing the applicant's status as an engineer intern
or surveyor intern upon the occurrence of all of the following:

(1) The applicant provides proof to the board that the
applicant has passed the fundamentals examination as described
in division (A) of section 4733.13 of the Revised Code.

(2) The board believes the applicant meets the
requirements of this chapter based on verified evidence.

(3) The applicant applies for registration in accordance
with the requirements of this chapter.

(4) The applicant pays the fee required pursuant to
section 4733.12 of the Revised Code.

Each applicant applying for registration as a professional
engineer or professional surveyor shall first be certified as an
engineer intern or surveyor intern in this state.

~~(J)~~ (I) The applicant is not eligible to take the second
examination, known as the principles and practice examination,
until the applicant has passed the fundamentals examination.

~~(K)~~ (J) Any person having the necessary qualifications to
entitle the person to registration is eligible for registration

though the person may not be practicing the person's profession 16059
at the time of making application. 16060

Sec. 4733.20. (A) ~~Pursuant to~~ Except as provided in 16061
division (I) of this section, the state board of registration 16062
for professional engineers and surveyors may fine, revoke, 16063
suspend, refuse to renew, or limit the registration, or 16064
reprimand, place on probation, deny an applicant the opportunity 16065
to sit for an examination or to have an examination scored, or 16066
impose any combination of these disciplinary measures on any 16067
applicant or registrant, or revoke the certificate of 16068
authorization of any holder found to be or to have been engaged 16069
in any one or more of the following acts or practices: 16070

(1) Any fraud or deceit in obtaining registration or a 16071
certificate of authorization; 16072

(2) Any gross negligence, incompetency, or misconduct in 16073
the practice of professional engineering or professional 16074
surveying as a registered professional engineer or registered 16075
professional surveyor; 16076

(3) Aiding or abetting any person to practice professional 16077
engineering or professional surveying illegally in the state; 16078

(4) Conviction of or plea of guilty to any felony or crime 16079
involving moral turpitude; 16080

(5) Violation of this chapter or any rule adopted by the 16081
board; 16082

(6) Violation of any condition of limitation placed by the 16083
board upon the registration of any professional engineer or 16084
professional surveyor; 16085

(7) Failure to abide by or comply with examination 16086

instructions. 16087

(B) The board shall cause to have prepared and shall adopt 16088
a code of ethics, which it shall make known to every registrant. 16089
The board may revise and amend this code of ethics from time to 16090
time in accordance with Chapter 119. of the Revised Code. 16091

(C) Any person may file with the board a complaint 16092
alleging fraud, deceit, gross negligence, incompetency, 16093
misconduct, or violation of this chapter or any rule adopted by 16094
the board pursuant to section 4733.07 of the Revised Code. 16095
Complaints shall be in writing. 16096

(D) The board may investigate any registrant or holder of 16097
a certificate of authorization to determine whether the 16098
registrant or certificate holder is or has been engaged in any 16099
one or more of the acts or practices listed in division (A) of 16100
this section. The board, by subpoena, may compel witnesses to 16101
appear and testify in relation to any investigation under this 16102
chapter and may require, by subpoena duces tecum, the production 16103
and copying of any book, paper, or document pertaining to an 16104
investigation. If a person fails to comply with the subpoena or 16105
subpoena duces tecum, the board may apply to the Franklin county 16106
court of common pleas for an order compelling the person to 16107
comply or, for the failure to do so, to be held in contempt of 16108
court. 16109

(E) If the board determines there is cause to believe that 16110
an applicant, registrant, or a holder of a certificate of 16111
authorization is or has been engaged in any act or practice 16112
listed in division (A) of this section, the board shall issue a 16113
written charge and notify the applicant, registrant, or 16114
certificate holder of the right to an adjudication hearing, in 16115
accordance with Chapter 119. of the Revised Code. If the accused 16116

applicant, registrant, or holder of a certificate of 16117
authorization fails or refuses to appear, or does not request a 16118
hearing within the time period specified in Chapter 119. of the 16119
Revised Code, the board may determine the validity of the charge 16120
and issue an adjudication order in accordance with Chapter 119. 16121
of the Revised Code. 16122

(F) ~~If~~ Except as provided in division (I) of this section, 16123
if a majority of the board votes in favor of sustaining the 16124
charge, the board shall impose one or any combination of the 16125
following disciplinary measures: 16126

(1) Reprimanding the individual; 16127

(2) Imposing a fine on the individual of not more than one 16128
thousand dollars for each offense committed by the individual; 16129

(3) Refusing to renew, suspending, or revoking the 16130
individual's registration, or revoking the holder's certificate 16131
of authorization; 16132

(4) Refusing to allow an applicant to take an examination; 16133

(5) Refusing to score an applicant's examination. 16134

The board, for good cause shown, may reregister any person 16135
or reissue a certificate of authorization to any corporation, 16136
firm, partnership, association, or limited liability company 16137
whose registration or certificate has been revoked or suspended. 16138

(G) Any applicant, registrant, or certificate holder 16139
aggrieved by any action of the board in fining the registrant or 16140
denying, suspending, refusing to renew, or revoking the 16141
registrant's registration or a certificate of authorization, or 16142
denying an applicant the opportunity to take an examination or 16143
to have an examination scored may appeal such action to the 16144

proper court under section 119.12 of the Revised Code. 16145

(H) A new certificate of authorization to replace any 16146
certificate revoked, lost, destroyed, or mutilated, may be 16147
issued, subject to the rules of the board, upon payment of a fee 16148
established by the board at an amount adequate to cover the 16149
expense of issuing a duplicate certificate of authorization. 16150

(I) The board shall not refuse to issue a license or deny 16151
the opportunity to sit for an examination or to have an 16152
examination scored to an applicant because of a conviction of or 16153
plea of guilty to an offense, unless the refusal or denial is in 16154
accordance with section 9.79 of the Revised Code. 16155

Sec. 4734.20. (A) Except for persons seeking to practice 16156
chiropractic under a special limited license issued pursuant to 16157
section 4734.27 of the Revised Code, each person seeking to 16158
practice chiropractic in this state shall apply in writing to 16159
the state chiropractic board for a license to practice 16160
chiropractic. The application shall be made under oath, on a 16161
form prescribed by the board, and shall be accompanied by a fee 16162
of two hundred fifty dollars. 16163

(B) Except as provided in sections 4734.23 and 4734.24 of 16164
the Revised Code, to receive a chiropractic license, an 16165
applicant must meet the following conditions: 16166

(1) The applicant must be at least twenty-one years of 16167
age, ~~be of good moral character,~~ and possess a high school 16168
education or its equivalent. 16169

(2) The applicant must have successfully completed, prior 16170
to matriculation at a school or college of chiropractic, at 16171
least two years of college credit in the arts and sciences at a 16172
college or university accredited by a state or regional 16173

accrediting organization recognized by the board, except that 16174
the board may adopt rules in accordance with Chapter 119. of the 16175
Revised Code that require completion of additional years of 16176
college credit or receipt of a college degree in an area 16177
specified in the rules. 16178

(3) The applicant must be a graduate of and hold the 16179
degree of doctor of chiropractic from a school or college of 16180
chiropractic approved by the board under section 4734.21 of the 16181
Revised Code. 16182

(4) The applicant must have received one of the following 16183
from the national board of chiropractic examiners, as 16184
appropriate according to the date of the applicant's graduation 16185
from a school or college of chiropractic: 16186

(a) If the applicant graduated on or after January 1, 16187
1970, but before January 1, 1989, a "diplomate certificate" or 16188
"certificate of attainment" evidencing passage of parts I and II 16189
and the physiotherapy section of the national board's 16190
examinations; 16191

(b) If the applicant graduated on or after January 1, 16192
1989, but before January 1, 2002, a "certificate of attainment" 16193
evidencing passage of parts I, II, and III and the physiotherapy 16194
section of the national board's examinations; 16195

(c) If the applicant graduated on or after January 1, 16196
2002, a "certificate of attainment" evidencing passage of parts 16197
I, II, III, and IV and the physiotherapy section of the national 16198
board's examinations. 16199

(5) The applicant must have passed the board's 16200
jurisprudence examination conducted under section 4734.22 of the 16201
Revised Code. 16202

(C) The board shall issue a license to practice 16203
chiropractic to each applicant who files a complete application, 16204
pays all applicable fees, and meets the conditions specified in 16205
division (B) of this section. The burden of proof is on the 16206
applicant, to prove by clear and convincing evidence to the 16207
board, that the applicant meets the conditions for receipt of 16208
the license. 16209

The board may conduct any investigation it considers 16210
appropriate to verify an applicant's credentials, ~~moral~~ 16211
~~character,~~ and fitness to receive a license. In conducting an 16212
investigation, the board may request information from the 16213
records maintained by the federal bureau of investigation, the 16214
bureau of criminal identification and investigation, and any 16215
other repositories of criminal records held in this or another 16216
state. The board may charge the applicant a fee for conducting 16217
the investigation. The amount of the fee shall not exceed the 16218
expenses the board incurs in conducting the investigation and 16219
may include any fees that must be paid to obtain information in 16220
the criminal record. 16221

Sec. 4734.202. (A) As used in this section, "license" and 16222
"applicant for an initial license" have the same meanings as in 16223
section 4776.01 of the Revised Code, except that "license" as 16224
used in both of those terms refers to the types of 16225
authorizations otherwise issued or conferred under this chapter. 16226

(B) In addition to any other eligibility requirement set 16227
forth in this chapter, each applicant for an initial license 16228
shall comply with sections 4776.01 to 4776.04 of the Revised 16229
Code. The state chiropractic board shall not grant a license to 16230
an applicant for an initial license unless the applicant 16231
complies with sections 4776.01 to 4776.04 of the Revised Code 16232

~~and the board, in its discretion, decides that the results of~~ 16233
~~the criminal records check do not make the applicant ineligible~~ 16234
~~for a license issued pursuant to section 4734.20, 4734.23, or~~ 16235
~~4734.27 of the Revised Code.~~ 16236

Sec. 4734.23. (A) A person licensed by another state or 16237
country in the practice of chiropractic may apply under this 16238
section for a license to practice chiropractic in this state in 16239
lieu of applying under section 4734.20 of the Revised Code. The 16240
fee for applying under this section shall be five hundred 16241
dollars. 16242

(B) The state chiropractic board may, for good cause, 16243
waive all or part of the educational and testing requirements 16244
specified under section 4734.20 of the Revised Code and issue a 16245
license to an applicant under this section, if the applicant 16246
presents satisfactory proof of being licensed to practice 16247
chiropractic in another state or country where the requirements 16248
for receipt of the license, on the date the license was issued, 16249
are considered by the board to be substantially equivalent to 16250
those of this chapter. The applicant must meet the same age ~~and~~ 16251
~~moral character requirements~~ requirement that must be met under 16252
section 4734.20 of the Revised Code. If the board does not waive 16253
all of the educational and testing requirements, the board may 16254
require that the applicant complete and receive a score 16255
specified by the board on one or more tests administered by the 16256
board or by the national board of chiropractic examiners or 16257
another testing entity. 16258

Sec. 4734.27. (A) To the extent it is in the public 16259
interest, the state chiropractic board may issue, without 16260
examination, a special limited license to practice chiropractic 16261
as follows: 16262

(1) To a person who is seeking to participate in an 16263
internship, residency, preceptorship, or clinical fellowship in 16264
this state in preparation for the practice of chiropractic; 16265

(2) To a person who plans to provide chiropractic services 16266
in connection with a special activity, program, or event 16267
conducted in this state, if the person holds a current, valid, 16268
and unrestricted license to practice chiropractic in another 16269
state or country; 16270

(3) To a person who previously held an unrestricted 16271
license to practice chiropractic in this state who plans to 16272
offer gratuitous chiropractic services as a voluntary public 16273
service; 16274

(4) To any other person for any other reason specified as 16275
good cause by the board in rules adopted under this section. 16276

(B) An applicant for a special limited license shall 16277
submit to the board a complete application on a form prescribed 16278
by the board, pay an application fee of seventy-five dollars, 16279
and furnish proof satisfactory to the board of being at least 16280
twenty-one years of age, ~~of good moral character,~~ and of either 16281
holding the degree of doctor of chiropractic or being enrolled 16282
in a program leading to the degree. The institution from which 16283
the applicant received the degree or in which the applicant is 16284
enrolled must be a school or college that is approved by the 16285
board under section 4734.21 of the Revised Code. 16286

(C) The provisions of this chapter that apply to 16287
applicants for and holders of licenses to practice chiropractic 16288
shall apply to applicants for and holders of special limited 16289
licenses to the extent the board considers appropriate, 16290
including the board's authority to conduct any investigation it 16291

considers appropriate to verify an applicant's credentials, ~~7~~ 16292
~~moral character,~~ and fitness to receive a license and the 16293
board's authority to take actions under section 4734.31 of the 16294
Revised Code. 16295

(D) The board shall adopt any rules it considers necessary 16296
to implement this section. All rules adopted under this section 16297
shall be adopted in accordance with Chapter 119. of the Revised 16298
Code. 16299

Sec. 4734.31. (A) The state chiropractic board may take 16300
any of the actions specified in division (B) of this section 16301
against an individual who has applied for or holds a license to 16302
practice chiropractic in this state if any of the reasons 16303
specified in division (C) of this section for taking action 16304
against an individual are applicable. Except as provided in 16305
division (D) of this section, actions taken against an 16306
individual shall be taken in accordance with Chapter 119. of the 16307
Revised Code. The board may specify that any action it takes is 16308
a permanent action. The board's authority to take action against 16309
an individual is not removed or limited by the individual's 16310
failure to renew a license. 16311

(B) In its imposition of sanctions against an individual, 16312
the board may do any of the following: 16313

(1) ~~Refuse~~ Except as provided in division (H) of this 16314
section, refuse to issue, renew, restore, or reinstate a license 16315
to practice chiropractic or a certificate to practice 16316
acupuncture; 16317

(2) Reprimand or censure a license holder; 16318

(3) Place limits, restrictions, or probationary conditions 16319
on a license holder's practice; 16320

- (4) Impose a civil fine of not more than five thousand dollars according to a schedule of fines specified in rules that the board shall adopt in accordance with Chapter 119. of the Revised Code. 16321
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- (5) Suspend a license to practice chiropractic or a certificate to practice acupuncture for a limited or indefinite period; 16325
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- (6) Revoke a license to practice chiropractic or a certificate to practice acupuncture. 16328
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- (C) The board may take the actions specified in division (B) of this section for any of the following reasons: 16330
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- (1) 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 in any jurisdiction, in which case a certified copy of the court record shall be conclusive evidence of the conviction; 16332
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- (2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 16337
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- (3) 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, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter; 16340
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- (4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 16345
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- (5) A plea of guilty to, a judicial finding of guilt of, 16348

or a judicial finding of eligibility for intervention in lieu of 16349
conviction for, a misdemeanor committed in the course of 16350
practice, in which case a certified copy of the court record 16351
shall be conclusive evidence of the matter; 16352

(6) Commission of an act in the course of practice that 16353
constitutes a misdemeanor in this state, regardless of the 16354
jurisdiction in which the act was committed; 16355

(7) A violation or attempted violation of this chapter or 16356
the rules adopted under it governing the practice of 16357
chiropractic and the practice of acupuncture by a chiropractor 16358
licensed under this chapter; 16359

(8) Failure to cooperate in an investigation conducted by 16360
the board, including failure to comply with a subpoena or order 16361
issued by the board or failure to answer truthfully a question 16362
presented by the board at a deposition or in written 16363
interrogatories, except that failure to cooperate with an 16364
investigation shall not constitute grounds for discipline under 16365
this section if the board or a court of competent jurisdiction 16366
has issued an order that either quashes a subpoena or permits 16367
the individual to withhold the testimony or evidence in issue; 16368

(9) Engaging in an ongoing professional relationship with 16369
a person or entity that violates any provision of this chapter 16370
or the rules adopted under it, unless the chiropractor makes a 16371
good faith effort to have the person or entity comply with the 16372
provisions; 16373

(10) Retaliating against a chiropractor for the 16374
chiropractor's reporting to the board or any other agency with 16375
jurisdiction any violation of the law or for cooperating with 16376
the board of another agency in the investigation of any 16377

violation of the law;	16378
(11) Aiding, abetting, assisting, counseling, or	16379
conspiring with any person in that person's violation of any	16380
provision of this chapter or the rules adopted under it,	16381
including the practice of chiropractic without a license, the	16382
practice of acupuncture without a certificate, or aiding,	16383
abetting, assisting, counseling, or conspiring with any person	16384
in that person's unlicensed practice of any other health care	16385
profession that has licensing requirements;	16386
(12) With respect to a report or record that is made,	16387
filed, or signed in connection with the practice of chiropractic	16388
or acupuncture, knowingly making or filing a report or record	16389
that is false, intentionally or negligently failing to file a	16390
report or record required by federal, state, or local law or	16391
willfully impeding or obstructing the required filing, or	16392
inducing another person to engage in any such acts;	16393
(13) Making a false, fraudulent, or deceitful statement to	16394
the board or any agent of the board during any investigation or	16395
other official proceeding conducted by the board under this	16396
chapter or in any filing that must be submitted to the board;	16397
(14) Attempting to secure a license to practice	16398
chiropractic or certificate to practice acupuncture or to	16399
corrupt the outcome of an official board proceeding through	16400
bribery or any other improper means;	16401
(15) Willfully obstructing or hindering the board or any	16402
agent of the board in the discharge of the board's duties;	16403
(16) Habitually using drugs or intoxicants to the extent	16404
that the person is rendered unfit for the practice of	16405
chiropractic or acupuncture;	16406

- (17) Inability to practice chiropractic or acupuncture 16407
according to acceptable and prevailing standards of care by 16408
reason of chemical dependency, mental illness, or physical 16409
illness, including conditions in which physical deterioration 16410
has adversely affected the person's cognitive, motor, or 16411
perceptive skills and conditions in which a chiropractor's 16412
continued practice may pose a danger to the chiropractor or the 16413
public; 16414
- (18) Any act constituting gross immorality relative to the 16415
person's practice of chiropractic or acupuncture, including acts 16416
involving sexual abuse, sexual misconduct, or sexual 16417
exploitation; 16418
- (19) Exploiting a patient for personal or financial gain; 16419
- (20) Failing to maintain proper, accurate, and legible 16420
records in the English language documenting each patient's care, 16421
including, as appropriate, records of the following: dates of 16422
treatment, services rendered, examinations, tests, x-ray 16423
reports, referrals, and the diagnosis or clinical impression and 16424
clinical treatment plan provided to the patient; 16425
- (21) Except as otherwise required by the board or by law, 16426
disclosing patient information gained during the chiropractor's 16427
professional relationship with a patient without obtaining the 16428
patient's authorization for the disclosure; 16429
- (22) Commission of willful or gross malpractice, or 16430
willful or gross neglect, in the practice of chiropractic or 16431
acupuncture; 16432
- (23) Failing to perform or negligently performing an act 16433
recognized by the board as a general duty or the exercise of due 16434
care in the practice of chiropractic or acupuncture, regardless 16435

of whether injury results to a patient from the failure to perform or negligent performance of the act; 16436
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(24) Engaging in any conduct or practice that impairs or may impair the ability to practice chiropractic or acupuncture safely and skillfully; 16438
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(25) Practicing, or claiming to be capable of practicing, beyond the scope of the practice of chiropractic or acupuncture as established under this chapter and the rules adopted under this chapter; 16441
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(26) Accepting and performing professional responsibilities as a chiropractor or chiropractor with a certificate to practice acupuncture when not qualified to perform those responsibilities, if the person knew or had reason to know that the person was not qualified to perform them; 16445
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(27) Delegating any of the professional responsibilities of a chiropractor or chiropractor with a certificate to practice acupuncture to an employee or other individual when the delegating chiropractor knows or had reason to know that the employee or other individual is not qualified by training, experience, or professional licensure to perform the responsibilities; 16450
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(28) Delegating any of the professional responsibilities of a chiropractor or chiropractor with a certificate to practice acupuncture to an employee or other individual in a negligent manner or failing to provide proper supervision of the employee or other individual to whom the responsibilities are delegated; 16457
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(29) Failing to refer a patient to another health care practitioner for consultation or treatment when the chiropractor knows or has reason to know that the referral is in the best 16462
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interest of the patient;	16465
(30) Obtaining or attempting to obtain any fee or other advantage by fraud or misrepresentation;	16466 16467
(31) Making misleading, deceptive, false, or fraudulent representations in the practice of chiropractic or acupuncture;	16468 16469
(32) Being guilty of false, fraudulent, deceptive, or misleading advertising or other solicitations for patients or knowingly having professional connection with any person that advertises or solicits for patients in such a manner;	16470 16471 16472 16473
(33) Violation of a provision of any code of ethics established or adopted by the board under section 4734.16 of the Revised Code;	16474 16475 16476
(34) Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	16477 16478 16479
(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	16480 16481 16482
(36) Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services or acupuncture services are provided;	16483 16484 16485
(37) Except as provided in division (G) of this section:	16486
(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 the chiropractor's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that chiropractor;	16487 16488 16489 16490 16491 16492

(b) Advertising that the chiropractor will waive 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 the chiropractor's services, otherwise would be required to pay.

(38) Failure to supervise an oriental medicine practitioner performing acupuncture or an acupuncturist in accordance with the provisions of section 4762.11 of the Revised Code that are applicable to a supervising chiropractor.

(D) The adjudication requirements of Chapter 119. of the Revised Code apply to the board when taking actions against an individual under this section, except as follows:

(1) An applicant is not entitled to an adjudication for failing to meet the conditions specified under section 4734.20 of the Revised Code for receipt of a license that involve the board's examination on jurisprudence or the examinations of the national board of chiropractic examiners.

(2) A person is not entitled to an adjudication if the person fails to make a timely request for a hearing, in accordance with Chapter 119. of the Revised Code.

(3) In lieu of an adjudication, the board may accept the surrender of a license to practice chiropractic or certificate to practice acupuncture from a chiropractor.

(4) In lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by 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 16522
consent agreement shall be of no force or effect. 16523

(E) This section does not require the board to hire, 16524
contract with, or retain the services of an expert witness when 16525
the board takes action against a chiropractor concerning 16526
compliance with acceptable and prevailing standards of care in 16527
the practice of chiropractic or acupuncture. As part of an 16528
action taken concerning compliance with acceptable and 16529
prevailing standards of care, the board may rely on the 16530
knowledge of its members for purposes of making a determination 16531
of compliance, notwithstanding any expert testimony presented by 16532
the chiropractor that contradicts the knowledge and opinions of 16533
the members of the board. 16534

(F) The sealing of conviction records by a court shall 16535
have no effect on a prior board order entered under this section 16536
or on the board's jurisdiction to take action under this section 16537
if, based on a plea of guilty, a judicial finding of guilt, or a 16538
judicial finding of eligibility for intervention in lieu of 16539
conviction, the board issued a notice of opportunity for a 16540
hearing prior to the court's order to seal the records. The 16541
board shall not be required to seal, destroy, redact, or 16542
otherwise modify its records to reflect the court's sealing of 16543
conviction records. 16544

(G) Actions shall not be taken pursuant to division (C) 16545
(37) of this section against any chiropractor who waives 16546
deductibles and copayments as follows: 16547

(1) In compliance with the health benefit plan that 16548
expressly allows a practice of that nature. Waiver of the 16549
deductibles or copayments shall be made only with the full 16550
knowledge and consent of the plan purchaser, payer, and third- 16551

party administrator. Documentation of the consent shall be made 16552
available to the board upon request. 16553

(2) For professional services rendered to any other person 16554
licensed pursuant to this chapter, to the extent allowed by this 16555
chapter and the rules of the board. 16556

(H) The board shall not refuse to issue a license to an 16557
applicant because of a conviction, plea of guilty, judicial 16558
finding of guilt, judicial finding of eligibility for 16559
intervention in lieu of conviction, or the commission of an act 16560
that constitutes a criminal offense, unless the refusal is in 16561
accordance with section 9.79 of the Revised Code. 16562

Sec. 4735.07. (A) The superintendent of real estate, with 16563
the consent of the Ohio real estate commission, may enter into 16564
agreements with recognized national testing services to 16565
administer the real estate broker's examination under the 16566
superintendent's supervision and control, consistent with the 16567
requirements of this chapter as to the contents of such 16568
examination. 16569

(B) No applicant for a real estate broker's license shall 16570
take the broker's examination who has not established to the 16571
satisfaction of the superintendent that the applicant: 16572

(1) Is honest, and truthful, ~~and of good reputation;~~ 16573

(2) (a) Has not been convicted of a ~~felony or crime of~~ 16574
~~moral turpitude, or if the applicant has been so convicted, the~~ 16575
~~superintendent has disregarded the conviction because the~~ 16576
~~applicant has proven to the superintendent, by a preponderance~~ 16577
~~of the evidence, that the applicant's activities and employment~~ 16578
~~record since the conviction show that the applicant is honest,~~ 16579
~~truthful, and of good reputation, and there is no basis in fact~~ 16580

~~for believing that the applicant again will violate the laws~~ 16581
~~involved disqualifying offense as determined in accordance with~~ 16582
~~section 9.79 of the Revised Code;~~ 16583

(b) Has not been finally adjudged by a court to have 16584
violated any municipal, state, or federal civil rights laws 16585
relevant to the protection of purchasers or sellers of real 16586
estate or, if the applicant has been so adjudged, at least two 16587
years have passed since the court decision and the 16588
superintendent has disregarded the adjudication because the 16589
applicant has proven, by a preponderance of the evidence, that 16590
the applicant's activities and employment recordsince the 16591
adjudication show that the applicant is honest, ~~and~~ truthful, ~~and~~ 16592
~~and of good reputation,~~ and there is no basis in fact for 16593
believing that the applicant will again violate the laws 16594
involved. 16595

(3) Has not, during any period in which the applicant was 16596
licensed under this chapter, violated any provision of, or any 16597
rule adopted pursuant to, this chapter, or, if the applicant has 16598
violated any such provision or rule, has established to the 16599
satisfaction of the superintendent that the applicant will not 16600
again violate such provision or rule; 16601

(4) Is at least eighteen years of age; 16602

(5) Has been a licensed real estate broker or salesperson 16603
for at least two years; during at least two of the five years 16604
preceding the person's application, has worked as a licensed 16605
real estate broker or salesperson for an average of at least 16606
thirty hours per week; and has completed one of the following: 16607

(a) At least twenty real estate transactions, in which 16608
property was sold for another by the applicant while acting in 16609

the capacity of a real estate broker or salesperson; 16610

(b) Such equivalent experience as is defined by rules 16611
adopted by the commission. 16612

(6) (a) If licensed as a real estate salesperson prior to 16613
August 1, 2001, successfully has completed at an institution of 16614
higher education all of the following credit-eligible courses by 16615
either classroom instruction or distance education: 16616

(i) Thirty hours of instruction in real estate practice; 16617

(ii) Thirty hours of instruction that includes the 16618
subjects of Ohio real estate law, municipal, state, and federal 16619
civil rights law, new case law on housing discrimination, 16620
desegregation issues, and methods of eliminating the effects of 16621
prior discrimination. If feasible, the instruction in Ohio real 16622
estate law shall be taught by a member of the faculty of an 16623
accredited law school. If feasible, the instruction in 16624
municipal, state, and federal civil rights law, new case law on 16625
housing discrimination, desegregation issues, and methods of 16626
eliminating the effects of prior discrimination shall be taught 16627
by a staff member of the Ohio civil rights commission who is 16628
knowledgeable with respect to those subjects. The requirements 16629
of this division do not apply to an applicant who is admitted to 16630
practice before the supreme court. 16631

(iii) Thirty hours of instruction in real estate 16632
appraisal; 16633

(iv) Thirty hours of instruction in real estate finance; 16634

(v) Three quarter hours, or its equivalent in semester 16635
hours, in financial management; 16636

(vi) Three quarter hours, or its equivalent in semester 16637

hours, in human resource or personnel management;	16638
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	16639 16640
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	16641 16642
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	16643 16644 16645 16646
(i) Forty hours of instruction in real estate practice;	16647
(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	16648 16649 16650 16651 16652 16653 16654 16655 16656 16657 16658 16659 16660 16661
(iii) Twenty hours of instruction in real estate appraisal;	16662 16663
(iv) Twenty hours of instruction in real estate finance;	16664
(v) The training in the amount of hours specified under	16665

divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 16666

(c) Division (B) (6) (a) or (b) of this section does not 16667
apply to any applicant who holds a valid real estate 16668
salesperson's license issued prior to January 2, 1972. Divisions 16669
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 16670
of this section do not apply to any applicant who holds a valid 16671
real estate salesperson's license issued prior to January 3, 16672
1984. 16673

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 16674
section do not apply to any new applicant who holds a valid Ohio 16675
real estate appraiser license or certificate issued prior to the 16676
date of application for a real estate broker's license. 16677

(e) Successful completion of the instruction required by 16678
division (B) (6) (a) or (b) of this section shall be determined by 16679
the law in effect on the date the instruction was completed. 16680

(7) If licensed as a real estate salesperson on or after 16681
January 3, 1984, satisfactorily has completed a minimum of two 16682
years of post-secondary education, or its equivalent in semester 16683
or quarter hours, at an institution of higher education, and has 16684
fulfilled the requirements of division (B) (6) (a) or (b) of this 16685
section. The requirements of division (B) (6) (a) or (b) of this 16686
section may be included in the two years of post-secondary 16687
education, or its equivalent in semester or quarter hours, that 16688
is required by this division. The post-secondary education 16689
requirement may be satisfied by completing the credit-eligible 16690
courses using either classroom instruction or distance 16691
education. Successful completion of any course required by this 16692
section shall be determined by the law in effect on the date the 16693
course was completed. 16694

(C) Each applicant for a broker's license shall be 16695
examined in the principles of real estate practice, Ohio real 16696
estate law, and financing and appraisal, and as to the duties of 16697
real estate brokers and real estate salespersons, the 16698
applicant's knowledge of real estate transactions and 16699
instruments relating to them, and the canons of business ethics 16700
pertaining to them. The commission from time to time shall 16701
promulgate such canons and cause them to be published in printed 16702
form. 16703

(D) Examinations shall be administered with reasonable 16704
accommodations in accordance with the requirements of the 16705
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16706
U.S.C. 12101. The contents of an examination shall be consistent 16707
with the requirements of division (B)(6) of this section and 16708
with the other specific requirements of this section. An 16709
applicant who has completed the requirements of division (B)(6) 16710
of this section at the time of application shall be examined no 16711
later than twelve months after the applicant is notified of 16712
admission to the examination. 16713

(E) The superintendent may waive one or more of the 16714
requirements of this section in the case of an application from 16715
a nonresident real estate broker pursuant to a reciprocity 16716
agreement with the licensing authority of the state from which 16717
the nonresident applicant holds a valid real estate broker 16718
license. 16719

(F) There shall be no limit placed on the number of times 16720
an applicant may retake the examination. 16721

(G) (1) Not earlier than the date of issue of a real estate 16722
broker's license to a licensee, but not later than twelve months 16723
after the date of issue of a real estate broker's license to a 16724

licensee, the licensee shall submit proof satisfactory to the 16725
superintendent, on forms made available by the superintendent, 16726
of the completion of ten hours of instruction that shall be 16727
completed in schools, seminars, and educational institutions 16728
that are approved by the commission. Approval of the curriculum 16729
and providers shall be granted according to rules adopted 16730
pursuant to section 4735.10 of the Revised Code and may be taken 16731
through classroom instruction or distance education. 16732

If the required proof of completion is not submitted to 16733
the superintendent within twelve months of the date a license is 16734
issued under this section, the license of the real estate broker 16735
is suspended automatically without the taking of any action by 16736
the superintendent. The broker's license shall not be 16737
reactivated by the superintendent until it is established, to 16738
the satisfaction of the superintendent, that the requirements of 16739
this division have been met and that the licensee is in 16740
compliance with this chapter. A licensee's license is revoked 16741
automatically without the taking of any action by the 16742
superintendent if the licensee fails to submit proof of 16743
completion of the education requirements specified under 16744
division (G) (1) of this section within twelve months of the date 16745
the license is suspended. 16746

(2) If the license of a real estate broker is suspended 16747
pursuant to division (G) (1) of this section, the license of a 16748
real estate salesperson associated with that broker 16749
correspondingly is suspended pursuant to division (H) of section 16750
4735.20 of the Revised Code. However, the suspended license of 16751
the associated real estate salesperson shall be reactivated and 16752
no fee shall be charged or collected for that reactivation if 16753
all of the following occur: 16754

(a) That broker subsequently submits satisfactory proof to 16755
the superintendent that the broker has complied with the 16756
requirements of division (G) (1) of this section and requests 16757
that the broker's license as a real estate broker be 16758
reactivated; 16759

(b) The superintendent then reactivates the broker's 16760
license as a real estate broker; 16761

(c) The associated real estate salesperson intends to 16762
continue to be associated with that broker and otherwise is in 16763
compliance with this chapter. 16764

Sec. 4735.09. (A) Application for a license as a real 16765
estate salesperson shall be made to the superintendent of real 16766
estate on forms furnished by the superintendent and signed by 16767
the applicant. The application shall be in the form prescribed 16768
by the superintendent and shall contain such information as is 16769
required by this chapter and the rules of the Ohio real estate 16770
commission. The application shall be accompanied by the 16771
recommendation of the real estate broker with whom the applicant 16772
is associated or with whom the applicant intends to be 16773
associated, certifying that the applicant is honest, and 16774
~~truthful, and of good reputation, has not been convicted of a~~ 16775
~~felony or a crime involving moral turpitude,~~ and has not been 16776
finally adjudged by a court to have violated any municipal, 16777
state, or federal civil rights laws relevant to the protection 16778
of purchasers or sellers of real estate, which conviction or 16779
adjudication the applicant has not disclosed to the 16780
superintendent, and recommending that the applicant be admitted 16781
to the real estate salesperson examination. 16782

(B) A fee of eighty-one dollars shall accompany the 16783
application, which fee includes the fee for the initial year of 16784

the licensing period, if a license is issued. The initial year 16785
of the licensing period commences at the time the license is 16786
issued and ends on the applicant's first birthday thereafter. 16787
The application fee shall be nonrefundable. A fee of eighty-one 16788
dollars shall be charged by the superintendent for each 16789
successive application made by the applicant. One dollar of each 16790
application fee shall be credited to the real estate education 16791
and research fund. 16792

(C) There shall be no limit placed on the number of times 16793
an applicant may retake the examination. 16794

(D) The superintendent, with the consent of the 16795
commission, may enter into an agreement with a recognized 16796
national testing service to administer the real estate 16797
salesperson's examination under the superintendent's supervision 16798
and control, consistent with the requirements of this chapter as 16799
to the contents of the examination. 16800

If the superintendent, with the consent of the commission, 16801
enters into an agreement with a national testing service to 16802
administer the real estate salesperson's examination, the 16803
superintendent may require an applicant to pay the testing 16804
service's examination fee directly to the testing service. If 16805
the superintendent requires the payment of the examination fee 16806
directly to the testing service, each applicant shall submit to 16807
the superintendent a processing fee in an amount determined by 16808
the Ohio real estate commission pursuant to division (A)(1) of 16809
section 4735.10 of the Revised Code. 16810

(E) The superintendent shall issue a real estate 16811
salesperson's license when satisfied that the applicant has 16812
received a passing score on each portion of the salesperson's 16813
examination as determined by rule by the real estate commission, 16814

except that the superintendent may waive one or more of the 16815
requirements of this section in the case of an applicant who is 16816
a licensed real estate salesperson in another state pursuant to 16817
a reciprocity agreement with the licensing authority of the 16818
state from which the applicant holds a valid real estate 16819
salesperson's license. 16820

(F) No applicant for a salesperson's license shall take 16821
the salesperson's examination who has not established to the 16822
satisfaction of the superintendent that the applicant: 16823

(1) Is honest, and truthful, ~~and of good reputation;~~ 16824

(2) (a) Has not been convicted of a ~~felony or crime of~~ 16825
~~moral turpitude or, if the applicant has been so convicted, the~~ 16826
~~superintendent has disregarded the conviction because the~~ 16827
~~applicant has proven to the superintendent, by a preponderance~~ 16828
~~of the evidence, that the applicant's activities and employment~~ 16829
~~record since the conviction show that the applicant is honest,~~ 16830
~~truthful, and of good reputation, and there is no basis in fact~~ 16831
~~for believing that the applicant again will violate the laws~~ 16832
~~involved~~ disqualifying offense as determined in accordance with 16833
section 9.79 of the Revised Code; 16834

(b) Has not been finally adjudged by a court to have 16835
violated any municipal, state, or federal civil rights laws 16836
relevant to the protection of purchasers or sellers of real 16837
estate or, if the applicant has been so adjudged, at least two 16838
years have passed since the court decision and the 16839
superintendent has disregarded the adjudication because the 16840
applicant has proven, by a preponderance of the evidence, that 16841
the applicant is honest, and truthful, ~~and of good reputation,~~ 16842
and there is no basis in fact for believing that the applicant 16843
again will violate the laws involved. 16844

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

(4) Is at least eighteen years of age;

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

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

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

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

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

(d) Twenty hours of instruction in real estate finance.	16874
(G) (1) Successful completion of the instruction required by division (F) (6) of this section shall be determined by the law in effect on the date the instruction was completed.	16875 16876 16877
(2) Division (F) (6) (c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.	16878 16879 16880 16881
(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F) (6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.	16882 16883 16884 16885 16886 16887 16888 16889
(I) Any person who has not been licensed as a real estate 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.	16890 16891 16892 16893 16894 16895 16896
(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	16897 16898 16899 16900 16901 16902

instruction that shall be completed in schools, seminars, and 16903
educational institutions approved by the commission. The 16904
instruction shall include, but is not limited to, current 16905
practices relating to commercial real estate, property 16906
management, short sales, and land contracts; contract law; 16907
federal and state programs; economic conditions; and fiduciary 16908
responsibility. Approval of the curriculum and providers shall 16909
be granted according to rules adopted pursuant to section 16910
4735.10 of the Revised Code and may be taken through classroom 16911
instruction or distance education. 16912

If proof of completion of the required instruction is not 16913
submitted within twelve months of the date a license is issued 16914
under this section, the licensee's license is suspended 16915
automatically without the taking of any action by the 16916
superintendent. The superintendent immediately shall notify the 16917
broker with whom such salesperson is associated of the 16918
suspension of the salesperson's license. A salesperson whose 16919
license has been suspended under this division shall have twelve 16920
months after the date of the suspension of the salesperson's 16921
license to submit proof of successful completion of the 16922
instruction required under this division. No such license shall 16923
be reactivated by the superintendent until it is established, to 16924
the satisfaction of the superintendent, that the requirements of 16925
this division have been met and that the licensee is in 16926
compliance with this chapter. A licensee's license is revoked 16927
automatically without the taking of any action by the 16928
superintendent when the licensee fails to submit the required 16929
proof of completion of the education requirements under division 16930
(I) of this section within twelve months of the date the license 16931
is suspended. 16932

(K) Examinations shall be administered with reasonable 16933

accommodations in accordance with the requirements of the 16934
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16935
U.S.C. 12189. The contents of an examination shall be consistent 16936
with the classroom instructional requirements of division (F) (6) 16937
of this section. An applicant who has completed the classroom 16938
instructional requirements of division (F) (6) of this section at 16939
the time of application shall be examined no later than twelve 16940
months after the applicant is notified of the applicant's 16941
admission to the examination. 16942

Sec. 4735.10. (A) (1) The Ohio real estate commission may 16943
adopt reasonable rules in accordance with Chapter 119. of the 16944
Revised Code, necessary for implementing the provisions of this 16945
chapter relating, but not limited to, the following: 16946

(a) The form and manner of filing applications for 16947
licensure; 16948

(b) Times and form of examination for license; 16949

(c) Placing an existing broker's license on deposit or a 16950
salesperson's license on an inactive status for an indefinite 16951
period; 16952

(d) Specifying the process by which a licensee may resign 16953
the licensee's license; 16954

(e) Defining any additional license status that the 16955
commission determines is necessary and that is not otherwise 16956
defined in this chapter and establishing the process by which a 16957
licensee places the licensee's license in a status defined by 16958
the commission in the rules the commission adopts; 16959

(f) Clarification of the activities that require a license 16960
under this chapter; 16961

(g) Permitting a broker to act as principal broker for more than one brokerage. 16962
16963

(2) The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code, for implementing the provisions of this chapter relating to the following: 16964
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(a) The issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license; 16968
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(b) A three-year license and a three-year license renewal system; 16972
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(c) Standards for the approval of the postlicensure courses as required by division (G) of section 4735.07 and division (J) of section 4735.09 of the Revised Code, courses of study required for licenses, courses offered in preparation for license examinations, or courses required as continuing education for licenses. 16974
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(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class. 16980
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(e) Requirements for trust accounts and property management accounts. The rules shall specify that: 16985
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(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the 16987
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property owner. The exercise of authority for withdrawals does 16991
not constitute a violation of any provision of division (A) of 16992
section 4735.18 of the Revised Code. 16993

(ii) The interest earned on property management trust 16994
accounts maintained in the name of the property owner or the 16995
broker shall be payable to the property owner unless otherwise 16996
specified in a written contract. 16997

(f) Notice of renewal forms and filing deadlines; 16998

(g) Special assessments under division (A) of section 16999
4735.12 of the Revised Code. 17000

(B) The commission may adopt rules in accordance with 17001
Chapter 119. of the Revised Code establishing standards and 17002
guidelines with which the superintendent of real estate shall 17003
comply in the exercise of the following powers: 17004

(1) Appointment and recommendation of ancillary trustees 17005
under section 4735.05 of the Revised Code; 17006

(2) Rejection of names proposed to be used by 17007
partnerships, associations, limited liability companies, limited 17008
liability partnerships, and corporations, under division (B) of 17009
section 4735.06 of the Revised Code, including procedures for 17010
the application and approval of more than one trade name for a 17011
brokerage; 17012

(3) Acceptance and rejection of applications to take the 17013
broker and salesperson examinations and licensure, with 17014
appropriate waivers pursuant to division (E) of section 4735.07 17015
and section 4735.09 of the Revised Code; 17016

(4) Approval of applications of brokers to place their 17017
licenses in an inactive status and to become salespersons under 17018

section 4735.13 of the Revised Code; 17019

(5) Appointment of hearing examiners under section 119.09 17020
of the Revised Code; 17021

(6) Acceptance and rejection of applications to take the 17022
foreign real estate dealer and salesperson examinations and 17023
licensure, with waiver of examination, under sections 4735.27 17024
and 4735.28 of the Revised Code; 17025

(7) Qualification of foreign real estate under section 17026
4735.25 of the Revised Code. 17027

If at any time there is no rule in effect establishing a 17028
guideline or standard required by this division, the 17029
superintendent may adopt a rule in accordance with Chapter 119. 17030
of the Revised Code for such purpose. 17031

(C) The commission or superintendent may hear testimony in 17032
matters relating to the duties imposed upon them, and the 17033
president of the commission and superintendent may administer 17034
oaths. The commission or superintendent may require other proof 17035
of the honesty, and truthfulness, ~~and good reputation~~ of any 17036
person named in an application for a real estate broker's or 17037
real estate salesperson's license before admitting the applicant 17038
to the examination or issuing a license. 17039

Sec. 4735.13. (A) Every real estate broker licensed under 17040
this chapter shall have and maintain a definite place of 17041
business in this state. A post office box address is not a 17042
definite place of business for purposes of this section. The 17043
license of a real estate broker shall be prominently displayed 17044
in the office or place of business of the broker, and no license 17045
shall authorize the licensee to do business except from the 17046
location specified in it. If the broker maintains more than one 17047

place of business within the state, the broker shall apply for 17048
and procure a duplicate license for each branch office 17049
maintained by the broker. Each branch office shall be in the 17050
charge of a licensed broker or salesperson. The branch office 17051
license shall be prominently displayed at the branch office 17052
location. 17053

(B) The license of each real estate salesperson shall be 17054
mailed to and remain in the possession of the licensed broker 17055
with whom the salesperson is or is to be associated until the 17056
licensee places the license on inactive or resigned status or 17057
until the salesperson leaves the brokerage or is terminated. The 17058
broker shall keep each salesperson's license in a way that it 17059
can, and shall on request, be made immediately available for 17060
public inspection at the office or place of business of the 17061
broker. Except as provided in divisions (G) and (H) of this 17062
section, immediately upon the salesperson's leaving the 17063
association or termination of the association of a real estate 17064
salesperson with the broker, the broker shall return the 17065
salesperson's license to the superintendent of real estate. 17066

The failure of a broker to return the license of a real 17067
estate salesperson or broker who leaves or who is terminated, 17068
via certified mail return receipt requested, within three 17069
business days of the receipt of a written request from the 17070
superintendent for the return of the license, is prima-facie 17071
evidence of misconduct under division (A) (6) of section 4735.18 17072
of the Revised Code. 17073

(C) A licensee shall notify the superintendent in writing 17074
within fifteen days of any of the following occurrences: 17075

(1) The licensee is convicted of a felony. 17076

(2) The licensee is convicted of a crime involving moral turpitude.	17077 17078
(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing.	17079 17080 17081
(4) The licensee is found to have engaged in a discriminatory practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code.	17082 17083 17084 17085
(5) The licensee is the subject of an order by the department of commerce, the department of insurance, or the department of agriculture revoking or permanently surrendering any professional license, certificate, or registration.	17086 17087 17088 17089
(6) The licensee is the subject of an order by any government agency concerning real estate, financial matters, or the performance of fiduciary duties with respect to any license, certificate, or registration.	17090 17091 17092 17093
If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee.	17094 17095 17096
Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.	17097 17098 17099 17100
(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a	17101 17102 17103 17104 17105

business location without giving the required notice and without 17106
receiving new licenses that action is prima-facie evidence of 17107
misconduct under division (A) (6) of section 4735.18 of the 17108
Revised Code. 17109

(E) If a real estate broker desires to associate with 17110
another real estate broker in the capacity of a real estate 17111
salesperson, the broker shall apply to the superintendent to 17112
deposit the broker's real estate broker's license with the 17113
superintendent and for the issuance of a real estate 17114
salesperson's license. The application shall be made on a form 17115
prescribed by the superintendent and shall be accompanied by the 17116
recommendation of the real estate broker with whom the applicant 17117
intends to become associated and a fee of thirty-four dollars 17118
for the real estate salesperson's license. One dollar of the fee 17119
shall be credited to the real estate education and research 17120
fund. If the superintendent is satisfied that the applicant is 17121
honest, ~~and truthful, and of good reputation,~~ has not been 17122
convicted of a ~~felony or a crime involving moral~~ 17123
~~turpitude~~ disqualifying offense as determined in accordance with 17124
section 9.79 of the Revised Code, and has not been finally 17125
adjudged by a court to have violated any municipal, state, or 17126
federal civil rights laws relevant to the protection of 17127
purchasers or sellers of real estate, and that the association 17128
of the real estate broker and the applicant will be in the 17129
public interest, the superintendent shall grant the application 17130
and issue a real estate salesperson's license to the applicant. 17131
Any license so deposited with the superintendent shall be 17132
subject to this chapter. A broker who intends to deposit the 17133
broker's license with the superintendent, as provided in this 17134
section, shall give written notice of this fact in a format 17135
prescribed by the superintendent to all salespersons associated 17136

with the broker when applying to place the broker's license on 17137
deposit. 17138

(F) If a real estate broker desires to become a member or 17139
officer of a partnership, association, limited liability 17140
company, limited liability partnership, or corporation that is 17141
or intends to become a licensed real estate broker, the broker 17142
shall notify the superintendent of the broker's intentions. The 17143
notice of intention shall be on a form prescribed by the 17144
superintendent and shall be accompanied by a fee of thirty-four 17145
dollars. One dollar of the fee shall be credited to the real 17146
estate education and research fund. 17147

A licensed real estate broker who is a member or officer 17148
of a partnership, association, limited liability company, 17149
limited liability partnership, or corporation shall only act as 17150
a real estate broker for such partnership, association, limited 17151
liability company, limited liability partnership, or 17152
corporation. 17153

