

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 583

Representative Henne

Cosponsors: Representatives Vitale, Becker, Thompson

A BILL

To amend sections 101.721, 101.921, 109.57, 1
109.572, 109.77, 119.12, 121.22, 121.621, 2
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5502.14, 5739.99, 5743.45, _5903.10, 5907.021, 82
and 6101.75, to enact sections 9.78 and 9.79, 83
and to repeal sections 4743.06, 4765.114, 84
4776.10, and 5743.17 of the Revised Code to 85
limit the occupational license and registration 86
requirements and fees that a political 87

subdivision may impose on state-regulated 88
occupations, to establish a waiver exempting 89
certain persons from paying occupational license 90
or registration fees, and to revise the 91
licensing restrictions applicable to individuals 92
convicted of criminal offenses. 93

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

Section 1. That sections 101.721, 101.921, 109.57, 94
109.572, 109.77, 119.12, 121.22, 121.621, 169.16, 169.17, 95
173.381, 173.391, 306.352, 311.04, 503.44, 503.46, 505.49, 96
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5739.99, 5743.45, 5903.10, 5907.021, and 6101.75 be amended and 154
sections 9.78 and 9.79 of the Revised Code be enacted to read as 155
follows: 156

Sec. 9.78. (A) As used in this section and section 9.79 of 157
the Revised Code: 158

(1) "Active duty" has the same meaning as in 10 U.S.C. 159
101. 160

(2) "Adjusted gross income" has the same meaning as in 161
section 5747.01 of the Revised Code. 162

(3) "Federal poverty line" has the same meaning as in 163
section 5104.01 of the Revised Code. 164

(4) "License" means an authorization evidenced by a 165
license, certificate, registration, permit, card, or other 166
authority that is issued or conferred by a licensing authority 167
to an individual by which the individual has or claims the 168
privilege to engage in a profession, occupation, or occupational 169
activity over which the licensing authority has jurisdiction. 170

(5) "Licensing authority" means both of the following: 171

(a) A board, commission, or other entity that issues 172
licenses under Title XLVII or any other provision of the Revised 173
Code to practice an occupation or profession; 174

(b) A political subdivision that issues a license or that 175
charges a fee for an individual to practice an occupation or 176
profession in that political subdivision. 177

(6) "Low-income individual" means an individual whose 178
household adjusted gross income is below one hundred thirty per 179
cent of the federal poverty line or below a higher threshold 180
established by the director of commerce by rule adopted in 181
accordance with Chapter 119. of the Revised Code. 182

(B) (1) A political subdivision shall not impose any 183
licensing fee or other licensing requirement on an occupation or 184
profession that is regulated under any provision of the Revised 185
Code other than a profession or occupation for which a license 186
is required under Title XLVII of the Revised Code, unless the 187
political subdivision imposed licensing fees or other licensing 188
requirements on that occupation or profession immediately before 189
the effective date of this section. 190

Nothing in this division prohibits a political subdivision 191
from continuing to impose licensing fees or licensing 192
requirements on an occupation or profession that is regulated 193
under any provision of the Revised Code other than a profession 194
or occupation for which a license is required under Title XLVII 195
of the Revised Code, if the political subdivision imposed 196
licensing fees or licensing requirements on the occupation or 197
profession immediately before that effective date. 198

(2) A political subdivision shall not impose any licensing 199
fee or other licensing requirement on an occupation or 200
profession for which a license is required under Title XLVII of 201
the Revised Code to practice the occupation or profession. 202

(C) If, on or after the effective date of this section, 203

this state requires a license under Title XLVII of the Revised 204
Code to practice an occupation or profession for which this 205
state did not previously require a license to practice, any 206
political subdivision that was imposing local licensing 207
requirements or requiring the payment of local licensing fees to 208
practice that occupation or profession before the establishment 209
of the state licensing requirements shall immediately cease all 210
local licensing of that occupation or profession. 211

