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Representatives Sykes, Boyd

Cosponsors: Representatives Bocchieri, Ashford, Antonio, LaTourette, Lepore-Hagan, Ginter, Smith, K., Sprague, Howse, Riedel, Boggs, Kent, Carfagna, Kick, West, Sheehy, Brenner, Anielski, Blessing, Brinkman, Brown, Craig, Cupp, Edwards, Faber, Galonski, Gavarone, Green, Hagan, Hambley, Henne, Hill, Holmes, Hood, Hoops, Ingram, Johnson, Koehler, Landis, Lanese, Lang, Leland, McClain, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Retherford, Roegner, Rogers, Romanchuk, Ryan, Schaffer, Scherer, Schuring, Smith, T., Sweeney, B., Thompson, Wilkin, Young, Speaker Smith

Senators Gardner, Hackett, Beagle, Burke, Brown, Eklund, Hottinger, LaRose, Lehner, Manning, Obhof, O'Brien, Peterson, Schiavoni, Skindell, Sykes, Tavares, Thomas, Uecker, Williams, Wilson, Yuko

A BILL

To amend sections 4725.48, 4725.49, 4725.52, 1
4747.04, 4747.05, 4747.06, 4747.07, 4747.08, 2
4747.09, 4747.10, 4747.11, 4747.12, 4747.13, and 3
4753.05, to amend section 5164.34 as it results 4
from S.B. 229 of the 132nd General Assembly, and 5
to enact section 5.2314 of the Revised Code to 6
designate the month of November as Ohio Adoption 7
Awareness Month, to modify the laws governing 8
the Vision Professionals Board and Speech and 9
Hearing Professionals Board, and to revise an 10
exception to the prohibition against a Medicaid 11
provider employing persons ineligible for 12
employment because of criminal records check 13
requirements. 14

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

Section 1. That sections 4725.48, 4725.49, 4725.52, 15
4747.04, 4747.05, 4747.06, 4747.07, 4747.08, 4747.09, 4747.10, 16
4747.11, 4747.12, 4747.13, and 4753.05 be amended, that section 17
5164.34 as it results from S.B. 229 of the 132nd General 18
Assembly be amended, and that section 5.2314 of the Revised Code 19
be enacted to read as follows: 20

Sec. 5.2314. The month of November is designated as "Ohio 21
Adoption Awareness Month." 22

Sec. 4725.48. (A) Any person who desires to engage in 23
optical dispensing shall file a properly completed application 24
for an examination with the state vision professionals board or 25
with the testing service the board has contracted with pursuant 26
to section 4725.49 of the Revised Code. The application for 27
examination shall be made ~~on using~~ a form provided by the board 28
~~or testing service~~ and shall be accompanied by an examination 29
fee the board shall establish by rule. ~~Applicants must return~~ 30
~~the application to the board or testing service at least sixty~~ 31
~~days prior to the date the examination is scheduled to be~~ 32
~~administered.~~ 33

(B) Any person who desires to engage in optical dispensing 34
shall file a properly completed application for a license with 35
the board with a licensure application fee of fifty dollars. 36

No person shall be eligible to apply for a license under 37
this division, unless the person is at least eighteen years of 38
age, is free of contagious or infectious disease, has received a 39
passing score, as determined by the board, on the examination 40
administered under division (A) of this section, is a graduate 41

of an accredited high school of any state, or has received an 42
equivalent education and has successfully completed either of 43
the following: 44

(1) Two years of supervised experience under a licensed 45
dispensing optician, optometrist, or physician engaged in the 46
practice of ophthalmology, up to one year of which may be 47
continuous experience of not less than thirty hours a week in an 48
optical laboratory; 49

(2) A two-year college level program in optical dispensing 50
that has been approved by the board and that includes, but is 51
not limited to, courses of study in mathematics, science, 52
English, anatomy and physiology of the eye, applied optics, 53
ophthalmic optics, measurement and inspection of lenses, lens 54
grinding and edging, ophthalmic lens design, keratometry, and 55
the fitting and adjusting of spectacle lenses and frames and 56
contact lenses, including methods of fitting contact lenses and 57
post-fitting care. 58

(C) Any person who desires to obtain a license to practice 59
as an ocularist shall file a properly completed application with 60
the board accompanied by the appropriate fee and proof that the 61
applicant has met the requirements for licensure. The board 62
shall establish, by rule, the application fee and the minimum 63
requirements for licensure, including education, examination, or 64
experience standards recognized by the board as national 65
standards for ocularists. The board shall issue a license to 66
practice as an ocularist to an applicant who satisfies the 67
requirements of this division and rules adopted pursuant to this 68
division. 69

(D) (1) Subject to divisions (D) (2), (3), and (4) of this 70
section, the board shall not adopt, maintain, renew, or enforce 71

any rule that precludes an individual from receiving or renewing 72
a license as a dispensing optician issued under sections 4725.40 73
to 4725.59 of the Revised Code due to any past criminal activity 74
or interpretation of moral character, unless the individual has 75
committed a crime of moral turpitude or a disqualifying offense 76
as those terms are defined in section 4776.10 of the Revised 77
Code. If the board denies an individual a license or license 78
renewal, the reasons for such denial shall be put in writing. 79

(2) Except as otherwise provided in this division, if an 80
individual applying for a license has been convicted of or 81
pleaded guilty to a misdemeanor that is not a crime of moral 82
turpitude or a disqualifying offense less than one year prior to 83
making the application, the board may use its discretion in 84
granting or denying the individual a license. Except as 85
otherwise provided in this division, if an individual applying 86
for a license has been convicted of or pleaded guilty to a 87
felony that is not a crime of moral turpitude or a disqualifying 88
offense less than three years prior to making the application, 89
the board may use its discretion in granting or denying the 90
individual a license. The provisions in this paragraph do not 91
apply with respect to any offense unless the board, prior to 92
September 28, 2012, was required or authorized to deny the 93
application based on that offense. 94

In all other circumstances, the board shall follow the 95
procedures it adopts by rule that conform to division (D) (1) of 96
this section. 97

(3) In considering a renewal of an individual's license, 98
the board shall not consider any conviction or plea of guilty 99
prior to the initial licensing. However, the board may consider 100
a conviction or plea of guilty if it occurred after the 101

individual was initially licensed, or after the most recent 102
license renewal. 103

(4) The board may grant an individual a conditional 104
license that lasts for one year. After the one-year period has 105
expired, the license is no longer considered conditional, and 106
the individual shall be considered fully licensed. 107

(E) The board, subject to the approval of the controlling 108
board, may establish examination fees in excess of the amount 109
established by rule pursuant to this section, provided that such 110
fees do not exceed those amounts established in rule by more 111
than fifty per cent. 112