(G) (1) If a real estate broker or salesperson enters the 17154
armed forces, the broker or salesperson may place the broker's 17155
or salesperson's license on deposit with the Ohio real estate 17156
commission. The licensee shall not be required to renew the 17157
license until the renewal date that follows the date of 17158
discharge from the armed forces. Any license deposited with the 17159
commission shall be subject to this chapter. 17160

Any licensee whose license is on deposit under this 17161
division and who fails to meet the continuing education 17162
requirements of section 4735.141 of the Revised Code because the 17163
licensee is in the armed forces shall satisfy the commission 17164
that the licensee has complied with the continuing education 17165
requirements within twelve months of the licensee's first 17166

birthday after discharge or within the amount of time equal to 17167
the total number of months the licensee spent on active duty, 17168
whichever is greater. The licensee shall submit proper 17169
documentation of active duty service and the length of that 17170
active duty service to the superintendent. The extension shall 17171
not exceed the total number of months that the licensee served 17172
in active duty. The superintendent shall notify the licensee of 17173
the licensee's obligations under section 4735.141 of the Revised 17174
Code at the time the licensee applies for reactivation of the 17175
licensee's license. 17176

(2) If a licensee is a spouse of a member of the armed 17177
forces and the spouse's service resulted in the licensee's 17178
absence from this state, both of the following apply: 17179

(a) The licensee shall not be required to renew the 17180
license until the renewal date that follows the date of the 17181
spouse's discharge from the armed forces. 17182

(b) If the licensee fails to meet the continuing education 17183
requirements of section 4735.141 of the Revised Code, the 17184
licensee shall satisfy the commission that the licensee has 17185
complied with the continuing education requirements within 17186
twelve months after the licensee's first birthday after the 17187
spouse's discharge or within the amount of time equal to the 17188
total number of months the licensee's spouse spent on active 17189
duty, whichever is greater. The licensee shall submit proper 17190
documentation of the spouse's active duty service and the length 17191
of that active duty service. This extension shall not exceed the 17192
total number of months that the licensee's spouse served in 17193
active duty. 17194

(3) In the case of a licensee as described in division (G) 17195
(2) of this section, who holds the license through a reciprocity 17196

agreement with another state, the spouse's service shall have 17197
resulted in the licensee's absence from the licensee's state of 17198
residence for the provisions of that division to apply. 17199

(4) As used in this division, "armed forces" means the 17200
armed forces of the United States or reserve component of the 17201
armed forces of the United States including the Ohio national 17202
guard or the national guard of any other state. 17203

(H) If a licensed real estate salesperson submits an 17204
application to the superintendent to leave the association of 17205
one broker to associate with a different broker, the broker 17206
possessing the licensee's license need not return the 17207
salesperson's license to the superintendent. The superintendent 17208
may process the application regardless of whether the licensee's 17209
license is returned to the superintendent. 17210

Sec. 4735.27. (A) An application to act as a foreign real 17211
estate dealer shall be in writing and filed with the 17212
superintendent of real estate. It shall be in the form the 17213
superintendent prescribes and shall contain the following 17214
information: 17215

(1) The name and address of the applicant; 17216

(2) A description of the applicant, including, if the 17217
applicant is a partnership, unincorporated association, or any 17218
similar form of business organization, the names and the 17219
residence and business addresses of all partners, officers, 17220
directors, trustees, or managers of the organization, and the 17221
limitation of the liability of any partner or member; and if the 17222
applicant is a corporation, a list of its officers and 17223
directors, and the residence and business addresses of each, 17224
and, if it is a foreign corporation, a copy of its articles of 17225

incorporation in addition; 17226

(3) The location and addresses of the principal office and 17227
all other offices of the applicant; 17228

(4) A general description of the business of the applicant 17229
prior to the application, including a list of states in which 17230
the applicant is a licensed foreign real estate dealer; 17231

(5) The names and addresses of all salespersons of the 17232
applicant at the date of the application; 17233

(6) The nature of the business of the applicant, and its 17234
places of business, for the ten-year period preceding the date 17235
of application. 17236

(B) Every nonresident applicant shall name a person within 17237
this state upon whom process against the applicant may be served 17238
and shall give the complete residence and business address of 17239
the person designated. Every applicant shall file an irrevocable 17240
written consent, executed and acknowledged by an individual duly 17241
authorized to give such consent, that actions growing out of a 17242
fraud committed by the applicant in connection with the sale in 17243
this state of foreign real estate may be commenced against it, 17244
in the proper court of any county in this state in which a cause 17245
of action for such fraud may arise or in which the plaintiff in 17246
such action may reside, by serving on the secretary of state any 17247
proper process or pleading authorized by the laws of this state, 17248
in the event that the applicant if a resident of this state, or 17249
the person designated by the nonresident applicant, cannot be 17250
found at the address given. The consent shall stipulate that the 17251
service of process on the secretary of state shall be taken in 17252
all courts to be as valid and binding as if service had been 17253
made upon the foreign real estate dealer. If the applicant is a 17254

corporation or an unincorporated association, the consent shall 17255
be accompanied by a certified copy of the resolution of the 17256
board of directors, trustees, or managers of the corporation or 17257
association, authorizing such individual to execute the consent. 17258

(C) The superintendent may investigate any applicant for a 17259
dealer's license, and may require any additional information the 17260
superintendent considers necessary to determine the ~~business-~~ 17261
~~repute and~~ qualifications of the applicant to act as a foreign 17262
real estate dealer. If the application for a dealer's license 17263
involves investigation outside this state, the superintendent 17264
may require the applicant to advance sufficient funds to pay any 17265
of the actual expenses of the investigation, and an itemized 17266
statement of such expense shall be furnished to the applicant. 17267

(D) Every applicant shall take a written examination, 17268
prescribed and conducted by the superintendent, which covers the 17269
applicant's knowledge of the principles of real estate practice, 17270
real estate law, financing and appraisal, real estate 17271
transactions and instruments relating to them, canons of 17272
business ethics relating to real estate transactions, and the 17273
duties of foreign real estate dealers and salespersons. The fee 17274
for the examination, when administered by the superintendent, is 17275
one hundred one dollars. If the applicant does not appear for 17276
the examination, the fee shall be forfeited and a new 17277
application and fee shall be filed, unless good cause for the 17278
failure to appear is shown to the superintendent. The 17279
requirement of an examination may be waived in whole or in part 17280
by the superintendent if an applicant is licensed as a real 17281
estate broker by any state. 17282

Any applicant who fails the examination twice shall wait 17283
six months before applying to retake the examination. 17284

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

(1) Has not been convicted of a ~~felony or a crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved~~ disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

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

(3) Has not, during any period for which the applicant was licensed under this chapter or any former section of the Revised Code applicable to licensed foreign real estate dealers or salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if the applicant

has violated any such provision or rule, has established to the 17315
satisfaction of the superintendent that the applicant will not 17316
again violate the provision or rule. 17317

(F) If the superintendent finds that an applicant for a 17318
license as a foreign real estate dealer, or each named member, 17319
manager, or officer of a partnership, association, or corporate 17320
applicant is at least eighteen years of age, ~~is of good business~~ 17321
~~repute,~~ has passed the examination required under this section 17322
or has had the requirement of an examination waived, and appears 17323
otherwise qualified, the superintendent shall issue a license to 17324
the applicant to engage in business in this state as a foreign 17325
real estate dealer. Dealers licensed pursuant to this section 17326
shall employ as salespersons of foreign real estate only persons 17327
licensed pursuant to section 4735.28 of the Revised Code. If at 17328
any time such salespersons resign or are discharged or new 17329
salespersons are added, the dealer forthwith shall notify the 17330
superintendent and shall file with the division of real estate 17331
the names and addresses of new salespersons. 17332

(G) If the applicant merely is renewing the applicant's 17333
license for the previous year, the application need contain only 17334
the information required by divisions (A) (2), (3), and (6) of 17335
this section. 17336

Sec. 4735.28. (A) An application to act as a foreign real 17337
estate salesperson shall be in writing and filed with the 17338
superintendent of real estate. It shall be in the form the 17339
superintendent prescribes and shall contain the following 17340
information: 17341

(1) The name and complete residence and business addresses 17342
of the applicant; 17343

(2) The name of the foreign real estate dealer who is 17344
employing the applicant or who intends to employ the applicant; 17345

(3) The age and education of the applicant, and the 17346
applicant's experience in the sale of foreign real estate; 17347
whether the applicant has ever been licensed by the 17348
superintendent, and if so, when; whether the applicant has ever 17349
been refused a license by the superintendent; and whether the 17350
applicant has ever been licensed or refused a license or any 17351
similar permit by any division or superintendent of real estate, 17352
by whatsoever name known or designated, anywhere; 17353

(4) The nature of the employment, and the names and 17354
addresses of the employers, of the applicant for the period of 17355
ten years immediately preceding the date of the application. 17356

(B) Every applicant shall take a written examination, 17357
prescribed and conducted by the superintendent, which covers the 17358
applicant's knowledge of the principles of real estate practice, 17359
real estate law, financing and appraisal, real estate 17360
transactions and instruments relating to them, canons of 17361
business ethics relating to real estate transactions, and the 17362
duties of foreign real estate salespersons. The fee for the 17363
examination, when administered by the superintendent, is sixty- 17364
eight dollars. If the applicant does not appear for the 17365
examination, the fee shall be forfeited and a new application 17366
and fee shall be filed, unless good cause for the failure to 17367
appear is shown to the superintendent. The requirement of an 17368
examination may be waived in whole or in part by the 17369
superintendent if an applicant is licensed as a real estate 17370
broker or salesperson by any state. 17371

Any applicant who fails the examination twice shall wait 17372
six months before applying to retake the examination. 17373

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

(1) ~~Has not been convicted of a felony or a crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved~~ disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

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

(3) Has not, during any period for which the applicant was licensed under this chapter or any former section of the Revised Code applicable to licensed foreign real estate dealers or salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if the applicant has violated any such provision or rule, has established to the

satisfaction of the superintendent that the applicant will not 17404
again violate the provision or rule. 17405

(D) Every salesperson of foreign real estate shall be 17406
licensed by the superintendent of real estate and shall be 17407
employed only by the licensed foreign real estate dealer 17408
specified on the salesperson's license. 17409

(E) If the superintendent finds that the applicant ~~is of~~ 17410
~~good business repute,~~ appears to be qualified to act as a 17411
foreign real estate salesperson, and has fully complied with the 17412
provisions of this chapter, and that the dealer in the 17413
application is a licensed foreign real estate dealer, the 17414
superintendent, upon payment of the fees prescribed by section 17415
4735.15 of the Revised Code, shall issue a license to the 17416
applicant authorizing the applicant to act as a salesperson for 17417
the dealer named in the application. 17418

Sec. 4736.08. An application for registration as a 17419
sanitarian shall be made to the director of health on a form 17420
prescribed by the director and accompanied by the application 17421
fee prescribed in section 4736.12 of the Revised Code. The 17422
director shall register an applicant if the applicant ~~is of good~~ 17423
~~moral character,~~ passes an examination conducted by the director 17424
in accordance with section 4736.09 of the Revised Code, and 17425
meets the education and experience requirements of division (A), 17426
(B), or (C) of this section: 17427

(A) Graduated from an accredited college or university 17428
with at least a baccalaureate degree, including at least forty- 17429
five quarter units or thirty semester units of science courses 17430
approved by the director; and completed at least two years of 17431
full-time employment as a sanitarian; 17432

(B) Graduated from an accredited college or university 17433
with at least a baccalaureate degree, completed a major in 17434
environmental health science which included an internship 17435
program approved by the director; and completed at least one 17436
year of full-time employment as a sanitarian; 17437

(C) Graduated from an accredited college or university 17438
with a degree higher than a baccalaureate degree, including at 17439
least forty-five quarter units or thirty semester units of 17440
science courses approved by the director; and completed at least 17441
one year of full-time employment as a sanitarian. 17442

Sec. 4738.04. Each person applying for a motor vehicle 17443
salvage dealer license or a salvage motor vehicle auction 17444
license or a salvage motor vehicle pool license shall make out 17445
and deliver to the registrar of motor vehicles, upon a blank to 17446
be furnished by the registrar for that purpose, a separate 17447
application for license for each county in which the business is 17448
to be conducted. The application for each type of license shall 17449
be in the form prescribed by the registrar and shall be signed 17450
and sworn to by the applicant. The application for a license for 17451
a motor vehicle salvage dealer, a salvage motor vehicle auction, 17452
or salvage motor vehicle pool, in addition to other information 17453
as is required by the registrar, shall include the following: 17454

(A) Name of applicant and location of principal place of 17455
business; 17456

(B) Name or style under which business is to be conducted 17457
and, if a corporation, the state of incorporation; 17458

(C) Name and address of each owner or partner and, if a 17459
corporation, the names of the officers and directors; 17460

(D) The county in which the business is to be conducted 17461

and the address of each place of business therein; 17462

(E) A financial statement of the applicant showing the 17463
true financial condition as of a date not earlier than six 17464
months prior to the date of the application; 17465

(F) A statement of the previous history, record, and 17466
association of the applicant and of each owner, partner, 17467
officer, and director, which statement shall be sufficient to 17468
establish to the satisfaction of the registrar the reputation in 17469
business of the applicant; 17470

(G) A statement showing whether the applicant has 17471
previously been convicted of ~~a crime of moral turpitude or a~~ 17472
disqualifying offense as ~~those terms are defined in specified~~ 17473
under section 4776.10-9.79 of the Revised Code; 17474

(H) A statement showing whether the applicant has 17475
previously applied for a license under this chapter and the 17476
result of the application, and whether the applicant has ever 17477
been the holder of any such license which was revoked or 17478
suspended; 17479

(I) If the applicant is a corporation or partnership, a 17480
statement showing whether any of the partners, officers, or 17481
directors have been refused a license under this chapter, or 17482
have been the holder of any such license which was revoked or 17483
suspended. 17484

Sec. 4738.07. (A) Except as otherwise provided in division 17485
(B) of this section, the registrar of motor vehicles shall deny 17486
the application of any person for a license under this chapter 17487
and refuse to issue the person a license if the registrar finds 17488
that the applicant: 17489

(1) Has made false statement of a material fact in the 17490

individual's application;	17491
(2) Has not complied with sections 4738.01 to 4738.15 of the Revised Code:	17492 17493
(3) Is of bad business repute or has <u>Has</u> habitually defaulted on financial obligations;	17494 17495
(4) Has been convicted of or pleaded guilty to a crime of moral turpitude or a disqualifying offense as defined in, <u>provided the registrar complies with section 4776.10-9.79</u> of the Revised Code;	17496 17497 17498 17499
(5) Has been guilty of a fraudulent act in connection with dealing in salvage motor vehicles or when operating as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool;	17500 17501 17502 17503
(6) Is insolvent;	17504
(7) Is of insufficient responsibility to assure the prompt payment of any final judgments which might reasonably be entered against the individual because of the transaction of the individual's business during the period of the license applied for;	17505 17506 17507 17508 17509
(8) Has no established place of business; <u>or</u>	17510
(9) Has less than twelve months prior to said application, been denied a license under this chapter.	17511 17512
(B) (1) Except as otherwise provided in this division, the registrar of motor vehicles may grant, but is not required to grant, the application of any person for a license under this chapter if the registrar finds that the applicant has been convicted of or pleaded guilty to either of the following:	17513 17514 17515 17516 17517

~~(a) A misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than a year prior to the person's initial application;~~ 17518
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~~(b) A felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to the person's application.~~ 17521
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~~(2) The provisions in division (B) (1) of this section do not apply with respect to any offense unless the registrar, prior to the effective date of this amendment, was required or authorized to deny the registration based on that offense.~~ 17524
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~~(3) In considering a renewal of an individual's license, the registrar shall not consider any conviction or plea of guilty prior to the initial licensing. However, the registrar may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.~~ 17528
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(C) The registrar may grant a person a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the person shall be considered fully licensed. 17534
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(D) If the applicant is a corporation or partnership, the registrar may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission which would be cause for refusing or revoking a license issued to the officer, director, or partner as an individual disqualifying offense and the refusal is in accordance with section 9.79 of the Revised Code. The registrar's finding may be based upon facts contained in the application or upon any other information which he the registrar 17538
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may have. Immediately upon denying an application for any of the reasons in this section, the registrar shall enter a final order together with the registrar's findings and certify the same to the motor vehicle salvage dealer's licensing board.

(E) If the registrar refuses an application for a license, the reasons for such refusal shall be put in writing. An applicant who has been refused a license may appeal from the action of the registrar to the motor vehicle salvage dealer's licensing board in the manner prescribed in section 4738.12 of the Revised Code.

(F) The registrar of motor vehicles shall not adopt, maintain, renew, or enforce any rule, or otherwise preclude in any way, an individual from ~~receiving or~~ renewing a license under this chapter due to any past criminal activity or interpretation of moral character, except as pursuant to division ~~(A) (4), (5), and~~ (B) of this section. If the registrar denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

Sec. 4740.05. Each specialty section of the Ohio construction industry licensing board, other than the administrative section, shall do all of the following:

(A) Adopt rules in accordance with Chapter 119. of the Revised Code that are limited to the following:

(1) Criteria for the section to use in evaluating the qualifications of an individual;

(2) Criteria for the section to use in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license;

(3) The determinations and approvals the section makes

under the reciprocity provision of section 4740.08 of the Revised Code; 17576
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(4) Criteria for continuing education courses conducted pursuant to this chapter; 17578
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(5) A requirement that any training agency seeking approval to provide continuing education courses submit the required information to the appropriate specialty section of the board at least thirty days, but not more than one year, prior to the date on which the course is proposed to be offered; 17580
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(6) A prohibition against any training agency providing a continuing education course unless the administrative section of the board approved that training agency not more than one year prior to the date the course is offered; 17585
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(7) A list of disqualifying offenses pursuant to sections 9.79, 4740.06, 4740.10, and 4776.10 of the Revised Code. 17589
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(B) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the specialty section and determine by rule a procedure to conduct investigations and hearings on these allegations; 17591
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(C) Maintain a record of its proceedings; 17595

(D) Grant approval to a training agency to offer continuing education courses pursuant to rules the board adopts; 17596
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(E) As required, do all things necessary to carry out this chapter; 17598
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(F) Establish or approve a continuing education curriculum for license renewal for each class of contractors for which the section has primary responsibility. No curriculum may require more than five hours per year in specific course requirements. 17600
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No contractor may be required to take more than ten hours per year in continuing education courses. The ten hours shall be the aggregate of hours of continuing education for all licenses the contractor holds.

(G) Design the examination for the type of contractor the specialty section licenses to determine an applicant's competence to perform that type of contracting.

Sec. 4740.06. (A) Any individual who applies for a license shall file a written application with the appropriate specialty section of the Ohio construction industry licensing board, accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The application shall be on the form the section prescribes and verified by the applicant's oath. The applicant shall provide information satisfactory to the section showing that the applicant meets the requirements of division (B) of this section.

(B) To qualify to take an examination, an individual shall:

(1) Be at least eighteen years of age;

(2) Be a United States citizen or legal alien who produces valid documentation to demonstrate the individual is a legal resident of the United States;

(3) Either have been a tradesperson in the type of licensed trade for which the application is filed for not less than five years immediately prior to the date the application is filed, be a currently registered engineer in this state with three years of business experience in the construction industry in the trade for which the engineer is applying to take an examination, or have other experience acceptable to the

appropriate specialty section of the board; 17633

(4) Maintain contractor's liability insurance in an amount 17634
the appropriate specialty section of the board determines and 17635
only in one contracting company name; 17636

(5) Not have done any of the following: 17637

~~(a) Been convicted of or pleaded guilty to a crime of~~ 17638
~~moral turpitude or a disqualifying offense as those terms are~~ 17639
~~defined in section 4776.10 of the Revised Code;~~ 17640

~~(b)~~ Violated this chapter or any rule adopted pursuant to 17641
it; 17642

~~(e)~~ (b) Obtained or renewed a license issued pursuant to 17643
this chapter, or any order, ruling, or authorization of the 17644
board or a section of the board by fraud, misrepresentation, or 17645
deception; 17646

~~(d)~~ (c) Engaged in fraud, misrepresentation, or deception 17647
in the conduct of business. 17648

(C) When an applicant for licensure as a contractor in a 17649
licensed trade meets the qualifications set forth in division 17650
(B) of this section and passes the required examination, the 17651
appropriate specialty section of the board, within ninety days 17652
after the application was filed, shall authorize the 17653
administrative section of the board to license the applicant for 17654
the type of contractor's license for which the applicant 17655
qualifies. A specialty section of the board may withdraw its 17656
authorization to the administrative section for issuance of a 17657
license for good cause shown, on the condition that notice of 17658
that withdrawal is given prior to the administrative section's 17659
issuance of the license. 17660

(D) (1) Except as provided in division (D) (2) of this section, if an applicant does not pass the required examination, the applicant may retake the examination not less than sixty days after the applicant's most recent examination.

(2) An applicant who does not pass the required examination after taking the examination five times under this section shall reapply for a license under division (A) of this section before retaking the required examination any subsequent time.

(E) All licenses a contractor holds pursuant to this chapter shall expire annually on the same date, which shall be the expiration date of the original license the contractor holds. An individual holding a valid, unexpired license may renew the license, without reexamination, by submitting an application to the appropriate specialty section of the board not more than ninety calendar days before the expiration of the license, along with the renewal fee the specialty section requires and proof of compliance with the applicable continuing education requirements. The applicant shall provide information in the renewal application satisfactory to demonstrate to the appropriate specialty section that the applicant continues to meet the requirements of division (B) of this section.

Upon application and within one calendar year after a license has expired, a section may waive any of the requirements for renewal of a license upon finding that an applicant substantially meets the renewal requirements or that failure to timely apply for renewal is due to excusable neglect. A section that waives requirements for renewal of a license may impose conditions upon the licensee and assess a late filing fee of not more than double the usual renewal fee. An applicant shall

satisfy any condition the section imposes before a license is 17691
reissued. 17692

(F) An individual holding a valid license may request the 17693
section of the board that authorized that license to place the 17694
license in inactive status under conditions, and for a period of 17695
time, as that section determines. 17696

(G) Except for the ninety-day extension provided for a 17697
license assigned to a contracting company under division (D) of 17698
section 4740.07 of the Revised Code, a license held by an 17699
individual immediately terminates upon the death of the 17700
individual. 17701

(H) Nothing in any license issued by the Ohio construction 17702
industry licensing board shall be construed to limit or 17703
eliminate any requirement of or any license issued by the Ohio 17704
fire marshal. 17705

(I) (1) Subject to ~~divisions~~ division (I) ~~(2), (3), and (4)~~ 17706
of this section, no specialty section of the board shall adopt, 17707
maintain, renew, or enforce any rule, or otherwise preclude in 17708
any way, an individual from ~~receiving or renewing~~ a license 17709
under this chapter due to any past criminal activity or 17710
interpretation of moral character, ~~except as pursuant to~~ 17711
~~division (B) (5) (a) of this section.~~ If the specialty section 17712
denies an individual a ~~license or license renewal~~, the reasons 17713
for such denial shall be put in writing. 17714

(2) ~~Except as otherwise provided in this division, if an~~ 17715
~~individual applying for a license has been convicted of or~~ 17716
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 17717
~~turpitude or a disqualifying offense less than one year prior to~~ 17718
~~making the application, the~~ The section may use its discretion 17719

~~in granting or denying the individual refuse to issue a license. 17720~~
~~Except as otherwise provided in this division, if an individual 17721~~
~~applying for a license has been convicted of or pleaded guilty 17722~~
~~to a felony that is not a crime of moral turpitude or a 17723~~
~~disqualifying offense less than three years prior to making the 17724~~
~~application, the section may use its discretion in granting or 17725~~
~~denying the individual a license. The provisions in this 17726~~
~~paragraph do not apply with respect to any offense unless the 17727~~
~~section, prior to September 28, 2012, was required or authorized 17728~~
~~to deny the application based on that offense. 17729~~

~~In all other circumstances, the section shall follow the 17730~~
~~procedures it adopts by rule that conform to division (I)(1) of 17731~~
~~this section to an applicant because of a conviction of or plea 17732~~
~~of guilty to an offense if the refusal is in accordance with 17733~~
~~section 9.79 of the Revised Code. 17734~~

(3) In considering a renewal of an individual's license, 17735
the section shall not consider any conviction or plea of guilty 17736
prior to the initial licensing. However, the board may consider 17737
a conviction or plea of guilty if it occurred after the 17738
individual was initially licensed, or after the most recent 17739
license renewal. 17740

(4) The section may grant an individual a conditional 17741
license that lasts for one year. After the one-year period has 17742
expired, the license is no longer considered conditional, and 17743
the individual shall be considered fully licensed. 17744

~~(I)(J)~~ Notwithstanding divisions ~~(D)(E)~~ and ~~(H)(I)~~ of this 17745
section and sections 4740.04 and 4740.05 of the Revised Code, 17746
the board may establish rules that amend the continuing 17747
education requirements and license renewal schedule for 17748
licensees as provided in or adopted pursuant to those sections 17749

for the purpose of establishing a compliance incentive program. 17750
These rules may include provisions for the creation of the 17751
program and the qualifications, continuing education 17752
requirements, and renewal schedule for the program. 17753

Sec. 4740.061. (A) As used in this section, "license" and 17754
"applicant for an initial license" have the same meanings as in 17755
section 4776.01 of the Revised Code, except that "license" as 17756
used in both of those terms refers to the types of 17757
authorizations otherwise issued or conferred under this chapter. 17758

(B) In addition to any other eligibility requirement set 17759
forth in this chapter, each applicant for an initial license 17760
shall comply with sections 4776.01 to 4776.04 of the Revised 17761
Code. The Ohio construction industry licensing board shall not 17762
grant a license to an applicant for an initial license unless 17763
the applicant complies with sections 4776.01 to 4776.04 of the 17764
Revised Code ~~and the board, in its discretion, decides that the~~ 17765
~~results of the criminal records check do not make the applicant~~ 17766
~~ineligible for a license issued pursuant to section 4740.04 or~~ 17767
~~4740.08 of the Revised Code.~~ 17768

Sec. 4740.10. (A) A specialty section of the Ohio 17769
construction industry licensing board may impose any of the 17770
following, or any combination of the following, disciplinary 17771
actions against an applicant or license holder for committing an 17772
act listed in division (B) of this section: 17773

- (1) Suspend, revoke, or refuse to issue any license; 17774
- (2) Require additional continuing education hours; 17775
- (3) Issue a fine. 17776

(B) (1) An applicant or licensee shall be subject to 17777
disciplinary action as prescribed under division (A) of this 17778

section for any of the following:	17779
(a) Having been convicted of or pleading guilty to a crime of moral turpitude or disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;	17780 17781 17782
(b) Violating any provision of this chapter;	17783
(c) Violating any rule adopted pursuant to this chapter;	17784
(d) Obtaining or attempting to obtain a license or a renewal of such license pursuant to this chapter by means of fraud, deception, or misrepresentation;	17785 17786 17787
(e) Obtaining an order, ruling, or authorization from any section of the board by means of fraud or misrepresentation;	17788 17789
(f) Engaging in fraud, misrepresentation, or deception in the conduct of business;	17790 17791
(g) Transferring the person's license to another person without the approval of the appropriate specialty section;	17792 17793
(h) (i) Allowing the person's license to be used by an unlicensed person or entity;	17794 17795
(ii) Division (B) (1) (h) (i) of this section does not apply to a contracting company that has been assigned a license under section 4740.07 of the Revised Code.	17796 17797 17798
(i) Failing to comply with a disciplinary action imposed by the appropriate specialty section;	17799 17800
(j) Failing to maintain insurance throughout the license year, unless the license has properly been placed in inactive status under section 4740.06 of the Revised Code.	17801 17802 17803
(2) The appropriate specialty section of the board may take disciplinary action against an applicant or license holder	17804 17805

as prescribed under division (A) of this section upon receiving 17806
notice that a municipal corporation or any other governmental 17807
agency has suspended or revoked the local contracting license or 17808
registration of an individual or contracting company that also 17809
holds a license pursuant to this chapter. 17810

(C) Notwithstanding any provision to the contrary in 17811
divisions (A) and (B) of this section, a specialty section shall 17812
not refuse to issue a license to an applicant because of a 17813
conviction of or plea of guilty to an offense unless the refusal 17814
is in accordance with section 9.79 of the Revised Code. 17815

(D) The appropriate specialty sections shall direct the 17816
administrative section to refuse to issue any license to an 17817
applicant upon a finding by the appropriate specialty section 17818
that the applicant has done either of the following: 17819

(1) Had another person take the required examination for 17820
the applicant; 17821

(2) Failed to pass the required examination. 17822

~~(D)~~ (E) If an individual fails to request a hearing within 17823
thirty days after the date a specialty section, in accordance 17824
with section 119.07 of the Revised Code, notifies the individual 17825
of the board's intent to impose a disciplinary action against 17826
the individual under division (A) of this section, the specialty 17827
section, by a majority vote of a quorum of the section members, 17828
may impose the action against the individual without holding an 17829
adjudication hearing. 17830

Sec. 4741.10. (A) As used in this section, "license" and 17831
"applicant for an initial license" have the same meanings as in 17832
section 4776.01 of the Revised Code, except that "license" as 17833
used in both of those terms refers to the types of 17834

authorizations otherwise issued or conferred under this chapter. 17835

(B) In addition to any other eligibility requirement set 17836
forth in this chapter, each applicant for an initial license 17837
shall comply with sections 4776.01 to 4776.04 of the Revised 17838
Code. The state veterinary medical licensing board shall not 17839
grant a license to an applicant for an initial license unless 17840
the applicant complies with sections 4776.01 to 4776.04 of the 17841
Revised Code ~~and the board, in its discretion, decides that the~~ 17842
~~results of the criminal records check do not make the applicant~~ 17843
~~ineligible for a license issued pursuant to section 4741.11,~~ 17844
~~4741.12, 4741.13, or 4741.14 of the Revised Code.~~ 17845

Sec. 4741.12. The state veterinary medical licensing board 17846
may issue a license to practice veterinary medicine without the 17847
examination required pursuant to section 4741.11 of the Revised 17848
Code to an applicant from another state, territory, country, or 17849
the District of Columbia who furnishes satisfactory proof to the 17850
board that the applicant meets all of the following criteria: 17851

(A) The applicant is a graduate of a veterinary college 17852
accredited by the American veterinary medical association or 17853
holds a certificate issued, on or after May 1, 1987, by the 17854
education commission for foreign veterinary graduates of the 17855
American veterinary medical association or issued by any other 17856
nationally recognized certification program the board approves 17857
by rule. 17858

(B) The applicant holds a license, which is not under 17859
suspension, revocation, or other disciplinary action, issued by 17860
an agency similar to this board of another state, territory, 17861
country, or the District of Columbia, having requirements 17862
equivalent to those of this state, provided the laws of such 17863
state, territory, country, or district accord equal rights to 17864

the holder of a license to practice in this state who removes to 17865
such state, territory, country, or district. 17866

~~(C) The applicant is of good moral character, as 17867
determined by the board. 17868~~

~~(D) The applicant is not under investigation for an act 17869
which would constitute a violation of this chapter that would 17870
require the revocation of or refusal to renew a license. 17871~~

~~(E) (D) The applicant has a thorough knowledge of the laws 17872
and rules governing the practice of veterinary medicine in this 17873
state, as determined by the board. 17874~~

Sec. 4741.22. (A) The state veterinary medical licensing 17875
board may, except as provided in division (B) of this section, 17876
refuse to issue or renew a license, limited license, 17877
registration, or temporary permit to or of any applicant who, 17878
and may issue a reprimand to, suspend or revoke the license, 17879
limited license, registration, or the temporary permit of, or 17880
impose a civil penalty pursuant to this section upon any person 17881
holding a license, limited license, or temporary permit to 17882
practice veterinary medicine or any person registered as a 17883
registered veterinary technician who: 17884

(1) In the conduct of the person's practice does not 17885
conform to the rules of the board or the standards of the 17886
profession governing proper, humane, sanitary, and hygienic 17887
methods to be used in the care and treatment of animals; 17888

(2) Uses fraud, misrepresentation, or deception in any 17889
application or examination for licensure, or any other 17890
documentation created in the course of practicing veterinary 17891
medicine; 17892

(3) Is found to be physically or psychologically addicted 17893

to alcohol or an illegal or controlled substance, as defined in	17894
section 3719.01 of the Revised Code, to such a degree as to	17895
render the person unfit to practice veterinary medicine;	17896
(4) Directly or indirectly employs or lends the person's	17897
services to a solicitor for the purpose of obtaining patients;	17898
(5) Obtains a fee on the assurance that an incurable	17899
disease can be cured;	17900
(6) Advertises in a manner that violates section 4741.21	17901
of the Revised Code;	17902
(7) Divides fees or charges or has any arrangement to	17903
share fees or charges with any other person, except on the basis	17904
of services performed;	17905
(8) Sells any biologic containing living, dead, or	17906
sensitized organisms or products of those organisms, except in a	17907
manner that the board by rule has prescribed;	17908
(9) Is convicted of or pleads guilty to any felony or	17909
crime involving illegal or prescription drugs, or fails to	17910
report to the board within sixty days of the individual's	17911
conviction of, plea of guilty to, or treatment in lieu of	17912
conviction involving a felony, misdemeanor of the first degree,	17913
or offense involving illegal or prescription drugs;	17914
(10) Is convicted of any violation of section 959.13 of	17915
the Revised Code;	17916
(11) Swears falsely in any affidavit required to be made	17917
by the person in the course of the practice of veterinary	17918
medicine;	17919
(12) Fails to report promptly to the proper official any	17920
known reportable disease;	17921

- (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule; 17922
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- (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose; 17924
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- (15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter; 17928
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- (16) Is guilty of gross incompetence or gross negligence; 17931
- (17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia; 17932
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- (18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration; 17938
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- (19) Represents self as a specialist unless certified as a specialist by the board; 17940
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- (20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law; 17942
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- (21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those 17948
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drugs or other modalities for treatment of a disease or in 17950
conduct of surgery; 17951

(22) Makes available a dangerous drug, as defined in 17952
section 4729.01 of the Revised Code, to any person other than 17953
for the specific treatment of an animal patient; 17954

(23) Refuses to permit a board investigator or the board's 17955
designee to inspect the person's business premises during 17956
regular business hours, except as provided in division (A) of 17957
section 4741.26 of the Revised Code; 17958

(24) Violates any order of the board or fails to comply 17959
with a subpoena of the board; 17960

(25) Fails to maintain medical records as required by rule 17961
of the board; 17962

(26) Engages in cruelty to animals; 17963

(27) Uses, prescribes, or sells any veterinary 17964
prescription drug or biologic, or prescribes any extra-label use 17965
of any over-the-counter drug or dangerous drug in the absence of 17966
a valid veterinary-client-patient relationship. 17967

(B) The board shall not refuse to issue a license, limited 17968
license, registration, or temporary permit to an applicant 17969
because of a conviction of or plea of guilty to an offense 17970
unless the refusal is in accordance with section 9.79 of the 17971
Revised Code. 17972

(C) Except as provided in division (D) of this section, 17973
before the board may revoke, deny, refuse to renew, or suspend a 17974
license, registration, or temporary permit or otherwise 17975
discipline the holder of a license, registration, or temporary 17976
permit, the executive director shall file written charges with 17977

the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code. 17978
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~~(C)~~(D) If the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the holder of the license, permit, or registration of not less than one hundred dollars or more than one thousand dollars. In addition to the civil penalty and any other penalties imposed pursuant to this chapter, the board may assess any holder of a license, permit, or registration the costs of the hearing conducted under this section if the board determines that the holder has violated any provision for which the board may impose a civil penalty under this section. 17980
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~~(D)~~(E) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following: 17994
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(1) There is clear and convincing evidence that division (A) (3), (9), (14), (22), or (26) of this section applies to the individual. 17998
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(2) The individual's continued practice presents a danger of immediate and serious harm to the public. 18001
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The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior 18003
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hearing. A telephone conference call may be utilized for 18007
reviewing the allegations and taking the vote on the suspension. 18008

The board shall issue a written order of suspension by 18009
certified mail or in person in accordance with section 119.07 of 18010
the Revised Code. If the individual subject to the suspension 18011
requests an adjudicatory hearing by the board, the date set for 18012
the hearing shall be not later than fifteen days, but not 18013
earlier than seven days after the individual requests the 18014
hearing unless otherwise agreed to by both the board and the 18015
individual. 18016

A suspension imposed under this division shall remain in 18017
effect, unless reversed on appeal, until a final adjudicative 18018
order issued by the board under this section and Chapter 119. of 18019
the Revised Code becomes effective. The board shall issue its 18020
final adjudicative order not later than ninety days after 18021
completion of its hearing. Failure to issue the order within 18022
ninety days results in dissolution of the suspension order, but 18023
does not invalidate any subsequent, final adjudicative order. 18024

~~(E)~~ (F) A license or registration issued to an individual 18025
under this chapter is automatically suspended upon that 18026
individual's conviction of or plea of guilty to or upon a 18027
judicial finding with regard to any of the following: aggravated 18028
murder, murder, voluntary manslaughter, felonious assault, 18029
kidnapping, rape, sexual battery, gross sexual imposition, 18030
aggravated arson, aggravated robbery, or aggravated burglary. 18031
The suspension shall remain in effect from the date of the 18032
conviction, plea, or finding until an adjudication is held under 18033
Chapter 119. of the Revised Code. If the board has knowledge 18034
that an automatic suspension has occurred, it shall notify the 18035
individual subject to the suspension. If the individual is 18036

notified and either fails to request an adjudication within the 18037
time periods established by Chapter 119. of the Revised Code or 18038
fails to participate in the adjudication, the board shall enter 18039
a final order permanently revoking the individual's license or 18040
registration. 18041

Sec. 4747.04. (A) The state speech and hearing 18042
professionals board shall: 18043

(1) Establish the nature and scope of qualifying 18044
examinations in accordance with section 4747.08 of the Revised 18045
Code; 18046

(2) Determine whether persons holding similar valid 18047
licenses from other states or jurisdictions shall be required to 18048
take and successfully pass the appropriate qualifying 18049
examination as a condition for licensing in this state; 18050

(3) Review complaints and conduct investigations in 18051
accordance with section 4747.13 of the Revised Code and hold any 18052
hearings that are necessary to carry out this chapter; 18053

(4) Determine and specify the length of time each license 18054
that is suspended or revoked shall remain suspended or revoked; 18055

(5) Deposit all payments collected under this chapter into 18056
the state treasury to the credit of the occupational licensing 18057
and regulatory fund created in section 4743.05 of the Revised 18058
Code; 18059

(6) Establish a list of disqualifying offenses for 18060
licensure as a hearing aid dealer or fitter, or for a hearing 18061
aid dealer or fitter trainee permit, pursuant to sections 9.79, 18062
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 18063

(B) The board shall adopt reasonable rules, in accordance 18064

with Chapter 119. of the Revised Code, necessary for the 18065
administration of this chapter. The board shall include all of 18066
the following in those rules: 18067

(1) The amount of any fees required under this chapter; 18068

(2) The information to be included in a hearing aid 18069
receipt provided by a licensed hearing aid dealer or fitter to a 18070
person under section 4747.09 of the Revised Code; 18071

(3) The amount of time a licensed hearing aid dealer or 18072
fitter or trainee permit holder has to provide the notice of a 18073
change in address or addresses required under section 4747.11 of 18074
the Revised Code and any other requirements relating to the 18075
notice; 18076

(4) Any additional conduct for which the board may 18077
discipline a licensee or permit holder under section 4747.12 of 18078
the Revised Code. 18079

(C) Nothing in this section shall be interpreted as 18080
granting to the board the right to restrict advertising which is 18081
not false or misleading, or to prohibit or in any way restrict a 18082
hearing aid dealer or fitter from renting or leasing space from 18083
any person, firm or corporation in a mercantile establishment 18084
for the purpose of using such space for the lawful sale of 18085
hearing aids or to prohibit a mercantile establishment from 18086
selling hearing aids if the sale would be otherwise lawful under 18087
this chapter. 18088

Sec. 4747.05. (A) The state speech and hearing 18089
professionals board shall issue to each applicant, within sixty 18090
days of receipt of a properly completed application and payment 18091
of an application fee set by the board in rules adopted under 18092
section 4747.04 of the Revised Code, a hearing aid dealer's or 18093

fitter's license if the applicant: 18094

(1) In the case of an individual, the individual is at 18095
least eighteen years of age, ~~has not committed a disqualifying~~ 18096
~~offense or a crime of moral turpitude, as those terms are~~ 18097
~~defined in section 4776.10 of the Revised Code,~~ is free of 18098
contagious or infectious disease, and has successfully passed a 18099
qualifying examination specified and administered by the board. 18100

(2) In the case of a firm, partnership, association, or 18101
corporation, the application, in addition to such information as 18102
the board requires, is accompanied by an application for a 18103
license for each person, whether owner or employee, of the firm, 18104
partnership, association, or corporation, who engages in dealing 18105
in or fitting of hearing aids, or contains a statement that such 18106
applications are submitted separately. No firm, partnership, 18107
association, or corporation licensed pursuant to this chapter 18108
shall permit any unlicensed person to sell or fit hearing aids. 18109

(B) (1) Subject to ~~divisions~~ division (B) ~~(2), (3), and~~ 18110
~~(4)~~ of this section, the board shall not adopt or enforce any 18111
rule that precludes an individual from ~~receiving or~~ renewing a 18112
license issued under this chapter due to any past criminal 18113
activity, unless the individual has committed a crime of moral 18114
turpitude or a disqualifying offense as those terms are defined 18115
in section 4776.10 of the Revised Code. The board shall comply 18116
with Chapter 119. of the Revised Code when denying an individual 18117
a ~~license or~~ license renewal. 18118

(2) ~~Except as otherwise provided in this division, if an~~ 18119
~~individual applying for a license has been convicted of or~~ 18120
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 18121
~~turpitude or a disqualifying offense less than one year prior to~~ 18122
~~making the application, the~~ The board may use the board's 18123

~~discretion in granting or denying the individual refuse to issue~~ 18124
~~a license. Except as otherwise provided in this division, if an~~ 18125
~~individual applying for a license has been convicted of or~~ 18126
~~pleaded guilty to a felony that is not a crime of moral~~ 18127
~~turpitude or a disqualifying offense less than three years prior~~ 18128
~~to making the application, the board may use the board's~~ 18129
~~discretion in granting or denying the individual a license. The~~ 18130
~~provisions in this paragraph do not apply with respect to any~~ 18131
~~offense unless the board, prior to September 28, 2012, was~~ 18132
~~required or authorized to deny the application based on that~~ 18133
~~offense.~~ 18134

~~In all other circumstances, the board shall follow the~~ 18135
~~procedures it adopts by rule that conform to division (B)(1) of~~ 18136
~~this section to an applicant because of a conviction of or plea~~ 18137
~~of guilty to an offense if the refusal is in accordance with~~ 18138
~~section 9.79 of the Revised Code.~~ 18139

(3) In considering a renewal of an individual's license, 18140
the board shall not consider any conviction or plea of guilty 18141
prior to the initial licensing. However, the board may consider 18142
a conviction or plea of guilty if it occurred after the 18143
individual was initially licensed, or after the most recent 18144
license renewal. 18145

(4) The board may grant an individual a conditional 18146
license that lasts for one year. After the one-year period has 18147
expired, the license is no longer considered conditional, and 18148
the individual shall be considered fully licensed. 18149

(C) (1) Except as provided in division (C) (2) of this 18150
section, each license issued is valid from the date of issuance 18151
until the thirty-first day of December of the even-numbered year 18152
that follows the date of issuance. 18153

(2) A license issued less than one hundred days before the
thirty-first day of December of an even-numbered year is valid
from the date of issuance until the thirty-first day of December
of the even-numbered year that follows the thirty-first day of
December immediately after the date of issuance.