(D) (1) Notwithstanding any provision of the Revised Code 212
to the contrary, a licensing authority shall waive any fee that 213
would otherwise be charged to any of the following individuals 214
for the individual to receive a license to engage in the 215
practice of an occupation or profession under Title XLVII of the 216
Revised Code or to receive a license to practice an occupation 217
or profession in any political subdivision: 218

(a) A low-income individual; 219

(b) An active duty service member or the spouse of an 220
active duty service member; 221

(c) An individual who has retired from or was honorably 222
discharged from service in the armed forces of the United States 223
or a reserve component of the armed forces of the United States 224
or the spouse of such a person; 225

(d) The surviving spouse of a person who died while a 226
member of any branch of the armed forces of the United States, 227
if the surviving spouse has not remarried. 228

(2) An individual seeking a waiver of a fee under division 229
(D) (1) of this section shall apply to the appropriate licensing 230
authority in a format prescribed by the licensing authority. The 231
licensing authority shall process an application received under 232

this division not later than thirty days after the licensing 233
authority receives the application. 234

(3) Each licensing authority shall adopt rules necessary 235
for the implementation of division (D) of this section. The 236
licensing authority shall require in the rules that an 237
individual seeking a waiver under division (D) (1) (a) of this 238
section provide proof of the individual's income with the 239
individual's application. 240

Sec. 9.79. (A) Notwithstanding any provision of the 241
Revised Code to the contrary, for each type of license issued or 242
conferred by a licensing authority, the licensing authority 243
shall establish a list of specific criminal offenses that, if an 244
individual is or has been convicted of committing, disqualify 245
the individual from holding that license. In adopting a list of 246
disqualifying offenses under this section, all of the following 247
apply: 248

(1) The licensing authority shall identify each 249
disqualifying offense by name or by the Revised Code section 250
number that creates the offense. 251

(2) The licensing authority shall include in the list of 252
disqualifying offenses only criminal offenses that are directly 253
related to the duties and responsibilities of the licensed 254
occupation. 255

(3) The licensing authority shall not disqualify persons 256
from licensure based on either of the following: 257

(a) Criminal charges that do not result in convictions; 258

(b) Nonspecific qualifications such as "moral turpitude" 259
or lack of "moral character." 260

(B) A licensing authority that is required to conduct a 261
criminal records check under section 109.572 or any other 262
provision of the Revised Code before issuing a license to an 263
individual may request that the criminal records check be 264
conducted for the list of disqualifying offenses that the 265
licensing authority adopts under this section, rather than for 266
any list of offenses specified in that section. A licensing 267
authority that requests a criminal records check of a list of 268
disqualifying offenses adopted under this section shall be 269
deemed to have met the criminal records check requirements for 270
the applicable license. 271

(C) An individual who has been convicted of any criminal 272
offense may request, at any time, that a licensing authority 273
determine whether the individual's criminal conviction 274
disqualifies the individual from obtaining a license issued or 275
conferred by the licensing authority. An individual making such 276
a request shall include details of the individual's criminal 277
conviction and any payment required by the licensing authority. 278
A licensing authority may charge a fee of not more than twenty- 279
five dollars for each request made under this division, to 280
reimburse the costs it incurs in making the determination. 281

Not later than thirty days after receiving a request under 282
this division, the licensing authority shall inform the 283
individual whether, based on the criminal record information 284
submitted, the individual is disqualified from receiving or 285
holding the license about which the individual inquired. A 286
licensing authority is not bound by a determination made under 287
this division, if, on further investigation, the licensing 288
authority determines that the individual's criminal convictions 289
differ from the information presented in the determination 290
request. 291

(D) Each licensing authority shall adopt any rules that it 292
determines are necessary to implement this section. 293

Sec. 101.721. (A) No person shall be permitted to register 294
as a legislative agent under division (A) or (B) of section 295
101.72 of the Revised Code if the person is convicted of ~~or~~ 296
~~pleads guilty to committing on or after the effective date of~~ 297
~~this section any of the following offenses that is a felony:~~ 298