Sec. 4725.49. (A) The state vision professionals board may 113
provide for the examination of applicants by designing, 114
preparing, and administering the qualifying examinations or by 115
contracting with a testing service that is nationally recognized 116
as being capable of determining competence to dispense optical 117
aids as a licensed spectacle dispensing optician, a licensed 118
contact lens dispensing optician, or a licensed spectacle- 119
contact lens dispensing optician. Any examination used shall be 120
designed to measure specific performance requirements, be 121
professionally constructed and validated, and be independently 122
and objectively administered and scored in order to determine 123
the applicant's competence to dispense optical aids. 124

(B) (1) The board shall ensure that it, or the testing 125
service it contracts with, does all of the following: 126

~~(1)~~ (a) Provides public notice as to the date, time, and 127
place for each examination at least ninety days prior to the 128
examination; 129

~~(2)~~ (b) Offers each qualifying examination at least twice 130

each year in Columbus, except as provided in division (C) of 131
this section; 132

~~(3) Provides to each applicant all forms necessary to 133
apply for examination; 134~~

~~(4)(c) Provides all materials and equipment necessary for 135
the applicant to take the examination. 136~~

(2) The board shall provide to each applicant all forms 137
necessary to apply for examination. 138

(C) If the number of applicants for any qualifying 139
examination is less than ten, the examination may be postponed. 140
The board or testing service shall provide the applicant with 141
written notification of the postponement and of the next date 142
the examination is scheduled to be administered. 143

(D) No limitation shall be placed upon the number of times 144
that an applicant may repeat any qualifying examination, except 145
that, if an applicant fails an examination for a third time, the 146
board may require that the applicant, prior to retaking the 147
examination, undergo additional study in the areas of the 148
examination in which the applicant experienced difficulty. 149

Sec. 4725.52. Any licensed dispensing optician may 150
supervise a maximum of three apprentices who shall be permitted 151
to engage in optical dispensing only under the supervision of 152
the licensed dispensing optician. 153

To serve as an apprentice, a person shall register with 154
the state vision professionals board ~~either~~ on a form provided 155
by the board ~~or~~ and in the form of a statement giving the name 156
and address of the supervising licensed dispensing optician, the 157
location at which the apprentice will be employed, and any other 158
information required by the board. For the duration of the 159

apprenticeship, the apprentice shall register annually on the 160
form provided by the board ~~or~~ and in the form of a statement. 161

Each apprentice shall pay an initial registration fee of 162
twenty dollars. For each registration renewal thereafter, each 163
apprentice shall pay a registration renewal fee of twenty 164
dollars. 165

The board shall not deny registration as an apprentice 166
under this section to any individual based on the individual's 167
past criminal history or an interpretation of moral character 168
unless the individual has committed a disqualifying offense or 169
crime of moral turpitude as those terms are defined in section 170
4776.10 of the Revised Code. Except as otherwise provided in 171
this division, if an individual applying for a registration has 172
been convicted of or pleaded guilty to a misdemeanor that is not 173
a crime of moral turpitude or a disqualifying offense less than 174
one year prior to making the application, the board may use its 175
discretion in granting or denying the individual a registration. 176
Except as otherwise provided in this division, if an individual 177
applying for a registration has been convicted of or pleaded 178
guilty to a felony that is not a crime of moral turpitude or a 179
disqualifying offense less than three years prior to making the 180
application, the board may use its discretion in granting or 181
denying the individual a registration. The provisions in this 182
paragraph do not apply with respect to any offense unless the 183
board, prior to September 28, 2012, was required or authorized 184
to deny the registration based on that offense. 185

In all other circumstances, the board shall follow the 186
procedures it adopts by rule that conform to this section. In 187
considering a renewal of an individual's registration, the board 188
shall not consider any conviction or plea of guilty prior to the 189

initial registration. However, the board may consider a 190
conviction or plea of guilty if it occurred after the individual 191
was initially registered, or after the most recent registration 192
renewal. If the board denies an individual for a registration or 193
registration renewal, the reasons for such denial shall be put 194
in writing. Additionally, the board may grant an individual a 195
conditional registration that lasts for one year. After the one- 196
year period has expired, the registration is no longer 197
considered conditional, and the individual shall be considered 198
fully registered. 199

A person who is gaining experience under the supervision 200
of a licensed optometrist or ophthalmologist that would qualify 201
the person under division (B) (1) of section 4725.48 of the 202
Revised Code to take the examination for optical dispensing is 203
not required to register with the board. 204

Sec. 4747.04. (A) The state speech and hearing 205
professionals board shall: 206

~~(A) Design and prepare qualifying examinations for~~ 207
~~licensing of hearing aid dealers, fitters, and trainees (1)~~ 208
Establish the nature and scope of qualifying examinations in 209
accordance with section 4747.08 of the Revised Code; 210

~~(B) (2) Determine whether persons holding similar valid~~ 211
licenses from other states or jurisdictions shall be required to 212
take and successfully pass the appropriate qualifying 213
examination as a condition for licensing in this state; 214

~~(C) Determine whether charges made against any licensee~~ 215
~~warrant a hearing before the board;~~ 216

~~(D) Hold hearings to determine the truth and circumstances~~ 217
~~of all charges filed in writing with the board against any~~ 218

~~licensee and determine whether any license held by any person~~ 219
~~shall be revoked, suspended, or reissued~~(3) Review complaints 220
and conduct investigations in accordance with section 4747.13 of 221
the Revised Code and hold any hearings that are necessary to 222
carry out this chapter; 223

~~(E)~~(4) Determine and specify the length of time each 224
license that is suspended or revoked shall remain suspended or 225
revoked; 226

~~(F)~~ Advise and assist the department of health in all 227
matters relating to this chapter; 228

~~(G)~~(5) Deposit all payments collected under this chapter 229
into the state treasury to the credit of the occupational 230
licensing and regulatory fund created in section 4743.05 of the 231
Revised Code; 232

~~(H)~~(6) Establish a list of disqualifying offenses for 233
licensure as a hearing aid dealer or fitter, or for a hearing 234
aid dealer or fitter trainee permit, pursuant to sections 235
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 236

(B) The board shall adopt reasonable rules, in accordance 237
with Chapter 119. of the Revised Code, necessary for the 238
administration of this chapter. The board shall include all of 239
the following in those rules: 240

(1) The amount of any fees required under this chapter; 241

(2) The information to be included in a hearing aid 242
receipt provided by a licensed hearing aid dealer or fitter to a 243
person under section 4747.09 of the Revised Code; 244