Sec. 4747.051. (A) As used in this section, "license" and
"applicant for an initial license" have the same meanings as in
section 4776.01 of the Revised Code, except that "license" as
used in both of those terms refers to the types of
authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set
forth in this chapter, each applicant for an initial license
shall comply with sections 4776.01 to 4776.04 of the Revised
Code. The state speech and hearing professionals board shall not
grant a license to an applicant for an initial license unless
the applicant complies with sections 4776.01 to 4776.04 of the
Revised Code ~~and the board, in its discretion, decides that the
results of the criminal records check do not make the applicant
ineligible for a license issued pursuant to section 4747.05 or
4747.10 of the Revised Code.~~

Sec. 4747.10. Each person currently engaged in training to
become a licensed hearing aid dealer or fitter shall apply to
the state speech and hearing professionals board for a hearing
aid dealer's and fitter's trainee permit. The board shall issue
to each applicant within thirty days of receipt of a properly
completed application and payment of an application fee set by
the board in rules adopted under section 4747.04 of the Revised
Code, a trainee permit if such applicant meets all of the
following criteria:

(A) Is at least eighteen years of age;

(B) Is the holder of a diploma from an accredited high school or a certificate of high school equivalence issued by the department of education; 18184
18185
18186

~~(C) Has not committed a disqualifying offense or a crime of moral turpitude, as those terms are defined in section 4776.10 of the Revised Code;~~ 18187
18188
18189

~~(D) Is free of contagious or infectious disease.~~ 18190

~~Subject to the next paragraph, the~~ The board shall not 18191
deny a trainee permit issued under this section to any 18192
individual based on the individual's past criminal history 18193
unless the ~~individual has committed a disqualifying offense or~~ 18194
~~crime of moral turpitude as those terms are defined in~~ denial is 18195
in accordance with section 4776.10-9.79 of the Revised Code. 18196
~~Except as otherwise provided in this paragraph, if an individual~~ 18197
~~applying for a trainee permit has been convicted of or pleaded~~ 18198
~~guilty to a misdemeanor that is not a crime of moral turpitude~~ 18199
~~or a disqualifying offense less than one year prior to making~~ 18200
~~the application, the board may use the board's discretion in~~ 18201
~~granting or denying the individual a trainee permit. Except as~~ 18202
~~otherwise provided in this paragraph, if an individual applying~~ 18203
~~for a trainee permit has been convicted of or pleaded guilty to~~ 18204
~~a felony that is not a crime of moral turpitude or a~~ 18205
~~disqualifying offense less than three years prior to making the~~ 18206
~~application, the board may use the board's discretion in~~ 18207
~~granting or denying the individual a trainee permit. The~~ 18208
~~provisions in this paragraph do not apply with respect to any~~ 18209
~~offense unless the board, prior to September 28, 2012, was~~ 18210
~~required or authorized to deny the application based on that~~ 18211
~~offense.~~ 18212

~~In all other circumstances not described in the preceding~~ 18213

~~paragraph, the board shall follow the procedures it adopts by-~~ 18214
~~rule that conform to this section.~~ 18215

In considering a renewal of an individual's trainee 18216
permit, the board shall not consider any conviction or plea of 18217
guilty prior to the issuance of the initial trainee permit. 18218
However, the board may consider a conviction or plea of guilty 18219
if it occurred after the individual was initially granted the 18220
trainee permit, or after the most recent trainee permit renewal. 18221
The board shall comply with Chapter 119. of the Revised Code 18222
when denying an individual for a trainee permit or renewal. 18223
Additionally, the board may grant an individual a conditional 18224
trainee permit that lasts for one year. After the one-year 18225
period has expired, the permit is no longer considered 18226
conditional, and the individual shall be considered to be 18227
granted a full trainee permit. 18228

Each trainee permit issued by the board expires one year 18229
from the date it was first issued, and may be renewed once if 18230
the trainee has not successfully completed the qualifying 18231
requirements for licensing as a hearing aid dealer or fitter 18232
before the expiration date of such permit. The board shall issue 18233
a renewed permit to each applicant upon receipt of a properly 18234
completed application and payment of a renewal fee set by the 18235
board in rules adopted under section 4747.04 of the Revised 18236
Code. No person holding a trainee permit shall engage in the 18237
practice of dealing in or fitting of hearing aids except while 18238
under supervision by a licensed hearing aid dealer or fitter. 18239

Sec. 4747.12. (A) In accordance with Chapter 119. of the 18240
Revised Code, the state speech and hearing professionals board 18241
may revoke, suspend, place on probation, or, except as provided 18242
in division (B) of this section, refuse to issue or renew a 18243

license or permit or reprimand a licensee or permit holder if	18244
the person who holds such license or permit:	18245
(1) Is convicted of a disqualifying offense or a crime of	18246
moral turpitude as those terms are defined in section 4776.10 of	18247
the Revised Code;	18248
(2) Procured a license or permit by fraud or deceit	18249
practiced upon the board;	18250
(3) Obtained any fee or made any sale of a hearing aid by	18251
fraud or misrepresentation;	18252
(4) Used or caused or promoted the use of any advertising	18253
matter, promotional literature, testimonial, guarantee,	18254
warranty, label, brand, insignia, or any other representation,	18255
however disseminated or published, which is misleading,	18256
deceptive, or untruthful;	18257
(5) Advertised a particular model or type of hearing aid	18258
for sale when purchasers or prospective purchasers responding to	18259
the advertisement cannot purchase the specified model or type of	18260
hearing aid;	18261
(6) Represented or advertised that the service or advice	18262
of a person licensed to practice medicine will be used or made	18263
available in the selection, fitting, adjustment, maintenance, or	18264
repair of hearing aids when such is not true, or using the words	18265
"doctor," "clinic," or similar words, abbreviations, or symbols	18266
which connote the medical profession when such use is not	18267
accurate;	18268
(7) Advertised a manufacturer's product or used a	18269
manufacturer's name or trademark in a manner which suggested the	18270
existence of a relationship with the manufacturer which did not	18271
or does not exist;	18272

(8) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids;	18273 18274 18275 18276
(9) Engaged in the fitting and sale of hearing aids under a false name or an alias;	18277 18278
(10) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious disease;	18279 18280 18281
(11) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids;	18282 18283 18284
(12) Permitted another person to use the licensee's license;	18285 18286
(13) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code;	18287 18288
(14) Made or filed a false report or record in the sale or dispensing of a hearing aid;	18289 18290
(15) Aided or abetted the unlicensed sale, fitting, or dispensing of a hearing aid;	18291 18292
(16) Committed an act of dishonorable, immoral, or unprofessional conduct while engaging in the sale or practice of dealing in or fitting of hearing aids;	18293 18294 18295
(17) Engaged in illegal, incompetent, or habitually negligent practice;	18296 18297
(18) Provided professional services while mentally incompetent or under the influence of alcohol or while using any	18298 18299

narcotic or controlled substance or other drug that is in excess 18300
of therapeutic amounts or without valid medical indication; 18301

(19) Violated this chapter or any lawful order given or 18302
rule adopted by the board; 18303

(20) Is disciplined by a licensing or disciplinary 18304
authority of this or any other state or country or is convicted 18305
or disciplined by a court of this or any other state or country 18306
for an act that would be grounds for disciplinary action under 18307
this section; 18308

(21) Engaged in conduct that the board has identified in a 18309
rule adopted under section 4747.04 of the Revised Code as 18310
requiring disciplinary action under this section. 18311

(B) The board shall not refuse to issue a license or 18312
permit to an applicant because of a criminal conviction unless 18313
the refusal is in accordance with section 9.79 of the Revised 18314
Code. 18315

(C) If the board revokes a person's license under division 18316
(A) of this section, the person may apply for reinstatement. The 18317
board may require the person to complete an examination or 18318
additional continuing education as a condition of reinstatement. 18319

Sec. 4749.03. (A) (1) Any individual, including a partner 18320
in a partnership, may be licensed as a private investigator 18321
under a class B license, or as a security guard provider under a 18322
class C license, or as a private investigator and a security 18323
guard provider under a class A license, if the individual meets 18324
all of the following requirements: 18325

(a) ~~Has a good reputation for integrity, has not been~~ 18326
~~convicted of a disqualifying offense as defined in section~~ 18327
~~4776.10 of the Revised Code within the last three years or any~~ 18328

~~crime of moral turpitude as that term is defined in section~~ 18329
~~4776.10 of the Revised Code, and has not been adjudicated~~ 18330
incompetent for the purpose of holding the license, as provided 18331
in section 5122.301 of the Revised Code, without having been 18332
restored to legal capacity for that purpose. 18333

(b) Depending upon the class of license for which 18334
application is made, for a continuous period of at least two 18335
years immediately preceding application for a license, has been 18336
engaged in investigatory or security services work for a law 18337
enforcement or other public agency engaged in investigatory 18338
activities, or for a private investigator or security guard 18339
provider, or engaged in the practice of law, or has acquired 18340
equivalent experience as determined by rule of the director of 18341
public safety. 18342

(c) Demonstrates competency as a private investigator or 18343
security guard provider by passing an examination devised for 18344
this purpose by the director, except that any individually 18345
licensed person who qualifies a corporation for licensure shall 18346
not be required to be reexamined if the person qualifies the 18347
corporation in the same capacity that the person was 18348
individually licensed. 18349

(d) Submits evidence of comprehensive general liability 18350
insurance coverage, or other equivalent guarantee approved by 18351
the director in such form and in principal amounts satisfactory 18352
to the director, but not less than one hundred thousand dollars 18353
for each person and three hundred thousand dollars for each 18354
occurrence for bodily injury liability, and one hundred thousand 18355
dollars for property damage liability. 18356

(e) Pays the requisite examination and license fees. 18357

(2) A corporation may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if an application for licensure is filed by an officer of the corporation and the officer, another officer, or the qualifying agent of the corporation satisfies the requirements of divisions (A) (1) and (F) (1) of this section. Officers and the statutory agent of a corporation shall be determined in accordance with Chapter 1701. of the Revised Code.

(3) At least one partner in a partnership shall be licensed as a private investigator, or as a security guard provider, or as a private investigator and a security guard provider. Partners in a partnership shall be determined as provided for in Chapter 1775. or 1776. of the Revised Code.

(B) An application for a class A, B, or C license shall be completed in the form the director prescribes. In the case of an individual, the application shall state the applicant's name, birth date, citizenship, physical description, current residence, residences for the preceding ten years, current employment, employment for the preceding seven years, experience qualifications, the location of each of the applicant's offices in this state, and any other information that is necessary in order for the director to comply with the requirements of this chapter. In the case of a corporation, the application shall state the name of the officer or qualifying agent filing the application; the state in which the corporation is incorporated and the date of incorporation; the states in which the corporation is authorized to transact business; the name of its qualifying agent; the name of the officer or qualifying agent of the corporation who satisfies the requirements of divisions (A)

(1) and (F) (1) of this section and the birth date, citizenship, 18389
physical description, current residence, residences for the 18390
preceding ten years, current employment, employment for the 18391
preceding seven years, and experience qualifications of that 18392
officer or qualifying agent; and other information that the 18393
director requires. A corporation may specify in its application 18394
information relative to one or more individuals who satisfy the 18395
requirements of divisions (A) (1) and (F) (1) of this section. 18396

The application described in this division shall be 18397
accompanied by all of the following: 18398

(1) One recent full-face photograph of the applicant or, 18399
in the case of a corporation, of each officer or qualifying 18400
agent specified in the application as satisfying the 18401
requirements of divisions (A) (1) and (F) (1) of this section; 18402

(2) ~~Character references~~ References from at least five 18403
reputable citizens for the applicant or, in the case of a 18404
corporation, for each officer or qualifying agent specified in 18405
the application as satisfying the requirements of divisions (A) 18406
(1) and (F) (1) of this section, each of whom has known the 18407
applicant, officer, or qualifying agent for at least five years 18408
preceding the application, and none of whom are connected with 18409
the applicant, officer, or qualifying agent by blood or 18410
marriage; 18411

(3) An examination fee of twenty-five dollars for the 18412
applicant or, in the case of a corporation, for each officer or 18413
qualifying agent specified in the application as satisfying the 18414
requirements of divisions (A) (1) and (F) (1) of this section, and 18415
a license fee in the amount the director determines, not to 18416
exceed three hundred seventy-five dollars. The license fee shall 18417
be refunded if a license is not issued. 18418

(C) (1) Each individual applying for a license and each individual specified by a corporation as an officer or qualifying agent in an application shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The individual shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C) (2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C) (1) of section 109.572 of the Revised Code. An applicant who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or employment shall so notify the superintendent. This notification is in addition to any other requirement related to carrying a firearm that applies to the applicant. The individual or corporation requesting the criminal records check shall pay the fee the superintendent prescribes.

(2) The superintendent shall conduct the criminal records check as set forth in division (B) of section 109.572 of the Revised Code. If an applicant intends to carry a firearm in the course of business or employment, the superintendent shall make a request to the federal bureau of investigation for any information and review the information the bureau provides pursuant to division (B) (2) of section 109.572 of the Revised Code. The superintendent shall submit all results of the completed investigation to the director of public safety.

(3) If the director determines that the applicant, officer, or qualifying agent meets the requirements of divisions (A) (1) (a), (b), and (d) of this section and that an officer or qualifying agent meets the requirement of division (F) (1) of this section, the director shall notify the applicant, officer,

or agent of the time and place for the examination. If the 18450
director determines that an applicant does not meet the 18451
requirements of divisions (A) (1) (a), (b), and (d) of this 18452
section, the director shall notify the applicant that the 18453
applicant's application is refused and refund the license fee. 18454
If the director determines that none of the individuals 18455
specified in the application of a corporation as satisfying the 18456
requirements of divisions (A) (1) and (F) (1) of this section meet 18457
the requirements of divisions (A) (1) (a), (b), and (d) and (F) (1) 18458
of this section, the director shall notify the corporation that 18459
its application is refused and refund the license fee. If the 18460
bureau assesses the director a fee for any investigation, the 18461
director, in addition to any other fee assessed pursuant to this 18462
chapter, may assess the applicant, officer, or qualifying agent, 18463
as appropriate, a fee that is equal to the fee assessed by the 18464
bureau. 18465

(4) (a) Subject to ~~divisions~~ division (C) (4) ~~(b), (c), and~~ 18466
~~(d)~~ of this section, the director shall not adopt, maintain, 18467
renew, or enforce any rule, or otherwise preclude in any way, an 18468
individual from ~~receiving or renewing~~ a license under this 18469
chapter due to any past criminal activity or interpretation of 18470
moral character, ~~except as pursuant to division (A) (1) (a) of~~ 18471
~~this section~~. If the director denies an individual a ~~license or~~ 18472
license renewal, the reasons for such denial shall be put in 18473
writing. 18474

(b) ~~Except as otherwise provided in this division, if an~~ 18475
~~individual applying for a license has been convicted of or~~ 18476
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 18477
~~turpitude or a disqualifying offense less than one year prior to~~ 18478
~~making the application, the~~ The director may use the director's 18479
~~discretion in granting or denying the individual~~ refuse to issue 18480

~~a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the director may use the director's discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the director, prior to the effective date of this amendment, was required or authorized to deny the application based on that offense.~~

~~In all other circumstances, the director shall follow the procedures the director adopts by rule that conform to division (C) (4) (a) of this section to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code.~~

(c) In considering a renewal of an individual's license, the director shall not consider any conviction or plea of guilty prior to the initial licensing. However, the director may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(d) The director may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(D) If upon application, investigation, and examination, the director finds that the applicant or, in the case of a corporation, any officer or qualifying agent specified in the application as satisfying the requirements of divisions (A) (1) and (F) (1) of this section, meets the applicable requirements,

the director shall issue the applicant or the corporation a 18511
class A, B, or C license. The director also shall issue an 18512
identification card to an applicant, but not an officer or 18513
qualifying agent of a corporation, who meets the applicable 18514
requirements. The license and identification card shall state 18515
the licensee's name, the classification of the license, the 18516
location of the licensee's principal place of business in this 18517
state, and the expiration date of the license, and, in the case 18518
of a corporation, it also shall state the name of each officer 18519
or qualifying agent who satisfied the requirements of divisions 18520
(A) (1) and (F) (1) of this section. 18521

Licenses expire on the first day of March following the 18522
date of initial issue, and on the first day of March of each 18523
year thereafter. Annual renewals shall be according to the 18524
standard renewal procedures contained in Chapter 4745. of the 18525
Revised Code, upon payment of an annual renewal fee the director 18526
determines, not to exceed two hundred seventy-five dollars. No 18527
license shall be renewed if the licensee or, in the case of a 18528
corporation, each officer or qualifying agent who qualified the 18529
corporation for licensure no longer meets the applicable 18530
requirements of this section. No license shall be renewed unless 18531
the licensee provides evidence of workers' compensation risk 18532
coverage and unemployment compensation insurance coverage, other 18533
than for clerical employees and excepting sole proprietors who 18534
are exempted therefrom, as provided for in Chapters 4123. and 18535
4141. of the Revised Code, respectively, as well as the 18536
licensee's state tax identification number. No reexamination 18537
shall be required for renewal of a current license. 18538

For purposes of this chapter, a class A, B, or C license 18539
issued to a corporation shall be considered as also having 18540
licensed the individuals who qualified the corporation for 18541

licensure, for as long as they are associated with the 18542
corporation. 18543

For purposes of this division, "sole proprietor" means an 18544
individual licensed under this chapter who does not employ any 18545
other individual. 18546

(E) The director may issue a duplicate copy of a license 18547
issued under this section for the purpose of replacement of a 18548
lost, spoliated, or destroyed license, upon payment of a fee the 18549
director determines, not exceeding twenty-five dollars. Any 18550
change in license classification requires new application and 18551
application fees. 18552

(F) (1) In order to qualify a corporation for a class A, B, 18553
or C license, an officer or qualifying agent may qualify another 18554
corporation for similar licensure, provided that the officer or 18555
qualifying agent is actively engaged in the business of both 18556
corporations. 18557

(2) Each officer or qualifying agent who qualifies a 18558
corporation for class A, B, or C licensure shall surrender any 18559
personal license of a similar nature that the officer or 18560
qualifying agent possesses. 18561

(3) Upon written notification to the director, completion 18562
of an application similar to that for original licensure, 18563
surrender of the corporation's current license, and payment of a 18564
twenty-five-dollar fee, a corporation's class A, B, or C license 18565
may be transferred to another corporation. 18566

(4) Upon written notification to the director, completion 18567
of an application similar to that for an individual seeking 18568
class A, B, or C licensure, payment of a twenty-five-dollar fee, 18569
and, if the individual was the only individual that qualified a 18570

corporation for licensure, surrender of the corporation's 18571
license, any officer or qualifying agent who qualified a 18572
corporation for licensure under this chapter may obtain a 18573
similar license in the individual's own name without 18574
reexamination. A request by an officer or qualifying agent for 18575
an individual license shall not affect a corporation's license 18576
unless the individual is the only individual that qualified the 18577
corporation for licensure or all the other individuals who 18578
qualified the corporation for licensure submit such requests. 18579

(G) If a corporation is for any reason no longer 18580
associated with an individual who qualified it for licensure 18581
under this chapter, an officer of the corporation shall notify 18582
the director of that fact by certified mail, return receipt 18583
requested, within ten days after the association terminates. If 18584
the notification is so given, the individual was the only 18585
individual that qualified the corporation for licensure, and the 18586
corporation submits the name of another officer or qualifying 18587
agent to qualify the corporation for the license within thirty 18588
days after the association terminates, the corporation may 18589
continue to operate in the business of private investigation, 18590
the business of security services, or both businesses in this 18591
state under that license for ninety days after the association 18592
terminates. If the officer or qualifying agent whose name is 18593
submitted satisfies the requirements of divisions (A) (1) and (F) 18594
(1) of this section, the director shall issue a new license to 18595
the corporation within that ninety-day period. The names of more 18596
than one individual may be submitted. 18597

Sec. 4751.20. (A) Subject to section 4751.32 of the 18598
Revised Code, the board of executives of long-term services and 18599
supports shall issue a nursing home administrator license to an 18600
individual under this section if all of the following 18601

requirements are satisfied: 18602

(1) The individual has submitted to the board a completed 18603
application for the license in accordance with rules adopted 18604
under section 4751.04 of the Revised Code. 18605

(2) If the individual is required by rules adopted under 18606
section 4751.04 of the Revised Code to serve as a nursing home 18607
administrator in training, the individual has paid to the board 18608
the administrator in training fee of fifty dollars. 18609

(3) The individual is at least twenty-one years of age. 18610

(4) The individual has successfully completed educational 18611
requirements and work experience specified in rules adopted 18612
under section 4751.04 of the Revised Code, including, if so 18613
required by the rules, experience obtained as a nursing home 18614
administrator in training. 18615

(5) ~~The individual is of good moral character.~~ 18616

~~(6)~~The individual has complied with section 4776.02 of 18617
the Revised Code regarding a criminal records check. 18618

~~(7)~~(6) The board, in ~~its discretion~~accordance with 18619
section 9.79 of the Revised Code, has determined that the 18620
results of the criminal records check do not make the individual 18621
ineligible for the license. 18622

~~(8)~~(7) The individual has passed the licensing 18623
examination administered under section 4751.15 of the Revised 18624
Code. 18625

~~(9)~~(8) The individual has paid to the board a license fee 18626
of two hundred fifty dollars. 18627

~~(10)~~(9) The individual has satisfied any additional 18628

requirements as may be prescribed in rules adopted under section 18629
4751.04 of the Revised Code. 18630

(B) A nursing home administrator license shall certify 18631
that the individual to whom it was issued has met the applicable 18632
requirements of this chapter and any applicable rules adopted 18633
under section 4751.04 of the Revised Code and is authorized to 18634
practice nursing home administration while the license is valid. 18635

Sec. 4751.202. (A) Subject to section 4751.32 of the 18636
Revised Code, the board of executives of long-term services and 18637
supports may issue a temporary nursing home administrator 18638
license to an individual if all of the following requirements 18639
are satisfied: 18640

(1) The operator of a nursing home has requested that the 18641
board issue a temporary nursing home administrator license to 18642
the individual to authorize the individual to temporarily 18643
practice nursing home administration at the nursing home because 18644
of a vacancy in the position of nursing home administrator at 18645
the nursing home resulting from a death, illness, or other 18646
unexpected cause. 18647

(2) The individual is at least twenty-one years of age. 18648

(3) ~~The individual is of good moral character.~~ 18649

~~(4)~~ The individual has complied with section 4776.02 of 18650
the Revised Code regarding a criminal records check. 18651

~~(5)~~ (4) The board, in ~~its discretion~~ accordance with 18652
section 9.79 of the Revised Code, has determined that the 18653
results of the criminal records check do not make the individual 18654
ineligible for the license. 18655

~~(6)~~ (5) The individual has paid to the board a fee for the 18656

temporary license of one hundred dollars. 18657

~~(7)~~ (6) The individual has satisfied any additional 18658
requirements as may be prescribed in rules adopted under section 18659
4751.04 of the Revised Code. 18660

(B) A temporary nursing home administrator license shall 18661
certify that the individual to whom it was issued has met the 18662
applicable requirements of this chapter and any applicable rules 18663
adopted under section 4751.04 of the Revised Code and is 18664
authorized to practice nursing home administration while the 18665
temporary license is valid. 18666

(C) Except as provided in section 4751.32 of the Revised 18667
Code, a temporary nursing home administrator license is valid 18668
for a period of time the board shall specify on the temporary 18669
license. That period shall not exceed one hundred eighty days. 18670
If that period is less than one hundred eighty days, the 18671
individual holding the temporary license may apply to the board 18672
for renewal of the temporary license in accordance with rules 18673
the board shall adopt under section 4751.04 of the Revised Code. 18674
Except as provided in section 4751.32 of the Revised Code, a 18675
renewed temporary nursing home administrator license is valid 18676
for a period of time the board shall specify on the renewed 18677
temporary license. That period shall not exceed the difference 18678
between one hundred eighty days and the number of days for which 18679
the original temporary license was valid. A renewed temporary 18680
nursing home administrator license shall not be renewed. A 18681
licensed temporary nursing home administrator who intends to 18682
continue to practice nursing home administration after the 18683
temporary license, including, if applicable, the renewed 18684
temporary license, expires must obtain a nursing home 18685
administrator license under section 4751.20 of the Revised Code. 18686

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

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

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

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

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

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

(6) The individual has paid to the board a license fee of one hundred dollars.

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

Sec. 4751.32. (A) ~~The~~Except as provided in division (D) of this section, the board of executives of long-term services and supports may take any of the actions authorized by division

(B) of this section against an individual who has applied for or holds a nursing home administrator license, temporary nursing home administrator license, or health services executive license if any of the following apply to the individual:

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

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

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

(4) The individual has acted in a manner inconsistent with the health and safety of either of the following:

(a) The residents of the nursing home at which the individual practices nursing home administration;

(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.

(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:	18744
(a) A felony;	18745
(b) An offense of moral turpitude that constitutes a misdemeanor in this state.	18746 18747
(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.	18748 18749 18750 18751
(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.	18752 18753 18754 18755 18756
(8) The individual has substantially deviated from the board's code of ethics.	18757 18758
(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:	18759 18760 18761
(a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice;	18762 18763 18764
(b) Imposed probation;	18765
(c) Issued a censure or other reprimand.	18766
(10) The individual has failed to do any of the following:	18767
(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;	18768 18769
(b) Respond to or comply with a subpoena issued by the	18770

board in an investigation of the individual; 18771

(c) Comply with any disciplinary action the board has 18772
taken against the individual pursuant to this section. 18773

(B) The following are the actions that the board may take 18774
for the purpose of division (A) of this section: 18775

(1) Deny the individual any of the following: 18776

(a) A nursing home administrator license under section 18777
4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code; 18778

(b) A temporary nursing home administrator license under 18779
section 4751.202 or 4751.23 of the Revised Code; 18780

(c) A health services executive license under section 18781
4751.21, 4751.23, or 4751.25 of the Revised Code. 18782

(2) Suspend the individual's nursing home administrator 18783
license, temporary nursing home administrator license, or health 18784
services executive license; 18785

(3) Revoke the individual's nursing home administrator 18786
license, temporary nursing home administrator license, or health 18787
services executive license, either permanently or for a period 18788
of time the board specifies; 18789

(4) Place a limitation on the individual's nursing home 18790
administrator license, temporary nursing home administrator 18791
license, or health services executive license; 18792

(5) Place the individual on probation; 18793

(6) Issue a written reprimand of the individual; 18794

(7) Impose on the individual a civil penalty, fine, or 18795
other sanction specified in rules adopted under section 4751.04 18796
of the Revised Code. 18797

(C) The board shall take actions authorized by division 18798
(B) of this section in accordance with Chapter 119. of the 18799
Revised Code, except that the board may enter into a consent 18800
agreement with an individual to resolve an alleged violation of 18801
this chapter or a rule adopted under section 4751.04 of the 18802
Revised Code in lieu of making an adjudication regarding the 18803
alleged violation. A consent agreement constitutes the board's 18804
findings and order with respect to the matter addressed in the 18805
consent agreement if the board ratifies the consent agreement. 18806
Any admissions or findings included in a proposed consent 18807
agreement have no force or effect if the board refuses to ratify 18808
the consent agreement. 18809

(D) The board shall not refuse to issue an initial nursing 18810
home administrator license, temporary nursing home administrator 18811
license, or health services executive license, unless the 18812
refusal is in accordance with section 9.79 of the Revised Code. 18813

Sec. 4752.09. (A) The state board of pharmacy may, in 18814
accordance with Chapter 119. of the Revised Code, impose any one 18815
or more of the following sanctions on an applicant for a license 18816
or certificate of registration issued under this chapter or a 18817
license or certificate holder for any of the causes set forth in 18818
division (B) of this section: 18819

(1) Suspend, revoke, restrict, limit, or refuse to grant 18820
or renew a license or certificate of registration; 18821

(2) Reprimand or place the license or certificate holder 18822
on probation; 18823

(3) Impose a monetary penalty or forfeiture not to exceed 18824
in severity any fine designated under the Revised Code for a 18825
similar offense or not more than five thousand dollars if the 18826

acts committed are not classified as an offense by the Revised Code.	18827 18828
(B) The board may impose the sanctions listed in division (A) of this section for any of the following:	18829 18830
(1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;	18831 18832 18833
(2) A plea of guilty to or a judicial finding of guilt of a felony or a misdemeanor that involves dishonesty or is directly related to the provision of home medical equipment services;	18834 18835 18836 18837
(3) Making a material misstatement in furnishing information to the board;	18838 18839
(4) Professional incompetence;	18840
(5) Being guilty of negligence or gross misconduct in providing home medical equipment services;	18841 18842
(6) Aiding, assisting, or willfully permitting another person to violate any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;	18843 18844 18845 18846
(7) Failing to provide information in response to a written request by the board;	18847 18848
(8) Engaging in conduct likely to deceive, defraud, or harm the public;	18849 18850
(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or	18851 18852 18853

jurisdiction; 18854

(10) Directly or indirectly giving to or receiving from 18855
any person a fee, commission, rebate, or other form of 18856
compensation for services not rendered; 18857

(11) Knowingly making or filing false records, reports, or 18858
billings in the course of providing home medical equipment 18859
services, including false records, reports, or billings prepared 18860
for or submitted to state and federal agencies or departments; 18861

(12) Failing to comply with federal rules issued pursuant 18862
to the medicare program established under Title XVIII of the 18863
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 18864
amended, relating to operations, financial transactions, and 18865
general business practices of home medical services providers; 18866

(13) Any other cause for which the board may impose 18867
sanctions as set forth in rules adopted under section 4752.17 of 18868
the Revised Code. 18869

(C) Notwithstanding any provision of divisions (A) and (B) 18870
of this section to the contrary, the board shall not refuse to 18871
issue a license or certificate of registration to an applicant 18872
because of a plea of guilty to or a judicial finding of guilt of 18873
an offense unless the refusal is in accordance with section 9.79 18874
of the Revised Code. 18875

(D) The state board of pharmacy immediately may suspend a 18876
license without a hearing if it determines that there is 18877
evidence that the license holder is subject to actions under 18878
this section and that there is clear and convincing evidence 18879
that continued operation by the license holder presents an 18880
immediate and serious harm to the public. The board shall follow 18881
the procedure for suspension without a prior hearing in section 18882

119.07 of the Revised Code. The board may vote on the suspension 18883
by way of a telephone conference call. 18884

A suspension under this division shall remain in effect, 18885
unless reversed by the board, until a final adjudication order 18886
issued by the board pursuant to this section and Chapter 119. of 18887
the Revised Code becomes effective. The board shall issue its 18888
final adjudication order not later than ninety days after 18889
completion of the hearing. The board's failure to issue the 18890
order by that day shall cause the summary suspension to end, but 18891
shall not affect the validity of any subsequent final 18892
adjudication order. 18893

~~(D)~~(E) If the board is required under Chapter 119. of the 18894
Revised Code to give notice of an opportunity for a hearing and 18895
the applicant or license or certificate holder does not make a 18896
timely request for a hearing in accordance with section 119.07 18897
of the Revised Code, the board is not required to hold a 18898
hearing, but may adopt a final order that contains the board's 18899
findings. In the final order, the board may impose any of the 18900
sanctions listed in division (A) of this section. 18901

~~(E)~~(F) Notwithstanding the provision of division (C) (2) of 18902
section 2953.32 of the Revised Code specifying that if records 18903
pertaining to a criminal case are sealed under that section the 18904
proceedings in the case must be deemed not to have occurred, 18905
sealing of the following records on which the board has based an 18906
action under this section shall have no effect on the board's 18907
action or any sanction imposed by the board under this section: 18908
records of any conviction, guilty plea, judicial finding of 18909
guilt resulting from a plea of no contest, or a judicial finding 18910
of eligibility for a pretrial diversion program or intervention 18911
in lieu of conviction. The board shall not be required to seal, 18912

destroy, redact, or otherwise modify its records to reflect the 18913
court's sealing of conviction records. 18914

Sec. 4753.061. (A) As used in this section, "license" and 18915
"applicant for an initial license" have the same meanings as in 18916
section 4776.01 of the Revised Code, except that "license" as 18917
used in both of those terms refers to the types of 18918
authorizations otherwise issued or conferred under this chapter. 18919

(B) In addition to any other eligibility requirement set 18920
forth in this chapter, each applicant for an initial license 18921
shall comply with sections 4776.01 to 4776.04 of the Revised 18922
Code. The state speech and hearing professionals board shall not 18923
grant a license to an applicant for an initial license unless 18924
the applicant complies with sections 4776.01 to 4776.04 of the 18925
Revised Code ~~and the board, in its discretion, decides that the~~ 18926
~~results of the criminal records check do not make the applicant~~ 18927
~~ineligible for a license issued pursuant to section 4753.06 or~~ 18928
~~4753.07 of the Revised Code.~~ 18929

Sec. 4753.10. (A) In accordance with Chapter 119. of the 18930
Revised Code, the state speech and hearing professionals board 18931
may reprimand or place on probation a speech-language 18932
pathologist or audiologist or suspend, revoke, or, except as 18933
provided in division (B) of this section, refuse to issue or 18934
renew the license of a speech-language pathologist or 18935
audiologist. Disciplinary actions may be taken by the board for 18936
conduct that may result from but not necessarily be limited to: 18937

~~(A)~~ (1) Fraud, deception, or misrepresentation in obtaining 18938
or attempting to obtain a license; 18939

~~(B)~~ (2) Fraud, deception, or misrepresentation in using a 18940
license; 18941

(C) <u>(3)</u> Altering a license;	18942
(D) <u>(4)</u> Aiding or abetting unlicensed practice;	18943
(E) <u>(5)</u> Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:	18944 18945 18946
(1) <u>(a)</u> Making or filing a false report or record in the practice of speech-language pathology or audiology;	18947 18948
(2) <u>(b)</u> Submitting a false statement to collect a fee;	18949
(3) <u>(c)</u> Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.	18950 18951 18952
(F) <u>(6)</u> Using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation;	18953 18954 18955 18956
(G) <u>(7)</u> Falsely representing the use or availability of services or advice of a physician;	18957 18958
(H) <u>(8)</u> Misrepresenting the applicant, licensee, or holder by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;	18959 18960 18961 18962
(I) <u>(9)</u> Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech- language pathology or audiology;	18963 18964 18965
(J) <u>(10)</u> Engaging in illegal, incompetent, or habitually negligent practice;	18966 18967
(K) <u>(11)</u> Providing professional services while:	18968

(1) <u>(a)</u> Mentally incompetent;	18969
(2) <u>(b)</u> Under the influence of alcohol;	18970
(3) <u>(c)</u> Using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication.	18971 18972 18973
(E) <u>(12)</u> Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances, or products in accordance with results obtained utilizing appropriate assessment procedures and instruments;	18974 18975 18976 18977 18978
(M) <u>(13)</u> Violating this chapter or any lawful order given or rule adopted by the board;	18979 18980
(N) <u>(14)</u> Being convicted of or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;	18981 18982 18983 18984
(O) <u>(15)</u> Being disciplined by a licensing or disciplinary authority of this or any other state or country or convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section.	18985 18986 18987 18988 18989
<u>(B) The board shall not refuse to issue a license to an applicant because of a conviction of or a plea of guilty or nolo contendere to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	18990 18991 18992 18993
<u>(C) After revocation of a license under this section, application may be made to the board for reinstatement. The board, in accordance with an order of revocation as issued under</u>	18994 18995 18996

Chapter 119. of the Revised Code, may require an examination for reinstatement. 18997
18998

(D) If any person has engaged in any practice which 18999
constitutes an offense under the provisions of this chapter or 19000
rules promulgated thereunder by the board, the board may apply 19001
to the court of common pleas of the county for an injunction or 19002
other appropriate order restraining such conduct, and the court 19003
may issue such order. 19004

(E) Any person who wishes to make a complaint against any 19005
person licensed pursuant to this chapter shall submit the 19006
complaint in writing to the board within one year from the date 19007
of the action or event upon which the complaint is based. The 19008
board shall determine whether the allegations in the complaint 19009
are of a sufficiently serious nature to warrant formal 19010
disciplinary charges against the licensee pursuant to this 19011
section. If the board determines that formal disciplinary 19012
charges are warranted, it shall proceed in accordance with the 19013
procedures established in Chapter 119. of the Revised Code. 19014

Sec. 4755.06. The occupational therapy section of the Ohio 19015
occupational therapy, physical therapy, and athletic trainers 19016
board may make reasonable rules in accordance with Chapter 119. 19017
of the Revised Code relating to, but not limited to, the 19018
following: 19019

(A) The form and manner for filing applications for 19020
licensure under sections 4755.04 to 4755.13 of the Revised Code; 19021

(B) The issuance, suspension, and revocation of the 19022
licenses and the conducting of investigations and hearings; 19023

(C) Standards for approval of courses of study relative to 19024
the practice of occupational therapy; 19025

(D) The time and form of examination for the licensure;	19026
(E) Standards of ethical conduct in the practice of occupational therapy;	19027 19028
(F) The form and manner for filing applications for renewal and a schedule of deadlines for renewal;	19029 19030
(G) The conditions under which a license of a licensee who files a late application for renewal will be reinstated;	19031 19032
(H) Placing an existing license in escrow;	19033
(I) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;	19034 19035 19036
(J) Guidelines for limited permits;	19037
(K) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	19038 19039
(L) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges;	19040 19041 19042
(M) The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.	19043 19044
The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty, and <u>and</u> truthfulness, and good reputation of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license.	19045 19046 19047 19048 19049 19050 19051
Sec. 4755.07. No person shall qualify for licensure as an	19052

occupational therapist or as an occupational therapy assistant 19053
unless the person has shown to the satisfaction of the 19054
occupational therapy section of the Ohio occupational therapy, 19055
physical therapy, and athletic trainers board that the person: 19056

~~(A) Is of good moral character;~~ 19057

~~(B)~~ Has successfully completed the academic requirements 19058
of an educational program recognized by the section, including a 19059
concentration of instruction in basic human sciences, the human 19060
development process, occupational tasks and activities, the 19061
health-illness-health continuum, and occupational therapy theory 19062
and practice; 19063

~~(C)~~ (B) Has successfully completed a period of supervised 19064
field work experience at a recognized educational institution or 19065
a training program approved by the educational institution where 19066
the person met the academic requirements. For an occupational 19067
therapist, a minimum of six months of supervised field work 19068
experience is required. For an occupational therapy assistant, a 19069
minimum of two months of supervised field work experience is 19070
required. 19071

~~(D)~~ (C) Has successfully passed a written examination 19072
testing the person's knowledge of the basic and clinical 19073
sciences relating to occupational therapy, and occupational 19074
therapy theory and practice, including the applicant's 19075
professional skills and judgment in the utilization of 19076
occupational therapy techniques and methods, and such other 19077
subjects as the section may consider useful to determine the 19078
applicant's fitness to practice. The section may require 19079
separate examinations of applicants for licensure as 19080
occupational therapy assistants and applicants for licensure as 19081
occupational therapists. 19082

Applicants for licensure shall be examined at a time and 19083
place and under such supervision as the section determines. 19084

Sec. 4755.08. The occupational therapy section of the Ohio 19085
occupational therapy, physical therapy, and athletic trainers 19086
board shall issue a license to every applicant who has passed 19087
the appropriate examination designated by the section and who 19088
otherwise complies with the licensure requirements of sections 19089
4755.04 to 4755.13 of the Revised Code. The license entitles the 19090
holder to practice occupational therapy or to assist in the 19091
practice of occupational therapy. The licensee shall display the 19092
license in a conspicuous place at the licensee's principal place 19093
of business. 19094

The section may issue a limited permit to persons who have 19095
satisfied the requirements of divisions (A) ~~to (C)~~ and (B) of 19096
section 4755.07 of the Revised Code. This permit allows the 19097
person to practice as an occupational therapist or occupational 19098
therapy assistant under the supervision of a licensed 19099
occupational therapist and is valid until the date on which the 19100
results of the examination are made public. This limited permit 19101
shall not be renewed if the applicant has failed the 19102
examination. 19103

Sec. 4755.11. (A) In accordance with Chapter 119. of the 19104
Revised Code, the occupational therapy section of the Ohio 19105
occupational therapy, physical therapy, and athletic trainers 19106
board may suspend, revoke, or, except as provided in division 19107
(B) of this section, refuse to issue or renew an occupational 19108
therapist license, occupational therapy assistant license, 19109
occupational therapist limited permit, occupational therapy 19110
assistant limited permit, or reprimand, fine, place a license or 19111
limited permit holder on probation, or require the license or 19112

limited permit holder to take corrective action courses, for any	19113
of the following:	19114
(1) Conviction of an offense involving moral turpitude or	19115
a felony, regardless of the state or country in which the	19116
conviction occurred;	19117
(2) Violation of any provision of sections 4755.04 to	19118
4755.13 of the Revised Code;	19119
(3) Violation of any lawful order or rule of the	19120
occupational therapy section;	19121
(4) Obtaining or attempting to obtain a license or limited	19122
permit issued by the occupational therapy section by fraud or	19123
deception, including the making of a false, fraudulent,	19124
deceptive, or misleading statements <u>statement</u> in relation to	19125
these activities;	19126
(5) Negligence, unprofessional conduct, or gross	19127
misconduct in the practice of the profession of occupational	19128
therapy;	19129
(6) Accepting commissions or rebates or other forms of	19130
remuneration for referring persons to other professionals;	19131
(7) Communicating, without authorization, information	19132
received in professional confidence;	19133
(8) Using controlled substances, habit forming drugs, or	19134
alcohol to an extent that it impairs the ability to perform the	19135
work of an occupational therapist, occupational therapy	19136
assistant, occupational therapist limited permit holder, or	19137
occupational therapy assistant limited permit holder;	19138
(9) Practicing in an area of occupational therapy for	19139
which the individual is untrained or incompetent;	19140

(10) Failing the licensing or Ohio jurisprudence examination;	19141 19142
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	19143 19144
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	19145 19146 19147 19148
(13) Except as provided in division (B) (C) of this section:	19149 19150
(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 occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	19151 19152 19153 19154 19155 19156
(b) Advertising that the individual will waive 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 occupational therapy, would otherwise be required to pay.	19157 19158 19159 19160 19161
(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section;	19162 19163 19164 19165 19166 19167
(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;	19168 19169

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;

(19) (a) Except as provided in division (A) (19) (b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license or limited permit to practice; 19199
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(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy; 19202
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(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code. 19205
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(B) The occupational therapy section shall not refuse to issue a license or limited permit to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 19208
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(C) Sanctions shall not be imposed under division (A) (13) of this section against any individual who waives deductibles and copayments as follows: 19212
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request. 19215
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section. 19221
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~~(C)~~ (D) Except as provided in division ~~(D)~~ (E) of this section, the suspension or revocation of a license or limited permit under this section is not effective until either the 19225
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order for suspension or revocation has been affirmed following 19228
an adjudication hearing, or the time for requesting a hearing 19229
has elapsed. 19230

When a license or limited permit is revoked under this 19231
section, application for reinstatement may not be made sooner 19232
than one year after the date of revocation. The occupational 19233
therapy section may accept or refuse an application for 19234
reinstatement and may require that the applicant pass an 19235
examination as a condition of reinstatement. 19236

When a license or limited permit holder is placed on 19237
probation under this section, the occupational therapy section's 19238
probation order shall be accompanied by a statement of the 19239
conditions under which the individual may be removed from 19240
probation and restored to unrestricted practice. 19241

~~(D)~~ (E) On receipt of a complaint that a person who holds a 19242
license or limited permit issued by the occupational therapy 19243
section has committed any of the prohibited actions listed in 19244
division (A) of this section, the section may immediately 19245
suspend the license or limited permit prior to holding a hearing 19246
in accordance with Chapter 119. of the Revised Code if it 19247
determines, based on the complaint, that the licensee or limited 19248
permit holder poses an immediate threat to the public. The 19249
section may review the allegations and vote on the suspension by 19250
telephone conference call. If the section votes to suspend a 19251
license or limited permit under this division, the section shall 19252
issue a written order of summary suspension to the licensee or 19253
limited permit holder in accordance with section 119.07 of the 19254
Revised Code. If the individual whose license or limited permit 19255
is suspended fails to make a timely request for an adjudication 19256
under Chapter 119. of the Revised Code, the section shall enter 19257

a final order permanently revoking the individual's license or 19258
limited permit. Notwithstanding section 119.12 of the Revised 19259
Code, a court of common pleas shall not grant a suspension of 19260
the section's order of summary suspension pending the 19261
determination of an appeal filed under that section. Any order 19262
of summary suspension issued under this division shall remain in 19263
effect, unless reversed on appeal, until a final adjudication 19264
order issued by the section pursuant to division (A) of this 19265
section becomes effective. The section shall issue its final 19266
adjudication order regarding an order of summary suspension 19267
issued under this division not later than ninety days after 19268
completion of its hearing. Failure to issue the order within 19269
ninety days shall result in immediate dissolution of the 19270
suspension order, but shall not invalidate any subsequent, final 19271
adjudication order. 19272

~~(E)~~ (F) If any person other than a person who holds a 19273
license or limited permit issued under section 4755.08 of the 19274
Revised Code has engaged in any practice that is prohibited 19275
under sections 4755.04 to 4755.13 of the Revised Code or the 19276
rules of the occupational therapy section, the section may apply 19277
to the court of common pleas of the county in which the 19278
violation occurred, for an injunction or other appropriate order 19279
restraining this conduct, and the court shall issue this order. 19280

Sec. 4755.47. (A) In accordance with Chapter 119. of the 19281
Revised Code, the physical therapy section of the Ohio 19282
occupational therapy, physical therapy, and athletic trainers 19283
board may, except as provided in division (B) of this section, 19284
refuse to grant a license to an applicant for an initial or 19285
renewed license as a physical therapist or physical therapist 19286
assistant or, by an affirmative vote of not less than five 19287
members, may limit, suspend, or revoke the license of a physical 19288

therapist or physical therapist assistant or reprimand, fine, 19289
place a license holder on probation, or require the license 19290
holder to take corrective action courses, on any of the 19291
following grounds: 19292

(1) Habitual indulgence in the use of controlled 19293
substances, other habit-forming drugs, or alcohol to an extent 19294
that affects the individual's professional competency; 19295

(2) Conviction of a felony or a crime involving moral 19296
turpitude, regardless of the state or country in which the 19297
conviction occurred; 19298

(3) Obtaining or attempting to obtain a license issued by 19299
the physical therapy section by fraud or deception, including 19300
the making of a false, fraudulent, deceptive, or misleading 19301
statement; 19302

(4) An adjudication by a court, as provided in section 19303
5122.301 of the Revised Code, that the applicant or licensee is 19304
incompetent for the purpose of holding the license and has not 19305
thereafter been restored to legal capacity for that purpose; 19306

(5) Subject to section 4755.471 of the Revised Code, 19307
violation of the code of ethics adopted by the physical therapy 19308
section; 19309

(6) Violating or attempting to violate, directly or 19310
indirectly, or assisting in or abetting the violation of or 19311
conspiring to violate sections 4755.40 to 4755.56 of the Revised 19312
Code or any order issued or rule adopted under those sections; 19313

(7) Failure of one or both of the examinations required 19314
under section 4755.43 or 4755.431 of the Revised Code; 19315

(8) Permitting the use of one's name or license by a 19316

person, group, or corporation when the one permitting the use is	19317
not directing the treatment given;	19318
(9) Denial, revocation, suspension, or restriction of	19319
authority to practice a health care occupation, including	19320
physical therapy, for any reason other than a failure to renew,	19321
in Ohio or another state or jurisdiction;	19322
(10) Failure to maintain minimal standards of practice in	19323
the administration or handling of drugs, as defined in section	19324
4729.01 of the Revised Code, or failure to employ acceptable	19325
scientific methods in the selection of drugs, as defined in	19326
section 4729.01 of the Revised Code, or other modalities for	19327
treatment;	19328
(11) Willful betrayal of a professional confidence;	19329
(12) Making a false, fraudulent, deceptive, or misleading	19330
statement in the solicitation of or advertising for patients in	19331
relation to the practice of physical therapy;	19332
(13) A departure from, or the failure to conform to,	19333
minimal standards of care required of licensees when under the	19334
same or similar circumstances, whether or not actual injury to a	19335
patient is established;	19336
(14) Obtaining, or attempting to obtain, money or anything	19337
of value by fraudulent misrepresentations in the course of	19338
practice;	19339
(15) Violation of the conditions of limitation or	19340
agreements placed by the physical therapy section on a license	19341
to practice;	19342
(16) Failure to renew a license in accordance with section	19343
4755.46 of the Revised Code;	19344

- (17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business; 19345
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- (18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills; 19349
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- (19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs; 19353
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- (20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code; 19356
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- (21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections; 19362
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- (22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section; 19368
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- (23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of 19372
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physical therapy; 19374

(24) (a) Except as provided in division (A) (24) (b) of this 19375
section, failure to cooperate with an investigation conducted by 19376
the physical therapy section, including failure to comply with a 19377
subpoena or orders issued by the section or failure to answer 19378
truthfully a question presented by the section at a deposition 19379
or in written interrogatories. 19380

(b) Failure to cooperate with an investigation does not 19381
constitute grounds for discipline under this section if a court 19382
of competent jurisdiction issues an order that either quashes a 19383
subpoena or permits the individual to withhold the testimony or 19384
evidence at issue. 19385

(25) Regardless of whether the contact or verbal behavior 19386
is consensual, engaging with a patient other than the spouse of 19387
the physical therapist or physical therapist assistant, in any 19388
of the following: 19389

(a) Sexual contact, as defined in section 2907.01 of the 19390
Revised Code; 19391

(b) Verbal behavior that is sexually demeaning to the 19392
patient or may be reasonably interpreted by the patient as 19393
sexually demeaning. 19394

(26) Failure to notify the physical therapy section of a 19395
change in name, business address, or home address within thirty 19396
days after the date of change; 19397

(27) Except as provided in division ~~(B)~~(C) of this 19398
section: 19399

(a) Waiving the payment of all or any part of a deductible 19400
or copayment that a patient, pursuant to a health insurance or 19401

health care policy, contract, or plan that covers physical 19402
therapy, would otherwise be required to pay if the waiver is 19403
used as an enticement to a patient or group of patients to 19404
receive health care services from that provider; 19405

(b) Advertising that the individual will waive the payment 19406
of all or any part of a deductible or copayment that a patient, 19407
pursuant to a health insurance or health care policy, contract, 19408
or plan that covers physical therapy, would otherwise be 19409
required to pay~~t~~. 19410

(28) Violation of any section of this chapter or rule 19411
adopted under it. 19412

(B) The physical therapy section shall not refuse to issue 19413
a license to an applicant because of a criminal conviction 19414
unless the refusal is in accordance with section 9.79 of the 19415
Revised Code. 19416

(C) Sanctions shall not be imposed under division (A) (27) 19417
of this section against any individual who waives deductibles 19418
and copayments as follows: 19419

(1) In compliance with the health benefit plan that 19420
expressly allows such a practice. Waiver of the deductibles or 19421
copayments shall be made only with the full knowledge and 19422
consent of the plan purchaser, payer, and third-party 19423
administrator. Documentation of the consent shall be made 19424
available to the physical therapy section upon request. 19425

(2) For professional services rendered to any other person 19426
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 19427
Code to the extent allowed by those sections and the rules of 19428
the physical therapy section. 19429

~~(C)~~ (D) When a license is revoked under this section, 19430

application for reinstatement may not be made sooner than one 19431
year after the date of revocation. The physical therapy section 19432
may accept or refuse an application for reinstatement and may 19433
require that the applicant pass an examination as a condition 19434
for reinstatement. 19435

When a license holder is placed on probation under this 19436
section, the physical therapy section's order for placement on 19437
probation shall be accompanied by a statement of the conditions 19438
under which the individual may be removed from probation and 19439
restored to unrestricted practice. 19440

~~(D)~~ (E) When an application for an initial or renewed 19441
license is refused under this section, the physical therapy 19442
section shall notify the applicant in writing of the section's 19443
decision to refuse issuance of a license and the reason for its 19444
decision. 19445

~~(E)~~ (F) On receipt of a complaint that a person licensed by 19446
the physical therapy section has committed any of the actions 19447
listed in division (A) of this section, the physical therapy 19448
section may immediately suspend the license of the physical 19449
therapist or physical therapist assistant prior to holding a 19450
hearing in accordance with Chapter 119. of the Revised Code if 19451
it determines, based on the complaint, that the person poses an 19452
immediate threat to the public. The physical therapy section may 19453
review the allegations and vote on the suspension by telephone 19454
conference call. If the physical therapy section votes to 19455
suspend a license under this division, the physical therapy 19456
section shall issue a written order of summary suspension to the 19457
person in accordance with section 119.07 of the Revised Code. If 19458
the person fails to make a timely request for an adjudication 19459
under Chapter 119. of the Revised Code, the physical therapy 19460

section shall enter a final order permanently revoking the 19461
person's license. Notwithstanding section 119.12 of the Revised 19462
Code, a court of common pleas shall not grant a suspension of 19463
the physical therapy section's order of summary suspension 19464
pending the determination of an appeal filed under that section. 19465
Any order of summary suspension issued under this division shall 19466
remain in effect, unless reversed on appeal, until a final 19467
adjudication order issued by the physical therapy section 19468
pursuant to division (A) of this section becomes effective. The 19469
physical therapy section shall issue its final adjudication 19470
order regarding an order of summary suspension issued under this 19471
division not later than ninety days after completion of its 19472
hearing. Failure to issue the order within ninety days shall 19473
result in immediate dissolution of the suspension order, but 19474
shall not invalidate any subsequent, final adjudication order. 19475

Sec. 4755.62. (A) No person shall claim to the public to 19476
be an athletic trainer or imply by words, actions, or letters 19477
that the person is an athletic trainer, or otherwise engage in 19478
the practice of athletic training, unless the person is licensed 19479
as an athletic trainer pursuant to this chapter. 19480

(B) Except as otherwise provided in division (B) of 19481
section 4755.65 of the Revised Code, no educational institution, 19482
partnership, association, or corporation shall advertise or 19483
otherwise offer to provide or convey the impression that it is 19484
providing athletic training unless an individual licensed as an 19485
athletic trainer pursuant to this chapter is employed by, or 19486
under contract to, the educational institution, partnership, 19487
association, or corporation and will be performing the athletic 19488
training services to which reference is made. 19489

(C) To qualify for an athletic trainers license, a person 19490

shall:	19491
(1) Have satisfactorily completed an application for licensure in accordance with rules adopted by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.61 of the Revised Code;	19492 19493 19494 19495 19496
(2) Have paid the examination fee required under this section;	19497 19498
(3) Be of good moral character;	19499
(4) Have shown, to the satisfaction of the athletic trainers section, that the applicant has received a baccalaureate or higher degree from an institution of higher education, approved by the athletic trainers section of the board and the federal regional accreditation agency and recognized by the council on postsecondary accreditation, and has satisfactorily completed the educational course work requirements established by rule of the athletic trainers section under section 4755.61 of the Revised Code.	19500 19501 19502 19503 19504 19505 19506 19507 19508
(5) <u>(4)</u> In addition to educational course work requirements, have obtained supervised clinical experience that meets the requirements established in rules adopted by the athletic trainers section under section 4755.61 of the Revised Code;	19509 19510 19511 19512 19513
(6) <u>(5)</u> Have passed an examination adopted by the athletic trainers section under division (A) (8) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the athletic trainers section.	19514 19515 19516 19517 19518
(D) The section may waive the requirements of division (C)	19519

of this section for any applicant who presents proof of current licensure in another state whose standards for licensure, as determined by the section, are equal to or greater than those in effect in this state on the date of application.