~~(1) A violation of section 2921.02, 2921.03, 2921.05,~~ 299
~~2921.41, 2921.42, or 2923.32 of the Revised Code;~~ 300

~~(2) A violation of section 2913.42, 2921.04, 2921.11,~~ 301
~~2921.12, 2921.31, or 2921.32 of the Revised Code if the person~~ 302
~~committed the violation while the person was serving in a public~~ 303
~~office and the conduct constituting the violation was related to~~ 304
~~the duties of the person's public office or to the person's~~ 305
~~actions as a public official holding that public office;~~ 306

~~(3) A violation of an existing or former municipal~~ 307
~~ordinance or law of this or any other state or the United States~~ 308
~~that is substantially equivalent to any violation listed in~~ 309
~~division (A) (1) of this section;~~ 310

~~(4) A violation of an existing or former municipal~~ 311
~~ordinance or law of this or any other state or the United States~~ 312
~~that is substantially equivalent to any violation listed in~~ 313
~~division (A) (2) of this section if the person committed the~~ 314
~~violation while the person was serving in a public office and~~ 315
~~the conduct constituting the violation was related to the duties~~ 316
~~of the person's public office or to the person's actions as a~~ 317
~~public official holding that public office;~~ 318

~~(5) A conspiracy to commit, attempt to commit, or~~ 319
~~complicity in committing any violation listed in division (A) (1)~~ 320

~~or described in division (A) (3) of this section;~~ 321

~~(6) A conspiracy to commit, attempt to commit, or 322
complicity in committing any violation listed in division (A) (2) 323
or described in division (A) (4) of this section if the person 324
committed the violation while the person was serving in a public 325
office and the conduct constituting the violation that was the 326
subject of the conspiracy, that would have constituted the 327
offense attempted, or constituting the violation in which the 328
person was complicit was or would have been related to the 329
duties of the person's public office or to the person's actions 330
as a public official holding that public office a disqualifying 331
offense, as specified under section 9.79 of the Revised Code. 332~~

(B) If a legislative agent has registered with the joint 333
legislative ethics committee under division (A) or (B) of 334
section 101.72 of the Revised Code and, ~~on or after the 335
effective date of this section and~~ during the period during 336
which the registration is valid, the legislative agent is 337
convicted of ~~or pleads guilty to any felony offense listed or 338
described in division (A) (1), (2), (3), (4), (5), or (6) of this 339
section in the circumstances specified in the particular 340
division~~ a disqualifying offense, as specified under section 9.79 341
of the Revised Code, the joint legislative ethics committee 342
immediately upon becoming aware of the conviction ~~or guilty plea 343
shall terminate the registration of the person as a legislative 344
agent, and, after the termination, the ban imposed under 345
division (A) of this section applies to the person.~~ 346

(C) The ban imposed under division (A) of this section is 347
a lifetime ban, and the offender is forever disqualified from 348
registering as a legislative agent under section 101.72 of the 349
Revised Code. 350

~~(D) For purposes of divisions (A) and (B) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of this section" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the effective date of this section.~~

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

Sec. 101.921. (A) No person shall be permitted to register as a retirement system lobbyist under division (A) or (B) of section 101.92 of the Revised Code if the person is convicted of ~~or pleads guilty to committing on or after the effective date of this section any felony offense listed or described in divisions (A) (1) to (6) of section 101.721 of the Revised Code in the circumstances specified in the particular division a~~ disqualifying offense, as specified under section 9.79 of the Revised Code.