(3) The amount of time a licensed hearing aid dealer or 245
fitter or trainee permit holder has to provide the notice of a 246

change in address or addresses required under section 4747.11 of 247
the Revised Code and any other requirements relating to the 248
notice; 249

(4) Any additional conduct for which the board may 250
discipline a licensee or permit holder under section 4747.12 of 251
the Revised Code. 252

(C) Nothing in this section shall be interpreted as 253
granting to the board the right to restrict advertising which is 254
not false or misleading, or to prohibit or in any way restrict a 255
hearing aid dealer or fitter from renting or leasing space from 256
any person, firm or corporation in a mercantile establishment 257
for the purpose of using such space for the lawful sale of 258
hearing aids or to prohibit a mercantile establishment from 259
selling hearing aids if the sale would be otherwise lawful under 260
this chapter. 261

Sec. 4747.05. (A) The state speech and hearing 262
professionals board shall issue to each applicant, within sixty 263
days of receipt of a properly completed application and payment 264
~~of two hundred sixty two dollars~~ an application fee set by the 265
board in rules adopted under section 4747.04 of the Revised 266
Code, a hearing aid dealer's or fitter's license if the 267
applicant: 268

(1) In the case of an individual, the individual is at 269
least eighteen years of age, has not committed a disqualifying 270
offense or a crime of moral turpitude, as those terms are 271
defined in section 4776.10 of the Revised Code, is free of 272
contagious or infectious disease, and has successfully passed a 273
qualifying examination specified and administered by the board. 274

(2) In the case of a firm, partnership, association, or 275

corporation, the application, in addition to such information as 276
the board requires, is accompanied by an application for a 277
license for each person, whether owner or employee, of the firm, 278
partnership, association, or corporation, who engages in dealing 279
in or fitting of hearing aids, or contains a statement that such 280
applications are submitted separately. No firm, partnership, 281
association, or corporation licensed pursuant to this chapter 282
shall permit any unlicensed person to sell or fit hearing aids. 283

(B) (1) Subject to divisions (B) (2), (3), and (4) of this 284
section, the board shall not adopt, ~~maintain, renew,~~ or enforce 285
any rule that precludes an individual from receiving or renewing 286
a license issued under this chapter due to any past criminal 287
~~activity or interpretation of moral character,~~ unless the 288
individual has committed a crime of moral turpitude or a 289
disqualifying offense as those terms are defined in section 290
4776.10 of the Revised Code. ~~If the~~ The board denies shall 291
comply with Chapter 119. of the Revised Code when denying an 292
individual a license or license renewal, ~~the reasons for such~~ 293
~~denial shall be put in writing.~~ 294

(2) Except as otherwise provided in this division, if an 295
individual applying for a license has been convicted of or 296
pleaded guilty to a misdemeanor that is not a crime of moral 297
turpitude or a disqualifying offense less than one year prior to 298
making the application, the board may use the board's discretion 299
in granting or denying the individual a license. Except as 300
otherwise provided in this division, if an individual applying 301
for a license has been convicted of or pleaded guilty to a 302
felony that is not a crime of moral turpitude or a disqualifying 303
offense less than three years prior to making the application, 304
the board may use the board's discretion in granting or denying 305
the individual a license. The provisions in this paragraph do 306

not apply with respect to any offense unless the board, prior to 307
September 28, 2012, was required or authorized to deny the 308
application based on that offense. 309

In all other circumstances, the board shall follow the 310
procedures it adopts by rule that conform to division (B)(1) of 311
this section. 312

(3) In considering a renewal of an individual's license, 313
the board shall not consider any conviction or plea of guilty 314
prior to the initial licensing. However, the board may consider 315
a conviction or plea of guilty if it occurred after the 316
individual was initially licensed, or after the most recent 317
license renewal. 318

(4) The board may grant an individual a conditional 319
license that lasts for one year. After the one-year period has 320
expired, the license is no longer considered conditional, and 321
the individual shall be considered fully licensed. 322

~~(C) Each (1) Except as provided in division (C) (2) of this~~ 323
~~section, each license issued expires on the thirtieth day of~~ 324
~~January of the year following that in which it was issued is~~ 325
~~valid from the date of issuance until the thirty-first day of~~ 326
~~December of the even-numbered year that follows the date of~~ 327
~~issuance.~~ 328

~~(2) A license issued less than one hundred days before the~~ 329
~~thirty-first day of December of an even-numbered year is valid~~ 330
~~from the date of issuance until the thirty-first day of December~~ 331
~~of the even-numbered year that follows the thirty-first day of~~ 332
~~December immediately after the date of issuance.~~ 333

Sec. 4747.06. (A) ~~Each person engaged in the practice of~~ 334
~~dealing in or fitting of hearing aids who holds a valid hearing~~ 335

~~aid dealer's or fitter's license shall apply annually to (1)~~ 336
~~Except as provided in division (A) (2) of this section and~~ 337
~~section 4747.12 of the Revised Code, a hearing aid dealer's or~~ 338
~~fitter's license issued or renewed by the state speech and~~ 339
~~hearing professionals board for renewal of such license under~~ 340
~~this chapter shall be renewed biennially not later than the~~ 341
~~thirty-first day of December in each even-numbered year and in~~ 342
~~accordance with the standard renewal procedure specified in~~ 343
Chapter 4745. of the Revised Code. The board shall issue to each 344
applicant, on receipt of a renewal application, proof of 345
completion of the continuing education required by division (B) 346
of this section ~~and~~, ~~payment of one hundred fifty seven dollars~~ 347
~~on or before the first day of February, one hundred eighty three~~ 348
~~dollars on or before the first day of March, or two hundred ten~~ 349
~~dollars thereafter~~ a renewal fee, and, if applicable, a late fee 350
established by the board in rules adopted under section 4747.04 351
of the Revised Code, a renewed hearing aid dealer's or fitter's 352
license. No person who applies for renewal of a hearing aid 353
dealer's or fitter's license that has expired shall be required 354
to take any examination as a condition of renewal provided 355
application for renewal is made within two years of the date 356
such license expired. 357

(2) A person issued a license described in division (C) (2) 358
of section 4747.05 of the Revised Code shall renew that license 359
in accordance with the standard renewal procedure before it 360
expires as described in that division. After the first renewal, 361
the license shall be renewed in accordance with division (A) (1) 362
of this section. 363