(E) The section shall issue a license to every applicant who complies with the requirements of division (C) of this section, files the required application form, and pays the fees required by section 4755.61 of the Revised Code. A license issued under this section entitles the holder to engage in the practice of athletic training, claim to the public to be an athletic trainer, or to imply by words or letters that the licensee is an athletic trainer. Each licensee shall display the licensee's license in a conspicuous place at the licensee's principal place of employment.

Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the following:

(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;

(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;

(4) Negligence or gross misconduct in the practice of

athletic training;	19549
(5) Violating the standards of ethical conduct in the	19550
practice of athletic training as adopted by the athletic	19551
trainers section under section 4755.61 of the Revised Code;	19552
(6) Using any controlled substance or alcohol to the	19553
extent that the ability to practice athletic training at a level	19554
of competency is impaired;	19555
(7) Practicing in an area of athletic training for which	19556
the individual is untrained, incompetent, or practicing without	19557
the referral of a practitioner licensed under Chapter 4731. of	19558
the Revised Code, a dentist licensed under Chapter 4715. of the	19559
Revised Code, a chiropractor licensed under Chapter 4734. of the	19560
Revised Code, or a physical therapist licensed under this	19561
chapter;	19562
(8) Employing, directing, or supervising a person in the	19563
performance of athletic training procedures who is not	19564
authorized to practice as a licensed athletic trainer under this	19565
chapter;	19566
(9) Misrepresenting educational attainments or the	19567
functions the individual is authorized to perform for the	19568
purpose of obtaining some benefit related to the individual's	19569
athletic training practice;	19570
(10) Failing the licensing examination;	19571
(11) Aiding or abetting the unlicensed practice of	19572
athletic training;	19573
(12) Denial, revocation, suspension, or restriction of	19574
authority to practice a health care occupation, including	19575
athletic training, for any reason other than a failure to renew,	19576

in Ohio or another state or jurisdiction. 19577

(B) The athletic trainers section shall not refuse to 19578
issue a license to an applicant because of a criminal conviction 19579
unless the refusal is in accordance with section 9.79 of the 19580
Revised Code. 19581

(C) If the athletic trainers section places a licensee on 19582
probation under division (A) of this section, the section's 19583
order for placement on probation shall be accompanied by a 19584
written statement of the conditions under which the person may 19585
be removed from probation and restored to unrestricted practice. 19586

~~(C)~~ (D) A licensee whose license has been revoked under 19587
division (A) of this section may apply to the athletic trainers 19588
section for reinstatement of the license one year following the 19589
date of revocation. The athletic trainers section may accept or 19590
deny the application for reinstatement and may require that the 19591
applicant pass an examination as a condition for reinstatement. 19592

~~(D)~~ (E) On receipt of a complaint that a person licensed by 19593
the athletic trainers section has committed any of the 19594
prohibited actions listed in division (A) of this section, the 19595
section may immediately suspend the license of a licensed 19596
athletic trainer prior to holding a hearing in accordance with 19597
Chapter 119. of the Revised Code if it determines, based on the 19598
complaint, that the licensee poses an immediate threat to the 19599
public. The section may review the allegations and vote on the 19600
suspension by telephone conference call. If the section votes to 19601
suspend a license under this division, the section shall issue a 19602
written order of summary suspension to the licensed athletic 19603
trainer in accordance with section 119.07 of the Revised Code. 19604
If the individual whose license is suspended fails to make a 19605
timely request for an adjudication under Chapter 119. of the 19606

Revised Code, the section shall enter a final order permanently 19607
revoking the individual's license. Notwithstanding section 19608
119.12 of the Revised Code, a court of common pleas shall not 19609
grant a suspension of the section's order of summary suspension 19610
pending the determination of an appeal filed under that section. 19611
Any order of summary suspension issued under this division shall 19612
remain in effect, unless reversed on appeal, until a final 19613
adjudication order issued by the section pursuant to division 19614
(A) of this section becomes effective. The section shall issue 19615
its final adjudication order regarding an order of summary 19616
suspension issued under this division not later than ninety days 19617
after completion of its hearing. Failure to issue the order 19618
within ninety days shall result in immediate dissolution of the 19619
suspension order, but shall not invalidate any subsequent, final 19620
adjudication order. 19621

Sec. 4755.70. (A) As used in this section, "license" and 19622
"applicant for an initial license" have the same meanings as in 19623
section 4776.01 of the Revised Code, except that "license" as 19624
used in both of those terms refers to the types of 19625
authorizations otherwise issued or conferred under this chapter. 19626

(B) In addition to any other eligibility requirement set 19627
forth in this chapter, each applicant for an initial license 19628
shall comply with sections 4776.01 to 4776.04 of the Revised 19629
Code. The occupational therapy section, the physical therapy 19630
section, and the athletic trainers section of the Ohio 19631
occupational therapy, physical therapy, and athletic trainers 19632
board shall not grant a license to an applicant for an initial 19633
license unless the applicant complies with sections 4776.01 to 19634
4776.04 of the Revised Code ~~and the board, in its discretion,~~ 19635
~~decides that the results of the criminal records check do not~~ 19636
~~make the applicant ineligible for a license issued pursuant to~~ 19637

~~section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451, or 4755.62 of the Revised Code.~~ 19638
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Sec. 4757.10. (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter. 19640
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(B) The board shall adopt rules that do all of the following: 19643
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(1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter; 19645
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(2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code; 19648
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~~(3) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;~~ 19651
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~~(4)~~ Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 19654
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~~(5)~~ (4) 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; 19656
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~~(6)~~ (5) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code; 19662
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~~(7)~~ (6) Provide for voluntary registration of all of the 19665

following: 19666

(a) Master's level counselor trainees enrolled in practice and internships; 19667
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(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships; 19669
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(c) Master's level marriage and family therapist trainees enrolled in practice and internships. 19671
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~~(8)~~ (7) Establish a schedule of deadlines for renewal. 19673

(C) Rules adopted under division (B) ~~(7)~~ (6) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board. 19674
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(D) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy. 19679
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Sec. 4757.101. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter. 19686
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(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised 19691
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Code. The counselor, social worker, and marriage and family 19694
therapist board shall not grant a license to an applicant for an 19695
initial license unless the applicant complies with sections 19696
4776.01 to 4776.04 of the Revised Code ~~and the board, in its~~ 19697
~~discretion, decides that the results of the criminal records~~ 19698
~~check do not make the applicant ineligible for a license issued~~ 19699
~~pursuant to section 4757.22, 4757.23, 4757.27, 4757.28, 4757.29,~~ 19700
~~4757.30, or 4757.301 of the Revised Code.~~ 19701

Sec. 4757.22. (A) The counselors professional standards 19702
committee of the counselor, social worker, and marriage and 19703
family therapist board shall issue a license to practice as a 19704
licensed professional clinical counselor to each applicant who 19705
submits a properly completed application, pays the fee 19706
established under section 4757.31 of the Revised Code, and meets 19707
the requirements specified in division (B) of this section. 19708

(B) (1) To be eligible for a licensed professional clinical 19709
counselor license, an individual must meet the following 19710
requirements: 19711

~~(a) The individual must be of good moral character.~~ 19712

~~(b)~~ The individual must hold a graduate degree in 19713
counseling as described in division (B) (2) of this section. 19714

~~(e)~~ (b) The individual must complete a minimum of ninety 19715
quarter hours or sixty semester hours of graduate credit in 19716
counselor training acceptable to the committee, including 19717
instruction in the following areas: 19718

(i) Clinical psychopathology, personality, and abnormal 19719
behavior; 19720

(ii) Evaluation of mental and emotional disorders; 19721

(iii) Diagnosis of mental and emotional disorders;	19722
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	19723 19724
(d) <u>(c)</u> The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:	19725 19726 19727 19728 19729 19730
(i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;	19731 19732 19733
(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.	19734 19735 19736
(e) <u>(d)</u> The individual must pass a field evaluation that meets the following requirements:	19737 19738
(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence;	19739 19740 19741 19742
(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.	19743 19744 19745
(f) <u>(e)</u> The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor.	19746 19747 19748
(2) To meet the requirement of division (B) (1) (b) <u>(a)</u> of	19749

this section, a graduate degree in counseling obtained from a 19750
counseling program in this state after January 1, 2018, must be 19751
from one of the following: 19752

(a) A counseling program accredited by the council for 19753
accreditation of counseling and related educational programs; 19754

(b) A counseling education program approved by the board 19755
in accordance with rules adopted by the board under division (G) 19756
of this section. 19757

(3) All of the following meet the educational requirements 19758
of division (B) (1) ~~(c)~~ (b) of this section: 19759

(a) A clinical mental health counseling program accredited 19760
by the council for accreditation of counseling and related 19761
educational programs; 19762

(b) Until January 1, 2018, a mental health counseling 19763
program accredited by the council for accreditation of 19764
counseling and related educational programs; 19765

(c) A graduate degree in counseling issued by another 19766
state from a clinical mental health counseling program, a 19767
clinical rehabilitation counseling program, or an addiction 19768
counseling program that is accredited by the council for 19769
accreditation of counseling and related educational programs; 19770

(d) A counseling education program approved by the board 19771
in accordance with rules adopted under division (G) of this 19772
section. 19773

(C) To be accepted by the committee for purposes of 19774
division (B) of this section, counselor training must include at 19775
least the following: 19776

(1) Instruction in human growth and development; 19777

counseling theory; counseling techniques; group dynamics, 19778
processing, and counseling; appraisal of individuals; research 19779
and evaluation; professional, legal, and ethical 19780
responsibilities; social and cultural foundations; and lifestyle 19781
and career development; 19782

(2) Participation in a supervised practicum and clinical 19783
internship in counseling. 19784

(D) The committee may issue a temporary license to an 19785
applicant who meets all of the requirements to be licensed under 19786
this section, pending the receipt of transcripts or action by 19787
the committee to issue a license to practice as a licensed 19788
professional clinical counselor. 19789

(E) An individual may not sit for the licensing 19790
examination unless the individual meets the educational 19791
requirements to be licensed under this section. An individual 19792
who is denied admission to the licensing examination may appeal 19793
the denial in accordance with Chapter 119. of the Revised Code. 19794

(F) The board shall adopt any rules necessary for the 19795
committee to implement this section. The rules shall do both of 19796
the following: 19797

(1) Establish criteria for the committee to use in 19798
determining whether an applicant's training should be accepted 19799
and supervised experience approved; 19800

(2) Establish course content requirements for qualifying 19801
counseling degrees issued by institutions in other states from 19802
clinical mental health counseling programs, clinical 19803
rehabilitation counseling programs, and addiction counseling 19804
programs that are not accredited by the council for 19805
accreditation of counseling and related educational programs. 19806

Rules adopted under this division shall be adopted in 19807
accordance with Chapter 119. of the Revised Code. 19808

(G) (1) The board may adopt rules to temporarily approve a 19809
counseling education program created after January 1, 2018, that 19810
has not been accredited by the council for accreditation of 19811
counseling and related educational programs. If the board adopts 19812
rules under this division, the board shall do all of the 19813
following in the rules: 19814

(a) Create an application process under which a program 19815
administrator may apply to the board for approval of the 19816
program; 19817

(b) Identify the educational requirements that an 19818
individual must satisfy to receive a graduate degree in 19819
counseling from the approved program; 19820

(c) Establish a time period during which an individual may 19821
use an unaccredited degree granted under the program to satisfy 19822
the requirements of divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this 19823
section; 19824

(d) Specify that, if the program is denied accreditation, 19825
a student enrolled in the program before the accreditation is 19826
denied may apply for licensure before completing the program 19827
and, on receiving a degree from the program, is considered to 19828
satisfy divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this section. 19829

(2) A degree from a counseling education program approved 19830
by the board pursuant to the rules adopted under division (G) (1) 19831
of this section satisfies the requirements of divisions (B) (1) 19832
~~(b)~~ (a) and ~~(e)~~ (b) of this section for the time period approved 19833
by the board. 19834

Sec. 4757.23. (A) The counselors professional standards 19835

committee of the counselor, social worker, and marriage and 19836
family therapist board shall issue a license as a licensed 19837
professional counselor to each applicant who submits a properly 19838
completed application, pays the fee established under section 19839
4757.31 of the Revised Code, and meets the requirements 19840
established under division (B) of this section. 19841

(B) (1) To be eligible for a license as a licensed 19842
professional counselor, an individual must meet the following 19843
requirements: 19844

~~(a) The individual must be of good moral character.~~ 19845

~~(b)~~ The individual must hold a graduate degree in 19846
counseling as described in division (B) (2) of this section. 19847

~~(e)~~ (b) The individual must complete a minimum of ninety 19848
quarter hours or sixty semester hours of graduate credit in 19849
counselor training acceptable to the committee, which the 19850
individual may complete while working toward receiving a 19851
graduate degree in counseling, or subsequent to receiving the 19852
degree, and which shall include training in the following areas: 19853

(i) Clinical psychopathology, personality, and abnormal 19854
behavior; 19855

(ii) Evaluation of mental and emotional disorders; 19856

(iii) Diagnosis of mental and emotional disorders; 19857

(iv) Methods of prevention, intervention, and treatment of 19858
mental and emotional disorders. 19859

~~(d)~~ (c) The individual must pass an examination 19860
administered by the board for the purpose of determining ability 19861
to practice as a licensed professional counselor. 19862

(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 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;

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

(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at

least the following:	19891
(1) Instruction in human growth and development;	19892
counseling theory; counseling techniques; group dynamics,	19893
processing, and counseling; appraisal of individuals; research	19894
and evaluation; professional, legal, and ethical	19895
responsibilities; social and cultural foundations; and lifestyle	19896
and career development;	19897
(2) Participation in a supervised practicum and clinical	19898
internship in counseling.	19899
(D) The committee may issue a temporary license to	19900
practice as a licensed professional counselor to an applicant	19901
who meets all of the requirements to be licensed under this	19902
section as follows:	19903
(1) Pending the receipt of transcripts or action by the	19904
committee to issue a license as a licensed professional	19905
counselor;	19906
(2) For a period not to exceed ninety days, to an	19907
applicant who provides the board with a statement from the	19908
applicant's academic institution indicating that the applicant	19909
has met the academic requirements for the applicant's degree and	19910
the projected date the applicant will receive the applicant's	19911
transcript showing a conferred degree.	19912
On application to the committee, a temporary license	19913
issued under division (D) (2) of this section may be renewed for	19914
good cause shown.	19915
(E) An individual may not sit for the licensing	19916
examination unless the individual meets the educational	19917
requirements to be licensed under this section. An individual	19918
who is denied admission to the licensing examination may appeal	19919

the denial in accordance with Chapter 119. of the Revised Code. 19920

(F) The board shall adopt any rules necessary for the 19921
committee to implement this section. The rules shall do both of 19922
the following: 19923

(1) Establish criteria for the committee to use in 19924
determining whether an applicant's training should be accepted 19925
and supervised experience approved; 19926

(2) Establish course content requirements for qualifying 19927
counseling degrees issued by institutions in other states from 19928
clinical mental health counseling programs, clinical 19929
rehabilitation counseling programs, and addiction counseling 19930
programs that are not accredited by the council for 19931
accreditation of counseling and related educational programs. 19932

Rules adopted under this division shall be adopted in 19933
accordance with Chapter 119. of the Revised Code. 19934

(G) (1) The board may adopt rules to temporarily approve a 19935
counseling education program created after January 1, 2018, that 19936
has not been accredited by the council for accreditation of 19937
counseling and related educational programs. If the board adopts 19938
rules under this division, the board shall do all of the 19939
following in the rules: 19940

(a) Create an application process under which a program 19941
administrator may apply to the board for approval of the 19942
program; 19943

(b) Identify the educational requirements that an 19944
individual must satisfy to receive a graduate degree in 19945
counseling from the approved program; 19946

(c) Establish a time period during which an individual may 19947

use an unaccredited degree granted under the program to satisfy 19948
the requirements of divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this 19949
section; 19950

(d) Specify that, if the program is denied accreditation, 19951
a student enrolled in the program before the accreditation is 19952
denied may apply for licensure before completing the program 19953
and, on receiving a degree from the program, is considered to 19954
satisfy divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this section. 19955

(2) A degree from a counseling education program approved 19956
by the board pursuant to the rules adopted under division (G) (1) 19957
of this section satisfies the requirements of divisions (B) (1) 19958
~~(b)~~ (a) and ~~(e)~~ (b) of this section for the time period approved 19959
by the board. 19960

Sec. 4757.27. (A) The social workers professional 19961
standards committee of the counselor, social worker, and 19962
marriage and family therapist board shall issue a license as an 19963
independent social worker to each applicant who submits a 19964
properly completed application, pays the fee established under 19965
section 4757.31 of the Revised Code, and meets the requirements 19966
specified in division (B) of this section. An independent social 19967
worker license shall clearly indicate each academic degree 19968
earned by the person to whom it has been issued. 19969

(B) To be eligible for a license as an independent social 19970
worker, an individual must meet the following requirements: 19971

(1) ~~The individual must be of good moral character.~~ 19972

~~(2)~~ The individual must hold a master's degree in social 19973
work from an educational institution accredited by the council 19974
on social work education or an educational institution in 19975
candidacy for accreditation by the council. 19976

~~(3)~~ (2) The individual must complete at least two years of post-master's degree social work experience supervised by an independent social worker. 19977
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~~(4)~~ (3) The individual must pass an examination administered by the board for the purpose of determining ability to practice as an independent social worker. 19980
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(C) 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 as an independent social worker. 19983
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(D) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. 19988
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Sec. 4757.28. (A) The social workers professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as a social worker to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section. A social worker license shall clearly indicate each academic degree earned by the person to whom it is issued. 19994
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(B) To be eligible for a license as a social worker, an individual must meet the following requirements: 20003
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(1) ~~The individual must be of good moral character.~~ 20005

(2) —The individual must hold from an accredited educational institution one of the following:	20006 20007
(a) A baccalaureate degree in social work;	20008
(b) A master's degree in social work;	20009
(c) A doctorate in social work.	20010
(3) — <u>(2)</u> The individual must pass an examination administered by the board for the purpose of determining ability to practice as a social worker.	20011 20012 20013
(C) The committee may issue a temporary license to practice as a social worker as follows:	20014 20015
(1) 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 as a social worker;	20016 20017 20018 20019
(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.	20020 20021 20022 20023 20024 20025
On application to the committee, a temporary license issued under division (C) (2) of this section may be renewed for good cause shown.	20026 20027 20028
(D) The board shall adopt any rules necessary for the committee to implement this section, including criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved. Rules adopted under this division shall be adopted in accordance with	20029 20030 20031 20032 20033

Chapter 119. of the Revised Code. 20034

Sec. 4757.29. The social workers professional standards 20035
committee of the counselor, social worker, and marriage and 20036
family therapist board shall issue a certificate of registration 20037
as a social work assistant to each applicant who submits a 20038
properly completed application, pays the fee established under 20039
section 4757.31 of the Revised Code, ~~is of good moral character,~~ 20040
and holds from an accredited educational institution an 20041
associate degree in social service technology or a bachelor's 20042
degree that is equivalent to an associate degree in social 20043
service technology or a related bachelor's or higher degree that 20044
is approved by the committee. 20045

Sec. 4757.36. (A) The appropriate professional standards 20046
committee of the counselor, social worker, and marriage and 20047
family therapist board may, in accordance with Chapter 119. of 20048
the Revised Code, take any action specified in division (B) of 20049
this section for any reason described in division (C) of this 20050
section against an individual who has applied for or holds a 20051
license issued under this chapter; a master's level counselor 20052
trainee, social worker trainee, or marriage and family therapist 20053
trainee; or an individual or entity that is registered, or has 20054
applied for registration, in accordance with rules adopted under 20055
section 4757.33 of the Revised Code to provide continuing 20056
education programs approved by the board. 20057

(B) In its imposition of sanctions against an individual 20058
or entity specified in division (A) of this section, the board 20059
may do any of the following: 20060

(1) Refuse to issue or refuse to renew a license or 20061
certificate of registration; 20062

(2) Suspend, revoke, or otherwise restrict a license or certificate of registration;	20063 20064
(3) Reprimand an individual holding a license or certificate of registration;	20065 20066
(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code;	20067 20068 20069
(5) Require an individual holding a license or certificate of registration to take corrective action courses.	20070 20071
(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:	20072 20073 20074
(1) Commission of an act that violates any provision of this chapter or rules adopted under it;	20075 20076
(2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;	20077 20078 20079
(3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;	20080 20081 20082 20083 20084 20085 20086
(4) A failure to comply with section 4757.13 of the Revised Code;	20087 20088
(5) A conviction in this or any other state of a crime that is a felony in this state;	20089 20090

(6) A failure to perform properly as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker due to the use of alcohol or other drugs or any other physical or mental condition;	20091 20092 20093 20094 20095 20096
(7) A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;	20097 20098 20099 20100 20101 20102
(8) Practicing outside the scope of practice applicable to that person;	20103 20104
(9) Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (E) of section 4757.30, of the Revised Code;	20105 20106 20107
(10) A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code;	20108 20109 20110
(11) Revocation or suspension of a license or certificate of registration, other disciplinary action against a license holder or registration, or the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter.	20111 20112 20113 20114 20115
(D) <u>Notwithstanding any provision of divisions (A) to (C) of this section to the contrary, the board shall not refuse to issue a license or certificate of registration to an applicant because of a criminal conviction unless the refusal is in</u>	20116 20117 20118 20119

accordance with section 9.79 of the Revised Code. 20120

(E) A disciplinary action under division (B) of this 20121
section shall be taken pursuant to an adjudication under Chapter 20122
119. of the Revised Code, except that in lieu of an 20123
adjudication, the appropriate professional standards committee 20124
may enter into a consent agreement with an individual or entity 20125
specified in division (A) of this section to resolve an 20126
allegation of a violation of this chapter or any rule adopted 20127
under it. A consent agreement, when ratified by the appropriate 20128
professional standards committee, constitutes the findings and 20129
order of the board with respect to the matter addressed in the 20130
agreement. If a committee refuses to ratify a consent agreement, 20131
the admissions and findings contained in the consent agreement 20132
are of no force or effect. 20133

~~(E)~~(F) In any instance in which a professional standards 20134
committee of the board is required by Chapter 119. of the 20135
Revised Code to give notice of the opportunity for a hearing and 20136
the individual or entity subject to the notice does not timely 20137
request a hearing in accordance with section 119.07 of the 20138
Revised Code, the committee may adopt a final order that 20139
contains the board's findings. In that final order, the 20140
committee may order any of the sanctions identified in division 20141
(B) of this section. 20142

~~(F)~~(G) One year or more after the date of suspension or 20143
revocation of a license or certificate of registration under 20144
this section, application may be made to the appropriate 20145
professional standards committee for reinstatement. The 20146
committee may approve or deny an application for reinstatement. 20147
If a license has been suspended or revoked, the committee may 20148
require an examination for reinstatement. 20149

~~(G)~~(H) On request of the board, the attorney general shall
bring and prosecute to judgment a civil action to collect any
fine imposed under division (B) (4) of this section that remains
unpaid.

~~(H)~~(I) All fines collected under division (B) (4) of this
section shall be deposited into the state treasury to the credit
of the occupational licensing and regulatory fund.

Sec. 4758.20. (A) The chemical dependency professionals
board shall adopt rules to establish, specify, or provide for
all of the following:

(1) Fees for the purposes authorized by section 4758.21 of
the Revised Code;

(2) If the board, pursuant to section 4758.221 of the
Revised Code, elects to administer examinations for individuals
seeking to act as substance abuse professionals in a U.S.
department of transportation drug and alcohol testing program,
the board's administration of the examinations;

(3) For the purpose of section 4758.23 of the Revised
Code, codes of ethical practice and professional conduct for
individuals who hold a license, certificate, or endorsement
issued under this chapter;

(4) For the purpose of section 4758.24 of the Revised
Code, all of the following:

~~(a) Good moral character requirements for an individual
who seeks or holds a license, certificate, or endorsement issued
under this chapter;~~

~~(b) The documents that an individual seeking such a
license, certificate, or endorsement must submit to the board;~~

~~(e)~~ (b) Requirements to obtain the license, certificate, 20178
or endorsement that are in addition to the requirements 20179
established under sections 4758.39, 4758.40, 4758.41, 4758.42, 20180
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the 20181
Revised Code. The additional requirements may include 20182
preceptorships. 20183

~~(d)~~ (c) The period of time that an individual whose 20184
registered applicant certificate has expired must wait before 20185
applying for a new registered applicant certificate. 20186

(5) For the purpose of section 4758.28 of the Revised 20187
Code, requirements for approval of continuing education courses 20188
of study for individuals who hold a license, certificate, or 20189
endorsement issued under this chapter; 20190

(6) For the purpose of section 4758.30 of the Revised 20191
Code, the intervention for and treatment of an individual 20192
holding a license, certificate, or endorsement issued under this 20193
chapter whose abilities to practice are impaired due to abuse of 20194
or dependency on alcohol or other drugs or other physical or 20195
mental condition; 20196

(7) Requirements governing reinstatement of a suspended or 20197
revoked license, certificate, or endorsement under division ~~(B)~~ 20198
(C) of section 4758.30 of the Revised Code, including 20199
requirements for determining the amount of time an individual 20200
must wait to apply for reinstatement; 20201

(8) For the purpose of section 4758.31 of the Revised 20202
Code, methods of ensuring that all records the board holds 20203
pertaining to an investigation remain confidential during the 20204
investigation; 20205

(9) Criteria for employees of the board to follow when 20206

performing their duties under division (B) of section 4758.35 of the Revised Code;	20207 20208
(10) For the purpose of division (A) (1) of section 4758.39 and division (A) (1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses:	20209 20210 20211 20212 20213
(a) Theories of counseling and psychotherapy;	20214
(b) Counseling procedures;	20215
(c) Group process and techniques;	20216
(d) Relationship therapy;	20217
(e) Research methods and statistics;	20218
(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	20219 20220
(g) Psychopathology;	20221
(h) Human development;	20222
(i) Cultural competence in counseling;	20223
(j) Ethics.	20224
(11) For the purpose of division (A) (2) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience;	20225 20226 20227 20228 20229
(12) For the purpose of division (A) (3) of section 4758.39, division (A) (3) of section 4758.40, division (A) (3) of section 4758.41, and division (A) (3) of section 4758.42 of the	20230 20231 20232

Revised Code, both of the following:	20233
(a) The number of hours of training in chemical dependency an individual must have;	20234 20235
(b) Training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.	20236 20237 20238 20239
(13) For the purpose of division (A) (2) of section 4758.40, division (A) (2) of section 4758.41, and division (A) (2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;	20240 20241 20242 20243 20244
(14) For the purpose of division (B) (2) (b) of section 4758.40 and division (B) (2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;	20245 20246 20247 20248 20249 20250 20251 20252 20253 20254
(15) For the purpose of division (A) (1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;	20255 20256 20257
(16) For the purpose of division (A) of section 4758.43 of the Revised Code, both of the following:	20258 20259
(a) The number of hours of training in chemical dependency counseling that an individual must have;	20260 20261

(b) Training requirements for chemical dependency 20262
counseling that shall, at a minimum, include qualifications for 20263
the individuals who provide the training and the content areas 20264
covered in the training. 20265

(17) For the purpose of division (A)(1) of section 4758.44 20266
of the Revised Code, the number of hours of compensated work 20267
experience in prevention services that an individual must have 20268
and the number of those hours that must be in administering or 20269
supervising the services; 20270

(18) For the purpose of division (A)(2) of section 4758.44 20271
of the Revised Code, the field of study in which an individual 20272
must obtain at least a bachelor's degree; 20273

(19) For the purpose of division (A)(3) of section 20274
4758.44, division (A)(3) of section 4758.45, and division (D) of 20275
section 4758.46 of the Revised Code, both of the following: 20276

(a) The number of hours of prevention-related education 20277
that an individual must have; 20278

(b) Requirements for prevention-related education. 20279

(20) For the purpose of division (A)(4) of section 4758.44 20280
of the Revised Code, the number of hours of administrative or 20281
supervisory education that an individual must have; 20282

(21) For the purpose of division (A)(1) of section 4758.45 20283
of the Revised Code, the number of hours of compensated or 20284
volunteer work, field placement, intern, or practicum experience 20285
in prevention services that an individual must have and the 20286
number of those hours that must be in planning or delivering the 20287
services; 20288

(22) For the purpose of division (A)(2) of section 4758.45 20289

of the Revised Code, the field of study in which an individual	20290
must obtain at least an associate's degree;	20291
(23) For the purpose of division (C) of section 4758.46 of	20292
the Revised Code, the number of hours of compensated or	20293
volunteer work, field placement, intern, or practicum experience	20294
in prevention services that an individual must have;	20295
(24) Standards for the one hundred hours of compensated	20296
work or supervised internship in gambling disorder direct	20297
clinical experience required by division (B) (2) of section	20298
4758.48 of the Revised Code;	20299
(25) For the purpose of section 4758.51 of the Revised	20300
Code, continuing education requirements for individuals who hold	20301
a license, certificate, or endorsement issued under this	20302
chapter;	20303
(26) For the purpose of section 4758.51 of the Revised	20304
Code, the number of hours of continuing education that an	20305
individual must complete to have an expired license,	20306
certificate, or endorsement restored under section 4758.26 of	20307
the Revised Code;	20308
(27) For the purpose of divisions (A) and (B) of section	20309
4758.52 of the Revised Code, training requirements for chemical	20310
dependency counseling;	20311
(28) The duties, which may differ, of all of the	20312
following:	20313
(a) An independent chemical dependency counselor-clinical	20314
supervisor licensed under this chapter who supervises a chemical	20315
dependency counselor III under section 4758.56 of the Revised	20316
Code;	20317

(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;

(c) A prevention consultant or prevention specialist certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.

(29) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.

(30) Anything else necessary to administer this chapter.

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.

(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or prevention services.

Sec. 4758.24. (A) The chemical dependency professionals board shall issue a license, certificate, or endorsement under this chapter to an individual who meets all of the following requirements:

(1) ~~Is of good moral character as determined in accordance~~

~~with rules adopted under section 4758.20 of the Revised Code;~~ 20347

~~(2)~~ Except as provided in section 4758.241 of the Revised 20348
Code, submits a properly completed application and all other 20349
documentation specified in rules adopted under section 4758.20 20350
of the Revised Code; 20351

~~(3)~~ (2) Except as provided in section 4758.241 of the 20352
Revised Code, pays the fee established under section 4758.21 of 20353
the Revised Code for the license, certificate, or endorsement 20354
that the individual seeks; 20355

~~(4)~~ (3) Meets the requirements to obtain the license, 20356
certificate, or endorsement that the individual seeks as 20357
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 20358
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the 20359
Revised Code; 20360

~~(5)~~ (4) Meets any additional requirements specified in 20361
rules adopted under section 4758.20 of the Revised Code to 20362
obtain the license, certificate, or endorsement that the 20363
individual seeks. 20364

(B) The board shall not do either of the following: 20365

(1) Issue a certificate to practice as a chemical 20366
dependency counselor I; 20367

(2) Issue a new registered applicant certificate to an 20368
individual whose previous registered applicant certificate has 20369
been expired for less than the period of time specified in rules 20370
adopted under section 4758.20 of the Revised Code. 20371

Sec. 4758.30. (A) The chemical dependency professionals 20372
board, in accordance with Chapter 119. of the Revised Code, may, 20373
except as provided in division (B) of this section, refuse to 20374

issue a license, certificate, or endorsement applied for under 20375
this chapter; refuse to renew or restore a license, certificate, 20376
or endorsement issued under this chapter; suspend, revoke, or 20377
otherwise restrict a license, certificate, or endorsement issued 20378
under this chapter; or reprimand an individual holding a 20379
license, certificate, or endorsement issued under this chapter. 20380
These actions may be taken by the board regarding the applicant 20381
for a license, certificate, or endorsement or the individual 20382
holding a license, certificate, or endorsement for one or more 20383
of the following reasons: 20384

(1) Violation of any provision of this chapter or rules 20385
adopted under it; 20386

(2) Knowingly making a false statement on an application 20387
for a license, certificate, or endorsement or for renewal, 20388
restoration, or reinstatement of a license, certificate, or 20389
endorsement; 20390

(3) Acceptance of a commission or rebate for referring an 20391
individual to a person who holds a license or certificate issued 20392
by, or who is registered with, an entity of state government, 20393
including persons practicing chemical dependency counseling, 20394
prevention services, gambling disorder counseling, or fields 20395
related to chemical dependency counseling, prevention services, 20396
or gambling disorder counseling; 20397

(4) Conviction in this or any other state of any crime 20398
that is a felony in this state; 20399

(5) Conviction in this or any other state of a misdemeanor 20400
committed in the course of practice as an independent chemical 20401
dependency counselor-clinical supervisor, independent chemical 20402
dependency counselor, chemical dependency counselor III, 20403

chemical dependency counselor II, chemical dependency counselor 20404
assistant, prevention consultant, gambling disorder endorsee, 20405
prevention specialist, prevention specialist assistant, or 20406
registered applicant; 20407

(6) Inability to practice as an independent chemical 20408
dependency counselor-clinical supervisor, independent chemical 20409
dependency counselor, chemical dependency counselor III, 20410
chemical dependency counselor II, chemical dependency counselor 20411
assistant, gambling disorder endorsee, prevention consultant, 20412
prevention specialist, prevention specialist assistant, or 20413
registered applicant due to abuse of or dependency on alcohol or 20414
other drugs or other physical or mental condition; 20415

(7) Practicing outside the individual's scope of practice; 20416

(8) Practicing without complying with the supervision 20417
requirements specified under section 4758.56, 4758.59, 4758.61, 20418
or 4758.62 of the Revised Code; 20419

(9) Violation of the code of ethical practice and 20420
professional conduct for chemical dependency counseling, 20421
prevention services, or gambling disorder counseling adopted by 20422
the board pursuant to section 4758.23 of the Revised Code; 20423

(10) Revocation of a license, certificate, or endorsement 20424
or voluntary surrender of a license, certificate, or endorsement 20425
in another state or jurisdiction for an offense that would be a 20426
violation of this chapter. 20427

(B) The board shall not refuse to issue a license, 20428
certificate, or endorsement to an applicant because of a 20429
criminal conviction unless the refusal is in accordance with 20430
section 9.79 of the Revised Code. 20431

(C) An individual whose license, certificate, or 20432

endorsement has been suspended or revoked under this section may 20433
apply to the board for reinstatement after an amount of time the 20434
board shall determine in accordance with rules adopted under 20435
section 4758.20 of the Revised Code. The board may accept or 20436
refuse an application for reinstatement. The board may require 20437
an examination for reinstatement of a license, certificate, or 20438
endorsement that has been suspended or revoked. 20439

Sec. 4759.02. (A) Except as otherwise provided in this 20440
section or in section 4759.10 of the Revised Code, no person 20441
shall practice, offer to practice, or hold self forth to 20442
practice dietetics unless the person has been licensed under 20443
section 4759.06 of the Revised Code. 20444

(B) Except for a person licensed under section 4759.06 of 20445
the Revised Code, or as otherwise provided in this section or in 20446
section 4759.10 of the Revised Code: 20447

(1) No person shall use the title "dietitian"; 20448

(2) No person except for a person licensed under Title 20449
XLVII of the Revised Code, when acting within the scope of their 20450
practice, shall use any other title, designation, words, 20451
letters, abbreviation, or insignia or combination of any title, 20452
designation, words, letters, abbreviation, or insignia tending 20453
to indicate that the person is practicing dietetics. 20454

(C) Notwithstanding division (B) of this section, a person 20455
who is a dietitian registered by the commission on dietetic 20456
registration and who does not violate division (A) of this 20457
section may use the designation "registered dietitian" and the 20458
abbreviation "R.D." 20459

(D) Division (A) of this section does not apply to: 20460

(1) A student enrolled in an academic program that is in 20461

compliance with division (A) ~~(4)~~ (3) of section 4759.06 of the Revised Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or a dietitian registered by the commission on dietetic registration, as part of the academic program;

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

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

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

Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that the person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney

general, the prosecuting attorney of the county in which the
offense was committed or the offender resides, or the state
medical board proceed as authorized in this section.

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

Sec. 4759.051. (A) The state medical board shall appoint a
dietetics advisory council for the purpose of advising the board
on issues relating to the practice of dietetics. The advisory
council shall consist of not more than seven individuals
knowledgeable in the area of dietetics.

A majority of the council members shall be individuals
licensed under this chapter who are actively engaged in the
practice of dietetics. The board shall include both of the
following on the council:

(1) One educator with a doctoral degree who holds a
regular faculty appointment in a program that prepares students
to meet the requirements of division (A) ~~(4)~~ (3) of section
4759.06 of the Revised Code;

(2) One individual who is not affiliated with any health
care profession, who shall be appointed to represent the
interest of consumers.

The Ohio academy of nutrition and dietetics, or its
successor organization, may nominate not more than three
qualified individuals for consideration by the board in

appointing any member of the council. 20521

(B) Not later than ninety days after January 21, 2018, the 20522
board shall make initial appointments to the council. Initial 20523
members shall serve terms of office of one, two, or three years, 20524
as selected by the board. Thereafter, terms of office shall be 20525
for three years, with each term ending on the same day of the 20526
same month as did the term that it succeeds. A council member 20527
shall continue in office subsequent to the expiration date of 20528
the member's term until a successor is appointed and takes 20529
office, or until a period of sixty days has elapsed, whichever 20530
occurs first. Each council member shall hold office from the 20531
date of appointment until the end of the term for which the 20532
member was appointed. 20533

(C) Members shall serve without compensation, but shall be 20534
reimbursed for actual and necessary expenses incurred in 20535
performing their official duties. 20536

(D) The council shall meet at least four times each year 20537
and at such other times as may be necessary to carry out its 20538
responsibilities. 20539

(E) The council may submit to the board recommendations 20540
concerning all of the following: 20541

(1) Requirements for issuing a license to practice as a 20542
dietitian or as a limited permit holder, including the 20543
educational and experience requirements that must be met to 20544
receive the license or permit; 20545

(2) Existing and proposed rules pertaining to the practice 20546
of dietetics and the administration and enforcement of this 20547
chapter; 20548

(3) Standards for the approval of educational programs 20549

required to qualify for licensure and continuing education programs for licensure renewal;	20550 20551
(4) Policies related to the issuance and renewal of licenses and limited permits;	20552 20553
(5) Fees for the issuance and renewal of a license to practice dietetics as a licensee or as a limited permit holder;	20554 20555
(6) Standards of practice and ethical conduct in the practice of dietetics;	20556 20557
(7) The safe and effective practice of dietetics, including scope of practice and minimal standards of care.	20558 20559
Sec. 4759.06. (A) The state medical board shall issue a license to practice dietetics to an applicant who meets all of the following requirements:	20560 20561 20562
(1) Has satisfactorily completed an application for licensure in accordance with rules adopted under division (A) of section 4759.05 of the Revised Code;	20563 20564 20565
(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;	20566 20567
(3) Is of good moral character;	20568
(4) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;	20569 20570 20571 20572 20573 20574
(5) (4) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and	20575 20576

dietetics, or experience approved by the board under division 20577
(A) (3) of section 4759.05 of the Revised Code; 20578

~~(6)~~ (5) Has passed the examination approved by the board 20579
under division (A) (1) of section 4759.05 of the Revised Code. 20580

(B) The board shall waive the requirements of divisions 20581
(A) ~~(4)~~ (3), ~~(5)~~ (4), and ~~(6)~~ (5) of this section and any rules 20582
adopted under division (A) (6) of section 4759.05 of the Revised 20583
Code if the applicant presents satisfactory evidence to the 20584
board of current registration as a registered dietitian with the 20585
commission on dietetic registration. 20586

(C) (1) The board shall issue a license to practice 20587
dietetics to an applicant who meets the requirements of division 20588
(A) of this section. A license shall be valid for a two-year 20589
period unless revoked or suspended by the board and shall expire 20590
on the date that is two years after the date of issuance. A 20591
license may be renewed for additional two-year periods. 20592

(2) The board shall renew an applicant's license if the 20593
applicant has paid the license renewal fee specified in section 20594
4759.08 of the Revised Code and certifies to the board that the 20595
applicant has met the continuing education requirements adopted 20596
under division (A) (5) of section 4759.05 of the Revised Code. 20597
The renewal shall be pursuant to the standard renewal procedure 20598
of sections 4745.01 to 4745.03 of the Revised Code. 20599

At least one month before a license expires, the board 20600
shall provide a renewal notice. Failure of any person to receive 20601
a notice of renewal from the board shall not excuse the person 20602
from the requirements contained in this section. Each person 20603
holding a license shall give notice to the board of a change in 20604
the license holder's residence address, business address, or 20605

electronic mail address not later than thirty days after the 20606
change occurs. 20607

(D) Any person licensed to practice dietetics by the 20608
former Ohio board of dietetics before January 21, 2018, may 20609
continue to practice dietetics in this state under that license 20610
if the person continues to meet the requirements to renew a 20611
license under this chapter and renews the license through the 20612
state medical board. 20613

The state medical board may take any of the following 20614
actions, as provided in section 4759.07 of the Revised Code, 20615
against the holder of a license to practice dietetics issued 20616
before January 21, 2018, by the former Ohio board of dietetics: 20617

(1) Limit, revoke, or suspend the holder's license; 20618

(2) Refuse to renew or reinstate the holder's license; 20619

(3) Reprimand the holder or place the holder on probation. 20620

(E) The board may require a random sample of dietitians to 20621
submit materials documenting that the continuing education 20622
requirements adopted under division (A) (5) of section 4759.05 of 20623
the Revised Code have been met. 20624

This division does not limit the board's authority to 20625
conduct investigations pursuant to section 4759.07 of the 20626
Revised Code. 20627

(F) (1) If, through a random sample conducted under 20628
division (E) of this section or any other means, the board finds 20629
that an individual who certified completion of the number of 20630
hours and type of continuing education required to renew, 20631
reinstate, or restore a license to practice did not complete the 20632
requisite continuing education, the board may do either of the 20633

following: 20634

(a) Take disciplinary action against the individual under 20635
section 4759.07 of the Revised Code, impose a civil penalty, or 20636
both; 20637

(b) Permit the individual to agree in writing to complete 20638
the continuing education and pay a civil penalty. 20639

~~(4)~~(2) The board's finding in any disciplinary action 20640
taken under division (F)(1)(a) of this section shall be made 20641
pursuant to an adjudication under Chapter 119. of the Revised 20642
Code and by an affirmative vote of not fewer than six of its 20643
members. 20644

~~(5)~~(3) A civil penalty imposed under division (F)(1)(a) of 20645
this section or paid under division (F)(1)(b) of this section 20646
shall be in an amount specified by the board of not more than 20647
five thousand dollars. The board shall deposit civil penalties 20648
in accordance with section 4731.24 of the Revised Code. 20649

(G)(1) The board may grant a limited permit to a person 20650
who has completed the education and pre-professional 20651
requirements of divisions (A)~~(4)~~(3) and ~~(5)~~(4) of this section 20652
and who presents evidence to the board of having applied to take 20653
the examination approved by the board under division (A)(1) of 20654
section 4759.05 of the Revised Code. An application for a 20655
limited permit shall be made on forms that the board shall 20656
furnish and shall be accompanied by the limited permit fee 20657
specified in section 4759.08 of the Revised Code. 20658

(2) If no grounds apply under section 4759.07 of the 20659
Revised Code for denying a license to the applicant and the 20660
applicant meets the requirements of division (G)(1) of this 20661
section, the board shall issue a limited permit to the 20662

applicant. 20663

A limited permit expires in accordance with rules adopted 20664
under section 4759.05 of the Revised Code. A limited permit may 20665
be renewed in accordance with those rules. 20666

(3) A person holding a limited permit who has failed the 20667
examination shall practice only under the direct supervision of 20668
a licensed dietitian. 20669

(4) The board may revoke a limited permit on proof 20670
satisfactory to the board that the permit holder has engaged in 20671
practice in this state outside the scope of the permit, that the 20672
holder has engaged in unethical conduct, or that grounds for 20673
action against the holder exist under section 4759.07 of the 20674
Revised Code. 20675

Sec. 4759.061. (A) As used in this section, "license" and 20676
"applicant for an initial license" have the same meanings as in 20677
section 4776.01 of the Revised Code, except that "license" as 20678
used in both of those terms refers to the types of 20679
authorizations otherwise issued or conferred under this chapter. 20680

(B) In addition to any other eligibility requirement set 20681
forth in this chapter, each applicant for an initial license 20682
shall comply with sections 4776.01 to 4776.04 of the Revised 20683
Code. The state medical board shall not grant a license to an 20684
applicant for an initial license unless the applicant complies 20685
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 20686
~~board, in its discretion, decides that the results of the~~ 20687
~~criminal records check do not make the applicant ineligible for~~ 20688
~~a license issued pursuant to section 4759.06 of the Revised~~ 20689
Code. 20690

Sec. 4759.07. (A) The state medical board, by an 20691

affirmative vote of not fewer than six members, shall, except as 20692
provided in division (B) of this section, and to the extent 20693
permitted by law, limit, revoke, or suspend an individual's 20694
license or limited permit, refuse to issue a license or limited 20695
permit to an individual, refuse to renew a license or limited 20696
permit, refuse to reinstate a license or limited permit, or 20697
reprimand or place on probation the holder of a license or 20698
limited permit for one or more of the following reasons: 20699

(1) Except when civil penalties are imposed under section 20700
4759.071 of the Revised Code, violating or attempting to 20701
violate, directly or indirectly, or assisting in or abetting the 20702
violation of, or conspiring to violate, any provision of this 20703
chapter or the rules adopted by the board; 20704

(2) Making a false, fraudulent, deceptive, or misleading 20705
statement in the solicitation of or advertising for patients; in 20706
relation to the practice of dietetics; or in securing or 20707
attempting to secure any license or permit issued by the board 20708
under this chapter. 20709

As used in division (A) (2) of this section, "false, 20710
fraudulent, deceptive, or misleading statement" means a 20711
statement that includes a misrepresentation of fact, is likely 20712
to mislead or deceive because of a failure to disclose material 20713
facts, is intended or is likely to create false or unjustified 20714
expectations of favorable results, or includes representations 20715
or implications that in reasonable probability will cause an 20716
ordinarily prudent person to misunderstand or be deceived. 20717

(3) Committing fraud during the administration of the 20718
examination for a license to practice or committing fraud, 20719
misrepresentation, or deception in applying for, renewing, or 20720
securing any license or permit issued by the board; 20721

(4) A plea of guilty to, a judicial finding of guilt of, 20722
or a judicial finding of eligibility for intervention in lieu of 20723
conviction for, a felony; 20724

(5) Commission of an act that constitutes a felony in this 20725
state, regardless of the jurisdiction in which the act was 20726
committed; 20727

(6) A plea of guilty to, a judicial finding of guilt of, 20728
or a judicial finding of eligibility for intervention in lieu of 20729
conviction for, a misdemeanor committed in the course of 20730
practice; 20731

(7) Commission of an act in the course of practice that 20732
constitutes a misdemeanor in this state, regardless of the 20733
jurisdiction in which the act was committed; 20734

(8) A plea of guilty to, a judicial finding of guilt of, 20735
or a judicial finding of eligibility for intervention in lieu of 20736
conviction for, a misdemeanor involving moral turpitude; 20737

(9) Commission of an act involving moral turpitude that 20738
constitutes a misdemeanor in this state, regardless of the 20739
jurisdiction in which the act was committed; 20740

(10) A record of engaging in incompetent or negligent 20741
conduct in the practice of dietetics; 20742

(11) A departure from, or failure to conform to, minimal 20743
standards of care of similar practitioners under the same or 20744
similar circumstances, whether or not actual injury to a patient 20745
is established; 20746

(12) The obtaining of, or attempting to obtain, money or 20747
anything of value by fraudulent misrepresentations in the course 20748
of practice; 20749

- (13) Violation of the conditions of limitation placed by the board on a license or permit; 20750
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- (14) 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; 20752
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- (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; 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; 20756
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- (16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs; 20766
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- (17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A) (11), (12), or (14) of this section; 20769
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- (18) 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; 20774
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- (19) Failure to cooperate in an investigation conducted by 20778

the board under division (B) of section 4759.05 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 in an investigative interview, an investigative office conference, 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;

(20) Representing with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

(B) The board shall not refuse to issue a license or limited permit 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.