(B) If a retirement system lobbyist has registered with the joint legislative ethics committee under division (A) or (B) of section 101.92 of the Revised Code, ~~and, on or after the effective date of this section and during the period during which the registration is valid, the retirement system lobbyist is convicted of or pleads guilty to any felony offense listed or described in divisions (A) (1) to (6) of section 101.721 of the Revised Code in the circumstances specified in the particular~~ division a disqualifying offense, as specified under section 9.79

of the Revised Code, the joint legislative ethics committee 381
immediately upon becoming aware of the conviction ~~or guilty plea~~ 382
shall terminate the registration of the person as a retirement 383
system lobbyist, and, after the termination, the ban imposed 384
under division (A) of this section applies to the person. 385

(C) The ban imposed under division (A) of this section is 386
a lifetime ban, and the offender is forever disqualified from 387
registering as a retirement system lobbyist under section 101.92 388
of the Revised Code. 389

~~(D) For purposes of divisions (A) and (B) of this section,~~ 390
~~a violation of section 2923.32 of the Revised Code or any other~~ 391
~~violation or offense that includes as an element a course of~~ 392
~~conduct or the occurrence of multiple acts is "committed on or~~ 393
~~after the effective date of this section" if the course of~~ 394
~~conduct continues, one or more of the multiple acts occurs, or~~ 395
~~the subject person's accountability for the course of conduct or~~ 396
~~for one or more of the multiple acts continues, on or after the~~ 397
~~effective date of this section.~~ 398

Sec. 109.57. (A) (1) The superintendent of the bureau of 399
criminal identification and investigation shall procure from 400
wherever procurable and file for record photographs, pictures, 401
descriptions, fingerprints, measurements, and other information 402
that may be pertinent of all persons who have been convicted of 403
committing within this state a felony, any crime constituting a 404
misdemeanor on the first offense and a felony on subsequent 405
offenses, or any misdemeanor described in division (A) (1) (a), 406
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 407
of all children under eighteen years of age who have been 408
adjudicated delinquent children for committing within this state 409
an act that would be a felony or an offense of violence if 410

committed by an adult or who have been convicted of or pleaded 411
guilty to committing within this state a felony or an offense of 412
violence, and of all well-known and habitual criminals. The 413
person in charge of any county, multicounty, municipal, 414
municipal-county, or multicounty-municipal jail or workhouse, 415
community-based correctional facility, halfway house, 416
alternative residential facility, or state correctional 417
institution and the person in charge of any state institution 418
having custody of a person suspected of having committed a 419
felony, any crime constituting a misdemeanor on the first 420
offense and a felony on subsequent offenses, or any misdemeanor 421
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 422
section 109.572 of the Revised Code or having custody of a child 423
under eighteen years of age with respect to whom there is 424
probable cause to believe that the child may have committed an 425
act that would be a felony or an offense of violence if 426
committed by an adult shall furnish such material to the 427
superintendent of the bureau. Fingerprints, photographs, or 428
other descriptive information of a child who is under eighteen 429
years of age, has not been arrested or otherwise taken into 430
custody for committing an act that would be a felony or an 431
offense of violence who is not in any other category of child 432
specified in this division, if committed by an adult, has not 433
been adjudicated a delinquent child for committing an act that 434
would be a felony or an offense of violence if committed by an 435
adult, has not been convicted of or pleaded guilty to committing 436
a felony or an offense of violence, and is not a child with 437
respect to whom there is probable cause to believe that the 438
child may have committed an act that would be a felony or an 439
offense of violence if committed by an adult shall not be 440
procured by the superintendent or furnished by any person in 441
charge of any county, multicounty, municipal, municipal-county, 442

or multicounty-municipal jail or workhouse, community-based 443
correctional facility, halfway house, alternative residential 444
facility, or state correctional institution, except as 445
authorized in section 2151.313 of the Revised Code. 446

(2) Every clerk of a court of record in this state, other 447
than the supreme court or a court of appeals, shall send to the 448
superintendent of the bureau a weekly report containing a 449
summary of each case involving a felony, involving any crime 450
constituting a misdemeanor on the first offense and a felony on 451
subsequent offenses, involving a misdemeanor described in 452
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 453
of the Revised Code, or involving an adjudication in a case in 454
which a child under eighteen years of age was alleged to be a 455
delinquent child for committing an act that would be a felony or 456
an offense of violence if committed by an adult. The clerk of 457
the court of common pleas shall include in the report and 458
summary the clerk sends under this division all information 459
described in divisions (A) (2) (a) to (f) of this section 460
regarding a case before the court of appeals that is served by 461
that clerk. The summary shall be written on the standard forms 462
furnished by the superintendent pursuant to division (B) of this 463
section and shall include the following information: 464