(B) Each person engaged in the practice of dealing in or 364
fitting of hearing aids who holds a valid hearing aid dealer's 365
or fitter's license shall complete ~~each year~~ not less than ~~ten~~ 366

twenty hours of continuing professional education approved by 367
the board during each two-year period. On a form provided by the 368
board, the person shall certify to the board, at the time of 369
license renewal pursuant to division (A) of this section, that 370
~~in the preceding year~~ the person has completed continuing 371
education in compliance with this division and shall submit any 372
additional information required by rule of the board regarding 373
the continuing education. The board shall adopt rules in 374
accordance with Chapter 119. of the Revised Code establishing 375
the standards continuing education programs must meet to obtain 376
board approval and continuing education reporting requirements. 377

Continuing education may be applied to meet the 378
requirement of this division if it is provided or certified by 379
any of the following: 380

(1) The ~~national institute of hearing instruments studies~~ 381
~~committee of the~~ international hearing society; 382

(2) The American speech-language hearing association; 383

(3) The American academy of audiology. 384

The board may excuse persons licensed under this chapter, 385
as a group or as individuals, from all or any part of the 386
requirements of this division because of an unusual 387
circumstance, emergency, or special hardship. 388

Sec. 4747.07. Each person who holds a hearing aid dealer's 389
or fitter's license and engages in the practice of dealing in 390
and fitting of hearing aids shall display such license in a 391
conspicuous place in the person's office or place of business at 392
all times. Each person who maintains more than one office or 393
place of business shall post a duplicate copy of the license at 394
each location. The state speech and hearing professionals board 395

shall issue duplicate copies of a license upon request by the 396
license holder and receipt of a properly completed application 397
and payment of sixteen dollars for each copy requested any fee 398
established by the board in rules adopted under section 4747.04 399
of the Revised Code. 400

Sec. 4747.08. ~~After July 1, 1970, no~~ No person shall be 401
issued a hearing aid dealer's or fitter's license unless such 402
person has successfully taken and passed a qualifying 403
examination. The qualifying examination shall be a thorough 404
testing of knowledge required for the proper selecting, fitting, 405
and sale of hearing aids, but shall not be such that a medical 406
or surgical education is required for successful completion. It 407
shall consist of written and practical portions which shall 408
include, but not be limited to, the following areas: 409

(A) Basic physics of sound; 410

(B) The anatomy and physiology of the human ear; 411

(C) The function and purpose of hearing aids; 412

(D) Pure tone audiometry, including air conduction and 413
bone conduction testing; 414

(E) Live voice or recorded voice speech audiometry, 415
including speech reception threshold testing and speech 416
discrimination testing; 417

(F) Masking techniques; 418

(G) Recording and evaluation of audiograms and speech 419
audiometry to determine proper selection and adaption of hearing 420
aids; 421

(H) Earmold impression techniques. 422

The state speech and hearing professionals board shall 423
~~design, prepare, and revise such~~ establish the nature and scope 424
of qualifying examinations as are determined that the board 425
determines necessary by the board pursuant to under this 426
chapter. It shall administer ~~all such~~ qualifying examinations 427
and shall designate the time, place, and date the examinations 428
are held. The board shall also furnish all materials and 429
equipment necessary for the conducting of ~~all~~ qualifying 430
examinations. 431

Test materials, examinations, answer keys, or evaluation 432
tools used in a qualifying examination under this chapter, 433
whether administered by the board or by a private or government 434
entity pursuant to a contract, are not public records under 435
section 149.43 of the Revised Code. 436

Sec. 4747.09. (A) Each licensed hearing aid dealer or 437
fitter shall furnish each person supplied with a hearing aid a 438
receipt ~~showing the licensee's signature, the number of his~~ 439
~~license certificate, the complete address of his place of~~ 440
~~business, a complete description of the make and model of~~ 441
~~hearing aid furnished, the full terms of sale, including the~~ 442
~~terms of guarantee, if any, and if the hearing aid sold is not~~ 443
~~new, the receipt shall also be clearly marked "used" or~~ 444
~~"reconditioned," whichever is applicable.~~ 445

~~Each receipt shall also bear, in type no smaller than that~~ 446
~~used in the body of the receipt, the following legend: "The~~ 447
~~purchaser is advised that any examination, fitting,~~ 448
~~recommendation, or representation made by a licensed hearing aid~~ 449
~~dealer or fitter in connection with the sale of this hearing aid~~ 450
~~is not an examination, diagnosis, or prescription made by a~~ 451
~~person licensed to practice medicine in this state and therefore~~ 452

~~must not be regarded as medical opinion or advice that complies~~ 453
~~with rules adopted by the state speech and hearing professionals~~ 454
~~board under section 4747.04 of the Revised Code." Each~~ 455

(B) Each licensed hearing aid dealer or fitter shall, when 456
dealing with a child sixteen years of age or less, ascertain 457
whether such child has been examined by an otolaryngologist 458
prior to being fitted for a hearing aid. If the licensee 459
determines that such examination has not taken place, ~~he the~~ 460
licensee shall recommend to the person legally responsible for 461
the custody of such child that such examination take place and 462
shall so state on a waiver to be specified by the board. 463

Sec. 4747.10. Each person currently engaged in training to 464
become a licensed hearing aid dealer or fitter shall apply to 465
the state speech and hearing professionals board for a hearing 466
aid dealer's and fitter's trainee permit. The board shall issue 467
to each applicant within thirty days of receipt of a properly 468
completed application and payment of ~~one hundred fifty dollars~~ 469
an application fee set by the board in rules adopted under 470
section 4747.04 of the Revised Code, a trainee permit if such 471
applicant meets all of the following criteria: 472

(A) Is at least eighteen years of age; 473

(B) Is the holder of a diploma from an accredited high 474
school or a certificate of high school equivalence issued by the 475
department of education; 476

(C) Has not committed a disqualifying offense or a crime 477
of moral turpitude, as those terms are defined in section 478
4776.10 of the Revised Code; 479

(D) Is free of contagious or infectious disease. 480

Subject to the next paragraph, the board shall not deny a 481

trainee permit issued under this section to any individual based 482
on the individual's past criminal history ~~or an interpretation~~ 483
~~of moral character~~ unless the individual has committed a 484
disqualifying offense or crime of moral turpitude as those terms 485
are defined in section 4776.10 of the Revised Code. Except as 486
otherwise provided in this paragraph, if an individual applying 487
for a trainee permit has been convicted of or pleaded guilty to 488
a misdemeanor that is not a crime of moral turpitude or a 489
disqualifying offense less than one year prior to making the 490
application, the board may use the board's discretion in 491
granting or denying the individual a trainee permit. Except as 492
otherwise provided in this paragraph, if an individual applying 493
for a trainee permit has been convicted of or pleaded guilty to 494
a felony that is not a crime of moral turpitude or a 495
disqualifying offense less than three years prior to making the 496
application, the board may use the board's discretion in 497
granting or denying the individual a trainee permit. The 498
provisions in this paragraph do not apply with respect to any 499
offense unless the board, prior to September 28, 2012, was 500
required or authorized to deny the application based on that 501
offense. 502