(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

~~(C)~~ (D) When the board refuses to grant or issue a license or permit to an applicant, revokes an individual's license or

permit, refuses to renew an individual's license or permit, or 20809
refuses to reinstate an individual's license or permit, the 20810
board may specify that its action is permanent. An individual 20811
subject to a permanent action taken by the board is forever 20812
thereafter ineligible to hold a license or permit and the board 20813
shall not accept an application for reinstatement of the license 20814
or permit or for issuance of a new license or permit. 20815

~~(D)~~(E) Disciplinary actions taken by the board under 20816
division (A) of this section shall be taken pursuant to an 20817
adjudication under Chapter 119. of the Revised Code, except that 20818
in lieu of an adjudication, the board may enter into a consent 20819
agreement with an individual to resolve an allegation of a 20820
violation of this chapter or any rule adopted under it. A 20821
consent agreement, when ratified by an affirmative vote of not 20822
fewer than six members of the board, shall constitute the 20823
findings and order of the board with respect to the matter 20824
addressed in the agreement. If the board refuses to ratify a 20825
consent agreement, the admissions and findings contained in the 20826
consent agreement shall be of no force or effect. 20827

A telephone conference call may be utilized for 20828
ratification of a consent agreement that revokes or suspends an 20829
individual's license or permit. The telephone conference call 20830
shall be considered a special meeting under division (F) of 20831
section 121.22 of the Revised Code. 20832

~~(E)~~(F) In enforcing division (A) (14) of this section, the 20833
board, upon a showing of a possible violation, may compel any 20834
individual authorized to practice by this chapter or who has 20835
submitted an application pursuant to this chapter to submit to a 20836
mental examination, physical examination, including an HIV test, 20837
or both a mental and a physical examination. The expense of the 20838

examination is the responsibility of the individual compelled to 20839
be examined. Failure to submit to a mental or physical 20840
examination or consent to an HIV test ordered by the board 20841
constitutes an admission of the allegations against the 20842
individual unless the failure is due to circumstances beyond the 20843
individual's control, and a default and final order may be 20844
entered without the taking of testimony or presentation of 20845
evidence. If the board finds an individual unable to practice 20846
because of the reasons set forth in division (A) (14) of this 20847
section, the board shall require the individual to submit to 20848
care, counseling, or treatment by physicians approved or 20849
designated by the board, as a condition for initial, continued, 20850
reinstated, or renewed authority to practice. An individual 20851
affected under this division shall be afforded an opportunity to 20852
demonstrate to the board the ability to resume practice in 20853
compliance with acceptable and prevailing standards under the 20854
provisions of the individual's license or permit. For the 20855
purpose of division (A) (14) of this section, any individual who 20856
applies for or receives a license or permit under this chapter 20857
accepts the privilege of practicing in this state and, by so 20858
doing, shall be deemed to have given consent to submit to a 20859
mental or physical examination when directed to do so in writing 20860
by the board, and to have waived all objections to the 20861
admissibility of testimony or examination reports that 20862
constitute a privileged communication. 20863

~~(F)~~ (G) For the purposes of division (A) (18) of this 20864
section, any individual authorized to practice by this chapter 20865
accepts the privilege of practicing in this state subject to 20866
supervision by the board. By filing an application for or 20867
holding a license or permit under this chapter, an individual 20868
shall be deemed to have given consent to submit to a mental or 20869

physical examination when ordered to do so by the board in 20870
writing, and to have waived all objections to the admissibility 20871
of testimony or examination reports that constitute privileged 20872
communications. 20873

If it has reason to believe that any individual authorized 20874
to practice by this chapter or any applicant for a license or 20875
permit suffers such impairment, the board may compel the 20876
individual to submit to a mental or physical examination, or 20877
both. The expense of the examination is the responsibility of 20878
the individual compelled to be examined. Any mental or physical 20879
examination required under this division shall be undertaken by 20880
a treatment provider or physician who is qualified to conduct 20881
the examination and who is chosen by the board. 20882

Failure to submit to a mental or physical examination 20883
ordered by the board constitutes an admission of the allegations 20884
against the individual unless the failure is due to 20885
circumstances beyond the individual's control, and a default and 20886
final order may be entered without the taking of testimony or 20887
presentation of evidence. If the board determines that the 20888
individual's ability to practice is impaired, the board shall 20889
suspend the individual's license or permit or deny the 20890
individual's application and shall require the individual, as a 20891
condition for an initial, continued, reinstated, or renewed 20892
license or permit, to submit to treatment. 20893

Before being eligible to apply for reinstatement of a 20894
license or permit suspended under this division, the impaired 20895
practitioner shall demonstrate to the board the ability to 20896
resume practice in compliance with acceptable and prevailing 20897
standards of care under the provisions of the practitioner's 20898
license or permit. The demonstration shall include, but shall 20899

not be limited to, the following: 20900

(1) Certification from a treatment provider approved under 20901
section 4731.25 of the Revised Code that the individual has 20902
successfully completed any required inpatient treatment; 20903

(2) Evidence of continuing full compliance with an 20904
aftercare contract or consent agreement; 20905

(3) Two written reports indicating that the individual's 20906
ability to practice has been assessed and that the individual 20907
has been found capable of practicing according to acceptable and 20908
prevailing standards of care. The reports shall be made by 20909
individuals or providers approved by the board for making the 20910
assessments and shall describe the basis for their 20911
determination. 20912

The board may reinstate a license or permit suspended 20913
under this division after that demonstration and after the 20914
individual has entered into a written consent agreement. 20915

When the impaired practitioner resumes practice, the board 20916
shall require continued monitoring of the individual. The 20917
monitoring shall include, but not be limited to, compliance with 20918
the written consent agreement entered into before reinstatement 20919
or with conditions imposed by board order after a hearing, and, 20920
upon termination of the consent agreement, submission to the 20921
board for at least two years of annual written progress reports 20922
made under penalty of perjury stating whether the individual has 20923
maintained sobriety. 20924

~~(G)~~ (H) If the secretary and supervising member determine 20925
both of the following, they may recommend that the board suspend 20926
an individual's license or permit without a prior hearing: 20927

(1) That there is clear and convincing evidence that an 20928

individual has violated division (A) of this section; 20929

(2) That the individual's continued practice presents a 20930
danger of immediate and serious harm to the public. 20931

Written allegations shall be prepared for consideration by 20932
the board. The board, upon review of those allegations and by an 20933
affirmative vote of not fewer than six of its members, excluding 20934
the secretary and supervising member, may suspend a license or 20935
permit without a prior hearing. A telephone conference call may 20936
be utilized for reviewing the allegations and taking the vote on 20937
the summary suspension. 20938

The board shall issue a written order of suspension by 20939
certified mail or in person in accordance with section 119.07 of 20940
the Revised Code. The order shall not be subject to suspension 20941
by the court during pendency of any appeal filed under section 20942
119.12 of the Revised Code. If the individual subject to the 20943
summary suspension requests an adjudicatory hearing by the 20944
board, the date set for the hearing shall be within fifteen 20945
days, but not earlier than seven days, after the individual 20946
requests the hearing, unless otherwise agreed to by both the 20947
board and the individual. 20948

Any summary suspension imposed under this division shall 20949
remain in effect, unless reversed on appeal, until a final 20950
adjudicative order issued by the board pursuant to this section 20951
and Chapter 119. of the Revised Code becomes effective. The 20952
board shall issue its final adjudicative order within seventy- 20953
five days after completion of its hearing. A failure to issue 20954
the order within seventy-five days shall result in dissolution 20955
of the summary suspension order but shall not invalidate any 20956
subsequent, final adjudicative order. 20957

~~(H)~~(I) If the board is required by Chapter 119. of the 20958
Revised Code to give notice of an opportunity for a hearing and 20959
if the individual subject to the notice does not timely request 20960
a hearing in accordance with section 119.07 of the Revised Code, 20961
the board is not required to hold a hearing, but may adopt, by 20962
an affirmative vote of not fewer than six of its members, a 20963
final order that contains the board's findings. In the final 20964
order, the board may order any of the sanctions identified under 20965
division (A) of this section. 20966

~~(I)~~(J) For purposes of divisions (A) (5), (7), and (9) of 20967
this section, the commission of the act may be established by a 20968
finding by the board, pursuant to an adjudication under Chapter 20969
119. of the Revised Code, that the individual committed the act. 20970
The board does not have jurisdiction under those divisions if 20971
the trial court renders a final judgment in the individual's 20972
favor and that judgment is based upon an adjudication on the 20973
merits. The board has jurisdiction under those divisions if the 20974
trial court issues an order of dismissal upon technical or 20975
procedural grounds. 20976

~~(J)~~(K) The sealing of conviction records by any court 20977
shall have no effect upon a prior board order entered under this 20978
section or upon the board's jurisdiction to take action under 20979
this section if, based upon a plea of guilty, a judicial finding 20980
of guilt, or a judicial finding of eligibility for intervention 20981
in lieu of conviction, the board issued a notice of opportunity 20982
for a hearing prior to the court's order to seal the records. 20983
The board shall not be required to seal, destroy, redact, or 20984
otherwise modify its records to reflect the court's sealing of 20985
conviction records. 20986

~~(K)~~(L) If the board takes action under division (A) (4), 20987

(6), or (8) of this section, and the judicial finding of guilt, 20988
guilty plea, or judicial finding of eligibility for intervention 20989
in lieu of conviction is overturned on appeal, upon exhaustion 20990
of the criminal appeal, a petition for reconsideration of the 20991
order may be filed with the board along with appropriate court 20992
documents. Upon receipt of a petition for reconsideration and 20993
supporting court documents, the board shall reinstate the 20994
individual's license or permit. The board may then hold an 20995
adjudication under Chapter 119. of the Revised Code to determine 20996
whether the individual committed the act in question. Notice of 20997
an opportunity for a hearing shall be given in accordance with 20998
Chapter 119. of the Revised Code. If the board finds, pursuant 20999
to an adjudication held under this division, that the individual 21000
committed the act or if no hearing is requested, the board may 21001
order any of the sanctions identified under division (A) of this 21002
section. 21003

~~(L)~~ (M) The license or permit issued to an individual under 21004
this chapter and the individual's practice in this state are 21005
automatically suspended as of the date the individual pleads 21006
guilty to, is found by a judge or jury to be guilty of, or is 21007
subject to a judicial finding of eligibility for intervention in 21008
lieu of conviction in this state or treatment or intervention in 21009
lieu of conviction in another jurisdiction for any of the 21010
following criminal offenses in this state or a substantially 21011
equivalent criminal offense in another jurisdiction: aggravated 21012
murder, murder, voluntary manslaughter, felonious assault, 21013
kidnapping, rape, sexual battery, gross sexual imposition, 21014
aggravated arson, aggravated robbery, or aggravated burglary. 21015
Continued practice after suspension shall be considered 21016
practicing without a license or permit. 21017

The board shall notify the individual subject to the 21018

suspension by certified mail or in person in accordance with 21019
section 119.07 of the Revised Code. If an individual whose 21020
license or permit is automatically suspended under this division 21021
fails to make a timely request for an adjudication under Chapter 21022
119. of the Revised Code, the board shall enter a final order 21023
permanently revoking the individual's license or permit. 21024

~~(M)~~ (N) Notwithstanding any other provision of the Revised 21025
Code, all of the following apply: 21026

(1) The surrender of a license or permit issued under this 21027
chapter shall not be effective unless or until accepted by the 21028
board. A telephone conference call may be utilized for 21029
acceptance of the surrender of an individual's license or 21030
permit. The telephone conference call shall be considered a 21031
special meeting under division (F) of section 121.22 of the 21032
Revised Code. Reinstatement of a license or permit surrendered 21033
to the board requires an affirmative vote of not fewer than six 21034
members of the board. 21035

(2) An application for a license or permit made under the 21036
provisions of this chapter may not be withdrawn without approval 21037
of the board. 21038

(3) Failure by an individual to renew a license or permit 21039
in accordance with this chapter shall not remove or limit the 21040
board's jurisdiction to take any disciplinary action under this 21041
section against the individual. 21042

(4) At the request of the board, a license or permit 21043
holder shall immediately surrender to the board a license or 21044
permit that the board has suspended, revoked, or permanently 21045
revoked. 21046

Sec. 4760.03. (A) An individual seeking a license to 21047

practice as an anesthesiologist assistant shall file with the 21048
state medical board a written application on a form prescribed 21049
and supplied by the board. The application shall include all of 21050
the following information: 21051

(1) Evidence satisfactory to the board that the applicant 21052
is at least twenty-one years of age ~~and of good moral character;~~ 21053

(2) Evidence satisfactory to the board that the applicant 21054
has successfully completed the training necessary to prepare 21055
individuals to practice as anesthesiologist assistants, as 21056
specified in section 4760.031 of the Revised Code; 21057

(3) Evidence satisfactory to the board that the applicant 21058
holds current certification from the national commission for 21059
certification of anesthesiologist assistants and that the 21060
requirements for receiving the certification included passage of 21061
an examination to determine the individual's competence to 21062
practice as an anesthesiologist assistant; 21063

(4) Any other information the board considers necessary to 21064
process the application and evaluate the applicant's 21065
qualifications. 21066

(B) At the time of making application for a license, the 21067
applicant shall pay the board a fee of one hundred dollars, no 21068
part of which shall be returned. 21069

(C) The board shall review all applications received under 21070
this section. Not later than sixty days after receiving a 21071
complete application, the board shall determine whether an 21072
applicant meets the requirements to receive a license. The board 21073
shall not issue a license to an applicant unless the applicant 21074
is certified by the national commission for certification of 21075
anesthesiologist assistants or a successor organization that is 21076

recognized by the board. 21077

Sec. 4760.032. In addition to any other eligibility 21078
requirement set forth in this chapter, each applicant for a 21079
license to practice as an anesthesiologist assistant shall 21080
comply with sections 4776.01 to 4776.04 of the Revised Code. ~~The~~ 21081
~~state medical board shall not grant to an applicant a license to~~ 21082
~~practice as an anesthesiologist assistant unless the board, in~~ 21083
~~its discretion, decides that the results of the criminal records~~ 21084
~~check do not make the applicant ineligible for a license issued~~ 21085
~~pursuant to section 4760.04 of the Revised Code.~~ 21086

Sec. 4760.13. (A) The state medical board, by an 21087
affirmative vote of not fewer than six members, may revoke or 21088
may refuse to grant a license to practice as an anesthesiologist 21089
assistant to a person found by the board to have committed 21090
fraud, misrepresentation, or deception in applying for or 21091
securing the license. 21092

(B) The board, by an affirmative vote of not fewer than 21093
six members, shall, except as provided in division (C) of this 21094
section, and to the extent permitted by law, limit, revoke, or 21095
suspend an individual's license to practice as an 21096
anesthesiologist assistant, refuse to issue a license to an 21097
applicant, refuse to renew a license, refuse to reinstate a 21098
license, or reprimand or place on probation the holder of a 21099
license for any of the following reasons: 21100

(1) Permitting the holder's name or license to be used by 21101
another person; 21102

(2) Failure to comply with the requirements of this 21103
chapter, Chapter 4731. of the Revised Code, or any rules adopted 21104
by the board; 21105

(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;

(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;

(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;

(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;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist 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) The obtaining of, or attempting to obtain, money or a

thing of value by fraudulent misrepresentations in the course of practice;	21135 21136
(10) 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;	21137 21138 21139
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	21140 21141 21142
(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;	21143 21144 21145 21146
(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;	21147 21148 21149
(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;	21150 21151 21152
(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;	21153 21154 21155
(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;	21156 21157 21158 21159 21160
(17) Any of the following actions taken by the state agency responsible for regulating the practice of	21161 21162

anesthesiologist assistants in another jurisdiction, for any 21163
reason other than the nonpayment of fees: the limitation, 21164
revocation, or suspension of an individual's license to 21165
practice; acceptance of an individual's license surrender; 21166
denial of a license; refusal to renew or reinstate a license; 21167
imposition of probation; or issuance of an order of censure or 21168
other reprimand; 21169

(18) Violation of the conditions placed by the board on a 21170
license to practice; 21171

(19) Failure to use universal blood and body fluid 21172
precautions established by rules adopted under section 4731.051 21173
of the Revised Code; 21174

(20) Failure to cooperate in an investigation conducted by 21175
the board under section 4760.14 of the Revised Code, including 21176
failure to comply with a subpoena or order issued by the board 21177
or failure to answer truthfully a question presented by the 21178
board at a deposition or in written interrogatories, except that 21179
failure to cooperate with an investigation shall not constitute 21180
grounds for discipline under this section if a court of 21181
competent jurisdiction has issued an order that either quashes a 21182
subpoena or permits the individual to withhold the testimony or 21183
evidence in issue; 21184

(21) Failure to comply with any code of ethics established 21185
by the national commission for the certification of 21186
anesthesiologist assistants; 21187

(22) Failure to notify the state medical board of the 21188
revocation or failure to maintain certification from the 21189
national commission for certification of anesthesiologist 21190
assistants. 21191

(C) 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. 21192
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(D) Disciplinary actions taken by the board under 21197
divisions (A) and (B) of this section shall be taken pursuant to 21198
an adjudication under Chapter 119. of the Revised Code, except 21199
that in lieu of an adjudication, the board may enter into a 21200
consent agreement with an anesthesiologist assistant or 21201
applicant to resolve an allegation of a violation of this 21202
chapter or any rule adopted under it. A consent agreement, when 21203
ratified by an affirmative vote of not fewer than six members of 21204
the board, shall constitute the findings and order of the board 21205
with respect to the matter addressed in the agreement. If the 21206
board refuses to ratify a consent agreement, the admissions and 21207
findings contained in the consent agreement shall be of no force 21208
or effect. 21209

~~(D)~~ (E) For purposes of divisions (B) (11), (14), and (15) 21210
of this section, the commission of the act may be established by 21211
a finding by the board, pursuant to an adjudication under 21212
Chapter 119. of the Revised Code, that the applicant or license 21213
holder committed the act in question. The board shall have no 21214
jurisdiction under these divisions in cases where the trial 21215
court renders a final judgment in the license holder's favor and 21216
that judgment is based upon an adjudication on the merits. The 21217
board shall have jurisdiction under these divisions in cases 21218
where the trial court issues an order of dismissal on technical 21219
or procedural grounds. 21220

~~(E)~~ (F) The sealing of conviction records by any court 21221

shall have no effect on a prior board order entered under the 21222
provisions of this section or on the board's jurisdiction to 21223
take action under the provisions of this section if, based upon 21224
a plea of guilty, a judicial finding of guilt, or a judicial 21225
finding of eligibility for intervention in lieu of conviction, 21226
the board issued a notice of opportunity for a hearing prior to 21227
the court's order to seal the records. The board shall not be 21228
required to seal, destroy, redact, or otherwise modify its 21229
records to reflect the court's sealing of conviction records. 21230

~~(F)~~ (G) For purposes of this division, any individual who 21231
holds a license to practice issued under this chapter, or 21232
applies for a license to practice, shall be deemed to have given 21233
consent to submit to a mental or physical examination when 21234
directed to do so in writing by the board and to have waived all 21235
objections to the admissibility of testimony or examination 21236
reports that constitute a privileged communication. 21237

(1) In enforcing division (B) (5) of this section, the 21238
board, on a showing of a possible violation, may compel any 21239
individual who holds a license to practice issued under this 21240
chapter or who has applied for a license to practice pursuant to 21241
this chapter to submit to a mental or physical examination, or 21242
both. A physical examination may include an HIV test. The 21243
expense of the examination is the responsibility of the 21244
individual compelled to be examined. Failure to submit to a 21245
mental or physical examination or consent to an HIV test ordered 21246
by the board constitutes an admission of the allegations against 21247
the individual unless the failure is due to circumstances beyond 21248
the individual's control, and a default and final order may be 21249
entered without the taking of testimony or presentation of 21250
evidence. If the board finds an anesthesiologist assistant 21251
unable to practice because of the reasons set forth in division 21252

(B) (5) of this section, the board shall require the 21253
anesthesiologist assistant to submit to care, counseling, or 21254
treatment by physicians approved or designated by the board, as 21255
a condition for an initial, continued, reinstated, or renewed 21256
license to practice. An individual affected by this division 21257
shall be afforded an opportunity to demonstrate to the board the 21258
ability to resume practicing in compliance with acceptable and 21259
prevailing standards of care. 21260

(2) For purposes of division (B) (6) of this section, if 21261
the board has reason to believe that any individual who holds a 21262
license to practice issued under this chapter or any applicant 21263
for a license to practice suffers such impairment, the board may 21264
compel the individual to submit to a mental or physical 21265
examination, or both. The expense of the examination is the 21266
responsibility of the individual compelled to be examined. Any 21267
mental or physical examination required under this division 21268
shall be undertaken by a treatment provider or physician 21269
qualified to conduct such examination and chosen by the board. 21270

Failure to submit to a mental or physical examination 21271
ordered by the board constitutes an admission of the allegations 21272
against the individual unless the failure is due to 21273
circumstances beyond the individual's control, and a default and 21274
final order may be entered without the taking of testimony or 21275
presentation of evidence. If the board determines that the 21276
individual's ability to practice is impaired, the board shall 21277
suspend the individual's license or deny the individual's 21278
application and shall require the individual, as a condition for 21279
an initial, continued, reinstated, or renewed license to 21280
practice, to submit to treatment. 21281

Before being eligible to apply for reinstatement of a 21282

license suspended under this division, the anesthesiologist 21283
assistant shall demonstrate to the board the ability to resume 21284
practice in compliance with acceptable and prevailing standards 21285
of care. The demonstration shall include the following: 21286

(a) Certification from a treatment provider approved under 21287
section 4731.25 of the Revised Code that the individual has 21288
successfully completed any required inpatient treatment; 21289

(b) Evidence of continuing full compliance with an 21290
aftercare contract or consent agreement; 21291

(c) Two written reports indicating that the individual's 21292
ability to practice has been assessed and that the individual 21293
has been found capable of practicing according to acceptable and 21294
prevailing standards of care. The reports shall be made by 21295
individuals or providers approved by the board for making such 21296
assessments and shall describe the basis for their 21297
determination. 21298

The board may reinstate a license suspended under this 21299
division after such demonstration and after the individual has 21300
entered into a written consent agreement. 21301

When the impaired anesthesiologist assistant resumes 21302
practice, the board shall require continued monitoring of the 21303
anesthesiologist assistant. The monitoring shall include 21304
monitoring of compliance with the written consent agreement 21305
entered into before reinstatement or with conditions imposed by 21306
board order after a hearing, and, on termination of the consent 21307
agreement, submission to the board for at least two years of 21308
annual written progress reports made under penalty of 21309
falsification stating whether the anesthesiologist assistant has 21310
maintained sobriety. 21311

~~(G)~~ (H) If the secretary and supervising member determine 21312
that there is clear and convincing evidence that an 21313
anesthesiologist assistant has violated division (B) of this 21314
section and that the individual's continued practice presents a 21315
danger of immediate and serious harm to the public, they may 21316
recommend that the board suspend the individual's license 21317
without a prior hearing. Written allegations shall be prepared 21318
for consideration by the board. 21319

The board, on review of the allegations and by an 21320
affirmative vote of not fewer than six of its members, excluding 21321
the secretary and supervising member, may suspend a license 21322
without a prior hearing. A telephone conference call may be 21323
utilized for reviewing the allegations and taking the vote on 21324
the summary suspension. 21325

The board shall issue a written order of suspension by 21326
certified mail or in person in accordance with section 119.07 of 21327
the Revised Code. The order shall not be subject to suspension 21328
by the court during pendency of any appeal filed under section 21329
119.12 of the Revised Code. If the anesthesiologist assistant 21330
requests an adjudicatory hearing by the board, the date set for 21331
the hearing shall be within fifteen days, but not earlier than 21332
seven days, after the anesthesiologist assistant requests the 21333
hearing, unless otherwise agreed to by both the board and the 21334
license holder. 21335

A summary suspension imposed under this division shall 21336
remain in effect, unless reversed on appeal, until a final 21337
adjudicative order issued by the board pursuant to this section 21338
and Chapter 119. of the Revised Code becomes effective. The 21339
board shall issue its final adjudicative order within sixty days 21340
after completion of its hearing. Failure to issue the order 21341

within sixty days shall result in dissolution of the summary 21342
suspension order, but shall not invalidate any subsequent, final 21343
adjudicative order. 21344

~~(H)~~ (I) If the board takes action under division (B) (11), 21345
(13), or (14) of this section, and the judicial finding of 21346
guilt, guilty plea, or judicial finding of eligibility for 21347
intervention in lieu of conviction is overturned on appeal, on 21348
exhaustion of the criminal appeal, a petition for 21349
reconsideration of the order may be filed with the board along 21350
with appropriate court documents. On receipt of a petition and 21351
supporting court documents, the board shall reinstate the 21352
license to practice. The board may then hold an adjudication 21353
under Chapter 119. of the Revised Code to determine whether the 21354
individual committed the act in question. Notice of opportunity 21355
for hearing shall be given in accordance with Chapter 119. of 21356
the Revised Code. If the board finds, pursuant to an 21357
adjudication held under this division, that the individual 21358
committed the act, or if no hearing is requested, it may order 21359
any of the sanctions specified in division (B) of this section. 21360

~~(I)~~ (J) The license to practice of an anesthesiologist 21361
assistant and the assistant's practice in this state are 21362
automatically suspended as of the date the anesthesiologist 21363
assistant pleads guilty to, is found by a judge or jury to be 21364
guilty of, or is subject to a judicial finding of eligibility 21365
for intervention in lieu of conviction in this state or 21366
treatment of intervention in lieu of conviction in another 21367
jurisdiction for any of the following criminal offenses in this 21368
state or a substantially equivalent criminal offense in another 21369
jurisdiction: aggravated murder, murder, voluntary manslaughter, 21370
felonious assault, kidnapping, rape, sexual battery, gross 21371
sexual imposition, aggravated arson, aggravated robbery, or 21372

aggravated burglary. Continued practice after the suspension 21373
shall be considered practicing without a license. 21374

The board shall notify the individual subject to the 21375
suspension by certified mail or in person in accordance with 21376
section 119.07 of the Revised Code. If an individual whose 21377
license is suspended under this division fails to make a timely 21378
request for an adjudication under Chapter 119. of the Revised 21379
Code, the board shall enter a final order permanently revoking 21380
the individual's license to practice. 21381

~~(J)~~ (K) In any instance in which the board is required by 21382
Chapter 119. of the Revised Code to give notice of opportunity 21383
for hearing and the individual subject to the notice does not 21384
timely request a hearing in accordance with section 119.07 of 21385
the Revised Code, the board is not required to hold a hearing, 21386
but may adopt, by an affirmative vote of not fewer than six of 21387
its members, a final order that contains the board's findings. 21388
In the final order, the board may order any of the sanctions 21389
identified under division (A) or (B) of this section. 21390

~~(K)~~ (L) Any action taken by the board under division (B) 21391
of this section resulting in a suspension shall be accompanied 21392
by a written statement of the conditions under which the 21393
anesthesiologist assistant's license may be reinstated. The 21394
board shall adopt rules in accordance with Chapter 119. of the 21395
Revised Code governing conditions to be imposed for 21396
reinstatement. Reinstatement of a license suspended pursuant to 21397
division (B) of this section requires an affirmative vote of not 21398
fewer than six members of the board. 21399

~~(L)~~ (M) When the board refuses to grant or issue a license 21400
to practice as an anesthesiologist assistant to an applicant, 21401
revokes an individual's license, refuses to renew an 21402

individual's license, or refuses to reinstate an individual's 21403
license, the board may specify that its action is permanent. An 21404
individual subject to a permanent action taken by the board is 21405
forever thereafter ineligible to hold a license to practice as 21406
an anesthesiologist assistant and the board shall not accept an 21407
application for reinstatement of the license or for issuance of 21408
a new license. 21409

~~(M)~~ (N) Notwithstanding any other provision of the Revised 21410
Code, all of the following apply: 21411

(1) The surrender of a license to practice issued under 21412
this chapter is not effective unless or until accepted by the 21413
board. Reinstatement of a license surrendered to the board 21414
requires an affirmative vote of not fewer than six members of 21415
the board. 21416

(2) An application made under this chapter for a license 21417
to practice may not be withdrawn without approval of the board. 21418

(3) Failure by an individual to renew a license to 21419
practice in accordance with section 4760.06 of the Revised Code 21420
shall not remove or limit the board's jurisdiction to take 21421
disciplinary action under this section against the individual. 21422

Sec. 4761.04. (A) Except as provided in division (B) of 21423
this section, no person is eligible for licensure as a 21424
respiratory care professional unless the person has shown, to 21425
the satisfaction of the state medical board, all of the 21426
following: 21427

(1) ~~That the person is of good moral character;~~ 21428

~~(2)~~ That the person has successfully completed the 21429
requirements of an educational program approved by the board 21430
that includes instruction in the biological and physical 21431

sciences, pharmacology, respiratory care theory, procedures, and 21432
clinical practice, and cardiopulmonary rehabilitation 21433
techniques; 21434

~~(3)~~(2) That the person has passed an examination approved 21435
under rules adopted by the board that tests the applicant's 21436
knowledge of the basic and clinical sciences relating to 21437
respiratory care theory and practice, professional skills and 21438
judgment in the utilization of respiratory care techniques, and 21439
such other subjects as the board considers useful in determining 21440
fitness to practice. 21441

(B) Any person licensed to practice respiratory care by 21442
the former Ohio respiratory care board before January 21, 2018, 21443
may continue to practice respiratory care in this state under 21444
that license if the person continues to meet the requirements to 21445
renew a license under this chapter and renews the license 21446
through the state medical board. 21447

The state medical board may take any of the following 21448
actions, as provided in section 4761.09 of the Revised Code, 21449
against the holder of a license to practice respiratory care 21450
issued before January 21, 2018, by the former Ohio respiratory 21451
care board: 21452

(1) Limit, revoke, or suspend the holder's license; 21453

(2) Refuse to renew or reinstate the holder's license; 21454

(3) Reprimand the holder or place the holder on probation. 21455

Sec. 4761.05. (A) The state medical board shall issue a 21456
license to any applicant who complies with the requirements of 21457
section 4761.04 of the Revised Code, files the prescribed 21458
application form, and pays the fee or fees required under 21459
section 4761.07 of the Revised Code. The license entitles the 21460

holder to practice respiratory care. 21461

(B) (1) The board shall issue a limited permit to any 21462
applicant who ~~meets the requirements of division (A) (1) of~~ 21463
~~section 4761.04 of the Revised Code,~~ files an application on a 21464
form furnished by the board, pays the fee required under section 21465
4761.07 of the Revised Code, and meets either of the following 21466
requirements: 21467

(a) Is enrolled in and is in good standing in a 21468
respiratory care educational program approved by the board that 21469
meets the requirements of division (A) ~~(2)~~ (1) of section 4761.04 21470
of the Revised Code leading to a degree or certificate of 21471
completion or is a graduate of the program; 21472

(b) Is employed as a provider of respiratory care in this 21473
state and was employed as a provider of respiratory care in this 21474
state prior to March 14, 1989. 21475

(2) If no grounds apply under section 4761.09 of the 21476
Revised Code for denying a limited permit to the applicant and 21477
the applicant meets the requirements of division (B) of this 21478
section, the board shall issue a limited permit to the 21479
applicant. 21480

The limited permit authorizes the holder to provide 21481
respiratory care under the supervision of a respiratory care 21482
professional. A person issued a limited permit under division 21483
(B) (1) (a) of this section may practice respiratory care under 21484
the limited permit for not more than three years after the date 21485
the limited permit is issued, except that the limited permit 21486
shall cease to be valid one year following the date of receipt 21487
of a certificate of completion from a board-approved respiratory 21488
care education program or immediately if the holder discontinues 21489

participation in the educational program. 21490

The holder shall notify the board as soon as practicable 21491
when the holder completes a board-approved respiratory care 21492
education program or discontinues participation in the 21493
educational program. 21494

This division does not require a student enrolled in an 21495
educational program leading to a degree or certificate of 21496
completion in respiratory care approved by the board to obtain a 21497
limited permit to perform any duties that are part of the 21498
required course of study. 21499

(3) A person issued a limited permit under division (B) (1) 21500
(b) of this section may practice under a limited permit for not 21501
more than three years, except that this restriction does not 21502
apply to a permit holder who, on March 14, 1989, has been 21503
employed as a provider of respiratory care for an average of not 21504
less than twenty-five hours per week for a period of not less 21505
than five years by a hospital. 21506

(4) During the three-year period in which a person may 21507
practice under a limited permit, the person shall apply for 21508
renewal on an annual basis in accordance with section 4761.06 of 21509
the Revised Code. 21510

(5) The board may revoke a limited permit upon proof 21511
satisfactory to the board that the permit holder has engaged in 21512
practice in this state outside the scope of the permit, that the 21513
holder has engaged in unethical conduct, or that there are 21514
grounds for action against the holder under section 4761.09 of 21515
the Revised Code. 21516

(C) The holder of a license or limited permit issued under 21517
this section shall either provide verification of licensure or 21518

permit status from the board's internet web site on request or 21519
prominently display a wall certificate in the license holder's 21520
office or place where the majority of the holder's practice is 21521
conducted. 21522

Sec. 4761.051. (A) As used in this section, "license" and 21523
"applicant for an initial license" have the same meanings as in 21524
section 4776.01 of the Revised Code, except that "license" as 21525
used in both of those terms refers to the types of 21526
authorizations otherwise issued or conferred under this chapter. 21527

(B) In addition to any other eligibility requirement set 21528
forth in this chapter, each applicant for an initial license 21529
shall comply with sections 4776.01 to 4776.04 of the Revised 21530
Code. The state medical board shall not grant a license to an 21531
applicant for an initial license unless the applicant complies 21532
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 21533
~~board, in its discretion, decides that the results of the~~ 21534
~~criminal records check do not make the applicant ineligible for~~ 21535
~~a license issued pursuant to section 4761.05 of the Revised~~ 21536
Code. 21537

Sec. 4761.06. (A) Each license to practice respiratory 21538
care shall expire on the date that is two years after the date 21539
of issuance and may be renewed for additional two-year periods. 21540
Each limited permit to practice respiratory care shall be 21541
renewed annually. Each person seeking to renew a license or 21542
limited permit to practice respiratory care shall apply to the 21543
state medical board in a manner prescribed by the board. 21544
Licenses and limited permits shall be renewed in accordance with 21545
the standard renewal procedure of Chapter 4745. of the Revised 21546
Code. The board shall renew a license if the holder pays the 21547
license renewal fee prescribed under section 4761.07 of the 21548

Revised Code and certifies that the holder has completed the 21549
continuing education or reexamination requirements of division 21550
(B) of this section. 21551

At least one month before a license expires, the board 21552
shall provide to the license holder a renewal notice. Failure of 21553
any license holder to receive a notice of renewal from the board 21554
shall not excuse the holder from the requirements contained in 21555
this section. Each license holder shall give notice to the board 21556
of a change in the holder's residence address, business address, 21557
or electronic mail address not later than thirty days after the 21558
change occurs. 21559

The board shall renew a limited permit if the holder pays 21560
the limited permit renewal fee prescribed under section 4761.07 21561
of the Revised Code and does either of the following: 21562

(1) If the limited permit was issued on the basis of 21563
division (B) (1) (a) of section 4761.05 of the Revised Code, 21564
certifies that the holder is enrolled and in good standing in an 21565
educational program that meets the requirements of division (A) 21566
~~(2)~~ (1) of section 4761.04 of the Revised Code or has graduated 21567
from such a program; 21568

(2) If the limited permit was issued on the basis of 21569
division (B) (1) (b) of section 4761.05 of the Revised Code, 21570
certifies that the applicant is employed as a provider of 21571
respiratory care under the supervision of a respiratory care 21572
professional. 21573

(B) On or before the annual renewal date, the holder of a 21574
limited permit issued under division (B) (1) (b) of section 21575
4761.05 of the Revised Code shall certify to the board that the 21576
holder has satisfactorily completed the number of hours of 21577

continuing education required by the board, which shall not be 21578
less than three nor more than ten hours of continuing education 21579
acceptable to the board. 21580

On or before the date a license expires, a license holder 21581
shall certify to the board that the license holder has 21582
satisfactorily completed the number of hours of continuing 21583
education required by the board, which shall be not less than 21584
six nor more than twenty hours of continuing education 21585
acceptable to the board, or has passed a reexamination in 21586
accordance with the board's renewal requirements. 21587

(C) (1) A license to practice respiratory care that is not 21588
renewed on or before its expiration date is automatically 21589
suspended on its expiration date. Continued practice after 21590
suspension shall be considered as practicing in violation of 21591
section 4761.10 of the Revised Code. 21592

(2) If a license has been suspended pursuant to division 21593
(C) (1) of this section for two years or less, it may be 21594
reinstated. The board shall reinstate the license upon the 21595
applicant's submission of a complete renewal application and 21596
payment of a reinstatement fee of one hundred dollars. 21597

If a license has been suspended pursuant to division (C) 21598
(1) of this section for more than two years, it may be restored. 21599
Subject to section 4761.061 of the Revised Code, the board may 21600
restore the license upon an applicant's submission of a complete 21601
restoration application and a restoration fee of one hundred 21602
twenty-five dollars and compliance with sections 4776.01 to 21603
4776.04 of the Revised Code. The board shall not restore a 21604
license unless the board, in its discretion, decides that the 21605
results of the criminal records check do not make the applicant 21606
ineligible for a license issued pursuant to division (A) of this 21607

section. 21608

(D) (1) The board may require a random sample of limited 21609
permit holders to submit materials documenting that the holder 21610
has completed the number of hours of continuing education as 21611
described in division (B) of this section. 21612

(2) The board may require a random sample of license 21613
holders to submit materials documenting that the holder has 21614
completed the number of hours of continuing education as 21615
described in division (B) of this section or has passed a 21616
reexamination. 21617

(3) Division (D) (1) or (2) of this section does not limit 21618
the board's authority to conduct investigations pursuant to 21619
section 4731.22 of the Revised Code. 21620

(E) (1) If, through a random sample conducted under 21621
division (D) of this section or any other means, the board finds 21622
that an individual who certified passing the reexamination or 21623
completion of the number of hours and type of continuing 21624
education required to renew, reinstate, or restore a limited 21625
permit or license did not pass the reexamination or complete the 21626
requisite continuing education, the board may do either of the 21627
following: 21628

(a) Take disciplinary action against the individual under 21629
section 4761.09 of the Revised Code, impose a civil penalty, or 21630
both; 21631

(b) Permit the individual to agree in writing to pass the 21632
reexamination or complete the continuing education and pay a 21633
civil penalty. 21634

(2) The board's finding in any disciplinary action taken 21635
under division (E) (1) (a) of this section shall be made pursuant 21636

to an adjudication under Chapter 119. of the Revised Code and by 21637
an affirmative vote of not fewer than six of its members. 21638

(3) A civil penalty imposed under division (E) (1) (a) of 21639
this section or paid under division (E) (1) (b) of this section 21640
shall be in an amount specified by the board of not more than 21641
five thousand dollars. The board shall deposit civil penalties 21642
in accordance with section 4731.24 of the Revised Code. 21643

Sec. 4761.07. (A) The state medical board shall charge any 21644
license applicant or holder who is to take an examination 21645
required under division (A) ~~(3)~~(2) of section 4761.04 or a 21646
reexamination required under division (B) of section 4761.06 of 21647
the Revised Code for license renewal or under section 4761.09 of 21648
the Revised Code for license reinstatement, a nonrefundable 21649
examination fee, not to exceed the amount necessary to cover the 21650
expense of administering the examination. The license applicant 21651
or holder shall pay the fee at the time of application for 21652
licensure or renewal. 21653

(B) The board shall establish the following additional 21654
nonrefundable fees and penalty: 21655

(1) An initial license fee of seventy-five dollars; 21656

(2) A biennial license renewal fee of seventy-five 21657
dollars; 21658

(3) A limited permit fee of twenty dollars; 21659

(4) A limited permit renewal fee of ten dollars; 21660

(5) A duplicate license or limited permit fee of thirty- 21661
five dollars; 21662

(6) In the case of a person holding a license issued under 21663
this chapter, a license verification fee of fifty dollars. 21664

(C) Notwithstanding division (B) (4) of this section, after 21665
the third renewal of a limited permit that meets the exception 21666
in division (B) (3) of section 4761.05 of the Revised Code, the 21667
limited permit renewal fee shall be thirty-five dollars. 21668

(D) All fees received by the board shall be deposited into 21669
the state treasury to the credit of the state medical board 21670
operating fund pursuant to section 4731.24 of the Revised Code. 21671

Sec. 4761.09. (A) The state medical board, by an 21672
affirmative vote of not fewer than six members, shall, except as 21673
provided in division (B) of this section, and to the extent 21674
permitted by law, limit, revoke, or suspend an individual's 21675
license or limited permit, refuse to issue a license or limited 21676
permit to an individual, refuse to renew a license or limited 21677
permit, refuse to reinstate a license or limited permit, or 21678
reprimand or place on probation the holder of a license or 21679
limited permit for one or more of the following reasons: 21680

(1) A plea of guilty to, a judicial finding of guilt of, 21681
or a judicial finding of eligibility for intervention in lieu of 21682
conviction for, a felony; 21683

(2) Commission of an act that constitutes a felony in this 21684
state, regardless of the jurisdiction in which the act was 21685
committed; 21686

(3) A plea of guilty to, a judicial finding of guilt of, 21687
or a judicial finding of eligibility for intervention in lieu of 21688
conviction for, a misdemeanor committed in the course of 21689
practice; 21690

(4) Commission of an act in the course of practice that 21691
constitutes a misdemeanor in this state, regardless of the 21692
jurisdiction in which the act was committed; 21693

(5) A plea of guilty to, a judicial finding of guilt of, 21694
or a judicial finding of eligibility for intervention in lieu of 21695
conviction for, a misdemeanor involving moral turpitude; 21696

(6) Commission of an act involving moral turpitude that 21697
constitutes a misdemeanor in this state, regardless of the 21698
jurisdiction in which the act was committed; 21699

(7) Except when civil penalties are imposed under section 21700
4761.091 of the Revised Code, violating or attempting to 21701
violate, directly or indirectly, or assisting in or abetting the 21702
violation of, or conspiring to violate, any provision of this 21703
chapter or the rules adopted by the board; 21704

(8) Making a false, fraudulent, deceptive, or misleading 21705
statement in the solicitation of or advertising for patients; in 21706
relation to the practice of respiratory care; or in securing or 21707
attempting to secure any license or permit issued by the board 21708
under this chapter. 21709

As used in division (A) (8) of this section, "false, 21710
fraudulent, deceptive, or misleading statement" means a 21711
statement that includes a misrepresentation of fact, is likely 21712
to mislead or deceive because of a failure to disclose material 21713
facts, is intended or is likely to create false or unjustified 21714
expectations of favorable results, or includes representations 21715
or implications that in reasonable probability will cause an 21716
ordinarily prudent person to misunderstand or be deceived. 21717

(9) Committing fraud during the administration of the 21718
examination for a license to practice or committing fraud, 21719
misrepresentation, or deception in applying for, renewing, or 21720
securing any license or permit issued by the board; 21721

(10) A departure from, or failure to conform to, minimal 21722

standards of care of similar practitioners under the same or	21723
similar circumstances, whether or not actual injury to a patient	21724
is established;	21725
(11) Violating the standards of ethical conduct adopted by	21726
the board, in the practice of respiratory care;	21727
(12) The obtaining of, or attempting to obtain, money or	21728
anything of value by fraudulent misrepresentations in the course	21729
of practice;	21730
(13) Violation of the conditions of limitation placed by	21731
the board upon a license or permit;	21732
(14) Inability to practice according to acceptable and	21733
prevailing standards of care by reason of mental illness or	21734
physical illness, including physical deterioration that	21735
adversely affects cognitive, motor, or perceptive skills;	21736
(15) Any of the following actions taken by an agency	21737
responsible for authorizing, certifying, or regulating an	21738
individual to practice a health care occupation or provide	21739
health care services in this state or another jurisdiction, for	21740
any reason other than the nonpayment of fees: the limitation,	21741
revocation, or suspension of an individual's license; acceptance	21742
of an individual's license surrender; denial of a license;	21743
refusal to renew or reinstate a license; imposition of	21744
probation; or issuance of an order of censure or other	21745
reprimand;	21746
(16) The revocation, suspension, restriction, reduction,	21747
or termination of practice privileges by the United States	21748
department of defense or department of veterans affairs;	21749
(17) Termination or suspension from participation in the	21750
medicare or medicaid programs by the department of health and	21751

human services or other responsible agency for any act or acts 21752
that also would constitute a violation of division (A) (10), 21753
(12), or (14) of this section; 21754