(a) The incident tracking number contained on the standard 465
forms furnished by the superintendent pursuant to division (B) 466
of this section; 467

(b) The style and number of the case; 468

(c) The date of arrest, offense, summons, or arraignment; 469

(d) The date that the person was convicted of or pleaded 470
guilty to the offense, adjudicated a delinquent child for 471

committing the act that would be a felony or an offense of 472
violence if committed by an adult, found not guilty of the 473
offense, or found not to be a delinquent child for committing an 474
act that would be a felony or an offense of violence if 475
committed by an adult, the date of an entry dismissing the 476
charge, an entry declaring a mistrial of the offense in which 477
the person is discharged, an entry finding that the person or 478
child is not competent to stand trial, or an entry of a nolle 479
prosequi, or the date of any other determination that 480
constitutes final resolution of the case; 481

(e) A statement of the original charge with the section of 482
the Revised Code that was alleged to be violated; 483

(f) If the person or child was convicted, pleaded guilty, 484
or was adjudicated a delinquent child, the sentence or terms of 485
probation imposed or any other disposition of the offender or 486
the delinquent child. 487

If the offense involved the disarming of a law enforcement 488
officer or an attempt to disarm a law enforcement officer, the 489
clerk shall clearly state that fact in the summary, and the 490
superintendent shall ensure that a clear statement of that fact 491
is placed in the bureau's records. 492

(3) The superintendent shall cooperate with and assist 493
sheriffs, chiefs of police, and other law enforcement officers 494
in the establishment of a complete system of criminal 495
identification and in obtaining fingerprints and other means of 496
identification of all persons arrested on a charge of a felony, 497
any crime constituting a misdemeanor on the first offense and a 498
felony on subsequent offenses, or a misdemeanor described in 499
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 500
of the Revised Code and of all children under eighteen years of 501

age arrested or otherwise taken into custody for committing an 502
act that would be a felony or an offense of violence if 503
committed by an adult. The superintendent also shall file for 504
record the fingerprint impressions of all persons confined in a 505
county, multicounty, municipal, municipal-county, or 506
multicounty-municipal jail or workhouse, community-based 507
correctional facility, halfway house, alternative residential 508
facility, or state correctional institution for the violation of 509
state laws and of all children under eighteen years of age who 510
are confined in a county, multicounty, municipal, municipal- 511
county, or multicounty-municipal jail or workhouse, community- 512
based correctional facility, halfway house, alternative 513
residential facility, or state correctional institution or in 514
any facility for delinquent children for committing an act that 515
would be a felony or an offense of violence if committed by an 516
adult, and any other information that the superintendent may 517
receive from law enforcement officials of the state and its 518
political subdivisions. 519

(4) The superintendent shall carry out Chapter 2950. of 520
the Revised Code with respect to the registration of persons who 521
are convicted of or plead guilty to a sexually oriented offense 522
or a child-victim oriented offense and with respect to all other 523
duties imposed on the bureau under that chapter. 524

(5) The bureau shall perform centralized recordkeeping 525
functions for criminal history records and services in this 526
state for purposes of the national crime prevention and privacy 527
compact set forth in section 109.571 of the Revised Code and is 528
the criminal history record repository as defined in that 529
section for purposes of that compact. The superintendent or the 530
superintendent's designee is the compact officer for purposes of 531
that compact and shall carry out the responsibilities of the 532

compact officer specified in that compact. 533

(6) The superintendent shall, upon request, assist a 534
county coroner in the identification of a deceased person 535
through the use of fingerprint impressions obtained pursuant to 536
division (A) (1) of this section or collected pursuant to section 537
109.572 or 311.41 of the Revised Code. 538