In all other circumstances not described in the preceding 503
paragraph, the board shall follow the procedures it adopts by 504
rule that conform to this section. 505

In considering a renewal of an individual's trainee 506
permit, the board shall not consider any conviction or plea of 507
guilty prior to the issuance of the initial trainee permit. 508
However, the board may consider a conviction or plea of guilty 509
if it occurred after the individual was initially granted the 510
trainee permit, or after the most recent trainee permit renewal. 511
~~If the~~ The board denies shall comply with Chapter 119. of the 512

Revised Code when denying an individual for a trainee permit or 513
~~renewal, the reasons for such denial shall be put in writing.~~ 514
Additionally, the board may grant an individual a conditional 515
trainee permit that lasts for one year. After the one-year 516
period has expired, the permit is no longer considered 517
conditional, and the individual shall be considered to be 518
granted a full trainee permit. 519

Each trainee permit issued by the board expires one year 520
from the date it was first issued, and may be renewed once if 521
the trainee has not successfully completed the qualifying 522
requirements for licensing as a hearing aid dealer or fitter 523
before the expiration date of such permit. The board shall issue 524
a renewed permit to each applicant upon receipt of a properly 525
completed application and payment of ~~one hundred five dollars~~ a 526
renewal fee set by the board in rules adopted under section 527
4747.04 of the Revised Code. No person holding a trainee permit 528
shall engage in the practice of dealing in or fitting of hearing 529
aids except while under supervision by a licensed hearing aid 530
dealer or fitter. 531

Sec. 4747.11. Each person who holds a hearing aid dealer's 532
or fitter's license or trainee permit shall notify the state 533
speech and hearing professionals board in writing of the place 534
or places where the person engages or intends to engage in the 535
practice of dealing in and fitting of hearing aids, and shall 536
~~immediately~~ notify the board in writing of any change in such 537
address or addresses in accordance with rules the board adopts 538
under section 4747.04 of the Revised Code. ~~The board shall keep~~ 539
~~a record of the past and current place of business of each~~ 540
~~person who holds a license or permit.~~ 541

~~Any notice that is required to be given by the board to a~~ 542

~~person holding a license or permit pursuant to the provisions of~~ 543
~~this chapter shall be mailed to such person by certified mail to~~ 544
~~the address of the person's current or most recent place of~~ 545
~~business as revealed in the records of the board.~~ 546

Sec. 4747.12. ~~The~~ (A) In accordance with Chapter 119. of 547
the Revised Code, the state speech and hearing professionals 548
board may revoke ~~or~~, suspend, place on probation, or refuse to 549
issue or renew a license or permit or reprimand a licensee or 550
permit holder if the person who holds such license or permit: 551

~~(A)~~ (1) Is convicted of a disqualifying offense or a crime 552
of moral turpitude as those terms are defined in section 4776.10 553
of the Revised Code. The record of conviction, or a copy thereof 554
certified by the clerk of the court or by the judge in whose 555
court the conviction occurs, is conclusive evidence of such 556
conviction; 557

~~(B)~~ (2) Procured a license or permit by fraud or deceit 558
practiced upon the board; 559

~~(C)~~ (3) Obtained any fee or made any sale of a hearing aid 560
by fraud or misrepresentation; 561

~~(D)~~ Knowingly employed any person without a license or a 562
person whose license was suspended or revoked to engage in the 563
fitting or sale of hearing aids; 564

~~(E)~~ (4) Used or caused or promoted the use of any 565
advertising matter, promotional literature, testimonial, 566
guarantee, warranty, label, brand, insignia, or any other 567
representation, however disseminated or published, which is 568
misleading, deceptive, or untruthful; 569

~~(F)~~ (5) Advertised a particular model or type of hearing 570
aid for sale when purchasers or prospective purchasers 571

responding to the advertisement cannot purchase the specified	572
model or type of hearing aid;	573
(G) <u>(6)</u> Represented or advertised that the service or	574
advice of a person licensed to practice medicine will be used or	575
made available in the selection, fitting, adjustment,	576
maintenance, or repair of hearing aids when such is not true, or	577
using the words "doctor," "clinic," or similar words,	578
abbreviations, or symbols which connote the medical profession	579
when such use is not accurate;	580
(H) Is found by the board to be a person of habitual	581
intemperance or gross immorality;	582
(I) <u>(7)</u> Advertised a manufacturer's product or used a	583
manufacturer's name or trademark in a manner which suggested the	584
existence of a relationship with the manufacturer which did not	585
or does not exist;	586
(J) <u>(8)</u> Fitted or sold, or attempted to fit or sell, a	587
hearing aid to a person without first utilizing the appropriate	588
procedures and instruments required for proper fitting of	589
hearing aids;	590
(K) <u>(9)</u> Engaged in the fitting and sale of hearing aids	591
under a false name or an alias;	592
(L) <u>(10)</u> Engaged in the practice of dealing in or fitting	593
of hearing aids while suffering from a contagious or infectious	594
disease;	595
(M) <u>(11)</u> Was found by the board to be guilty of gross	596
incompetence or negligence in the fitting or sale of hearing	597
aids;	598
(N) <u>(12)</u> Permitted another person to use the licensee's	599

license;	600
(10) <u>(13) Violate the code of ethical practice adopted</u>	601
<u>under section 4744.50 of the Revised Code;</u>	602
<u>(14) Made or filed a false report or record in the sale or</u>	603
<u>dispensing of a hearing aid;</u>	604
<u>(15) Aided or abetted the unlicensed sale, fitting, or</u>	605
<u>dispensing of a hearing aid;</u>	606
<u>(16) Committed an act of dishonorable, immoral, or</u>	607
<u>unprofessional conduct while engaging in the sale or practice of</u>	608
<u>dealing in or fitting of hearing aids;</u>	609
<u>(17) Engaged in illegal, incompetent, or habitually</u>	610
<u>negligent practice;</u>	611
<u>(18) Provided professional services while mentally</u>	612
<u>incompetent or under the influence of alcohol or while using any</u>	613
<u>narcotic or controlled substance or other drug that is in excess</u>	614
<u>of therapeutic amounts or without valid medical indication;</u>	615
<u>(19) Violated this chapter or any lawful order given or</u>	616
<u>rule adopted by the board;</u>	617
<u>(20) Is disciplined by a licensing or disciplinary</u>	618
<u>authority of this or any other state or country or is convicted</u>	619
<u>or disciplined by a court of this or any other state or country</u>	620
<u>for an act that would be grounds for disciplinary action under</u>	621
<u>this section;</u>	622
<u>(21) Engaged in conduct that the board has identified in a</u>	623
<u>rule adopted under section 4747.04 of the Revised Code as</u>	624
<u>requiring disciplinary action under this section.</u>	625
<u>(B) If the board revokes a person's license under division</u>	626