(18) Impairment of ability to practice according to 21755
acceptable and prevailing standards of care because of habitual 21756
or excessive use or abuse of drugs, alcohol, or other substances 21757
that impair ability to practice; 21758

(19) Failure to cooperate in an investigation conducted by 21759
the board under division (E) of section 4761.03 of the Revised 21760
Code, including failure to comply with a subpoena or order 21761
issued by the board or failure to answer truthfully a question 21762
presented by the board in an investigative interview, an 21763
investigative office conference, at a deposition, or in written 21764
interrogatories, except that failure to cooperate with an 21765
investigation shall not constitute grounds for discipline under 21766
this section if a court of competent jurisdiction has issued an 21767
order that either quashes a subpoena or permits the individual 21768
to withhold the testimony or evidence in issue; 21769

(20) Practicing in an area of respiratory care for which 21770
the person is clearly untrained or incompetent or practicing in 21771
a manner that conflicts with section 4761.17 of the Revised 21772
Code; 21773

(21) Employing, directing, or supervising a person who is 21774
not authorized to practice respiratory care under this chapter 21775
in the performance of respiratory care procedures; 21776

(22) Misrepresenting educational attainments or authorized 21777
functions for the purpose of obtaining some benefit related to 21778
the practice of respiratory care; 21779

(23) Assisting suicide as defined in section 3795.01 of 21780

the Revised Code; 21781

(24) Representing, with the purpose of obtaining 21782
compensation or other advantage as personal gain or for any 21783
other person, that an incurable disease or injury, or other 21784
incurable condition, can be permanently cured. 21785

Disciplinary actions taken by the board under division (A) 21786
of this section shall be taken pursuant to an adjudication under 21787
Chapter 119. of the Revised Code, except that in lieu of an 21788
adjudication, the board may enter into a consent agreement with 21789
an individual to resolve an allegation of a violation of this 21790
chapter or any rule adopted under it. A consent agreement, when 21791
ratified by an affirmative vote of not fewer than six members of 21792
the board, shall constitute the findings and order of the board 21793
with respect to the matter addressed in the agreement. If the 21794
board refuses to ratify a consent agreement, the admissions and 21795
findings contained in the consent agreement shall be of no 21796
effect. 21797

A telephone conference call may be utilized for 21798
ratification of a consent agreement that revokes or suspends an 21799
individual's license or permit. The telephone conference call 21800
shall be considered a special meeting under division (F) of 21801
section 121.22 of the Revised Code. 21802

(B) The board shall not refuse to issue a license or 21803
limited permit to an applicant because of a plea of guilty to, a 21804
judicial finding of guilt of, or a judicial finding of 21805
eligibility for intervention in lieu of conviction for an 21806
offense unless the refusal is in accordance with section 9.79 of 21807
the Revised Code. 21808

(C) Any action taken by the board under division (A) of 21809

this section resulting in a suspension from practice shall be 21810
accompanied by a written statement of the conditions under which 21811
the individual's license or permit may be reinstated. The board 21812
shall adopt rules governing conditions to be imposed for 21813
reinstatement. Reinstatement of a license or permit suspended 21814
pursuant to division (A) of this section requires an affirmative 21815
vote of not fewer than six members of the board. 21816

~~(C)~~(D) When the board refuses to grant or issue a license 21817
or permit to an applicant, revokes an individual's license or 21818
permit, refuses to renew an individual's license or permit, or 21819
refuses to reinstate an individual's license or permit, the 21820
board may specify that its action is permanent. An individual 21821
subject to a permanent action taken by the board is forever 21822
thereafter ineligible to hold a license or permit and the board 21823
shall not accept an application for reinstatement of the license 21824
or permit or for issuance of a new license or permit. 21825

~~(D)~~(E) If the board is required by Chapter 119. of the 21826
Revised Code to give notice of an opportunity for a hearing and 21827
if the individual subject to the notice does not timely request 21828
a hearing in accordance with section 119.07 of the Revised Code, 21829
the board is not required to hold a hearing, but may adopt, by 21830
an affirmative vote of not fewer than six of its members, a 21831
final order that contains the board's findings. In the final 21832
order, the board may order any of the sanctions identified under 21833
division (A) of this section. 21834

~~(E)~~(F) In enforcing division (A) (14) of this section, the 21835
board, upon a showing of a possible violation, may compel any 21836
individual authorized to practice by this chapter or who has 21837
submitted an application pursuant to this chapter to submit to a 21838
mental examination, physical examination, including an HIV test, 21839

or both a mental and a physical examination. The expense of the 21840
examination is the responsibility of the individual compelled to 21841
be examined. Failure to submit to a mental or physical 21842
examination or consent to an HIV test ordered by the board 21843
constitutes an admission of the allegations against the 21844
individual unless the failure is due to circumstances beyond the 21845
individual's control, and a default and final order may be 21846
entered without the taking of testimony or presentation of 21847
evidence. If the board finds an individual unable to practice 21848
because of the reasons set forth in division (A) (14) of this 21849
section, the board shall require the individual to submit to 21850
care, counseling, or treatment by physicians approved or 21851
designated by the board, as a condition for initial, continued, 21852
reinstated, or renewed authority to practice. An individual 21853
affected under this division shall be afforded an opportunity to 21854
demonstrate to the board the ability to resume practice in 21855
compliance with acceptable and prevailing standards under the 21856
provisions of the individual's license or permit. For the 21857
purpose of division (A) (14) of this section, any individual who 21858
applies for or receives a license or permit to practice under 21859
this chapter accepts the privilege of practicing in this state 21860
and, by so doing, shall be deemed to have given consent to 21861
submit to a mental or physical examination when directed to do 21862
so in writing by the board, and to have waived all objections to 21863
the admissibility of testimony or examination reports that 21864
constitute a privileged communication. 21865

~~(F)~~(G) For the purposes of division (A) (18) of this 21866
section, any individual authorized to practice by this chapter 21867
accepts the privilege of practicing in this state subject to 21868
supervision by the board. By filing an application for or 21869
holding a license or permit under this chapter, an individual 21870

shall be deemed to have given consent to submit to a mental or 21871
physical examination when ordered to do so by the board in 21872
writing, and to have waived all objections to the admissibility 21873
of testimony or examination reports that constitute privileged 21874
communications. 21875

If it has reason to believe that any individual authorized 21876
to practice by this chapter or any applicant for a license or 21877
permit suffers such impairment, the board may compel the 21878
individual to submit to a mental or physical examination, or 21879
both. The expense of the examination is the responsibility of 21880
the individual compelled to be examined. Any mental or physical 21881
examination required under this division shall be undertaken by 21882
a treatment provider or physician who is qualified to conduct 21883
the examination and who is chosen by the board. 21884

Failure to submit to a mental or physical examination 21885
ordered by the board constitutes an admission of the allegations 21886
against the individual unless the failure is due to 21887
circumstances beyond the individual's control, and a default and 21888
final order may be entered without the taking of testimony or 21889
presentation of evidence. If the board determines that the 21890
individual's ability to practice is impaired, the board shall 21891
suspend the individual's license or permit or deny the 21892
individual's application and shall require the individual, as a 21893
condition for an initial, continued, reinstated, or renewed 21894
license or permit, to submit to treatment. 21895

Before being eligible to apply for reinstatement of a 21896
license or permit suspended under this division, the impaired 21897
practitioner shall demonstrate to the board the ability to 21898
resume practice in compliance with acceptable and prevailing 21899
standards of care under the provisions of the practitioner's 21900

license or permit. The demonstration shall include, but shall
not be limited to, the following:

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

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

(3) 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 the
assessments and shall describe the basis for their
determination.

The board may reinstate a license or permit suspended
under this division after that demonstration and after the
individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board
shall require continued monitoring of the individual. The
monitoring shall include, but not be limited to, compliance with
the written consent agreement entered into before reinstatement
or 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 perjury stating whether the individual has
maintained sobriety.

~~(G)~~ (H) If the secretary and supervising member determine
both of the following, they may recommend that the board suspend
an individual's license or permit without a prior hearing:

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

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

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 or permit 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 individual subject to the summary suspension 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 individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any 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 seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

~~(H)~~(I) For purposes of divisions (A) (2), (4), and (6) of 21960
this section, the commission of the act may be established by a 21961
finding by the board, pursuant to an adjudication under Chapter 21962
119. of the Revised Code, that the individual committed the act. 21963
The board does not have jurisdiction under those divisions if 21964
the trial court renders a final judgment in the individual's 21965
favor and that judgment is based upon an adjudication on the 21966
merits. The board has jurisdiction under those divisions if the 21967
trial court issues an order of dismissal upon technical or 21968
procedural grounds. 21969

~~(I)~~(J) The sealing of conviction records by any court 21970
shall have no effect upon a prior board order entered under this 21971
section or upon the board's jurisdiction to take action under 21972
this section if, based upon a plea of guilty, a judicial finding 21973
of guilt, or a judicial finding of eligibility for intervention 21974
in lieu of conviction, the board issued a notice of opportunity 21975
for a hearing prior to the court's order to seal the records. 21976
The board shall not be required to seal, destroy, redact, or 21977
otherwise modify its records to reflect the court's sealing of 21978
conviction records. 21979

~~(J)~~(K) If the board takes action under division (A) (1), 21980
(3), or (5) of this section, and the judicial finding of guilt, 21981
guilty plea, or judicial finding of eligibility for intervention 21982
in lieu of conviction is overturned on appeal, upon exhaustion 21983
of the criminal appeal, a petition for reconsideration of the 21984
order may be filed with the board along with appropriate court 21985
documents. Upon receipt of a petition for reconsideration and 21986
supporting court documents, the board shall reinstate the 21987
individual's license or permit. The board may then hold an 21988
adjudication under Chapter 119. of the Revised Code to determine 21989
whether the individual committed the act in question. Notice of 21990

an opportunity for a hearing shall be given in accordance with 21991
Chapter 119. of the Revised Code. If the board finds, pursuant 21992
to an adjudication held under this division, that the individual 21993
committed the act or if no hearing is requested, the board may 21994
order any of the sanctions identified under division (A) of this 21995
section. 21996

~~(K)~~ (L) The license or permit issued to an individual under 21997
this chapter and the individual's practice in this state are 21998
automatically suspended as of the date the individual pleads 21999
guilty to, is found by a judge or jury to be guilty of, or is 22000
subject to a judicial finding of eligibility for intervention in 22001
lieu of conviction in this state or treatment or intervention in 22002
lieu of conviction in another jurisdiction for any of the 22003
following criminal offenses in this state or a substantially 22004
equivalent criminal offense in another jurisdiction: aggravated 22005
murder, murder, voluntary manslaughter, felonious assault, 22006
kidnapping, rape, sexual battery, gross sexual imposition, 22007
aggravated arson, aggravated robbery, or aggravated burglary. 22008
Continued practice after suspension shall be considered 22009
practicing without a license or permit. 22010

The board shall notify the individual subject to the 22011
suspension by certified mail or in person in accordance with 22012
section 119.07 of the Revised Code. If an individual whose 22013
license or permit is automatically suspended under this division 22014
fails to make a timely request for an adjudication under Chapter 22015
119. of the Revised Code, the board shall enter a final order 22016
permanently revoking the individual's license or permit. 22017

~~(I)~~ (M) Notwithstanding any other provision of the Revised 22018
Code, all of the following apply: 22019

(1) The surrender of a license or permit issued under this 22020

chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

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

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

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4762.03. (A) An individual seeking a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist shall file with the state medical board a written application on a form prescribed and supplied by the board.

(B) To be eligible for the license, an applicant shall meet all of the following conditions, as applicable:

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age ~~and of good moral character.~~

(2) In the case of an applicant seeking a license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed, in the two-year period immediately preceding application for the license to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(b) Submitting evidence satisfactory to the board that the 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 22079
acupuncture and Chinese herbology, or diplomate in acupuncture; 22080

(c) Submitting evidence satisfactory to the board that the 22081
applicant, in seeking a designation from the national 22082
certification commission for acupuncture and oriental medicine 22083
as a diplomate of oriental medicine, diplomate of acupuncture 22084
and Chinese herbology, or diplomate of acupuncture, has 22085
successfully completed in English the examination required for 22086
such a designation by the national certification commission for 22087
acupuncture and oriental medicine; 22088

(d) In the case of an applicant seeking a license to 22089
practice as an oriental medicine practitioner, submitting 22090
evidence satisfactory to the board that the applicant has 22091
previously held a license to practice as an acupuncturist issued 22092
under section 4762.04 of the Revised Code. 22093

(5) The applicant shall submit to the board any other 22094
information the board requires. 22095

(6) The applicant shall pay to the board a fee of one 22096
hundred dollars, no part of which may be returned to the 22097
applicant. 22098

(C) The board shall review all applications received under 22099
this section. The board shall determine whether an applicant 22100
meets the requirements to receive a license not later than sixty 22101
days after receiving a complete application. 22102

Sec. 4762.031. In addition to any other eligibility 22103
requirement set forth in this chapter, each applicant for a 22104
license to practice as an oriental medicine practitioner or 22105
license to practice as an acupuncturist shall comply with 22106
sections 4776.01 to 4776.04 of the Revised Code. ~~The state~~ 22107

~~medical board shall not grant to an applicant a license to~~ 22108
~~practice unless the board, in its discretion, decides that the~~ 22109
~~results of the criminal records check do not make the applicant~~ 22110
~~ineligible for a license issued pursuant to section 4762.04 of~~ 22111
~~the Revised Code.~~ 22112

Sec. 4762.13. (A) The state medical board, by an 22113
affirmative vote of not fewer than six members, may revoke or 22114
may refuse to grant a license to practice as an oriental 22115
medicine practitioner or license to practice as an acupuncturist 22116
to a person found by the board to have committed fraud, 22117
misrepresentation, or deception in applying for or securing the 22118
license. 22119

(B) The board, by an affirmative vote of not fewer than 22120
six members, shall, except as provided in division (C) of this 22121
section, and to the extent permitted by law, limit, revoke, or 22122
suspend an individual's license to practice, refuse to issue a 22123
license to an applicant, refuse to renew a license, refuse to 22124
reinstate a license, or reprimand or place on probation the 22125
holder of a license for any of the following reasons: 22126

(1) Permitting the holder's name or license to be used by 22127
another person; 22128

(2) Failure to comply with the requirements of this 22129
chapter, Chapter 4731. of the Revised Code, or any rules adopted 22130
by the board; 22131

(3) Violating or attempting to violate, directly or 22132
indirectly, or assisting in or abetting the violation of, or 22133
conspiring to violate, any provision of this chapter, Chapter 22134
4731. of the Revised Code, or the rules adopted by the board; 22135

(4) A departure from, or failure to conform to, minimal 22136

standards of care of similar practitioners under the same or 22137
similar circumstances whether or not actual injury to the 22138
patient is established; 22139

(5) Inability to practice according to acceptable and 22140
prevailing standards of care by reason of mental illness or 22141
physical illness, including physical deterioration that 22142
adversely affects cognitive, motor, or perceptive skills; 22143

(6) Impairment of ability to practice according to 22144
acceptable and prevailing standards of care because of habitual 22145
or excessive use or abuse of drugs, alcohol, or other substances 22146
that impair ability to practice; 22147

(7) Willfully betraying a professional confidence; 22148

(8) Making a false, fraudulent, deceptive, or misleading 22149
statement in soliciting or advertising for patients or in 22150
securing or attempting to secure a license to practice as an 22151
oriental medicine practitioner or license to practice as an 22152
acupuncturist. 22153

As used in this division, "false, fraudulent, deceptive, 22154
or misleading statement" means a statement that includes a 22155
misrepresentation of fact, is likely to mislead or deceive 22156
because of a failure to disclose material facts, is intended or 22157
is likely to create false or unjustified expectations of 22158
favorable results, or includes representations or implications 22159
that in reasonable probability will cause an ordinarily prudent 22160
person to misunderstand or be deceived. 22161

(9) Representing, with the purpose of obtaining 22162
compensation or other advantage personally or for any other 22163
person, that an incurable disease or injury, or other incurable 22164
condition, can be permanently cured; 22165

- (10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 22166
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- (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; 22169
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- (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 22172
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- (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; 22175
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- (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; 22179
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- (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; 22182
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- (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; 22185
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- (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; 22188
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- (18) Any of the following actions taken by the state 22193

agency responsible for regulating the practice of oriental 22194
medicine or acupuncture in another jurisdiction, for any reason 22195
other than the nonpayment of fees: the limitation, revocation, 22196
or suspension of an individual's license to practice; acceptance 22197
of an individual's license surrender; denial of a license; 22198
refusal to renew or reinstate a license; imposition of 22199
probation; or issuance of an order of censure or other 22200
reprimand; 22201

(19) Violation of the conditions placed by the board on a 22202
license to practice as an oriental medicine practitioner or 22203
license to practice as an acupuncturist; 22204

(20) Failure to use universal blood and body fluid 22205
precautions established by rules adopted under section 4731.051 22206
of the Revised Code; 22207

(21) Failure to cooperate in an investigation conducted by 22208
the board under section 4762.14 of the Revised Code, including 22209
failure to comply with a subpoena or order issued by the board 22210
or failure to answer truthfully a question presented by the 22211
board at a deposition or in written interrogatories, except that 22212
failure to cooperate with an investigation shall not constitute 22213
grounds for discipline under this section if a court of 22214
competent jurisdiction has issued an order that either quashes a 22215
subpoena or permits the individual to withhold the testimony or 22216
evidence in issue; 22217

(22) Failure to comply with the standards of the national 22218
certification commission for acupuncture and oriental medicine 22219
regarding professional ethics, commitment to patients, 22220
commitment to the profession, and commitment to the public; 22221

(23) Failure to have adequate professional liability 22222

insurance coverage in accordance with section 4762.22 of the Revised Code; 22223
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(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the commission of the individual's designation, failure by the individual to meet the commission's requirements for redesignation, or failure to notify the board that the appropriate designation has not been maintained. 22225
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(C) 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. 22234
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(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 an oriental medicine practitioner or acupuncturist 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. 22239
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~~(D)~~ (E) For purposes of divisions (B) (12), (15), and (16) 22252

of this section, the commission of the act may be established by 22253
a finding by the board, pursuant to an adjudication under 22254
Chapter 119. of the Revised Code, that the applicant or license 22255
holder committed the act in question. The board shall have no 22256
jurisdiction under these divisions in cases where the trial 22257
court renders a final judgment in the license holder's favor and 22258
that judgment is based upon an adjudication on the merits. The 22259
board shall have jurisdiction under these divisions in cases 22260
where the trial court issues an order of dismissal upon 22261
technical or procedural grounds. 22262

~~(E)~~ (F) The sealing of conviction records by any court 22263
shall have no effect upon a prior board order entered under the 22264
provisions of this section or upon the board's jurisdiction to 22265
take action under the provisions of this section if, based upon 22266
a plea of guilty, a judicial finding of guilt, or a judicial 22267
finding of eligibility for intervention in lieu of conviction, 22268
the board issued a notice of opportunity for a hearing or 22269
entered into a consent agreement prior to the court's order to 22270
seal the records. The board shall not be required to seal, 22271
destroy, redact, or otherwise modify its records to reflect the 22272
court's sealing of conviction records. 22273

~~(F)~~ (G) For purposes of this division, any individual who 22274
holds a license to practice issued under this chapter, or 22275
applies for a license to practice, shall be deemed to have given 22276
consent to submit to a mental or physical examination when 22277
directed to do so in writing by the board and to have waived all 22278
objections to the admissibility of testimony or examination 22279
reports that constitute a privileged communication. 22280

(1) In enforcing division (B)(5) of this section, the 22281
board, upon a showing of a possible violation, may compel any 22282

individual who holds a license to practice issued under this 22283
chapter or who has applied for a license pursuant to this 22284
chapter to submit to a mental examination, physical examination, 22285
including an HIV test, or both a mental and physical 22286
examination. The expense of the examination is the 22287
responsibility of the individual compelled to be examined. 22288
Failure to submit to a mental or physical examination or consent 22289
to an HIV test ordered by the board constitutes an admission of 22290
the allegations against the individual unless the failure is due 22291
to circumstances beyond the individual's control, and a default 22292
and final order may be entered without the taking of testimony 22293
or presentation of evidence. If the board finds an oriental 22294
medicine practitioner or acupuncturist unable to practice 22295
because of the reasons set forth in division (B) (5) of this 22296
section, the board shall require the individual to submit to 22297
care, counseling, or treatment by physicians approved or 22298
designated by the board, as a condition for an initial, 22299
continued, reinstated, or renewed license to practice. An 22300
individual affected by this division shall be afforded an 22301
opportunity to demonstrate to the board the ability to resume 22302
practicing in compliance with acceptable and prevailing 22303
standards of care. 22304

(2) For purposes of division (B) (6) of this section, if 22305
the board has reason to believe that any individual who holds a 22306
license to practice issued under this chapter or any applicant 22307
for a license suffers such impairment, the board may compel the 22308
individual to submit to a mental or physical examination, or 22309
both. The expense of the examination is the responsibility of 22310
the individual compelled to be examined. Any mental or physical 22311
examination required under this division shall be undertaken by 22312
a treatment provider or physician qualified to conduct such 22313

examination and chosen by the board. 22314

Failure to submit to a mental or physical examination 22315
ordered by the board constitutes an admission of the allegations 22316
against the individual unless the failure is due to 22317
circumstances beyond the individual's control, and a default and 22318
final order may be entered without the taking of testimony or 22319
presentation of evidence. If the board determines that the 22320
individual's ability to practice is impaired, the board shall 22321
suspend the individual's license or deny the individual's 22322
application and shall require the individual, as a condition for 22323
an initial, continued, reinstated, or renewed license, to submit 22324
to treatment. 22325

Before being eligible to apply for reinstatement of a 22326
license suspended under this division, the oriental medicine 22327
practitioner or acupuncturist shall demonstrate to the board the 22328
ability to resume practice in compliance with acceptable and 22329
prevailing standards of care. The demonstration shall include 22330
the following: 22331

(a) Certification from a treatment provider approved under 22332
section 4731.25 of the Revised Code that the individual has 22333
successfully completed any required inpatient treatment; 22334

(b) Evidence of continuing full compliance with an 22335
aftercare contract or consent agreement; 22336

(c) Two written reports indicating that the individual's 22337
ability to practice has been assessed and that the individual 22338
has been found capable of practicing according to acceptable and 22339
prevailing standards of care. The reports shall be made by 22340
individuals or providers approved by the board for making such 22341
assessments and shall describe the basis for their 22342

determination. 22343

The board may reinstate a license suspended under this 22344
division after such demonstration and after the individual has 22345
entered into a written consent agreement. 22346

When the impaired individual resumes practice, the board 22347
shall require continued monitoring of the individual. The 22348
monitoring shall include monitoring of compliance with the 22349
written consent agreement entered into before reinstatement or 22350
with conditions imposed by board order after a hearing, and, 22351
upon termination of the consent agreement, submission to the 22352
board for at least two years of annual written progress reports 22353
made under penalty of falsification stating whether the 22354
individual has maintained sobriety. 22355

~~(G)~~ (H) If the secretary and supervising member determine 22356
both of the following, they may recommend that the board suspend 22357
an individual's license to practice without a prior hearing: 22358

(1) That there is clear and convincing evidence that an 22359
oriental medicine practitioner or acupuncturist has violated 22360
division (B) of this section; 22361

(2) That the individual's continued practice presents a 22362
danger of immediate and serious harm to the public. 22363

Written allegations shall be prepared for consideration by 22364
the board. The board, upon review of the allegations and by an 22365
affirmative vote of not fewer than six of its members, excluding 22366
the secretary and supervising member, may suspend a license 22367
without a prior hearing. A telephone conference call may be 22368
utilized for reviewing the allegations and taking the vote on 22369
the summary suspension. 22370

The board shall issue a written order of suspension by 22371

certified mail or in person in accordance with section 119.07 of 22372
the Revised Code. The order shall not be subject to suspension 22373
by the court during pendency of any appeal filed under section 22374
119.12 of the Revised Code. If the oriental medicine 22375
practitioner or acupuncturist requests an adjudicatory hearing 22376
by the board, the date set for the hearing shall be within 22377
fifteen days, but not earlier than seven days, after the hearing 22378
is requested, unless otherwise agreed to by both the board and 22379
the license holder. 22380

A summary suspension imposed under this division shall 22381
remain in effect, unless reversed on appeal, until a final 22382
adjudicative order issued by the board pursuant to this section 22383
and Chapter 119. of the Revised Code becomes effective. The 22384
board shall issue its final adjudicative order within sixty days 22385
after completion of its hearing. Failure to issue the order 22386
within sixty days shall result in dissolution of the summary 22387
suspension order, but shall not invalidate any subsequent, final 22388
adjudicative order. 22389

~~(H)~~(I) If the board takes action under division (B) (11), 22390
(13), or (14) of this section, and the judicial finding of 22391
guilt, guilty plea, or judicial finding of eligibility for 22392
intervention in lieu of conviction is overturned on appeal, upon 22393
exhaustion of the criminal appeal, a petition for 22394
reconsideration of the order may be filed with the board along 22395
with appropriate court documents. Upon receipt of a petition and 22396
supporting court documents, the board shall reinstate the 22397
license. The board may then hold an adjudication under Chapter 22398
119. of the Revised Code to determine whether the individual 22399
committed the act in question. Notice of opportunity for hearing 22400
shall be given in accordance with Chapter 119. of the Revised 22401
Code. If the board finds, pursuant to an adjudication held under 22402

this division, that the individual committed the act, or if no 22403
hearing is requested, it may order any of the sanctions 22404
specified in division (B) of this section. 22405

~~(I)~~ (J) The license to practice of an oriental medicine 22406
practitioner or acupuncturist and the practitioner's or 22407
acupuncturist's practice in this state are automatically 22408
suspended as of the date the practitioner or acupuncturist 22409
pleads guilty to, is found by a judge or jury to be guilty of, 22410
or is subject to a judicial finding of eligibility for 22411
intervention in lieu of conviction in this state or treatment or 22412
intervention in lieu of conviction in another jurisdiction for 22413
any of the following criminal offenses in this state or a 22414
substantially equivalent criminal offense in another 22415
jurisdiction: aggravated murder, murder, voluntary manslaughter, 22416
felonious assault, kidnapping, rape, sexual battery, gross 22417
sexual imposition, aggravated arson, aggravated robbery, or 22418
aggravated burglary. Continued practice after the suspension 22419
shall be considered practicing without a license. 22420

The board shall notify the individual subject to the 22421
suspension by certified mail or in person in accordance with 22422
section 119.07 of the Revised Code. If an individual whose 22423
license is suspended under this division fails to make a timely 22424
request for an adjudication under Chapter 119. of the Revised 22425
Code, the board shall enter a final order permanently revoking 22426
the individual's license. 22427

~~(J)~~ (K) In any instance in which the board is required by 22428
Chapter 119. of the Revised Code to give notice of opportunity 22429
for hearing and the individual subject to the notice does not 22430
timely request a hearing in accordance with section 119.07 of 22431
the Revised Code, the board is not required to hold a hearing, 22432

but may adopt, by an affirmative vote of not fewer than six of 22433
its members, a final order that contains the board's findings. 22434
In the final order, the board may order any of the sanctions 22435
identified under division (A) or (B) of this section. 22436

~~(K)~~ (L) Any action taken by the board under division (B) 22437
of this section resulting in a suspension shall be accompanied 22438
by a written statement of the conditions under which the license 22439
may be reinstated. The board shall adopt rules in accordance 22440
with Chapter 119. of the Revised Code governing conditions to be 22441
imposed for reinstatement. Reinstatement of a license suspended 22442
pursuant to division (B) of this section requires an affirmative 22443
vote of not fewer than six members of the board. 22444

~~(I)~~ (M) When the board refuses to grant or issue a license 22445
to an applicant, revokes an individual's license, refuses to 22446
renew an individual's license, or refuses to reinstate an 22447
individual's license, the board may specify that its action is 22448
permanent. An individual subject to a permanent action taken by 22449
the board is forever thereafter ineligible to hold a license to 22450
practice as an oriental medicine practitioner or license to 22451
practice as an acupuncturist and the board shall not accept an 22452
application for reinstatement of the license or for issuance of 22453
a new license. 22454

~~(M)~~ (N) Notwithstanding any other provision of the Revised 22455
Code, all of the following apply: 22456

(1) The surrender of a license to practice as an oriental 22457
medicine practitioner or license to practice as an acupuncturist 22458
issued under this chapter is not effective unless or until 22459
accepted by the board. Reinstatement of a license surrendered to 22460
the board requires an affirmative vote of not fewer than six 22461
members of the board. 22462

(2) An application made under this chapter for a license 22463
may not be withdrawn without approval of the board. 22464

(3) Failure by an individual to renew a license in 22465
accordance with section 4762.06 of the Revised Code shall not 22466
remove or limit the board's jurisdiction to take disciplinary 22467
action under this section against the individual. 22468

Sec. 4763.05. (A) (1) (a) A person shall make application 22469
for an initial state-certified general real estate appraiser 22470
certificate, an initial state-certified residential real estate 22471
appraiser certificate, an initial state-licensed residential 22472
real estate appraiser license, or an initial state-registered 22473
real estate appraiser assistant registration in writing to the 22474
superintendent of real estate on a form the superintendent 22475
prescribes. The application shall include the address of the 22476
applicant's principal place of business and all other addresses 22477
at which the applicant currently engages in the business of 22478
performing real estate appraisals and the address of the 22479
applicant's current residence. The superintendent shall retain 22480
the applicant's current residence address in a separate record 22481
which does not constitute a public record for purposes of 22482
section 149.43 of the Revised Code. The application shall 22483
indicate whether the applicant seeks certification as a general 22484
real estate appraiser or as a residential real estate appraiser, 22485
licensure as a residential real estate appraiser, or 22486
registration as a real estate appraiser assistant and be 22487
accompanied by the prescribed examination and certification, 22488
registration, or licensure fees set forth in section 4763.09 of 22489
the Revised Code. The application also shall include a pledge, 22490
signed by the applicant, that the applicant will comply with the 22491
standards set forth in this chapter; and a statement that the 22492
applicant understands the types of misconduct for which 22493

disciplinary proceedings may be initiated against the applicant 22494
pursuant to this chapter. 22495

(b) Upon the filing of an application and payment of any 22496
examination and certification, registration, or licensure fees, 22497
the superintendent of real estate shall request the 22498
superintendent of the bureau of criminal identification and 22499
investigation, or a vendor approved by the bureau, to conduct a 22500
criminal records check based on the applicant's fingerprints in 22501
accordance with section 109.572 of the Revised Code. 22502
Notwithstanding division (K) of section 121.08 of the Revised 22503
Code, the superintendent of real estate shall request that 22504
criminal record information from the federal bureau of 22505
investigation be obtained as part of the criminal records check. 22506
Any fee required under division (C)(3) of section 109.572 of the 22507
Revised Code shall be paid by the applicant. 22508

(2) For purposes of providing funding for the real estate 22509
appraiser recovery fund established by section 4763.16 of the 22510
Revised Code, the real estate appraiser board shall levy an 22511
assessment against each person issued an initial certificate, 22512
registration, or license and against current licensees, 22513
registrants, and certificate holders, as required by board rule. 22514
The assessment is in addition to the application and examination 22515
fees for initial applicants required by division (A)(1) of this 22516
section and the renewal fees required for current certificate 22517
holders, registrants, and licensees. The superintendent of real 22518
estate shall deposit the assessment into the state treasury to 22519
the credit of the real estate appraiser recovery fund. The 22520
assessment for initial certificate holders, registrants, and 22521
licensees shall be paid prior to the issuance of a certificate, 22522
registration, or license, and for current certificate holders, 22523
registrants, and licensees, at the time of renewal. 22524

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, and truthful, ~~and of good reputation~~ and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E) (1) A person who has obtained a residential real estate appraiser license, a residential real estate appraiser certificate, or a general real estate appraiser certificate from another state may apply to obtain a license or certificate issued under this chapter provided the state that issued the license or certificate has requirements that meet or exceed the

requirements found in this chapter. The board shall adopt rules 22555
relating to this division. The application for obtaining a 22556
license or certificate under this division may include any of 22557
the following: 22558

(a) A pledge, signed by the applicant, that the applicant 22559
will comply with the standards set forth in this chapter; 22560

(b) A statement that the applicant understands the types 22561
of misconduct for which disciplinary proceedings may be 22562
initiated against the applicant pursuant to this chapter; 22563

(c) A consent to service of process. 22564

(2) (a) The board shall recognize on a temporary basis a 22565
certification or license issued in another state and shall 22566
register on a temporary basis an appraiser who is certified or 22567
licensed in another state if all of the following apply: 22568

(i) The temporary registration is to perform an appraisal 22569
assignment that is part of a federally related transaction. 22570

(ii) The appraiser's business in this state is of a 22571
temporary nature. 22572

(iii) The appraiser registers with the board pursuant to 22573
this division. 22574

(b) An appraiser who is certified or licensed in another 22575
state shall register with the board for temporary practice 22576
before performing an appraisal assignment in this state in 22577
connection with a federally related transaction. 22578

(c) The board shall adopt rules relating to registration 22579
for the temporary recognition of certification and licensure of 22580
appraisers from another state. The registration for temporary 22581
recognition of certified or licensed appraisers from another 22582

state shall not authorize completion of more than one appraisal 22583
assignment in this state. The board shall not issue more than 22584
two registrations for temporary practice to any one applicant in 22585
any calendar year. The application for obtaining a registration 22586
under this division may include any of the following: 22587

(i) A pledge, signed by the applicant, that the applicant 22588
will comply with the standards set forth in this chapter; 22589

(ii) A statement that the applicant understands the types 22590
of misconduct for which disciplinary proceedings may be 22591
initiated against the applicant pursuant to this chapter; 22592

(iii) A consent to service of process. 22593

(3) The board may enter into reciprocal agreements with 22594
other states. The board shall prescribe reciprocal agreement 22595
requirements by rule. 22596

(F) The superintendent shall not issue a certificate, 22597
registration, or license to, or recognize on a temporary basis 22598
an appraiser from another state that is a corporation, 22599
partnership, or association. This prohibition shall not be 22600
construed to prevent a certificate holder or licensee from 22601
signing an appraisal report on behalf of a corporation, 22602
partnership, or association. 22603

(G) Every person licensed, registered, or certified under 22604
this chapter shall notify the superintendent, on a form provided 22605
by the superintendent, of a change in the address of the 22606
licensee's, registrant's, or certificate holder's principal 22607
place of business or residence within thirty days of the change. 22608
If a licensee's, registrant's, or certificate holder's license, 22609
registration, or certificate is revoked or not renewed, the 22610
licensee, registrant, or certificate holder immediately shall 22611

return the annual and any renewal certificate, registration, or 22612
license to the superintendent. 22613

(H) (1) The superintendent shall not issue a certificate, 22614
registration, or license to any person, or recognize on a 22615
temporary basis an appraiser from another state, who does not 22616
meet applicable minimum criteria for state certification, 22617
registration, or licensure prescribed by federal law or rule. 22618

(2) The superintendent shall not refuse to issue a general 22619
real estate appraiser certificate, residential real estate 22620
appraiser certificate, residential real estate appraiser 22621
license, or real estate appraiser assistant registration to any 22622
person ~~who has been convicted because of a conviction of or~~ 22623
~~pleaded plea of guilty to any criminal offense involving theft,~~ 22624
~~receiving stolen property, embezzlement, forgery, fraud, passing~~ 22625
~~bad checks, money laundering, or drug trafficking, or any~~ 22626
~~criminal offense involving money or securities, including a~~ 22627
~~violation of an existing or former law of this state, any other~~ 22628
~~state, or the United States that substantially is equivalent to~~ 22629
~~such an offense. However, if the applicant has pleaded guilty to~~ 22630
~~or been convicted of such an offense, the superintendent shall~~ 22631
~~not consider the offense if the applicant has proven to the~~ 22632
~~superintendent, by a preponderance of the evidence, that the~~ 22633
~~applicant's activities and employment record since the~~ 22634
~~conviction show that the applicant is honest, truthful, and of~~ 22635
~~good reputation, and there is no basis in fact for believing~~ 22636
~~that the applicant will commit such an offense again~~ unless the 22637
refusal is in accordance with section 9.79 of the Revised Code. 22638

Sec. 4764.05. (A) The Ohio home inspector board shall 22639
adopt rules in accordance with Chapter 119. of the Revised Code 22640
to do all of the following: 22641

(1) Establish standards to govern the issuance, renewal,	22642
suspension, and revocation of licenses, other sanctions that may	22643
be imposed for violations of this chapter, the conduct of	22644
hearings related to these actions, and the process of	22645
reactivating a license;	22646
(2) Establish the amount of the following fees:	22647
(a) Establish the following fees in an amount that is	22648
sufficient to defray necessary expenses incurred in the	22649
administration of this chapter:	22650
(i) The fee for applying for and receiving a license	22651
issued under section 4764.07 of the Revised Code and the special	22652
assessment for the home inspection recovery fund created in	22653
section 4764.21 of the Revised Code, which together shall not	22654
exceed two hundred fifty dollars;	22655
(ii) The fee for renewal of a license under section	22656
4764.09 of the Revised Code and the special assessment for the	22657
home inspection recovery fund created in section 4764.21 of the	22658
Revised Code, which together shall not exceed two hundred fifty	22659
dollars.	22660
(b) The renewal late fee described in division (B) (2) of	22661
section 4764.09 of the Revised Code;	22662
(c) The fee an institution or organization described in	22663
division (A) (7) of this section shall pay to receive approval to	22664
offer continuing education courses and programs;	22665
(d) The fee an institution or organization that is	22666
approved to offer continuing education courses and programs	22667
shall pay for each course or program that the institution or	22668
organization wishes to have the superintendent approve pursuant	22669
to the rules adopted by the board under division (A) (8) of this	22670

section;	22671
(e) Any other fees as required by this chapter.	22672
(3) In accordance with division (C) of this section, specify methods and procedures the board shall use to approve a curriculum of education a person must successfully complete to obtain a license under this chapter;	22673 22674 22675 22676
(4) In accordance with division (D) of this section, specify methods and procedures the board shall use to approve a curriculum of experience that a person may elect to complete the proof of experience requirement specified in division (D)(6) of section 4764.07 of the Revised Code;	22677 22678 22679 22680 22681
(5) Establish the administrative reporting and review requirements for parallel inspections or equivalency for field experience to assure that an applicant for a license satisfies the requirements of division (D)(6) of section 4764.07 of the Revised Code, as applicable;	22682 22683 22684 22685 22686
(6) Establish a curriculum for continuing education that a licensed home inspector shall complete to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and procedures to assure continuing education requirements are updated periodically to make those requirements consistent with home inspection industry practices;	22687 22688 22689 22690 22691 22692
(7) Establish requirements an institution or organization shall satisfy to obtain approval to provide courses or programs that enable a licensed home inspector to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and establish procedures that the superintendent of real estate and professional licensing shall use to approve an institution or organization that satisfies the	22693 22694 22695 22696 22697 22698 22699

requirements the board establishes; 22700

(8) Establish procedures and standards that the 22701
superintendent shall use to approve courses and programs, 22702
including online courses and programs, offered by an institution 22703
or organization that is approved by the superintendent to offer 22704
continuing education courses or programs pursuant to the rules 22705
adopted by the board under division (A) (7) of this section; 22706

(9) Establish reporting requirements for a licensed home 22707
inspector to follow to demonstrate that the licensed home 22708
inspector successfully completed the continuing education 22709
requirements specified in section 4764.08 of the Revised Code; 22710

(10) Establish requirements for conducting home 22711
inspections, standards of practice for home inspectors, and 22712
conflict of interest prohibitions to the extent that those 22713
provisions do not conflict with divisions ~~(B)~~(A) (2) to ~~(E)~~(5) of 22714
section 4764.14 of the Revised Code; 22715

(11) Specify requirements for settlement agreements 22716
entered into between the superintendent and a licensed home 22717
inspector under division (C) of section 4764.13 of the Revised 22718
Code; 22719

(12) Establish procedures for providing licensees with 22720
notice and applications for renewal under section 4764.09 of the 22721
Revised Code; 22722

(13) Establish a set of standards of practice and canons 22723
of ethics for the home inspection industry; 22724

(14) Establish directions for the superintendent of real 22725
estate and professional licensing to follow regarding the 22726
scheduling, instruction, and offerings of home inspection 22727
courses a person must successfully complete to obtain a license 22728

issued under this chapter;	22729
(15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions.	22730 22731 22732
(B) The board shall do all of the following:	22733
(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;	22734 22735 22736 22737
(2) Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under section 4764.21 of this section <u>the Revised Code</u> ;	22738 22739 22740
(3) Disseminate to licensees and the public information relative to board activities and decisions;	22741 22742
(4) Notify licensees of changes in state and federal laws pertaining to home inspections and relevant case law and inform licensees that they are subject to disciplinary action if they do not comply with the changes.	22743 22744 22745 22746
(C) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve a curriculum of education that satisfies all of the following requirements:	22747 22748 22749 22750
(1) The curriculum is offered by an accredited public or private institution of higher education or a professional organization that has been approved by the board to offer a curriculum.	22751 22752 22753 22754
(2) The curriculum includes a requirement that a person, to successfully complete the curriculum, complete at least	22755 22756

eighty hours of classroom or online prelicensing instruction, 22757
including instruction about compliance with the requirements 22758
specified in this chapter, inspection safety, report writing, 22759
and any other administrative matters required by the board. 22760

(3) The curriculum satisfies any other requirements the 22761
board established in rules it adopts. 22762

(D) The board shall determine the equivalency of field 22763
experience that a person may elect to complete to satisfy the 22764
proof of experience requirement specified in division (D)(6) of 22765
section 4764.07 of the Revised Code. The board shall approve 22766
only a curriculum of experience that includes a requirement that 22767
a person, to successfully complete the curriculum, must perform 22768
at least forty hours of work in the home inspection field that 22769
allows the person to obtain practical experience or training 22770
regarding home inspections. The board shall approve only a 22771
curriculum of experience that includes a requirement that a 22772
person, to successfully complete the curriculum, must complete a 22773
peer review session with a licensed home inspector approved by 22774
the board before applying for a license. The peer review session 22775
may be used as part of the required eighty hours of prelicensing 22776
education. 22777

Sec. 4764.06. (A) The superintendent of real estate and 22778
professional licensing shall do all of the following: 22779

(1) Administer this chapter; 22780

(2) Provide the Ohio home inspector board with meeting 22781
space, staff services, and other technical assistance required 22782
by the board to carry out the duties of the board under this 22783
chapter; 22784

(3) Provide each applicant for a home inspector license 22785

with a copy of the requirements for home inspections specified 22786
in rules adopted by the board pursuant to division (A) (10) of 22787
section 4764.05 of the Revised Code, and make those requirements 22788
available to the public by posting them on the web site 22789
maintained by the department of commerce; 22790

(4) In accordance with division (B) of this section, issue 22791
a home inspector license to, or renew a home inspector license 22792
for, any person who satisfies the requirements specified in this 22793
chapter for such licensure or renewal, and make a list of those 22794
licensed home inspectors available to the public by posting the 22795
list on the web site maintained by the department of commerce; 22796

(5) Administer the home inspector recovery fund created 22797
under section 4764.21 of the Revised Code; 22798

(6) Establish procedures, in accordance with division (K) 22799
of section 121.08 of the Revised Code, to have fingerprint-based 22800
criminal records checks conducted by the bureau of criminal 22801
identification and investigation for all applicants for 22802
licensure; 22803

(7) In accordance with the procedures specified in rules 22804
adopted by the board in accordance with division (A) (7) of 22805
section 4764.05 of the Revised Code, approve an institution or 22806
organization wishing to provide continuing education courses or 22807
programs if that institution or organization satisfies the 22808
requirements specified in rules adopted by the board in 22809
accordance with that division and pays the fee established in 22810
rules adopted by the board pursuant to division (A) (2) (c) of 22811
that section; 22812

(8) In accordance with the procedures specified in rules 22813
adopted by the board in accordance with division (A) (8) of 22814

section 4764.05 of the Revised Code, approve a course or program 22815
that a licensed home inspector may complete to satisfy the 22816
continuing education requirements specified in section 4764.08 22817
of the Revised Code if all of the following are satisfied: 22818

(a) The course or program is offered by an institution or 22819
organization approved by the superintendent pursuant to division 22820
(A) (7) of this section. 22821

(b) The course or program satisfies the standards 22822
established in rules adopted by the board pursuant to division 22823
(A) (8) of section 4764.05 of the Revised Code. 22824

(c) The institution or organization pays the fee 22825
established in rules adopted by the board pursuant to division 22826
(A) (2) (d) of section 4764.05 of the Revised Code. 22827

(9) Issue all orders necessary to implement this chapter; 22828

(10) In accordance with section 4764.12 of the Revised 22829
Code, investigate complaints concerning an alleged violation of 22830
this chapter or the conduct of any licensee and subpoena 22831
witnesses in connection with those investigations, as provided 22832
in that section. The subpoena may contain a direction that the 22833
witness produce and bring any documents, work files, inspection 22834
reports, records, or papers mentioned in the subpoena. 22835

(11) Establish and maintain an investigation and audit 22836
section to investigate complaints and conduct inspections, 22837
audits, and other inquiries as in the judgment of the 22838
superintendent are appropriate to enforce this chapter. The 22839
superintendent shall utilize the investigators and auditors 22840
employed pursuant to division (B) (4) of section 4735.05 of the 22841
Revised Code to assist in performing the duties specified in 22842
division (A) (10) of this section. 22843

(12) Specify the information that must be provided on an application for licensure under this chapter; 22844
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(13) Establish procedures for processing, approving, and denying applications for licensure under this chapter; 22846
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(14) Specify the format and content of all affidavits and other documents required for the administration of this chapter; 22848
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(15) Appoint a hearing officer for any proceeding involving a determination under section 3123.47 of the Revised Code, disciplinary action arising under section 4764.02 or division ~~(F)~~ (A) (6) of section 4764.14 of the Revised Code, or a proceeding under section 4764.16 of the Revised Code. 22850
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(B) The superintendent shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities. 22855
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Sec. 4764.13. (A) If, upon examining the results of an investigation, the superintendent of real estate and professional licensing determines that reasonable evidence exists that a licensed home inspector has violated this chapter or engaged in an activity described in divisions (A) (1) to ~~(G)~~ (7) of section 4764.14 of the Revised Code, the superintendent shall proceed in accordance with the notice and hearing requirements prescribed in Chapter 119. of the Revised Code. After a hearing officer conducts a hearing and issues a report pursuant to division (D) of this section, the Ohio home inspector board shall review the report and shall order the disciplinary action the board considers appropriate, which may include any one or more of the following: 22860
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(1) A reprimand;	22873
(2) A fine not exceeding one thousand dollars per violation;	22874 22875
(3) Completion of hours of education in subjects related to the underlying cause of the violation in an amount determined by the board;	22876 22877 22878
(4) Suspension of the license until the licensed home inspector complies with conditions the board establishes;	22879 22880
(5) Suspension of the license for a specific period of time;	22881 22882
(6) Revocation of the license;	22883
(7) Surrender of the license in lieu of discipline.	22884
(B) The superintendent shall not credit any hours of education a licensed home inspector completes in accordance with division (A) (3) of this section toward satisfying the requirements for continuing education specified in section 4764.08 of the Revised Code.	22885 22886 22887 22888 22889
(C) At any time after the superintendent notifies a licensee in accordance with division (A) of this section that a hearing will be held, the licensee may apply to the superintendent to enter into a settlement agreement regarding the alleged violation. The superintendent and the licensed home inspector shall comply with the requirements for settlement agreements established in rules adopted by the board pursuant to division (A) (11) of section 4764.05 of the Revised Code. If the parties enter into the settlement agreement and comply with all of the requirements set forth in that agreement, the investigation regarding that alleged violation is considered	22890 22891 22892 22893 22894 22895 22896 22897 22898 22899 22900

closed. Notwithstanding division (C) of section 4764.12 of the Revised Code, the settlement agreement is a public record for purposes of section 149.43 of the Revised Code.