(B) The superintendent shall prepare and furnish to every 539
county, multicounty, municipal, municipal-county, or 540
multicounty-municipal jail or workhouse, community-based 541
correctional facility, halfway house, alternative residential 542
facility, or state correctional institution and to every clerk 543
of a court in this state specified in division (A) (2) of this 544
section standard forms for reporting the information required 545
under division (A) of this section. The standard forms that the 546
superintendent prepares pursuant to this division may be in a 547
tangible format, in an electronic format, or in both tangible 548
formats and electronic formats. 549

(C) (1) The superintendent may operate a center for 550
electronic, automated, or other data processing for the storage 551
and retrieval of information, data, and statistics pertaining to 552
criminals and to children under eighteen years of age who are 553
adjudicated delinquent children for committing an act that would 554
be a felony or an offense of violence if committed by an adult, 555
criminal activity, crime prevention, law enforcement, and 556
criminal justice, and may establish and operate a statewide 557
communications network to be known as the Ohio law enforcement 558
gateway to gather and disseminate information, data, and 559
statistics for the use of law enforcement agencies and for other 560
uses specified in this division. The superintendent may gather, 561
store, retrieve, and disseminate information, data, and 562

statistics that pertain to children who are under eighteen years 563
of age and that are gathered pursuant to sections 109.57 to 564
109.61 of the Revised Code together with information, data, and 565
statistics that pertain to adults and that are gathered pursuant 566
to those sections. 567

(2) The superintendent or the superintendent's designee 568
shall gather information of the nature described in division (C) 569
(1) of this section that pertains to the offense and delinquency 570
history of a person who has been convicted of, pleaded guilty 571
to, or been adjudicated a delinquent child for committing a 572
sexually oriented offense or a child-victim oriented offense for 573
inclusion in the state registry of sex offenders and child- 574
victim offenders maintained pursuant to division (A)(1) of 575
section 2950.13 of the Revised Code and in the internet database 576
operated pursuant to division (A)(13) of that section and for 577
possible inclusion in the internet database operated pursuant to 578
division (A)(11) of that section. 579

(3) In addition to any other authorized use of 580
information, data, and statistics of the nature described in 581
division (C)(1) of this section, the superintendent or the 582
superintendent's designee may provide and exchange the 583
information, data, and statistics pursuant to the national crime 584
prevention and privacy compact as described in division (A)(5) 585
of this section. 586

(4) The Ohio law enforcement gateway shall contain the 587
name, confidential address, and telephone number of program 588
participants in the address confidentiality program established 589
under sections 111.41 to 111.47 of the Revised Code. 590

(5) The attorney general may adopt rules under Chapter 591
119. of the Revised Code establishing guidelines for the 592

operation of and participation in the Ohio law enforcement 593
gateway. The rules may include criteria for granting and 594
restricting access to information gathered and disseminated 595
through the Ohio law enforcement gateway. The attorney general 596
shall adopt rules under Chapter 119. of the Revised Code that 597
grant access to information in the gateway regarding an address 598
confidentiality program participant under sections 111.41 to 599
111.47 of the Revised Code to only chiefs of police, village 600
marshals, county sheriffs, county prosecuting attorneys, and a 601
designee of each of these individuals. The attorney general 602
shall permit the state medical board and board of nursing to 603
access and view, but not alter, information gathered and 604
disseminated through the Ohio law enforcement gateway. 605

The attorney general may appoint a steering committee to 606
advise the attorney general in the operation of the Ohio law 607
enforcement gateway that is comprised of persons who are 608
representatives of the criminal justice agencies in this state 609
that use the Ohio law enforcement gateway and is chaired by the 610
superintendent or the superintendent's designee. 611

(D) (1) The following are not public records under section 612
149.43 of the Revised Code: 613

(a) Information and materials furnished to the 614
superintendent pursuant to division (A) of this section; 615

(b) Information, data, and statistics gathered or 616
disseminated through the Ohio law enforcement gateway pursuant 617
to division (C) (1) of this section; 618

(c) Information and materials furnished to any board or 619
person under division (F) or (G) of this section. 620