(A) of this section, the person may apply for reinstatement. The 627
board may require the person to complete an examination or 628
additional continuing education as a condition of reinstatement. 629

Sec. 4747.13. (A) Any person who wishes to make a 630
complaint against any person, firm, partnership, association, or 631
corporation licensed pursuant to this chapter shall submit such 632
complaint in writing to the state speech and hearing 633
professionals board within one year from the date of the action 634
or event upon which the complaint is based. The board shall 635
determine whether the charges in the complaint ~~are of a~~ 636
~~sufficiently serious nature to warrant a hearing before the~~ 637
~~board to determine whether the license or permit held by the~~ 638
~~person complained against shall be revoked or suspended~~ 639
disciplinary action. If the board determines that a ~~hearing~~ 640
disciplinary action is warranted, then it shall ~~fix the time and~~ 641
~~place of such hearing and deliver or cause to have delivered,~~ 642
~~either in person or by registered mail, at least twenty days~~ 643
~~before the date of such hearing, an order instructing the~~ 644
~~licensee complained against of the date, time, and place where~~ 645
~~the licensee shall appear before the board. Such order shall~~ 646
~~include a copy of the complaint against the licensee~~ proceed in 647
accordance with Chapter 119. of the Revised Code. 648

~~The board, and the licensee after receipt of the order and~~ 649
~~a copy of the complaint made against the licensee, may take~~ 650
~~depositions in advance of the hearing, provided that each party~~ 651
~~taking depositions shall give at least five days notice to the~~ 652
~~other party of the time, date, and place where such depositions~~ 653
~~shall be taken. Each party shall have the right to attend with~~ 654
~~counsel the taking of such depositions and may cross examine the~~ 655
~~deponent or deponents. Each licensee appearing before the board~~ 656
~~may be represented by counsel. No person shall have the person's~~ 657

~~license or permit revoked or suspended without an opportunity to 658
present the person's case at a hearing before the board, and the 659
board shall grant a continuance or adjournment of a hearing date 660
for good cause. Each person whose license or permit is suspended 661
or revoked by the board may appeal such action to the court of 662
common pleas. 663~~

(B) The board shall investigate any alleged irregularities 664
in the sale or practice of dealing in or fitting hearing aids by 665
persons licensed or permitted under this chapter and any 666
violations of this chapter or rules adopted by the board. The 667
board shall not investigate any person exempted from licensure 668
by section 4747.15 of the Revised Code, provided the person is 669
acting within the scope of the person's license. In conducting 670
investigations under this division, the board may administer 671
oaths, order the taking of depositions, issue subpoenas, and 672
compel the attendance of witnesses and the production of books, 673
accounts, papers, records, documents, and testimony. In any case 674
of disobedience or neglect of any subpoena served on any person 675
or the refusal of any witness to testify to any matter regarding 676
which the witness may lawfully be interrogated, the court of 677
common pleas of any county where that disobedience, neglect, or 678
refusal occurs or any judge thereof, on application by the 679
board, shall compel obedience by attachment proceedings for 680
contempt, as in the case of disobedience of the requirements of 681
a subpoena issued from the court, or a refusal to testify 682
therein. 683

(C) The board shall petition the court of common pleas of 684
the county in which a person, firm, partnership, or corporation 685
engages in the sale, practice of dealing in or fitting of 686
hearing aids, advertises or assumes such practice, or engages in 687
training to become a licensed hearing aid dealer or fitter 688

without first being licensed, for an order enjoining any such 689
acts or practices. The court may grant such injunctive relief 690
upon a showing that the respondent named in the petition is 691
engaging in such acts or practices without being licensed under 692
this chapter. 693

Sec. 4753.05. (A) The state speech and hearing 694
professionals board may make reasonable rules necessary for the 695
administration of this chapter. All rules adopted under this 696
chapter shall be adopted in accordance with Chapter 119. of the 697
Revised Code. 698

(B) The board shall determine the nature and scope of 699
examinations to be administered to applicants for licensure 700
pursuant to this chapter in the practices of speech-language 701
pathology and audiology, and shall evaluate the qualifications 702
of all applicants. Written examinations may be supplemented by 703
such practical and oral examinations as the board shall 704
determine by rule. The board shall determine by rule the minimum 705
examination score for licensure. Licensure shall be granted 706
independently in speech-language pathology and audiology. 707

Test materials, examinations, answer keys, or evaluation 708
tools used in an examination for licensure pursuant to this 709
chapter, whether administered by the board or by a private or 710
government entity pursuant to a contract, are not public records 711
under section 149.43 of the Revised Code. 712

(C) The board shall publish and make available, upon 713
request, the licensure and permit standards prescribed by this 714
chapter and rules adopted pursuant thereto. 715

(D) The board shall investigate all alleged irregularities 716
in the practices of speech-language pathology and audiology by 717

persons licensed or permitted pursuant to this chapter and any 718
violations of this chapter or rules adopted by the board. The 719
board shall not investigate the practice of any person 720
specifically exempted from licensure under this chapter by 721
section 4753.12 of the Revised Code, as long as the person is 722
practicing within the scope of the person's license or is 723
carrying out responsibilities as described in division (G) or 724
(H) of section 4753.12 of the Revised Code and does not claim to 725
be a speech-language pathologist or audiologist. 726

In conducting investigations under this division, the 727
board may administer oaths, order the taking of depositions, 728
issue subpoenas, and compel the attendance of witnesses and the 729
production of books, accounts, papers, records, documents, and 730
testimony. In any case of disobedience or neglect of any 731
subpoena served on any person or the refusal of any witness to 732
testify to any matter regarding which the witness may lawfully 733
be interrogated, the court of common pleas of any county where 734
such disobedience, neglect, or refusal occurs or any judge 735
thereof, on application by the board, shall compel obedience by 736
attachment proceedings for contempt, as in the case of 737
disobedience of the requirements of a subpoena issued from such 738
court, or a refusal to testify therein. 739

(E) The board shall conduct such hearings as are necessary 740
to carry out this chapter. 741

Sec. 5164.34. (A) As used in this section: 742

(1) "Criminal records check" has the same meaning as in 743
section 109.572 of the Revised Code. 744