(D) The superintendent shall appoint a hearing officer to conduct adjudication hearings in accordance with Chapter 119. of the Revised Code.

In accordance with section 119.09 of the Revised Code, after conducting a hearing, a hearing officer shall submit to the board a report of the hearing and a recommendation for the action to be taken against the licensed home inspector. All parties may file objections to the report and recommendations as permitted under that section, and the board shall issue an order in accordance with the procedures prescribed in that section.

(E) If the board assesses a licensee a fine for a violation of section 4764.02 of the Revised Code and the person fails to pay that fine within the time period prescribed by the board, the superintendent shall forward to the attorney general the name of the person and the amount of the fine for the purpose of collecting that fine. In addition to the fine assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the fine.

(F) The decision and order of the board is final, subject to review in the manner provided in Chapter 119. of the Revised Code and appeal to the court of common pleas of Franklin county.

Sec. 4764.14. (A) The superintendent of real estate and professional licensing may, except as provided in division (B) of this section, refuse to issue or renew a license if the applicant for the license or renewal has done any of the following:

(A) <u>(1)</u> Failed to establish to the satisfaction of the	22930
superintendent that the applicant is honest, <u>and</u> truthful, and	22931
of good reputation;	22932
(B) <u>(2)</u> Accepted compensation or other valuable	22933
consideration from more than one interested party for the same	22934
service without the written consent of all interested parties;	22935
(C) <u>(3)</u> Accepted commissions, allowances, or other valuable	22936
consideration, directly or indirectly, from other parties who	22937
deal with a client in connection with the home inspection for	22938
which the home inspector is responsible, or from other parties	22939
who are involved in any part of the real estate transaction	22940
involving a residential building for which that home inspector	22941
conducted a home inspection;	22942
(D) <u>(4)</u> Repaired, replaced, or upgraded, or solicited to	22943
repair, replace, or upgrade, for compensation or other valuable	22944
consideration, systems or components in a residential building	22945
after completing a home inspection of that residential building,	22946
but prior to the close of the real estate transaction associated	22947
with that home inspection and the resolution of all contingent	22948
issues involving that building and transaction;	22949
(E) <u>(5)</u> Failed to disclose to a client in writing and	22950
before entering into a written contract with the client	22951
information about any business interest of the home inspector	22952
that may affect the client in connection with the home	22953
inspection;	22954
(F) <u>(6)</u> Pleaded guilty to or been convicted of any crime of	22955
moral turpitude, a felony, or an equivalent offense under the	22956
laws of any other state or the United States, or was required to	22957
register under Chapter 2950. of the Revised Code;	22958

~~(G)~~(7) Failed to maintain or provide copies of records to 22959
the superintendent as required by section 4764.11 of the Revised 22960
Code or failed to cooperate with an investigation conducted by 22961
the superintendent under section 4764.12 of the Revised Code. 22962
Failure of a licensee to comply with a subpoena issued under 22963
division (D) of section 4764.12 of the Revised Code is prima 22964
facie evidence of a violation of division (B) of section 4764.11 22965
of the Revised Code. 22966

~~(H)~~(8) Failed to maintain, be covered by, or submit proof 22967
of a comprehensive general liability insurance policy or a 22968
commercial general liability insurance policy as required under 22969
division (A) of section 4764.11 of the Revised Code at any point 22970
during the term of a prior license; 22971

~~(I)~~(9) Violated rules adopted under section 4764.05 of the 22972
Revised Code or is otherwise not in compliance with this 22973
chapter; 22974

~~(J)~~(10) Failed to submit proof of satisfying the 22975
continuing education requirements specified in section 4764.08 22976
of the Revised Code. 22977

(B) The superintendent shall not refuse to issue a license 22978
to an applicant because of a conviction of or plea of guilty to 22979
an offense unless the refusal is in accordance with section 9.79 22980
of the Revised Code. 22981

Sec. 4765.11. (A) The state board of emergency medical, 22982
fire, and transportation services shall adopt, and may amend and 22983
rescind, rules in accordance with Chapter 119. of the Revised 22984
Code and division (C) of this section that establish all of the 22985
following: 22986

(1) Procedures for its governance and the control of its 22987

actions and business affairs;	22988
(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;	22989 22990 22991 22992
(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;	22993 22994 22995 22996 22997
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	22998 22999 23000
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including <u>any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;</u>	23001 23002 23003 23004 23005 23006 23007
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	23008 23009 23010
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	23011 23012 23013 23014
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	23015 23016

(9) Standards for certificates of accreditation and certificates of approval;	23017 23018
(10) Qualifications for certificates to teach;	23019
(11) Requirements for a certificate to practice;	23020
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	23021 23022 23023 23024 23025
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	23026 23027 23028 23029 23030
(14) Examinations for certificates to practice;	23031
(15) Procedures for administering examinations for certificates to practice;	23032 23033
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	23034 23035 23036 23037
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	23038 23039
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B) (5) of	23040 23041 23042 23043 23044

section 4765.38 of the Revised Code to perform, and paramedics 23045
are authorized by division (B) (6) of section 4765.39 of the 23046
Revised Code to perform; 23047

(19) Standards and procedures for implementing the 23048
requirements of section 4765.06 of the Revised Code, including 23049
designations of the persons who are required to report 23050
information to the board and the types of information to be 23051
reported; 23052

(20) Procedures for administering the emergency medical 23053
services grant program established under section 4765.07 of the 23054
Revised Code; 23055

(21) Procedures consistent with Chapter 119. of the 23056
Revised Code for appealing decisions of the board; 23057

(22) Minimum qualifications and peer review and quality 23058
improvement requirements for persons who provide medical 23059
direction to emergency medical service personnel; 23060

(23) The manner in which a patient, or a patient's parent, 23061
guardian, or custodian may consent to the board releasing 23062
identifying information about the patient under division (D) of 23063
section 4765.102 of the Revised Code; 23064

(24) Circumstances under which a training program or 23065
continuing education program, or portion of either type of 23066
program, may be taught by a person who does not hold a 23067
certificate to teach issued under section 4765.23 of the Revised 23068
Code; 23069

(25) Certification cycles for certificates issued under 23070
sections 4765.23 and 4765.30 of the Revised Code and 23071
certificates issued by the executive director of the state board 23072
of emergency medical, fire, and transportation services under 23073

section 4765.55 of the Revised Code that establish a common 23074
expiration date for all certificates. 23075

(B) The board may adopt, and may amend and rescind, rules 23076
in accordance with Chapter 119. of the Revised Code and division 23077
(C) of this section that establish the following: 23078

(1) Specifications of information that may be collected 23079
under the trauma system registry and incidence reporting system 23080
created under section 4765.06 of the Revised Code; 23081

(2) Standards and procedures for implementing any of the 23082
recommendations made by any committees of the board or under 23083
section 4765.04 of the Revised Code; 23084

(3) Requirements that a person must meet to receive a 23085
certificate to practice as a first responder pursuant to 23086
division (A) (2) of section 4765.30 of the Revised Code; 23087

(4) Any other rules necessary to implement this chapter. 23088

(C) In developing and administering rules adopted under 23089
this chapter, the state board of emergency medical, fire, and 23090
transportation services shall consult with regional directors 23091
and regional physician advisory boards created by section 23092
4765.05 of the Revised Code and emphasize the special needs of 23093
pediatric and geriatric patients. 23094

(D) Except as otherwise provided in this division, before 23095
adopting, amending, or rescinding any rule under this chapter, 23096
the board shall submit the proposed rule to the director of 23097
public safety for review. The director may review the proposed 23098
rule for not more than sixty days after the date it is 23099
submitted. If, within this sixty-day period, the director 23100
approves the proposed rule or does not notify the board that the 23101
rule is disapproved, the board may adopt, amend, or rescind the 23102

rule as proposed. If, within this sixty-day period, the director 23103
notifies the board that the proposed rule is disapproved, the 23104
board shall not adopt, amend, or rescind the rule as proposed 23105
unless at least twelve members of the board vote to adopt, 23106
amend, or rescind it. 23107

This division does not apply to an emergency rule adopted 23108
in accordance with section 119.03 of the Revised Code. 23109

Sec. 4765.17. (A) The state board of emergency medical, 23110
fire, and transportation services shall issue the appropriate 23111
certificate of accreditation or certificate of approval to an 23112
applicant who ~~is of good reputation and~~ meets the requirements 23113
of section 4765.16 of the Revised Code. The board shall grant or 23114
deny a certificate of accreditation or certificate of approval 23115
within one hundred twenty days of receipt of the application. 23116
The board may issue ~~or renew~~ a certificate of accreditation or 23117
certificate of approval on a provisional basis to an applicant 23118
who is ~~of good reputation and is~~ in substantial compliance with 23119
the requirements of section 4765.16 of the Revised Code or renew 23120
a certificate of accreditation or certificate of approval on a 23121
provisional basis to an applicant who is of good reputation and 23122
is in substantial compliance with the requirements of section 23123
4765.16 of the Revised Code. The board shall inform an applicant 23124
receiving such a certificate of the conditions that must be met 23125
to complete compliance with section 4765.16 of the Revised Code. 23126

(B) Except as provided in division (C) of this section, a 23127
certificate of accreditation or certificate of approval is valid 23128
for up to five years and may be renewed by the board pursuant to 23129
procedures and standards established in rules adopted under 23130
section 4765.11 of the Revised Code. An application for renewal 23131
shall be accompanied by the appropriate renewal fee established 23132

in rules adopted under section 4765.11 of the Revised Code. 23133

(C) A certificate of accreditation or certificate of 23134
approval issued on a provisional basis is valid for the length 23135
of time established by the board. If the board finds that the 23136
holder of such a certificate has met the conditions it specifies 23137
under division (A) of this section, the board shall issue the 23138
appropriate certificate of accreditation or certificate of 23139
approval. 23140

(D) A certificate of accreditation is valid only for the 23141
emergency medical services training program or programs for 23142
which it is issued. The holder of a certificate of accreditation 23143
may apply to operate additional training programs in accordance 23144
with rules adopted by the board under section 4765.11 of the 23145
Revised Code. Any additional training programs shall expire on 23146
the expiration date of the applicant's current certificate. A 23147
certificate of approval is valid only for the emergency medical 23148
services continuing education program for which it is issued. 23149
Neither is transferable. 23150

(E) The holder of a certificate of accreditation or a 23151
certificate of approval may offer courses at more than one 23152
location in accordance with rules adopted under section 4765.11 23153
of the Revised Code. 23154

Sec. 4765.301. (A) An appointing authority may request the 23155
superintendent of BCII to conduct a criminal records check with 23156
respect to any person who is under consideration for appointment 23157
or employment as an emergency medical technician-basic, an 23158
emergency medical technician-intermediate, or an emergency 23159
medical technician-paramedic. An appointing authority may refuse 23160
to appoint a person based on the results of that criminal 23161
records check if the individual is convicted of or pleads guilty 23162

to an offense included on the list developed by the state board 23163
of emergency medical, fire, and transportation services under 23164
section 9.79 of the Revised Code and performs the evaluation 23165
described in division (D) of that section. 23166

(B) (1) The appointing authority may request that the 23167
superintendent of BCII obtain information from the federal 23168
bureau of investigation as a part of the criminal records check 23169
requested pursuant to division (A) of this section. 23170

(2) An appointing authority authorized by division (A) of 23171
this section to request a criminal records check shall provide 23172
to each person for whom the appointing authority intends to 23173
request a criminal records check a copy of the form prescribed 23174
pursuant to division (C) (1) of section 109.578 of the Revised 23175
Code and a standard impression sheet to obtain fingerprint 23176
impressions prescribed pursuant to division (C) (2) of section 23177
109.578 of the Revised Code, obtain the completed form and 23178
impression sheet from the person, and forward the completed form 23179
and impression sheet to the superintendent of BCII at the time 23180
the criminal records check is requested. 23181

(3) Any person subject to a criminal records check who 23182
receives a copy of the form and a copy of the impression sheet 23183
pursuant to division (B) (2) of this section and who is requested 23184
to complete the form and provide a set of fingerprint 23185
impressions shall complete the form or provide all the 23186
information necessary to complete the form and shall provide the 23187
impression sheet with the impressions of the person's 23188
fingerprints. If a person fails to provide the information 23189
necessary to complete the form or fails to provide impressions 23190
of the person's fingerprints, the appointing authority shall not 23191
appoint or employ the person as an emergency medical technician- 23192

basic, an emergency medical technician-intermediate, or an 23193
emergency medical technician-paramedic. 23194

~~(C)(1) Except as otherwise provided in division (C)(2) of 23195
this section, an appointing authority shall not appoint or 23196
employ a person as an emergency medical technician-basic, an 23197
emergency medical technician-intermediate, or an emergency 23198
medical technician-paramedic if the appointing authority has 23199
requested a criminal records check pursuant to division (A) of 23200
this section and the criminal records check indicates that the 23201
person previously has been convicted of or pleaded guilty to any 23202
of the following: 23203~~

~~(a) A felony; 23204~~

~~(b) A violation of section 2909.03 of the Revised Code; 23205~~

~~(c) A violation of an existing or former law of this 23206
state, any other state, or the United States that is 23207
substantially equivalent to any of the offenses described in 23208
division (C)(1)(a) or (b) of this section. 23209~~

~~(2) Notwithstanding division (C)(1) of this section, an 23210
appointing authority may appoint or employ a person as an 23211
emergency medical technician-basic, an emergency medical 23212
technician-intermediate, or an emergency medical technician- 23213
paramedic if all of the following apply: 23214~~

~~(a) The appointing authority has requested a criminal 23215
records check pursuant to division (A) of this section. 23216~~

~~(b) The criminal records check indicates that the person 23217
previously has been convicted of or pleaded guilty to any of the 23218
offenses described in division (C)(1) of this section. 23219~~

~~(c) The person meets rehabilitation standards established 23220~~

~~in rules adopted under division (E) of this section.~~ 23221

~~(3) If an appointing authority requests a criminal records check pursuant to division (A) of this section, the appointing authority may appoint or employ a person as an emergency medical technician-basic, an emergency medical technician-intermediate, or an emergency medical technician-paramedic conditionally until the criminal records check is completed and the appointing authority receives the results. If the results of the criminal records check indicate that, pursuant to division (C) (1) of this section, the person subject to the criminal records check is disqualified from appointment or employment, the appointing authority shall release the person from appointment or employment.~~ 23222
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(D) The appointing authority shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.578 of the Revised Code for each criminal records check conducted in accordance with that section. The appointing authority may charge the applicant who is subject to the criminal records check a fee for the costs the appointing authority incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the appointing authority pays for the criminal records check. If a fee is charged under this division, the appointing authority shall notify the applicant at the time of the applicant's initial application for appointment or employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for appointment or employment. 23234
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(E) The appointing authority shall adopt rules in accordance with Chapter 119. of the Revised Code to implement 23249
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~~this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (C) (1) of this section must meet for the appointing authority to appoint or employ the person as an emergency medical technician basic, an emergency medical technician intermediate, or an emergency medical technician paramedic.~~

(F) An appointing authority that intends to request a criminal records check for an applicant shall inform each applicant, at the time of the person's initial application for appointment or employment, that the applicant is required to provide a set of impressions of the person's fingerprints and that the appointing authority requires a criminal records check to be conducted and satisfactorily completed in accordance with section 109.578 of the Revised Code.

(G) As used in this section:

(1) "Appointing authority" means any person or body that has the authority to hire, appoint, or employ emergency medical technicians-basic, emergency medical technicians-intermediate, or emergency medical technicians-paramedic.

(2) "Criminal records check" has the same meaning as in section 109.578 of the Revised Code.

(3) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code.

Sec. 4765.55. (A) The executive director of the state board of emergency medical, fire, and transportation services, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall assist in the

establishment and maintenance by any state agency, or any 23280
county, township, city, village, school district, or educational 23281
service center of a fire service training program for the 23282
training of all persons in positions of any fire training 23283
certification level approved by the executive director, 23284
including full-time paid firefighters, part-time paid 23285
firefighters, volunteer firefighters, and fire safety inspectors 23286
in this state. The executive director, with the advice and 23287
counsel of the committee, shall adopt rules to regulate those 23288
firefighter and fire safety inspector training programs, and 23289
other training programs approved by the executive director. The 23290
rules may include, but need not be limited to, training 23291
curriculum, certification examinations, training schedules, 23292
minimum hours of instruction, attendance requirements, required 23293
equipment and facilities, basic physical requirements, and 23294
methods of training for all persons in positions of any fire 23295
training certification level approved by the executive director, 23296
including full-time paid firefighters, part-time paid 23297
firefighters, volunteer firefighters, and fire safety 23298
inspectors. The rules adopted to regulate training programs for 23299
volunteer firefighters shall not require more than thirty-six 23300
hours of training. 23301

The executive director, with the advice and counsel of the 23302
committee, shall provide for the classification and chartering 23303
of fire service training programs in accordance with rules 23304
adopted under division (B) of this section, and may take action 23305
against any chartered training program or applicant, in 23306
accordance with rules adopted under divisions (B)(4) and (5) of 23307
this section, for failure to meet standards set by the adopted 23308
rules. 23309

(B) The executive director, with the advice and counsel of 23310

the firefighter and fire safety inspector training committee of 23311
the state board of emergency medical, fire, and transportation 23312
services, shall adopt, and may amend or rescind, rules under 23313
Chapter 119. of the Revised Code that establish all of the 23314
following: 23315

(1) Requirements for, and procedures for chartering, the 23316
training programs regulated by this section; 23317

(2) Requirements for, and requirements and procedures for 23318
obtaining and renewing, an instructor certificate to teach the 23319
training programs and continuing education classes regulated by 23320
this section; 23321

(3) Requirements for, and requirements and procedures for 23322
obtaining and renewing, any of the fire training certificates 23323
regulated by this section; 23324

(4) Grounds and procedures for suspending, revoking, 23325
restricting, or refusing to issue or renew any of the 23326
certificates or charters regulated by this section, which 23327
grounds shall be limited to one of the following: 23328

(a) Failure to satisfy the education or training 23329
requirements of this section; 23330

(b) Conviction of a felony offense; 23331

(c) Conviction of a misdemeanor involving moral turpitude; 23332

(d) Conviction of a misdemeanor committed in the course of 23333
practice; 23334

(e) In the case of a chartered training program or 23335
applicant, failure to meet standards set by the rules adopted 23336
under this division. 23337

(5) Grounds and procedures for imposing and collecting 23338
fines, not to exceed one thousand dollars, in relation to 23339
actions taken under division (B) (4) of this section against 23340
persons holding certificates and charters regulated by this 23341
section, the fines to be deposited into the trauma and emergency 23342
medical services fund established under section 4513.263 of the 23343
Revised Code; 23344

(6) Continuing education requirements for certificate 23345
holders, including a requirement that credit shall be granted 23346
for in-service training programs conducted by local entities; 23347

(7) Procedures for considering the granting of an 23348
extension or exemption of fire service continuing education 23349
requirements; 23350

(8) Certification cycles for which the certificates and 23351
charters regulated by this section are valid. 23352

(C) The executive director, with the advice and counsel of 23353
the firefighter and fire safety inspector training committee of 23354
the state board of emergency medical, fire, and transportation 23355
services, shall issue or renew an instructor certificate to 23356
teach the training programs and continuing education classes 23357
regulated by this section to any applicant that the executive 23358
director determines meets the qualifications established in 23359
rules adopted under division (B) of this section, and may take 23360
disciplinary action against an instructor certificate holder or 23361
applicant in accordance with rules adopted under division (B) of 23362
this section. The executive director, with the advice and 23363
counsel of the committee, shall charter or renew the charter of 23364
any training program that the executive director determines 23365
meets the qualifications established in rules adopted under 23366
division (B) of this section, and may take disciplinary action 23367

against the holder of a charter in accordance with rules adopted 23368
under division (B) of this section. 23369

(D) The executive director shall issue or renew a fire 23370
training certificate for a firefighter, a fire safety inspector, 23371
or another position of any fire training certification level 23372
approved by the executive director, to any applicant that the 23373
executive director determines meets the qualifications 23374
established in rules adopted under division (B) of this section 23375
and may take disciplinary actions against a certificate holder 23376
or applicant in accordance with rules adopted under division (B) 23377
of this section. 23378

(E) Certificates issued under this section shall be on a 23379
form prescribed by the executive director, with the advice and 23380
counsel of the firefighter and fire safety inspector training 23381
committee of the state board of emergency medical, fire, and 23382
transportation services. 23383

(F) (1) The executive director, with the advice and counsel 23384
of the firefighter and fire safety inspector training committee 23385
of the state board of emergency medical, fire, and 23386
transportation services, shall establish criteria for evaluating 23387
the standards maintained by other states and the branches of the 23388
United States military for firefighter, fire safety inspector, 23389
and fire instructor training programs, and other training 23390
programs recognized by the executive director, to determine 23391
whether the standards are equivalent to those established under 23392
this section and shall establish requirements and procedures for 23393
issuing a certificate to each person who presents proof to the 23394
executive director of having satisfactorily completed a training 23395
program that meets those standards. 23396

(2) The executive director, with the committee's advice 23397

and counsel, shall adopt rules establishing requirements and 23398
procedures for issuing a fire training certificate in lieu of 23399
completing a chartered training program. 23400

(G) Nothing in this section invalidates any other section 23401
of the Revised Code relating to the fire training academy. 23402
Section 4765.11 of the Revised Code does not affect any powers 23403
and duties granted to the executive director under this section. 23404

(H) Notwithstanding any provision of division (B)(4) of 23405
this section to the contrary, the executive director shall not 23406
adopt rules for refusing to issue any of the certificates or 23407
charters regulated by this section to an applicant because of a 23408
criminal conviction unless the rules establishing grounds and 23409
procedures for refusal are in accordance with section 9.79 of 23410
the Revised Code. 23411

Sec. 4771.18. (A) The Ohio athletic commission may, except 23412
as provided in division (B) of this section, refuse to grant or 23413
renew a registration, or may suspend or revoke a registration of 23414
an athlete agent upon proof satisfactory to the commission that 23415
the athlete agent or an employee or representative of the 23416
athlete agent has done any of the following: 23417

(1) Made false or misleading statements of a material 23418
nature in an application for registration as an athlete agent; 23419

(2) Been convicted of or pleaded guilty to an offense in 23420
connection with the person's service as an athlete agent in this 23421
or another state; 23422

(3) Been convicted of or pleaded guilty to an offense 23423
involving illegal gambling; 23424

(4) Engaged in conduct that has a significant adverse 23425
impact on the applicant's credibility, integrity, or competence 23426

to serve in a fiduciary capacity; 23427

(5) Misappropriated funds or engaged in other specific 23428
conduct that would render the applicant unfit to serve in a 23429
fiduciary capacity, including being convicted of or pleading 23430
guilty to offenses involving embezzlement, theft, or fraud; 23431

(6) Violated a provision of this chapter or a rule adopted 23432
under this chapter. 23433

(B) The commission shall not refuse to issue a 23434
registration to an applicant because of a conviction of or plea 23435
of guilty to an offense unless the refusal is in accordance with 23436
section 9.79 of the Revised Code. 23437

(C) Upon receiving a complaint of a violation of this 23438
chapter or a rule adopted under it, the commission shall conduct 23439
an investigation of the complaint. If the commission finds 23440
reasonable cause to believe a violation occurred, the commission 23441
shall conduct a hearing in accordance with Chapter 119. of the 23442
Revised Code to determine if a violation occurred. If the 23443
commission finds a violation occurred, the commission may 23444
suspend or revoke, or refuse to issue or renew, the registration 23445
of an athlete agent for such period of time as the commission 23446
finds appropriate. 23447

Upon completion of an investigation, if the commission 23448
finds no reasonable grounds to believe a violation occurred, the 23449
commission shall certify without a hearing that no violation 23450
occurred. The commission shall serve the certification on all 23451
parties addressed in the complaint by certified mail, return 23452
receipt requested. The certification shall be considered a final 23453
resolution of the matter if no objection to the certification is 23454
filed. A party involved in the complaint may file an objection 23455

to the certification with the commission within ten days after 23456
the date the certification is mailed. If a party files an 23457
objection to the certification within the prescribed period, the 23458
commission, within its discretion, may conduct a hearing in 23459
accordance with Chapter 119. of the Revised Code to determine if 23460
a violation occurred. 23461

Sec. 4773.03. (A) Each individual seeking a license to 23462
practice as a general x-ray machine operator, radiographer, 23463
radiation therapy technologist, or nuclear medicine technologist 23464
shall apply to the department of health on a form the department 23465
shall prescribe and provide. The application shall be 23466
accompanied by the appropriate license application fee 23467
established in rules adopted under section 4773.08 of the 23468
Revised Code. 23469

(B) The department shall review all applications received 23470
and issue the appropriate general x-ray machine operator, 23471
radiographer, radiation therapy technologist, or nuclear 23472
medicine technologist license to each applicant who meets all of 23473
the following requirements: 23474

(1) Is eighteen years of age or older; 23475

(2) ~~Is of good moral character;~~ 23476

~~(3)~~ Except as provided in division (C) of this section, 23477
passes the examination administered under section 4773.04 of the 23478
Revised Code for the applicant's area of practice; 23479

~~(4)~~ (3) Complies with any other licensing standards 23480
established in rules adopted under section 4773.08 of the 23481
Revised Code. 23482

(C) An applicant is not required to take a licensing 23483
examination if one of the following applies to the applicant: 23484

(1) The individual is applying for a license as a general x-ray machine operator and holds certification in that area of practice from the American registry of radiologic technologists or the American chiropractic registry of radiologic technologists. 23485
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(2) The individual is applying for a license as a radiographer and holds certification in that area of practice from the American registry of radiologic technologists. 23490
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(3) The individual is applying for a license as a radiation therapy technologist and holds certification in that area of practice from the American registry of radiologic technologists. 23493
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(4) The individual is applying for a license as a nuclear medicine technologist and holds certification in that area of practice from the American registry of radiologic technologists or the nuclear medicine technology certification board. 23497
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(5) The individual holds a conditional license issued under section 4773.05 of the Revised Code and has completed the continuing education requirements established in rules adopted under section 4773.08 of the Revised Code. 23501
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(6) The individual holds a license, certificate, or other credential issued by another state that the department determines uses standards for radiologic professions that are at least equal to those established under this chapter. 23505
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(D) A license issued under this section expires biennially on the license holder's birthday, except for an initial license which expires on the license holder's birthday following two years after it is issued. For an initial license, the fee established in rules adopted under section 4773.08 of the 23509
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Revised Code may be increased in proportion to the amount of 23514
time beyond two years that the license may be valid. 23515

A license may be renewed. To be eligible for renewal, the 23516
license holder must complete the continuing education 23517
requirements specified in rules adopted by the department under 23518
section 4773.08 of the Revised Code. Applications for license 23519
renewal shall be accompanied by the appropriate renewal fee 23520
established in rules adopted under section 4773.08 of the 23521
Revised Code. Renewals shall be made in accordance with the 23522
standard renewal procedure established under Chapter 4745. of 23523
the Revised Code. 23524

(E) (1) A license that has lapsed or otherwise become 23525
inactive may be reinstated. An individual seeking reinstatement 23526
of a license shall apply to the department on a form the 23527
department shall prescribe and provide. The application shall be 23528
accompanied by the appropriate reinstatement fee established in 23529
rules adopted under section 4773.08 of the Revised Code. 23530

(2) To be eligible for reinstatement, both of the 23531
following apply: 23532

(a) An applicant must continue to meet the conditions for 23533
receiving an initial license, including the examination or 23534
certification requirements specified in division (B) or (C) of 23535
this section. In the case of an applicant seeking reinstatement 23536
based on having passed an examination administered under section 23537
4773.04 of the Revised Code, the length of time that has elapsed 23538
since the examination was passed is not a consideration in 23539
determining whether the applicant is eligible for reinstatement. 23540

(b) The applicant must complete the continuing education 23541
requirements for reinstatement established in rules adopted 23542

under section 4773.08 of the Revised Code. 23543

(F) The department shall refuse to issue, renew, or 23544
reinstate and may suspend or revoke a general x-ray machine 23545
operator, radiographer, radiation therapy technologist, or 23546
nuclear medicine technologist license if the applicant or 23547
license holder does not comply with the applicable requirements 23548
of this chapter or rules adopted under it. 23549

Sec. 4774.03. (A) An individual seeking a license to 23550
practice as a radiologist assistant shall file with the state 23551
medical board a written application on a form prescribed and 23552
supplied by the board. The application shall include all the 23553
information the board considers necessary to process the 23554
application, including evidence satisfactory to the board that 23555
the applicant meets the requirements specified in division (B) 23556
of this section. 23557

At the time an application is submitted, the applicant 23558
shall pay the board the application fee specified by the board 23559
in rules adopted under section 4774.11 of the Revised Code. No 23560
part of the fee shall be returned. 23561

(B) To be eligible to receive a license to practice as a 23562
radiologist assistant, an applicant shall meet all of the 23563
following requirements: 23564

(1) Be at least eighteen years of age ~~and of good moral~~ 23565
~~character;~~ 23566

(2) Hold a current, valid license as a radiographer under 23567
Chapter 4773. of the Revised Code; 23568

(3) Have attained a baccalaureate degree or 23569
postbaccalaureate certificate from an advanced academic program 23570
encompassing a nationally recognized radiologist assistant 23571

curriculum that includes a radiologist-directed clinical 23572
preceptorship; 23573

(4) Hold current certification as a registered radiologist 23574
assistant from the American registry of radiologic technologists 23575
and have attained the certification by meeting the standard 23576
certification requirements established by the registry, 23577
including the registry's requirements for documenting clinical 23578
education in the form of a clinical portfolio and passing an 23579
examination to determine competence to practice; 23580

(5) Hold current certification in advanced cardiac life 23581
support. 23582

(C) The board shall review all applications received under 23583
this section. Not later than sixty days after receiving an 23584
application the board considers to be complete, the board shall 23585
determine whether the applicant meets the requirements to 23586
receive a license to practice as a radiologist assistant. 23587

Sec. 4774.031. In addition to any other eligibility 23588
requirement set forth in this chapter, each applicant for a 23589
license to practice as a radiologist assistant shall comply with 23590
sections 4776.01 to 4776.04 of the Revised Code. ~~The state~~ 23591
~~medical board shall not grant to an applicant a license to~~ 23592
~~practice as a radiologist assistant unless the board, in its~~ 23593
~~discretion, decides that the results of the criminal records~~ 23594
~~check do not make the applicant ineligible for a license issued~~ 23595
~~pursuant to section 4774.04 of the Revised Code.~~ 23596

Sec. 4774.13. (A) The state medical board, by an 23597
affirmative vote of not fewer than six members, may revoke or 23598
may refuse to grant a license to practice as a radiologist 23599
assistant to an individual found by the board to have committed 23600

fraud, misrepresentation, or deception in applying for or 23601
securing the license. 23602

(B) The board, by an affirmative vote of not fewer than 23603
six members, shall, except as provided in division (C) of this 23604
section, and to the extent permitted by law, limit, revoke, or 23605
suspend an individual's license to practice as a radiologist 23606
assistant, refuse to issue a license to an applicant, refuse to 23607
renew a license, refuse to reinstate a license, or reprimand or 23608
place on probation the holder of a license for any of the 23609
following reasons: 23610

(1) Permitting the holder's name or license to be used by 23611
another person; 23612

(2) Failure to comply with the requirements of this 23613
chapter, Chapter 4731. of the Revised Code, or any rules adopted 23614
by the board; 23615

(3) Violating or attempting to violate, directly or 23616
indirectly, or assisting in or abetting the violation of, or 23617
conspiring to violate, any provision of this chapter, Chapter 23618
4731. of the Revised Code, or the rules adopted by the board; 23619

(4) A departure from, or failure to conform to, minimal 23620
standards of care of similar practitioners under the same or 23621
similar circumstances whether or not actual injury to the 23622
patient is established; 23623

(5) Inability to practice according to acceptable and 23624
prevailing standards of care by reason of mental illness or 23625
physical illness, including physical deterioration that 23626
adversely affects cognitive, motor, or perceptive skills; 23627

(6) Impairment of ability to practice according to 23628
acceptable and prevailing standards of care because of habitual 23629

or excessive use or abuse of drugs, alcohol, or other substances	23630
that impair ability to practice;	23631
(7) Willfully betraying a professional confidence;	23632
(8) Making a false, fraudulent, deceptive, or misleading	23633
statement in securing or attempting to secure a license to	23634
practice as a radiologist assistant.	23635
As used in this division, "false, fraudulent, deceptive,	23636
or misleading statement" means a statement that includes a	23637
misrepresentation of fact, is likely to mislead or deceive	23638
because of a failure to disclose material facts, is intended or	23639
is likely to create false or unjustified expectations of	23640
favorable results, or includes representations or implications	23641
that in reasonable probability will cause an ordinarily prudent	23642
person to misunderstand or be deceived.	23643
(9) The obtaining of, or attempting to obtain, money or a	23644
thing of value by fraudulent misrepresentations in the course of	23645
practice;	23646
(10) A plea of guilty to, a judicial finding of guilt of,	23647
or a judicial finding of eligibility for intervention in lieu of	23648
conviction for, a felony;	23649
(11) Commission of an act that constitutes a felony in	23650
this state, regardless of the jurisdiction in which the act was	23651
committed;	23652
(12) A plea of guilty to, a judicial finding of guilt of,	23653
or a judicial finding of eligibility for intervention in lieu of	23654
conviction for, a misdemeanor committed in the course of	23655
practice;	23656
(13) A plea of guilty to, a judicial finding of guilt of,	23657

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 23658
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(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; 23660
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(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; 23663
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(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; 23666
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(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; 23671
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(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant; 23679
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 23681
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(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 23684
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23686

or failure to answer truthfully a question presented by the 23687
board at a deposition or in written interrogatories, except that 23688
failure to cooperate with an investigation shall not constitute 23689
grounds for discipline under this section if a court of 23690
competent jurisdiction has issued an order that either quashes a 23691
subpoena or permits the individual to withhold the testimony or 23692
evidence in issue; 23693

(21) Failure to maintain a license as a radiographer under 23694
Chapter 4773. of the Revised Code; 23695

(22) Failure to maintain certification as a registered 23696
radiologist assistant from the American registry of radiologic 23697
technologists, including revocation by the registry of the 23698
assistant's certification or failure by the assistant to meet 23699
the registry's requirements for annual registration, or failure 23700
to notify the board that the certification as a registered 23701
radiologist assistant has not been maintained; 23702

(23) Failure to comply with any of the rules of ethics 23703
included in the standards of ethics established by the American 23704
registry of radiologic technologists, as those rules apply to an 23705
individual who holds the registry's certification as a 23706
registered radiologist assistant. 23707

(C) The board shall not refuse to issue a license to an 23708
applicant because of a plea of guilty to, a judicial finding of 23709
guilt of, or a judicial finding of eligibility for intervention 23710
in lieu of conviction for an offense unless the refusal is in 23711
accordance with section 9.79 of the Revised Code. 23712

(D) Disciplinary actions taken by the board under 23713
divisions (A) and (B) of this section shall be taken pursuant to 23714
an adjudication under Chapter 119. of the Revised Code, except 23715

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 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.

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

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

~~(F)~~-(G) For purposes of this division, any individual who 23747
holds a license to practice as a radiologist assistant issued 23748
under this chapter, or applies for a license, shall be deemed to 23749
have given consent to submit to a mental or physical examination 23750
when directed to do so in writing by the board and to have 23751
waived all objections to the admissibility of testimony or 23752
examination reports that constitute a privileged communication. 23753

(1) In enforcing division (B) (5) of this section, the 23754
board, on a showing of a possible violation, may compel any 23755
individual who holds a license to practice as a radiologist 23756
assistant issued under this chapter or who has applied for a 23757
license to submit to a mental or physical examination, or both. 23758
A physical examination may include an HIV test. The expense of 23759
the examination is the responsibility of the individual 23760
compelled to be examined. Failure to submit to a mental or 23761
physical examination or consent to an HIV test ordered by the 23762
board constitutes an admission of the allegations against the 23763
individual unless the failure is due to circumstances beyond the 23764
individual's control, and a default and final order may be 23765
entered without the taking of testimony or presentation of 23766
evidence. If the board finds a radiologist assistant unable to 23767
practice because of the reasons set forth in division (B) (5) of 23768
this section, the board shall require the radiologist assistant 23769
to submit to care, counseling, or treatment by physicians 23770
approved or designated by the board, as a condition for an 23771
initial, continued, reinstated, or renewed license. An 23772
individual affected by this division shall be afforded an 23773
opportunity to demonstrate to the board the ability to resume 23774
practicing in compliance with acceptable and prevailing 23775
standards of care. 23776

(2) For purposes of division (B) (6) of this section, if 23777

the board has reason to believe that any individual who holds a license to practice as a radiologist assistant issued under this chapter or any applicant for a license suffers such impairment, the board may 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 radiologist 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 23808
ability to practice has been assessed and that the individual 23809
has been found capable of practicing according to acceptable and 23810
prevailing standards of care. The reports shall be made by 23811
individuals or providers approved by the board for making such 23812
assessments and shall describe the basis for their 23813
determination. 23814

The board may reinstate a license suspended under this 23815
division after such demonstration and after the individual has 23816
entered into a written consent agreement. 23817

When the impaired radiologist assistant resumes practice, 23818
the board shall require continued monitoring of the radiologist 23819
assistant. The monitoring shall include monitoring of compliance 23820
with the written consent agreement entered into before 23821
reinstatement or with conditions imposed by board order after a 23822
hearing, and, on termination of the consent agreement, 23823
submission to the board for at least two years of annual written 23824
progress reports made under penalty of falsification stating 23825
whether the radiologist assistant has maintained sobriety. 23826

~~(G)~~ (H) If the secretary and supervising member determine 23827
that there is clear and convincing evidence that a radiologist 23828
assistant has violated division (B) of this section and that the 23829
individual's continued practice presents a danger of immediate 23830
and serious harm to the public, they may recommend that the 23831
board suspend the individual's license to practice without a 23832
prior hearing. Written allegations shall be prepared for 23833
consideration by the board. 23834

The board, on review of the allegations and by an 23835
affirmative vote of not fewer than six of its members, excluding 23836
the secretary and supervising member, may suspend a license 23837

without a prior hearing. A telephone conference call may be 23838
utilized for reviewing the allegations and taking the vote on 23839
the summary suspension. 23840

The board shall issue a written order of suspension by 23841
certified mail or in person in accordance with section 119.07 of 23842
the Revised Code. The order shall not be subject to suspension 23843
by the court during pendency of any appeal filed under section 23844
119.12 of the Revised Code. If the radiologist assistant 23845
requests an adjudicatory hearing by the board, the date set for 23846
the hearing shall be within fifteen days, but not earlier than 23847
seven days, after the radiologist assistant requests the 23848
hearing, unless otherwise agreed to by both the board and the 23849
license holder. 23850

A summary suspension imposed under this division shall 23851
remain in effect, unless reversed on appeal, until a final 23852
adjudicative order issued by the board pursuant to this section 23853
and Chapter 119. of the Revised Code becomes effective. The 23854
board shall issue its final adjudicative order within sixty days 23855
after completion of its hearing. Failure to issue the order 23856
within sixty days shall result in dissolution of the summary 23857
suspension order, but shall not invalidate any subsequent, final 23858
adjudicative order. 23859

~~(H)~~ (I) If the board takes action under division (B) (10), 23860
(12), or (13) of this section, and the judicial finding of 23861
guilt, guilty plea, or judicial finding of eligibility for 23862
intervention in lieu of conviction is overturned on appeal, on 23863
exhaustion of the criminal appeal, a petition for 23864
reconsideration of the order may be filed with the board along 23865
with appropriate court documents. On receipt of a petition and 23866
supporting court documents, the board shall reinstate the 23867

license to practice as a radiologist assistant. The board may 23868
then hold an adjudication under Chapter 119. of the Revised Code 23869
to determine whether the individual committed the act in 23870
question. Notice of opportunity for hearing shall be given in 23871
accordance with Chapter 119. of the Revised Code. If the board 23872
finds, pursuant to an adjudication held under this division, 23873
that the individual committed the act, or if no hearing is 23874
requested, it may order any of the sanctions specified in 23875
division (B) of this section. 23876

~~(I)~~ (J) The license to practice of a radiologist assistant 23877
and the assistant's practice in this state are automatically 23878
suspended as of the date the radiologist assistant pleads guilty 23879
to, is found by a judge or jury to be guilty of, or is subject 23880
to a judicial finding of eligibility for intervention in lieu of 23881
conviction in this state or treatment of intervention in lieu of 23882
conviction in another jurisdiction for any of the following 23883
criminal offenses in this state or a substantially equivalent 23884
criminal offense in another jurisdiction: aggravated murder, 23885
murder, voluntary manslaughter, felonious assault, kidnapping, 23886
rape, sexual battery, gross sexual imposition, aggravated arson, 23887
aggravated robbery, or aggravated burglary. Continued practice 23888
after the suspension shall be considered practicing without a 23889
license. 23890

The board shall notify the individual subject to the 23891
suspension by certified mail or in person in accordance with 23892
section 119.07 of the Revised Code. If an individual whose 23893
license is suspended under this division fails to make a timely 23894
request for an adjudication under Chapter 119. of the Revised 23895
Code, the board shall enter a final order permanently revoking 23896
the individual's license. 23897

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

~~(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 radiologist 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 a radiologist 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 a radiologist 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 as a radiologist assistant 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 4774.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4776.04. The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the federal bureau of investigation provides, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than as follows:

(A) If the request for the criminal records check was submitted by an applicant for an initial license or restored license, as follows:

(1) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency for use in determining, under the agency's authorizing chapter of the Revised Code and section 9.79 of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a license under that chapter and that section.

(2) The licensing agency shall make the results available

to the applicant who is the subject of the criminal records check. 23957
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(B) If the request for the criminal records check was 23959
submitted by a person seeking to satisfy the requirements to be 23960
an employee of a pain management clinic as specified in section 23961
4729.552 of the Revised Code or a person seeking to satisfy the 23962
requirements to be an employee of a facility, clinic, or other 23963
location that is subject to licensure as a category III terminal 23964
distributor of dangerous drugs with an office-based opioid 23965
treatment classification, the superintendent of the bureau of 23966
criminal identification and investigation shall make the results 23967
available in accordance with the following: 23968

(1) The superintendent shall make the results of the 23969
criminal records check, including any information the federal 23970
bureau of investigation provides, available to the person who 23971
submitted the request and is the subject of the criminal records 23972
check. 23973

(2) The superintendent shall make the results of the 23974
portion of the criminal records check performed by the bureau of 23975
criminal identification and investigation under division (B) (1) 23976
of section 109.572 of the Revised Code available to the employer 23977
or potential employer specified in the request of the person who 23978
submitted the request and shall send a letter of the type 23979
described in division (B) (2) of section 4776.02 of the Revised 23980
Code to that employer or potential employer regarding the 23981
information provided by the federal bureau of investigation that 23982
contains one of the types of statements described in that 23983
division. 23984

(C) If the request for the criminal records check was 23985
submitted by an applicant for a trainee license under section 23986

4776.021 of the Revised Code, as follows: 23987

(1) The superintendent of the bureau of criminal 23988
identification and investigation shall make the results 23989
available to the licensing agency or other agency identified in 23990
division (B) of section 4776.021 of the Revised Code for use in 23991
determining, under the agency's authorizing chapter of the 23992
Revised Code ~~and~~ division (D) of section 4776.021 of the 23993
Revised Code, and section 9.79 of the Revised Code, whether the 23994
applicant who is the subject of the criminal records check 23995
should be granted a trainee license under that chapter ~~and~~ that 23996
division, and that section. 23997

(2) The licensing agency or other agency identified in 23998
division (B) of section 4776.021 of the Revised Code shall make 23999
the results available to the applicant who is the subject of the 24000
criminal records check. 24001

Sec. 4778.02. (A) (1) Except as provided in division (B) of 24002
this section, no person shall practice as a genetic counselor 24003
unless the person holds a current, valid license to practice as 24004
a genetic counselor issued under this chapter. 24005

(2) No person shall use the title "genetic counselor," or 24006
otherwise hold the person out as a genetic counselor, unless the 24007
person holds a current, valid license to practice as a genetic 24008
counselor issued under this chapter. 24009

(B) Division (A) (1) of this section does not apply to 24010
either of the following: 24011

(1) A student performing an activity as part of a genetic 24012
counseling graduate program described in division (B) ~~(1) (b) (2)~~ 24013
of section 4778.03 of the Revised Code; 24014

(2) A person who is authorized pursuant to another 24015

provision of the Revised Code to perform any of the activities 24016
that a genetic counselor is authorized to perform. 24017

Sec. 4778.03. (A) An individual seeking a license to 24018
practice as a genetic counselor shall file with the state 24019
medical board an application in a manner prescribed by the 24020
board. The application shall include all the information the 24021
board considers necessary to process the application, including 24022
evidence satisfactory to the board that the applicant meets the 24023
requirements specified in division (B) of this section. 24024

At the time an application is submitted, the applicant 24025
shall pay the board an application fee of two hundred dollars. 24026
No part of the fee shall be returned to the applicant or 24027
transferred for purposes of another application. 24028

(B)~~(1)~~ To be eligible to receive a license to practice as 24029
a genetic counselor, an applicant shall demonstrate to the board 24030
that the applicant meets all of the following requirements: 24031

~~(a)~~ (1) Is at least eighteen years of age ~~and of good~~ 24032
~~moral character;~~ 24033

~~(b)~~ ~~Except as provided in division (B) (2) of this section,~~ 24034
~~has~~ (2) Has attained a master's degree or higher degree from a 24035
genetic counseling graduate program accredited by the American 24036
board of genetic counseling, inc.; 24037

~~(c)~~ (3) Is a certified genetic counselor; 24038

~~(d)~~ (4) Has satisfied any other requirements established 24039
by the board in rules adopted under section 4778.12 of the 24040
Revised Code. 24041

~~(2) In the case of an applicant who files an application~~ 24042
~~not later than December 31, 2013, and meets all eligibility~~ 24043

~~requirements other than the requirement specified in division
(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.

Sec. 4778.04. In addition to any other eligibility
requirement set forth in this chapter, each applicant for a
license to practice as a genetic counselor shall comply with
sections 4776.01 to 4776.04 of the Revised Code. ~~The state
medical board shall not grant to an applicant a license to
practice as a genetic counselor unless the board, in its
discretion, decides that the results of the criminal records
check do not make the applicant ineligible for a license issued
pursuant to section 4778.05 of the Revised Code.~~

Sec. 4778.14. (A) The state medical board, by an
affirmative vote of not fewer than six members, may revoke or
may refuse to grant a license to practice as a genetic counselor
to an individual found by the board to have committed fraud,
misrepresentation, or deception in applying for or securing the
license.