(2) "Disqualifying offense" means any of the offenses 745
listed or described in divisions (A) (3) (a) to (e) of section 746

109.572 of the Revised Code.	747
(3) "Owner" means a person who has an ownership interest	748
in a medicaid provider in an amount designated in rules	749
authorized by this section.	750
(4) "Person subject to the criminal records check	751
requirement" means the following:	752
(a) A medicaid provider who is notified under division (E)	753
(1) of this section that the provider is subject to a criminal	754
records check;	755
(b) An owner or prospective owner, officer or prospective	756
officer, or board member or prospective board member of a	757
medicaid provider if, pursuant to division (E) (1) (a) of this	758
section, the owner or prospective owner, officer or prospective	759
officer, or board member or prospective board member is	760
specified in information given to the provider under division	761
(E) (1) of this section;	762
(c) An employee or prospective employee of a medicaid	763
provider if both of the following apply:	764
(i) The employee or prospective employee is specified,	765
pursuant to division (E) (1) (b) of this section, in information	766
given to the provider under division (E) (1) of this section.	767
(ii) The provider is not prohibited by division (D) (3) (b)	768
of this section from employing the employee or prospective	769
employee.	770
(5) "Responsible entity" means the following:	771
(a) With respect to a criminal records check required	772
under this section for a medicaid provider, the department of	773
medicaid or the department's designee;	774

(b) With respect to a criminal records check required 775
under this section for an owner or prospective owner, officer or 776
prospective officer, board member or prospective board member, 777
or employee or prospective employee of a medicaid provider, the 778
provider. 779

(B) This section does not apply to any of the following: 780

(1) An individual who is subject to a criminal records 781
check under section 3712.09, 3721.121, 5123.081, or 5123.169 of 782
the Revised Code; 783

(2) An individual who is subject to a database review or 784
criminal records check under section 173.38, 173.381, 3701.881, 785
or 5164.342 of the Revised Code; 786

(3) An individual who is an applicant or independent 787
provider, both as defined in section 5164.341 of the Revised 788
Code. 789

(C) The department of medicaid may do any of the 790
following: 791

(1) Require that any medicaid provider submit to a 792
criminal records check as a condition of obtaining or 793
maintaining a provider agreement; 794

(2) Require that any medicaid provider require an owner or 795
prospective owner, officer or prospective officer, or board 796
member or prospective board member of the provider submit to a 797
criminal records check as a condition of being an owner, 798
officer, or board member of the provider; 799

(3) Require that any medicaid provider do the following: 800

(a) If so required by rules authorized by this section, 801
determine pursuant to a database review conducted under division 802

(F) (1) (a) of this section whether any employee or prospective 803
employee of the provider is included in a database; 804

(b) Unless the provider is prohibited by division (D) (3) 805
(b) of this section from employing the employee or prospective 806
employee, require the employee or prospective employee to submit 807
to a criminal records check as a condition of being an employee 808
of the provider. 809

(D) (1) The department or the department's designee shall 810
deny or terminate a medicaid provider's provider agreement if 811
the provider is a person subject to the criminal records check 812
requirement and either of the following applies: 813

(a) The provider fails to obtain the criminal records 814
check after being given the information specified in division 815
(G) (1) of this section. 816

(b) Except as provided in rules authorized by this 817
section, the provider is found by the criminal records check to 818
have been convicted of or have pleaded guilty to a disqualifying 819
offense, regardless of the date of the conviction or the date of 820
entry of the guilty plea. 821

(2) No medicaid provider shall permit a person to be an 822
owner, officer, or board member of the provider if the person is 823
a person subject to the criminal records check requirement and 824
either of the following applies: 825

(a) The person fails to obtain the criminal records check 826
after being given the information specified in division (G) (1) 827
of this section. 828

(b) Except as provided in rules authorized by this 829
section, the person is found by the criminal records check to 830
have been convicted of or have pleaded guilty to a disqualifying 831

offense, regardless of the date of the conviction or the date of entry of the guilty plea. 832
833

(3) Except as provided in division (I) of this section, no medicaid provider shall employ a person if any of the following apply: 834
835
836

(a) The person has been excluded from being a medicaid provider, a medicare provider, or provider for any other federal health care program. 837
838
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(b) If the person is subject to a database review conducted under division (F) (1) (a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database. 840
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 846
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G) (1) of this section. 848
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(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 851
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(E) (1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to 856
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860

be medicaid providers, the information shall be given at the 861
time of initial application. When the information is given, the 862
department or the department's designee shall specify the 863
following: 864

(a) Which of the provider's owners or prospective owners, 865
officers or prospective officers, or board members or 866
prospective board members are subject to a criminal records 867
check; 868

(b) Which of the provider's employees or prospective 869
employees are subject to division (C)(3) of this section. 870

(2) At times designated in rules authorized by this 871
section, a medicaid provider that is a person subject to the 872
criminal records check requirement shall do the following: 873

(a) Inform each person specified under division (E)(1)(a) 874
of this section that the person is required to submit to a 875
criminal records check as a condition of being an owner, 876
officer, or board member of the provider; 877

(b) Inform each person specified under division (E)(1)(b) 878
of this section that the person is subject to division (C)(3) of 879
this section. 880

(F)(1) If a medicaid provider is a person subject to the 881
criminal records check requirement, the department or the 882
department's designee shall require the conduct of a criminal 883
records check by the superintendent of the bureau of criminal 884
identification and investigation. A medicaid provider shall 885
require the conduct of a criminal records check by the 886
superintendent with respect to each of the persons specified 887
under division (E)(1)(a) of this section. With respect to each 888
employee and prospective employee specified under division (E) 889

(1) (b) of this section, a medicaid provider shall do the 890
following: 891

(a) If rules authorized by this section require the 892
provider to conduct a database review to determine whether the 893
employee or prospective employee is included in a database, 894
conduct the database review in accordance with the rules; 895

(b) Unless the provider is prohibited by division (D) (3) 896
(b) of this section from employing the employee or prospective 897
employee, require the conduct of a criminal records check of the 898
employee or prospective employee by the superintendent. 899

(2) If a person subject to the criminal records check 900
requirement does not present proof of having been a resident of 901
this state for the five-year period immediately prior to the 902
date the criminal records check is requested or provide evidence 903
that within that five-year period the superintendent has 904
requested information about the person from the federal bureau 905
of investigation in a criminal records check, the responsible 906
entity shall require the person to request that the 907
superintendent obtain information from the federal bureau of 908
investigation as part of the criminal records check of the 909
person. Even if the person presents proof of having been a 910
resident of this state for the five-year period, the responsible 911
entity may require that the person request that the 912
superintendent obtain information from the federal bureau of 913
investigation and include it in the criminal records check of 914
the person. 915

(G) Criminal records checks required by this section shall 916
be obtained as follows: 917

(1) The responsible entity shall provide each person 918

subject to the criminal records check requirement information 919
about accessing and completing the form prescribed pursuant to 920
division (C) (1) of section 109.572 of the Revised Code and the 921
standard impression sheet prescribed pursuant to division (C) (2) 922
of that section. 923

(2) The person subject to the criminal records check 924
requirement shall submit the required form and one complete set 925
of the person's fingerprint impressions directly to the 926
superintendent for purposes of conducting the criminal records 927
check using the applicable methods prescribed by division (C) of 928
section 109.572 of the Revised Code. The person shall pay all 929
fees associated with obtaining the criminal records check. 930

(3) The superintendent shall conduct the criminal records 931
check in accordance with section 109.572 of the Revised Code. 932
The person subject to the criminal records check requirement 933
shall instruct the superintendent to submit the report of the 934
criminal records check directly to the responsible entity. If 935
the department or the department's designee is not the 936
responsible entity, the department or designee may require the 937
responsible entity to submit the report to the department or 938
designee. 939

(H) (1) A medicaid provider may employ conditionally a 940
person for whom a criminal records check is required by this 941
section prior to obtaining the results of the criminal records 942
check if both of the following apply: 943

(a) The provider is not prohibited by division (D) (3) (b) 944
of this section from employing the person. 945

(b) The person submits a request for the criminal records 946
check not later than five business days after the person begins 947

conditional employment. 948

(2) Except as provided in division (I) of this section, a 949
medicaid provider that employs a person conditionally under 950
division (H) (1) of this section shall terminate the person's 951
employment if either of the following apply: 952

(a) The results of the criminal records check request are 953
not obtained within the period ending sixty days after the date 954
the request is made. 955

(b) Regardless of when the results of the criminal records 956
check are obtained, the results indicate that the person has 957
been convicted of or has pleaded guilty to a disqualifying 958
offense, unless circumstances specified in rules authorized by 959
this section exist that permit the provider to employ the person 960
and the provider chooses to employ the person. 961

(I) A—As used in this division, "behavioral health 962
services" means alcohol and drug addiction services, mental 963
health services, or both. 964

A medicaid provider of behavioral health services may 965
choose to employ a person who the provider would be prohibited 966
by division (D) (3) of this section from employing or would be 967
required by division (H) (2) of this section to terminate the 968
person's employment if both of the following apply: 969

(1) The person holds a valid health professional license 970
issued under the Revised Code granting the person authority to 971
provide behavioral health services, holds a valid peer recovery 972
supporter certificate issued pursuant to rules adopted by the 973
department of mental health and addiction services, or is in the 974
process of obtaining such a license or certificate. 975

(2) The provider does not submit any medicaid claims for 976

any services the person provides.	977
(J) The report of a criminal records check conducted pursuant to 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:	978 979 980 981
(1) The person who is the subject of the criminal records check or the person's representative;	982 983
(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;	984 985
(3) The department's designee;	986
(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;	987 988 989
(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;	990 991 992 993
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	994 995
(a) The denial or termination of a provider agreement;	996
(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;	997 998
(c) A civil or criminal action regarding the medicaid program.	999 1000
(K) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times	1001 1002 1003

at which a criminal records check must be conducted under this 1004
section. The rules may do any of the following: 1005

(1) Designate the categories of persons who are subject to 1006
a criminal records check under this section; 1007

(2) Specify circumstances under which the department or 1008
the department's designee may continue a provider agreement or 1009
issue a provider agreement when the medicaid provider is found 1010
by a criminal records check to have been convicted of or pleaded 1011
guilty to a disqualifying offense; 1012

(3) Specify circumstances under which a medicaid provider 1013
may permit a person to be an employee, owner, officer, or board 1014
member of the provider when the person is found by a criminal 1015
records check conducted pursuant to this section to have been 1016
convicted of or have pleaded guilty to a disqualifying offense; 1017

(4) Specify all of the following: 1018

(a) The circumstances under which a database review must 1019
be conducted under division (F)(1)(a) of this section to 1020
determine whether an employee or prospective employee of a 1021
medicaid provider is included in a database; 1022

(b) The procedures for conducting the database review; 1023

(c) The databases that are to be checked; 1024

(d) The circumstances under which, except as provided in 1025
division (I) of this section, a medicaid provider is prohibited 1026
from employing a person who is found by the database review to 1027
be included in a database. 1028

Section 2. That existing sections 4725.48, 4725.49, 1029
4725.52, 4747.04, 4747.05, 4747.06, 4747.07, 4747.08, 4747.09, 1030
4747.10, 4747.11, 4747.12, 4747.13, and 4753.05 of the Revised 1031

Code are hereby repealed. 1032

Section 3. That existing section 5164.34 of the Revised 1033
Code as it results from S.B. 229 of the 132nd General Assembly 1034
is hereby repealed. 1035

Section 4. (A) As used in this section, "licensee" means a 1036
person holding a license as a hearing aid dealer or fitter under 1037
Chapter 4747. of the Revised Code issued on or before the 1038
effective date of this act. 1039

(B) Notwithstanding sections 4747.05 and 4747.06 of the 1040
Revised Code, as amended by this act, a licensee who intends to 1041
renew the licensee's license under former section 4747.06 of the 1042
Revised Code shall complete, during the period between January 1043
1, 2019, and January 30, 2020, not less than ten hours of 1044
continuing professional education approved by the State Speech 1045
and Hearing Professionals Board. Not later than January 30, 1046
2020, the licensee shall certify to the Board, on a form 1047
provided by the Board, that the licensee has completed the 1048
continuing education required by this division and shall submit 1049
any additional information required by the Board regarding the 1050
continuing education. The license of a licensee who complies 1051
with the requirements of this division expires on December 31, 1052
2021. 1053

(C) Not later than January 30, 2020, a licensee who does 1054
not intend to renew the licensee's license under former section 1055
4747.06 of the Revised Code shall certify to the Board, on a 1056
form provided by the Board, that the licensee does not intend to 1057
renew under former section 4747.06 of the Revised Code. The 1058
licensee's license expires on January 31, 2020. 1059

(D) The license of a licensee who fails to comply with 1060

division (B) or (C) of this section expires on January 31, 2020. 1061
The person may apply for a new license in accordance with 1062
section 4747.05 of the Revised Code, as amended by this act. 1063

(E) The Board shall provide, not later than November 1, 1064
2019, notice of the requirements of this section to all 1065
licensees. 1066