(B) The board, by an affirmative vote of not fewer than
six members, shall, except as provided in division (C) of this
section, and to the extent permitted by law, limit, revoke, or
suspend an individual's license to practice as a genetic

counselor, refuse to issue a license to an applicant, refuse to	24074
renew a license, refuse to reinstate a license, or reprimand or	24075
place on probation the holder of a license for any of the	24076
following reasons:	24077
(1) Permitting the holder's name or license to be used by	24078
another person;	24079
(2) Failure to comply with the requirements of this	24080
chapter, Chapter 4731. of the Revised Code, or any rules adopted	24081
by the board;	24082
(3) Violating or attempting to violate, directly or	24083
indirectly, or assisting in or abetting the violation of, or	24084
conspiring to violate, any provision of this chapter, Chapter	24085
4731. of the Revised Code, or the rules adopted by the board;	24086
(4) A departure from, or failure to conform to, minimal	24087
standards of care of similar practitioners under the same or	24088
similar circumstances whether or not actual injury to the	24089
patient is established;	24090
(5) Inability to practice according to acceptable and	24091
prevailing standards of care by reason of mental illness or	24092
physical illness, including physical deterioration that	24093
adversely affects cognitive, motor, or perceptive skills;	24094
(6) Impairment of ability to practice according to	24095
acceptable and prevailing standards of care because of habitual	24096
or excessive use or abuse of drugs, alcohol, or other substances	24097
that impair ability to practice;	24098
(7) Willfully betraying a professional confidence;	24099
(8) Making a false, fraudulent, deceptive, or misleading	24100
statement in securing or attempting to secure a license to	24101

practice as a genetic counselor. 24102

As used in this division, "false, fraudulent, deceptive, 24103
or misleading statement" means a statement that includes a 24104
misrepresentation of fact, is likely to mislead or deceive 24105
because of a failure to disclose material facts, is intended or 24106
is likely to create false or unjustified expectations of 24107
favorable results, or includes representations or implications 24108
that in reasonable probability will cause an ordinarily prudent 24109
person to misunderstand or be deceived. 24110

(9) The obtaining of, or attempting to obtain, money or a 24111
thing of value by fraudulent misrepresentations in the course of 24112
practice; 24113

(10) A plea of guilty to, a judicial finding of guilt of, 24114
or a judicial finding of eligibility for intervention in lieu of 24115
conviction for, a felony; 24116

(11) Commission of an act that constitutes a felony in 24117
this state, regardless of the jurisdiction in which the act was 24118
committed; 24119

(12) A plea of guilty to, a judicial finding of guilt of, 24120
or a judicial finding of eligibility for intervention in lieu of 24121
conviction for, a misdemeanor committed in the course of 24122
practice; 24123

(13) A plea of guilty to, a judicial finding of guilt of, 24124
or a judicial finding of eligibility for intervention in lieu of 24125
conviction for, a misdemeanor involving moral turpitude; 24126

(14) Commission of an act in the course of practice that 24127
constitutes a misdemeanor in this state, regardless of the 24128
jurisdiction in which the act was committed; 24129

(15) Commission of an act involving moral turpitude that 24130
constitutes a misdemeanor in this state, regardless of the 24131
jurisdiction in which the act was committed; 24132

(16) A plea of guilty to, a judicial finding of guilt of, 24133
or a judicial finding of eligibility for intervention in lieu of 24134
conviction for violating any state or federal law regulating the 24135
possession, distribution, or use of any drug, including 24136
trafficking in drugs; 24137

(17) Any of the following actions taken by an agency 24138
responsible for authorizing, certifying, or regulating an 24139
individual to practice a health care occupation or provide 24140
health care services in this state or in another jurisdiction, 24141
for any reason other than the nonpayment of fees: the 24142
limitation, revocation, or suspension of an individual's license 24143
to practice; acceptance of an individual's license surrender; 24144
denial of a license; refusal to renew or reinstate a license; 24145
imposition of probation; or issuance of an order of censure or 24146
other reprimand; 24147

(18) Violation of the conditions placed by the board on a 24148
license to practice as a genetic counselor; 24149

(19) Failure to cooperate in an investigation conducted by 24150
the board under section 4778.18 of the Revised Code, including 24151
failure to comply with a subpoena or order issued by the board 24152
or failure to answer truthfully a question presented by the 24153
board at a deposition or in written interrogatories, except that 24154
failure to cooperate with an investigation shall not constitute 24155
grounds for discipline under this section if a court of 24156
competent jurisdiction has issued an order that either quashes a 24157
subpoena or permits the individual to withhold the testimony or 24158
evidence in issue; 24159

(20) Failure to maintain the individual's status as a certified genetic counselor; 24160
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(21) Failure to comply with the code of ethics established by the national society of genetic counselors. 24162
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(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. 24164
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(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 genetic counselor 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. 24169
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A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. 24182
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~~(D)~~ (E) For purposes of divisions (B) (11), (14), and (15) of this section, the commission of the act may be established by 24187
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a finding by the board, pursuant to an adjudication under 24189
Chapter 119. of the Revised Code, that the applicant or license 24190
holder committed the act in question. The board shall have no 24191
jurisdiction under these divisions in cases where the trial 24192
court renders a final judgment in the license holder's favor and 24193
that judgment is based upon an adjudication on the merits. The 24194
board shall have jurisdiction under these divisions in cases 24195
where the trial court issues an order of dismissal on technical 24196
or procedural grounds. 24197

~~(E)~~ (F) The sealing of conviction records by any court 24198
shall have no effect on a prior board order entered under the 24199
provisions of this section or on the board's jurisdiction to 24200
take action under the provisions of this section if, based upon 24201
a plea of guilty, a judicial finding of guilt, or a judicial 24202
finding of eligibility for intervention in lieu of conviction, 24203
the board issued a notice of opportunity for a hearing or took 24204
other formal action under Chapter 119. of the Revised Code prior 24205
to the court's order to seal the records. The board shall not be 24206
required to seal, destroy, redact, or otherwise modify its 24207
records to reflect the court's sealing of conviction records. 24208

~~(F)~~ (G) For purposes of this division, any individual who 24209
holds a license to practice as a genetic counselor, or applies 24210
for a license, shall be deemed to have given consent to submit 24211
to a mental or physical examination when directed to do so in 24212
writing by the board and to have waived all objections to the 24213
admissibility of testimony or examination reports that 24214
constitute a privileged communication. 24215

(1) In enforcing division (B) (5) of this section, the 24216
board, on a showing of a possible violation, may compel any 24217
individual who holds a license to practice as a genetic 24218

counselor or who has applied for a license to practice as a 24219
genetic counselor to submit to a mental or physical examination, 24220
or both. A physical examination may include an HIV test. The 24221
expense of the examination is the responsibility of the 24222
individual compelled to be examined. Failure to submit to a 24223
mental or physical examination or consent to an HIV test ordered 24224
by the board constitutes an admission of the allegations against 24225
the individual unless the failure is due to circumstances beyond 24226
the individual's control, and a default and final order may be 24227
entered without the taking of testimony or presentation of 24228
evidence. If the board finds a genetic counselor unable to 24229
practice because of the reasons set forth in division (B) (5) of 24230
this section, the board shall require the genetic counselor to 24231
submit to care, counseling, or treatment by physicians approved 24232
or designated by the board, as a condition for an initial, 24233
continued, reinstated, or renewed license to practice. An 24234
individual affected by this division shall be afforded an 24235
opportunity to demonstrate to the board the ability to resume 24236
practicing in compliance with acceptable and prevailing 24237
standards of care. 24238

(2) For purposes of division (B) (6) of this section, if 24239
the board has reason to believe that any individual who holds a 24240
license to practice as a genetic counselor or any applicant for 24241
a license suffers such impairment, the board may compel the 24242
individual to submit to a mental or physical examination, or 24243
both. The expense of the examination is the responsibility of 24244
the individual compelled to be examined. Any mental or physical 24245
examination required under this division shall be undertaken by 24246
a treatment provider or physician qualified to conduct such 24247
examination and chosen by the board. 24248

Failure to submit to a mental or physical examination 24249

ordered by the board constitutes an admission of the allegations 24250
against the individual unless the failure is due to 24251
circumstances beyond the individual's control, and a default and 24252
final order may be entered without the taking of testimony or 24253
presentation of evidence. If the board determines that the 24254
individual's ability to practice is impaired, the board shall 24255
suspend the individual's license or deny the individual's 24256
application and shall require the individual, as a condition for 24257
an initial, continued, reinstated, or renewed license, to submit 24258
to treatment. 24259

Before being eligible to apply for reinstatement of a 24260
license suspended under this division, the genetic counselor 24261
shall demonstrate to the board the ability to resume practice in 24262
compliance with acceptable and prevailing standards of care. The 24263
demonstration shall include the following: 24264

(a) Certification from a treatment provider approved under 24265
section 4731.25 of the Revised Code that the individual has 24266
successfully completed any required inpatient treatment; 24267

(b) Evidence of continuing full compliance with an 24268
aftercare contract or consent agreement; 24269

(c) Two written reports indicating that the individual's 24270
ability to practice has been assessed and that the individual 24271
has been found capable of practicing according to acceptable and 24272
prevailing standards of care. The reports shall be made by 24273
individuals or providers approved by the board for making such 24274
assessments and shall describe the basis for their 24275
determination. 24276

The board may reinstate a license suspended under this 24277
division after such demonstration and after the individual has 24278

entered into a written consent agreement. 24279

When the impaired genetic counselor resumes practice, the 24280
board shall require continued monitoring of the genetic 24281
counselor. The monitoring shall include monitoring of compliance 24282
with the written consent agreement entered into before 24283
reinstatement or with conditions imposed by board order after a 24284
hearing, and, on termination of the consent agreement, 24285
submission to the board for at least two years of annual written 24286
progress reports made under penalty of falsification stating 24287
whether the genetic counselor has maintained sobriety. 24288

~~(G)~~ (H) If the secretary and supervising member determine 24289
both of the following, they may recommend that the board suspend 24290
an individual's license to practice without a prior hearing: 24291

(1) That there is clear and convincing evidence that a 24292
genetic counselor has violated division (B) of this section; 24293

(2) That the individual's continued practice presents a 24294
danger of immediate and serious harm to the public. 24295

Written allegations shall be prepared for consideration by 24296
the board. The board, on review of the allegations and by an 24297
affirmative vote of not fewer than six of its members, excluding 24298
the secretary and supervising member, may suspend a license 24299
without a prior hearing. A telephone conference call may be 24300
utilized for reviewing the allegations and taking the vote on 24301
the summary suspension. 24302

The board shall issue a written order of suspension by 24303
certified mail or in person in accordance with section 119.07 of 24304
the Revised Code. The order shall not be subject to suspension 24305
by the court during pendency of any appeal filed under section 24306
119.12 of the Revised Code. If the genetic counselor requests an 24307

adjudicatory hearing by the board, the date set for the hearing 24308
shall be within fifteen days, but not earlier than seven days, 24309
after the genetic counselor requests the hearing, unless 24310
otherwise agreed to by both the board and the genetic counselor. 24311

A summary suspension imposed under this division shall 24312
remain in effect, unless reversed on appeal, until a final 24313
adjudicative order issued by the board pursuant to this section 24314
and Chapter 119. of the Revised Code becomes effective. The 24315
board shall issue its final adjudicative order within sixty days 24316
after completion of its hearing. Failure to issue the order 24317
within sixty days shall result in dissolution of the summary 24318
suspension order, but shall not invalidate any subsequent, final 24319
adjudicative order. 24320

~~(H)~~(I) If the board takes action under division (B) (10), 24321
(12), or (13) of this section, and the judicial finding of 24322
guilt, guilty plea, or judicial finding of eligibility for 24323
intervention in lieu of conviction is overturned on appeal, on 24324
exhaustion of the criminal appeal, a petition for 24325
reconsideration of the order may be filed with the board along 24326
with appropriate court documents. On receipt of a petition and 24327
supporting court documents, the board shall reinstate the 24328
license to practice as a genetic counselor. The board may then 24329
hold an adjudication under Chapter 119. of the Revised Code to 24330
determine whether the individual committed the act in question. 24331
Notice of opportunity for hearing shall be given in accordance 24332
with Chapter 119. of the Revised Code. If the board finds, 24333
pursuant to an adjudication held under this division, that the 24334
individual committed the act, or if no hearing is requested, it 24335
may order any of the sanctions specified in division (B) of this 24336
section. 24337

~~(I)~~ (J) The license to practice as a genetic counselor and 24338
the counselor's practice in this state are automatically 24339
suspended as of the date the genetic counselor pleads guilty to, 24340
is found by a judge or jury to be guilty of, or is subject to a 24341
judicial finding of eligibility for intervention in lieu of 24342
conviction in this state or treatment of intervention in lieu of 24343
conviction in another jurisdiction for any of the following 24344
criminal offenses in this state or a substantially equivalent 24345
criminal offense in another jurisdiction: aggravated murder, 24346
murder, voluntary manslaughter, felonious assault, kidnapping, 24347
rape, sexual battery, gross sexual imposition, aggravated arson, 24348
aggravated robbery, or aggravated burglary. Continued practice 24349
after the suspension shall be considered practicing without a 24350
license. 24351

The board shall notify the individual subject to the 24352
suspension by certified mail or in person in accordance with 24353
section 119.07 of the Revised Code. If an individual whose 24354
license is suspended under this division fails to make a timely 24355
request for an adjudication under Chapter 119. of the Revised 24356
Code, the board shall enter a final order permanently revoking 24357
the individual's license to practice. 24358

~~(J)~~ (K) In any instance in which the board is required by 24359
Chapter 119. of the Revised Code to give notice of opportunity 24360
for hearing and the individual subject to the notice does not 24361
timely request a hearing in accordance with section 119.07 of 24362
the Revised Code, the board is not required to hold a hearing, 24363
but may adopt, by an affirmative vote of not fewer than six of 24364
its members, a final order that contains the board's findings. 24365
In the final order, the board may order any of the sanctions 24366
identified under division (A) or (B) of this section. 24367

~~(K)~~(L) Any action taken by the board under division (B) of 24368
this section resulting in a suspension shall be accompanied by a 24369
written statement of the conditions under which the license of 24370
the genetic counselor may be reinstated. The board shall adopt 24371
rules in accordance with Chapter 119. of the Revised Code 24372
governing conditions to be imposed for reinstatement. 24373
Reinstatement of a license suspended pursuant to division (B) of 24374
this section requires an affirmative vote of not fewer than six 24375
members of the board. 24376

~~(L)~~(M) When the board refuses to grant or issue a license 24377
to practice as a genetic counselor to an applicant, revokes an 24378
individual's license, refuses to renew an individual's license, 24379
or refuses to reinstate an individual's license, the board may 24380
specify that its action is permanent. An individual subject to a 24381
permanent action taken by the board is forever thereafter 24382
ineligible to hold a license to practice as a genetic counselor 24383
and the board shall not accept an application for reinstatement 24384
of the license or for issuance of a new license. 24385

~~(M)~~(N) Notwithstanding any other provision of the Revised 24386
Code, all of the following apply: 24387

(1) The surrender of a license to practice as a genetic 24388
counselor is not effective unless or until accepted by the 24389
board. A telephone conference call may be utilized for 24390
acceptance of the surrender of an individual's license. The 24391
telephone conference call shall be considered a special meeting 24392
under division (F) of section 121.22 of the Revised Code. 24393
Reinstatement of a license surrendered to the board requires an 24394
affirmative vote of not fewer than six members of the board. 24395

(2) An application made under this chapter for a license 24396
to practice may not be withdrawn without approval of the board. 24397

(3) Failure by an individual to renew a license in accordance with section 4778.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4779.09. An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the Ohio occupational therapy, physical therapy, and athletic trainers board in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a license to an applicant who is eighteen years of age or older, ~~of good moral character,~~ and meets either the requirements of divisions (A) and (B) of this section or the requirements of section 4779.17 of the Revised Code.

(A) The applicant must pass an examination conducted pursuant to section 4779.15 of the Revised Code;

(B) The applicant must meet the requirements of one of the following:

(1) In the case of an applicant for a license to practice orthotics, the requirements of section 4779.10 of the Revised Code;

(2) In the case of an applicant for a license to practice prosthetics, the requirements of section 4779.11 of the Revised Code;

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the requirements of section 4779.12 of the Revised Code;

(4) In the case of an applicant for a license to practice pedorthics, the requirements of section 4779.13 of the Revised

Code. 24427

Sec. 4779.091. (A) As used in this section, "license" and 24428
"applicant for an initial license" have the same meanings as in 24429
section 4776.01 of the Revised Code, except that "license" as 24430
used in both of those terms refers to the types of 24431
authorizations otherwise issued or conferred under this chapter. 24432

(B) In addition to any other eligibility requirement set 24433
forth in this chapter, each applicant for an initial license 24434
shall comply with sections 4776.01 to 4776.04 of the Revised 24435
Code. The Ohio occupational therapy, physical therapy, and 24436
athletic trainers board shall not grant a license to an 24437
applicant for an initial license unless the applicant complies 24438
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 24439
~~board, in its discretion, decides that the results of the~~ 24440
~~criminal records check do not make the applicant ineligible for~~ 24441
~~a license issued pursuant to section 4779.09, 4779.17, or~~ 24442
~~4779.18 of the Revised Code.~~ 24443

Sec. 4779.18. (A) The Ohio occupational therapy, physical 24444
therapy, and athletic trainers board shall issue a temporary 24445
license to an individual who meets all of the following 24446
requirements: 24447

(1) Applies to the board in accordance with rules adopted 24448
under section 4779.08 of the Revised Code and pays the 24449
application fee specified in the rules; 24450

(2) Is eighteen years of age or older; 24451

(3) ~~Is of good moral character;~~ 24452

~~(4) One of the following applies:~~ 24453

(a) In the case of an applicant for a license to practice 24454

orthotics, the applicant meets the requirements in divisions (B) 24455
and (C) of section 4779.10 of the Revised Code. 24456

(b) In the case of an applicant for a license to practice 24457
prosthetics, the applicant meets the requirements in divisions 24458
(B) and (C) of section 4779.11 of the Revised Code. 24459

(c) In the case of an applicant for a license to practice 24460
orthotics and prosthetics, the applicant meets the requirements 24461
in divisions (B) and (C) of section 4779.12 of the Revised Code. 24462

(d) In the case of an applicant for a license to practice 24463
pedorthics, the applicant meets the requirements in divisions 24464
(B) and (C) of section 4779.13 of the Revised Code. 24465

(B) A temporary license issued under this section is valid 24466
for one year and may be renewed once in accordance with rules 24467
adopted by the board under section 4779.08 of the Revised Code. 24468

An individual who holds a temporary license may practice 24469
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 24470
only under the supervision of an individual who holds a license 24471
issued under section 4779.09 of the Revised Code in the same 24472
area of practice. 24473

(C) All fees received by the board under this section 24474
shall be deposited in the state treasury to the credit of the 24475
occupational licensing and regulatory fund established in 24476
section 4743.05 of the Revised Code. 24477

Sec. 4779.28. (A) The Ohio occupational therapy, physical 24478
therapy, and athletic trainers board may, pursuant to an 24479
adjudication under Chapter 119. of the Revised Code, and except 24480
as provided in division (B) of this section, limit, revoke, or 24481
suspend a license issued under this chapter, refuse to issue a 24482
license to an applicant, or reprimand or place on probation a 24483

license holder for any of the following reasons:	24484
(1) Conviction of, or a plea of guilty to, a misdemeanor or felony involving moral turpitude;	24485 24486
(2) Any violation of this chapter;	24487
(3) Committing fraud, misrepresentation, or deception in applying for or securing a license issued under this chapter;	24488 24489
(4) Habitual use of drugs or intoxicants to the extent that it renders the person unfit to practice;	24490 24491
(5) Violation of any rule adopted by the board under section 4779.08 of the Revised Code;	24492 24493
(6) A departure from, or failure to conform to, minimal standards of care of similar orthotists, prosthetists, orthotists-prosthetists, or pedorthists under the same or similar circumstances, regardless of whether actual injury to a patient is established;	24494 24495 24496 24497 24498
(7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice;	24499 24500
(8) Publishing a false, fraudulent, deceptive, or misleading statement;	24501 24502
(9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under this chapter;	24503 24504 24505 24506 24507 24508
(10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a	24509 24510

deductible or copayment that a patient, pursuant to a health 24511
insurance or health care policy, contract, or plan, that covers 24512
the person's services, would otherwise be required to pay. 24513

(B) The board shall not refuse to issue a license to an 24514
applicant because of a conviction of or plea of guilty to an 24515
offense unless the refusal is in accordance with section 9.79 of 24516
the Revised Code. 24517

(C) For the purpose of investigating whether a person is 24518
engaging or has engaged in conduct described in division (A) of 24519
this section, the board may administer oaths, order the taking 24520
of depositions, issue subpoenas, examine witnesses, and compel 24521
the attendance of witnesses and production of books, accounts, 24522
papers, records, documents, and testimony. 24523

Sec. 4781.09. (A) The division of industrial compliance 24524
may, except as provided in division (B) of this section, deny, 24525
suspend, revoke, or refuse to renew the license of any 24526
manufactured home installer for any of the following reasons: 24527

(1) Failure to satisfy the requirements of section 4781.08 24528
or 4781.10 of the Revised Code; 24529

(2) Violation of this chapter or any rule adopted pursuant 24530
to it; 24531

(3) Making a material misstatement in an application for a 24532
license; 24533

(4) Installing manufactured housing without a license or 24534
without being under the supervision of a licensed manufactured 24535
housing installer; 24536

(5) Failure to appear for a hearing before the division or 24537
to comply with any final adjudication order of the division 24538

issued pursuant to this chapter;	24539
(6) Conviction of a felony or a crime involving moral turpitude;	24540 24541
(7) Having had a license revoked, suspended, or denied by the division during the preceding two years;	24542 24543
(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;	24544 24545
(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.	24546 24547
(10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.	24548 24549 24550
<u>(B) The division shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	24551 24552 24553
<u>(C)</u> (1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.	24554 24555 24556 24557 24558 24559
(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in section 119.12 of the Revised Code.	24560 24561 24562
(C) <u>(D)</u> A person whose license is suspended, revoked, or not renewed may apply for a new license two years after the date on which the license was suspended, revoked, or not renewed.	24563 24564 24565

Sec. 4781.18. (A) The division of real estate shall deny 24566
the application of any person for a license as a manufactured 24567
housing dealer or manufactured housing broker and refuse to 24568
issue the license if the division finds that any of the 24569
following is true of the applicant: 24570

(1) The applicant has made any false statement of a 24571
material fact in the application. 24572

(2) The applicant has not complied with this chapter or 24573
the rules adopted by the division of real estate under this 24574
chapter. 24575

(3) The applicant ~~is of bad business repute or has~~ 24576
habitually defaulted on financial obligations. 24577

(4) The applicant has been guilty of a fraudulent act in 24578
connection with selling or otherwise dealing in manufactured 24579
housing or in connection with brokering manufactured housing. 24580

(5) The applicant has entered into or is about to enter 24581
into a contract or agreement with a manufacturer or distributor 24582
of manufactured homes that is contrary to the requirements of 24583
this chapter. 24584

(6) The applicant is insolvent. 24585

(7) The applicant is of insufficient responsibility to 24586
ensure the prompt payment of any final judgments that might 24587
reasonably be entered against the applicant because of the 24588
transaction of business as a manufactured housing dealer or 24589
manufactured housing broker during the period of the license 24590
applied for, or has failed to satisfy any such judgment. 24591

(8) The applicant has no established place of business 24592
that, where applicable, is used or will be used for the purpose 24593

of selling, displaying, offering for sale or dealing in 24594
manufactured housing at the location for which application is 24595
made. 24596

(9) Within less than twelve months prior to making 24597
application, the applicant has been denied a manufactured 24598
housing dealer's license or manufactured housing broker's 24599
license, or has any such license revoked. 24600

(B) The division of real estate shall deny the application 24601
of any person for a license as a salesperson and refuse to issue 24602
the license if the division finds that any of the following is 24603
true of the applicant: 24604

(1) The applicant has made any false statement of a 24605
material fact in the application. 24606

(2) The applicant has not complied with this chapter or 24607
the rules adopted by the division of real estate under this 24608
chapter. 24609

(3) The applicant ~~is of bad business repute or has~~ 24610
habitually defaulted on financial obligations. 24611

(4) The applicant has been guilty of a fraudulent act in 24612
connection with selling or otherwise dealing in manufactured 24613
housing. 24614

(5) The applicant has not been designated to act as 24615
salesperson for a manufactured housing dealer or manufactured 24616
housing broker licensed to do business in this state under this 24617
chapter, or intends to act as salesperson for more than one 24618
licensed manufactured housing dealer or manufactured housing 24619
broker at the same time, unless the licensed dealership is owned 24620
or operated by the same corporation, regardless of the county in 24621
which the dealership's facility is located. 24622

(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 24623
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(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked. 24628
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(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked. 24631
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(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the division of real estate may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, or partner as an individual. The division's finding may be based upon facts contained in the application or upon any other information the division of real estate may have. 24634
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(D) Notwithstanding division (A) (4) of this section, the division of real estate shall not deny the application of any person and refuse to issue a license if the division finds that the applicant is engaged or will engage in the business of selling at retail any new manufactured homes and demonstrates that the applicant has posted a bond, surety, or certificate of deposit with the division of real estate in an amount not less than one hundred thousand dollars for the protection and benefit of the applicant's customers. 24643
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(E) A decision made by the division of real estate under 24652
this section may be based upon any statement contained in the 24653
application or upon any facts within the division's knowledge. 24654

(F) Immediately upon denying an application for any of the 24655
reasons in this section, the division of real estate shall enter 24656
a final order together with the division's findings. If the 24657
application is denied by the division of real estate, the 24658
division of real estate shall enter a final order and shall 24659
issue to the applicant a written notice of refusal to grant a 24660
license that shall disclose the reason for refusal. 24661

Sec. 4783.04. (A) An individual seeking a certificate to 24662
practice as a certified Ohio behavior analyst shall file with 24663
the state board of psychology a written application on a form 24664
prescribed and supplied by the board. To be eligible for a 24665
certificate, the individual shall do all of the following: 24666

(1) Demonstrate that the applicant ~~is of good moral~~ 24667
~~character and~~ conducts the applicant's professional activities 24668
in accordance with accepted professional and ethical standards; 24669

(2) Comply with sections 4776.01 to 4776.04 of the Revised 24670
Code; 24671

(3) Demonstrate an understanding of the law regarding 24672
behavioral health practice; 24673

(4) Demonstrate current certification as a board certified 24674
behavior analyst by the behavior analyst certification board or 24675
its successor organization or demonstrate completion of 24676
equivalent requirements and passage of a psychometrically valid 24677
examination administered by a nationally accredited 24678
credentialing organization; 24679

(5) Pay the fee established by the state board of 24680

psychology. 24681

(B) The state board of psychology shall review all 24682
applications received under this section. The state board of 24683
psychology shall not grant a certificate to an applicant for an 24684
initial certificate unless the applicant complies with sections 24685
4776.01 to 4776.04 of the Revised Code ~~and the state board of~~ 24686
~~psychology, in its discretion, decides that the results of the~~ 24687
~~criminal records check do not make the applicant ineligible for~~ 24688
~~a certificate issued pursuant to section 4783.09 of the Revised~~ 24689
Code. If the state board of psychology determines that an 24690
applicant satisfies the requirements for a certificate to 24691
practice as a certified Ohio behavior analyst, the state board 24692
of psychology shall issue the applicant a certificate. 24693

Sec. 4783.09. (A) The state board of psychology may, 24694
except as provided in division (B) of this section, refuse to 24695
issue a certificate to any applicant, may issue a reprimand, or 24696
suspend or revoke the certificate of any certified Ohio behavior 24697
analyst, on any of the following grounds: 24698

(1) Conviction of a felony, or of any offense involving 24699
moral turpitude, in a court of this or any other state or in a 24700
federal court; 24701

(2) Using fraud or deceit in the procurement of the 24702
certificate to practice applied behavior analysis or knowingly 24703
assisting another in the procurement of such a certificate 24704
through fraud or deceit; 24705

(3) Accepting commissions or rebates or other forms of 24706
remuneration for referring persons to other professionals; 24707

(4) Willful, unauthorized communication of information 24708
received in professional confidence; 24709

(5) Being negligent in the practice of applied behavior analysis;	24710 24711
(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform the work of a certified Ohio behavior analyst with safety to the public;	24712 24713 24714 24715
(7) Violating any rule of professional conduct promulgated by the board;	24716 24717
(8) Practicing in an area of applied behavior analysis for which the person is clearly untrained or incompetent;	24718 24719
(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the certificate;	24720 24721 24722
(10) 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 applied behavior analysis services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	24723 24724 24725 24726 24727 24728 24729
(11) Advertising that the person will waive 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 applied behavior analysis services, would otherwise be required to pay.	24730 24731 24732 24733 24734
(B) <u>The board shall not refuse to issue a certificate to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	24735 24736 24737

(C) For purposes of division (A) (9) of this section, a person may have the person's certificate issued or restored only upon determination by a court that the person is competent for the purpose of holding the certificate and upon the decision by the board that the certificate be issued or restored. The board may require an examination prior to such issuance or restoration.

~~(C)~~ (D) Notwithstanding divisions (A) (10) and (11) of this section, sanctions shall not be imposed against any certificate holder who waives deductibles and copayments:

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

(2) For professional services rendered to any other person holding a certificate issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

~~(D)~~ (E) Except as provided in section 4783.10 of the Revised Code, before the board may deny, suspend, or revoke a certificate under this section, or otherwise discipline the holder of a certificate, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code.

Sec. 5120.55. (A) As used in this section, "licensed health professional" means any or all of the following:

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry;

(2) A licensed practical nurse who holds a current, valid

license issued under Chapter 4723. of the Revised Code that 24767
authorizes the practice of nursing as a licensed practical 24768
nurse; 24769

(3) An optometrist who holds a current, valid certificate 24770
of licensure issued under Chapter 4725. of the Revised Code that 24771
authorizes the holder to engage in the practice of optometry; 24772

(4) A physician who is authorized under Chapter 4731. of 24773
the Revised Code to practice medicine and surgery, osteopathic 24774
medicine and surgery, or podiatric medicine and surgery; 24775

(5) A psychologist who holds a current, valid license 24776
issued under Chapter 4732. of the Revised Code that authorizes 24777
the practice of psychology as a licensed psychologist; 24778

(6) A registered nurse who holds a current, valid license 24779
issued under Chapter 4723. of the Revised Code that authorizes 24780
the practice of nursing as a registered nurse, including such a 24781
nurse who is also licensed to practice as an advanced practice 24782
registered nurse as defined in section 4723.01 of the Revised 24783
Code. 24784

(B) (1) The department of rehabilitation and correction may 24785
establish a recruitment program under which the department, by 24786
means of a contract entered into under division (C) of this 24787
section, agrees to repay all or part of the principal and 24788
interest of a government or other educational loan incurred by a 24789
licensed health professional who agrees to provide services to 24790
inmates of correctional institutions under the department's 24791
administration. 24792

(2) (a) For a physician to be eligible to participate in 24793
the program, the physician must have attended a school that was, 24794
during the time of attendance, a medical school or osteopathic 24795

medical school in this country accredited by the liaison 24796
committee on medical education or the American osteopathic 24797
association, a college of podiatry in this country in good 24798
standing with the state medical board, or a medical school, 24799
osteopathic medical school, or college of podiatry located 24800
outside this country that was acknowledged by the world health 24801
organization and verified by a member state of that organization 24802
as operating within that state's jurisdiction. 24803

(b) For a nurse to be eligible to participate in the 24804
program, the nurse must have attended a school that was, during 24805
the time of attendance, a nursing school in this country 24806
accredited by the commission on collegiate nursing education or 24807
the national league for nursing accrediting commission or a 24808
nursing school located outside this country that was 24809
acknowledged by the world health organization and verified by a 24810
member state of that organization as operating within that 24811
state's jurisdiction. 24812

(c) For a dentist to be eligible to participate in the 24813
program, the dentist must have attended a school that was, 24814
during the time of attendance, a dental college that enabled the 24815
dentist to meet the requirements specified in section 4715.10 of 24816
the Revised Code to be granted a license to practice dentistry. 24817

(d) For an optometrist to be eligible to participate in 24818
the program, the optometrist must have attended a school of 24819
optometry that was, during the time of attendance, approved by 24820
the state vision professionals board. 24821

(e) For a psychologist to be eligible to participate in 24822
the program, the psychologist must have attended an educational 24823
institution that, during the time of attendance, maintained a 24824
specific degree program recognized by the state board of 24825

psychology as acceptable for fulfilling the requirement of 24826
division (B) ~~(3)~~ (2) of section 4732.10 of the Revised Code. 24827

(C) The department shall enter into a contract with each 24828
licensed health professional it recruits under this section. 24829
Each contract shall include at least the following terms: 24830

(1) The licensed health professional agrees to provide a 24831
specified scope of medical, osteopathic medical, podiatric, 24832
optometric, psychological, nursing, or dental services to 24833
inmates of one or more specified state correctional institutions 24834
for a specified number of hours per week for a specified number 24835
of years. 24836

(2) The department agrees to repay all or a specified 24837
portion of the principal and interest of a government or other 24838
educational loan taken by the licensed health professional for 24839
the following expenses to attend, for up to a maximum of four 24840
years, a school that qualifies the licensed health professional 24841
to participate in the program: 24842

(a) Tuition; 24843

(b) Other educational expenses for specific purposes, 24844
including fees, books, and laboratory expenses, in amounts 24845
determined to be reasonable in accordance with rules adopted 24846
under division (D) of this section; 24847

(c) Room and board, in an amount determined to be 24848
reasonable in accordance with rules adopted under division (D) 24849
of this section. 24850

(3) The licensed health professional agrees to pay the 24851
department a specified amount, which shall be no less than the 24852
amount already paid by the department pursuant to its agreement, 24853
as damages if the licensed health professional fails to complete 24854

the service obligation agreed to or fails to comply with other 24855
specified terms of the contract. The contract may vary the 24856
amount of damages based on the portion of the service obligation 24857
that remains uncompleted. 24858

(4) Other terms agreed upon by the parties. 24859

The licensed health professional's lending institution or 24860
the department of higher education may be a party to the 24861
contract. The contract may include an assignment to the 24862
department of rehabilitation and correction of the licensed 24863
health professional's duty to repay the principal and interest 24864
of the loan. 24865

(D) If the department of rehabilitation and correction 24866
elects to implement the recruitment program, it shall adopt 24867
rules in accordance with Chapter 119. of the Revised Code that 24868
establish all of the following: 24869

(1) Criteria for designating institutions for which 24870
licensed health professionals will be recruited; 24871

(2) Criteria for selecting licensed health professionals 24872
for participation in the program; 24873

(3) Criteria for determining the portion of a loan which 24874
the department will agree to repay; 24875

(4) Criteria for determining reasonable amounts of the 24876
expenses described in divisions (C) (2) (b) and (c) of this 24877
section; 24878

(5) Procedures for monitoring compliance by a licensed 24879
health professional with the terms of the contract the licensed 24880
health professional enters into under this section; 24881

(6) Any other criteria or procedures necessary to 24882

implement the program. 24883

Sec. 5123.169. (A) (1) The director of developmental 24884
disabilities shall not refuse to issue a supported living 24885
certificate to an applicant unless either of the following 24886
applies: 24887

(a) The applicant fails to comply with division (C)(2) of 24888
this section; 24889

(b) The applicant is found by a criminal records check 24890
required by this section to have been convicted of, pleaded 24891
guilty to, or been found eligible for intervention in lieu of 24892
conviction for a disqualifying offense and the director complies 24893
with section 9.79 of the Revised Code. 24894

~~(2) The director of developmental disabilities shall not~~ 24895
~~issue a supported living certificate to an applicant or renew an~~ 24896
~~applicant's supported living certificate if either of the~~ 24897
~~following applies:~~ 24898

~~(1)(a) The applicant for renewal fails to comply with~~ 24899
~~division (C)(2) of this section;~~ 24900

~~(2)(b) Except as provided in rules adopted under section~~ 24901
~~5123.1611 of the Revised Code, the applicant for renewal is~~ 24902
~~found by a criminal records check required by this section to~~ 24903
~~have been convicted of, pleaded guilty to, or been found~~ 24904
~~eligible for intervention in lieu of conviction for a~~ 24905
~~disqualifying offense.~~ 24906

(B) Before issuing a supported living certificate to an 24907
applicant or renewing an applicant's supported living 24908
certificate, the director shall require the applicant to submit 24909
a statement with the applicant's signature attesting ~~that as to~~ 24910
whether the applicant has ~~not~~ been convicted of, pleaded guilty 24911

to, or been found eligible for intervention in lieu of 24912
conviction for a disqualifying offense. The director also shall 24913
require the applicant to sign an agreement under which the 24914
applicant agrees to notify the director within fourteen calendar 24915
days if, while holding a supported living certificate, the 24916
applicant is formally charged with, is convicted of, pleads 24917
guilty to, or is found eligible for intervention in lieu of 24918
conviction for a disqualifying offense. The agreement shall 24919
provide that the applicant's failure to provide the notification 24920
may result in action being taken by the director against the 24921
applicant under section 5123.166 of the Revised Code. 24922

(C) (1) As a condition of receiving a supported living 24923
certificate or having a supported living certificate renewed, an 24924
applicant shall request the superintendent of the bureau of 24925
criminal identification and investigation to conduct a criminal 24926
records check of the applicant. If an applicant does not present 24927
proof to the director that the applicant has been a resident of 24928
this state for the five-year period immediately prior to the 24929
date that the applicant applies for issuance or renewal of the 24930
supported living certificate, the director shall require the 24931
applicant to request that the superintendent obtain information 24932
from the federal bureau of investigation as a part of the 24933
criminal records check. If the applicant presents proof to the 24934
director that the applicant has been a resident of this state 24935
for that five-year period, the director may require the 24936
applicant to request that the superintendent include information 24937
from the federal bureau of investigation in the criminal records 24938
check. For purposes of this division, an applicant may provide 24939
proof of residency in this state by presenting, with a notarized 24940
statement asserting that the applicant has been a resident of 24941
this state for that five-year period, a valid driver's license, 24942

notification of registration as an elector, a copy of an 24943
officially filed federal or state tax form identifying the 24944
applicant's permanent residence, or any other document the 24945
director considers acceptable. 24946

(2) Each applicant shall do all of the following: 24947

(a) Obtain a copy of the form prescribed pursuant to 24948
division (C) (1) of section 109.572 of the Revised Code and a 24949
standard impression sheet prescribed pursuant to division (C) (2) 24950
of section 109.572 of the Revised Code; 24951

(b) Complete the form and provide the applicant's 24952
fingerprint impressions on the standard impression sheet; 24953

(c) Forward the completed form and standard impression 24954
sheet to the superintendent at the time the criminal records 24955
check is requested; 24956

(d) Instruct the superintendent to submit the completed 24957
report of the criminal records check directly to the director; 24958

(e) Pay to the bureau of criminal identification and 24959
investigation the fee prescribed pursuant to division (C) (3) of 24960
section 109.572 of the Revised Code for each criminal records 24961
check of the applicant requested and conducted pursuant to this 24962
section. 24963

(D) The director may request any other state or federal 24964
agency to supply the director with a written report regarding 24965
the criminal record of an applicant. The director may consider 24966
the reports when determining whether to issue a supported living 24967
certificate to the applicant or to renew an applicant's 24968
supported living certificate. 24969

(E) An applicant who seeks to be an independent provider 24970

or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate.

(F) (1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant who is the subject of the report or the applicant's representative;

(b) The director or the director's representative;

(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of a supported living certificate or refusal to renew a supported living certificate;

(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program.

(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in

the request the person or entities to which the copies are to be 24999
sent. On receiving the request, the director shall send copies 25000
of the reports to the persons or entities specified. 25001

(3) The director may request that a person or state or 25002
local government entity send copies to the director of any 25003
report regarding a records check or criminal records check that 25004
the person or entity possesses, if the director obtains the 25005
written consent of the individual who is the subject of the 25006
report. 25007

(4) The director shall provide each applicant with a copy 25008
of any report obtained about the applicant under this section. 25009

Sec. 5123.1611. The director of developmental disabilities 25010
shall adopt rules under Chapter 119. of the Revised Code 25011
establishing all of the following: 25012

(A) The extent to which a county board of developmental 25013
disabilities may provide supported living; 25014

(B) The application process for obtaining a supported 25015
living certificate under section 5123.161 of the Revised Code; 25016

(C) The certification standards a person or government 25017
entity must meet to obtain a supported living certificate to 25018
provide supported living; 25019

(D) The certification fee for a supported living 25020
certificate, which shall be deposited into the program fee fund 25021
created under section 5123.033 of the Revised Code; 25022

(E) The period of time a supported living certificate is 25023
valid; 25024

(F) The process for renewing a supported living 25025
certificate under section 5123.164 of the Revised Code; 25026

(G) The renewal fee for a supported living certificate, 25027
which shall be deposited into the program fee fund created under 25028
section 5123.033 of the Revised Code; 25029

(H) Procedures for conducting surveys under section 25030
5123.162 of the Revised Code; 25031

(I) Procedures for determining whether there is good cause 25032
to take action under section 5123.166 of the Revised Code 25033
against a person or government entity seeking or holding a 25034
supported living certificate; 25035

(J) Circumstances under which the director may ~~issue a~~ 25036
~~supported living certificate to an applicant or~~ 25037
applicant's supported living certificate if the applicant is 25038
found by a criminal records check required by section 5123.169 25039
of the Revised Code to have been convicted of, pleaded guilty 25040
to, or been found eligible for intervention in lieu of 25041
conviction for a disqualifying offense but meets standards in 25042
regard to rehabilitation set by the director. 25043

Sec. 5123.452. (A) If good cause exists as specified in 25044
division (B) of this section and determined in accordance with 25045
procedures established in rules adopted under section 5123.46 of 25046
the Revised Code, the director of developmental disabilities may 25047
issue an adjudication order requiring that one of the following 25048
actions be taken against a person seeking or holding a 25049
certificate issued under section 5123.45 of the Revised Code: 25050

(1) Refusal to issue or renew a certificate; 25051

(2) Revocation of a certificate; 25052

(3) Suspension of a certificate. 25053

(B) The following constitute good cause for taking action 25054

under division (A) of this section against a certificate holder:	25055
(1) The certificate holder violates sections 5123.41 to	25056
5123.45 of the Revised Code or rules adopted under those	25057
sections;	25058
(2) Confirmed abuse or neglect;	25059
(3) The certificate holder has been convicted of or	25060
pleaded guilty to a disqualifying offense, as defined in section	25061
5123.081 of the Revised Code;	25062
(4) Mifeasance;	25063
(5) Malfeasance;	25064
(6) Nonfeasance;	25065
(7) In the case of a certificate holder who is a	25066
registered nurse, the board of nursing has taken disciplinary	25067
action against the certificate holder under Chapter 4723. of the	25068
Revised Code;	25069
(8) Other conduct the director determines is or would be	25070
injurious to individuals.	25071
(C) The director shall issue an adjudication order under	25072
division (A) of this section in accordance with Chapter 119. of	25073
the Revised Code.	25074
<u>(D) Notwithstanding any provision of divisions (A) and (B)</u>	25075
<u>of this section to the contrary, the director shall not refuse</u>	25076
<u>to issue a certificate to an applicant because of a conviction</u>	25077
<u>of or plea of guilty to an offense unless the refusal is in</u>	25078
<u>accordance with section 9.79 of the Revised Code.</u>	25079
Sec. 5502.011. (A) As used in this section, "department of	25080
public safety" and "department" include all divisions within the	25081

department of public safety. 25082

(B) The director of public safety is the chief executive 25083
and administrative officer of the department. The director may 25084
establish policies governing the department, the performance of 25085
its employees and officers, the conduct of its business, and the 25086
custody, use, and preservation of departmental records, papers, 25087
books, documents, and property. The director also may authorize 25088
and approve investigations to be conducted by any of the 25089
department's divisions. Whenever the Revised Code imposes a duty 25090
upon or requires an action of the department, the director may 25091
perform the action or duty in the name of the department or 25092
direct such performance to be performed by the director's 25093
designee. 25094

(C) In addition to any other duties enumerated in the 25095
Revised Code, the director or the director's designee shall do 25096
all of the following: 25097

(1) Administer and direct the performance of the duties of 25098
the department; 25099

(2) Pursuant to Chapter 119. of the Revised Code, approve, 25100
adopt, and prescribe such forms and rules as are necessary to 25101
carry out the duties of the department; 25102

(3) On behalf of the department and in addition to any 25103
authority the Revised Code otherwise grants to the department, 25104
have the authority and responsibility for approving and entering 25105
into contracts, agreements, and other business arrangements; 25106

(4) Make appointments for the department as needed to 25107
comply with requirements of the Revised Code; 25108

(5) Approve employment actions of the department, 25109
including appointments, promotions, discipline, investigations, 25110

and terminations;	25111
(6) Accept, hold, and use, for the benefit of the	25112
department, any gift, donation, bequest, or devise, and may	25113
agree to and perform all conditions of the gift, donation,	25114
bequest, or devise, that are not contrary to law;	25115
(7) Apply for, allocate, disburse, and account for grants	25116
made available under federal law or from other federal, state,	25117
or private sources;	25118
(8) Develop a list of disqualifying offenses for licensure	25119
as a private investigator or a security guard provider pursuant	25120
to sections <u>9.79</u> , 4749.03, 4749.04, 4749.10, and 4776.10 of the	25121
Revised Code;	25122
(9) Do all other acts necessary or desirable to carry out	25123
this chapter.	25124
(D) (1) The director of public safety may assess a	25125
reasonable fee, plus the amount of any charge or fee passed on	25126
from a financial institution, on a drawer or indorser for each	25127
of the following:	25128
(a) A check, draft, or money order that is returned or	25129
dishonored;	25130
(b) An automatic bank transfer that is declined, due to	25131
insufficient funds or for any other reason;	25132
(c) Any financial transaction device that is returned or	25133
dishonored for any reason.	25134
(2) The director shall deposit any fee collected under	25135
this division in an appropriate fund as determined by the	25136
director based on the tax, fee, or fine being paid.	25137

(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code.	25138 25139 25140
(E) (1) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts.	25141 25142 25143
(2) The advisory council shall consist of the following members, who shall serve without compensation:	25144 25145
(a) The secretary of state;	25146
(b) State and local government officials, appointed by the director, who have homeland security or emergency management responsibilities and who represent first responders;	25147 25148 25149
(c) Any other members appointed by the director.	25150
Section 2. That existing sections 9.78, 101.721, 101.921, 109.572, 121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 169.17, 173.381, 173.391, 903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 956.03, 956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 1571.012, 1707.19, 1716.05, 1716.07, 1751.05, 2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 3319.225, 3319.30, 3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 3332.11, 3332.12, 3710.06, 3721.07, 3734.42, 3734.44, 3743.03, 3743.16, 3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10, 3773.42, 3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06, 3905.062, 3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15, 3931.11, 3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76, 4513.34, 4517.04, 4517.09, 4517.12, 4517.13, 4517.14, 4517.171, 4701.01, 4701.06, 4701.07, 4701.08, 4701.09, 4701.17, 4703.07,	25151 25152 25153 25154 25155 25156 25157 25158 25159 25160 25161 25162 25163 25164 25165 25166

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4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 25191
5123.452, and 5502.011 of the Revised Code are hereby repealed. 25192

Section 3. That section 4743.06 of the Revised Code is 25193
hereby repealed. 25194

Section 4. Sections 1, 2, and 3 of this act, except for 25195
the enactment of section 9.79 of the Revised Code in Section 1 25196
of this act, take effect one hundred eighty days after the 25197

effective date of this act.	25198
Section 5. This act shall be known as the "Fresh Start Act of 2019."	25199 25200
Section 6. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	25201 25202 25203 25204 25205 25206 25207 25208
Section 109.572 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.	25209 25210
Section 1321.53 of the Revised Code as amended by both Sub. H.B. 199 and Sub. S.B. 24 of the 132nd General Assembly.	25211 25212
Section 4707.02 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. H.B. 131 of the 131st General Assembly.	25213 25214 25215
Section 4723.651 of the Revised Code as amended by both Sub. H.B. 113 and Am. Sub. H.B. 483 of the 131st General Assembly.	25216 25217 25218
Section 4730.25 of the Revised Code as amended by Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am. Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	25219 25220 25221 25222
Section 4731.22 of the Revised Code as amended by both Am. Sub. H.B. 111 and Sub. H.B. 156 of the 132nd General Assembly.	25223 25224
Section 4735.09 of the Revised Code as amended by both	25225

Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	25226
Section 4740.06 of the Revised Code as amended by both Am.	25227
Sub. H.B. 486 and Sub. S.B. 78 of the 130th General Assembly.	25228