(2) The superintendent or the superintendent's designee 621

shall gather and retain information so furnished under division 622
(A) of this section that pertains to the offense and delinquency 623
history of a person who has been convicted of, pleaded guilty 624
to, or been adjudicated a delinquent child for committing a 625
sexually oriented offense or a child-victim oriented offense for 626
the purposes described in division (C) (2) of this section. 627

(E) (1) The attorney general shall adopt rules, in 628
accordance with Chapter 119. of the Revised Code and subject to 629
division (E) (2) of this section, setting forth the procedure by 630
which a person may receive or release information gathered by 631
the superintendent pursuant to division (A) of this section. A 632
reasonable fee may be charged for this service. If a temporary 633
employment service submits a request for a determination of 634
whether a person the service plans to refer to an employment 635
position has been convicted of or pleaded guilty to an offense 636
listed or described in division (A) (1), (2), or (3) of section 637
109.572 of the Revised Code, the request shall be treated as a 638
single request and only one fee shall be charged. 639

(2) Except as otherwise provided in this division or 640
division (E) (3) or (4) of this section, a rule adopted under 641
division (E) (1) of this section may provide only for the release 642
of information gathered pursuant to division (A) of this section 643
that relates to the conviction of a person, or a person's plea 644
of guilty to, a criminal offense or to the arrest of a person as 645
provided in division (E) (3) of this section. The superintendent 646
shall not release, and the attorney general shall not adopt any 647
rule under division (E) (1) of this section that permits the 648
release of, any information gathered pursuant to division (A) of 649
this section that relates to an adjudication of a child as a 650
delinquent child, or that relates to a criminal conviction of a 651
person under eighteen years of age if the person's case was 652

transferred back to a juvenile court under division (B) (2) or 653
(3) of section 2152.121 of the Revised Code and the juvenile 654
court imposed a disposition or serious youthful offender 655
disposition upon the person under either division, unless either 656
of the following applies with respect to the adjudication or 657
conviction: 658

(a) The adjudication or conviction was for a violation of 659
section 2903.01 or 2903.02 of the Revised Code. 660

(b) The adjudication or conviction was for a sexually 661
oriented offense, the juvenile court was required to classify 662
the child a juvenile offender registrant for that offense under 663
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 664
classification has not been removed, and the records of the 665
adjudication or conviction have not been sealed or expunged 666
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 667
section 2952.32 of the Revised Code. 668

(3) A rule adopted under division (E) (1) of this section 669
may provide for the release of information gathered pursuant to 670
division (A) of this section that relates to the arrest of a 671
person who is eighteen years of age or older when the person has 672
not been convicted as a result of that arrest if any of the 673
following applies: 674

(a) The arrest was made outside of this state. 675

(b) A criminal action resulting from the arrest is 676
pending, and the superintendent confirms that the criminal 677
action has not been resolved at the time the criminal records 678
check is performed. 679

(c) The bureau cannot reasonably determine whether a 680
criminal action resulting from the arrest is pending, and not 681

more than one year has elapsed since the date of the arrest. 682

(4) A rule adopted under division (E) (1) of this section 683
may provide for the release of information gathered pursuant to 684
division (A) of this section that relates to an adjudication of 685
a child as a delinquent child if not more than five years have 686
elapsed since the date of the adjudication, the adjudication was 687
for an act that would have been a felony if committed by an 688
adult, the records of the adjudication have not been sealed or 689
expunged pursuant to sections 2151.355 to 2151.358 of the 690
Revised Code, and the request for information is made under 691
division (F) of this section or under section 109.572 of the 692
Revised Code. In the case of an adjudication for a violation of 693
the terms of community control or supervised release, the five- 694
year period shall be calculated from the date of the 695
adjudication to which the community control or supervised 696
release pertains. 697

(F) (1) As used in division (F) (2) of this section, "head 698
start agency" means an entity in this state that has been 699
approved to be an agency for purposes of subchapter II of the 700
"Community Economic Development Act," 95 Stat. 489 (1981), 42 701
U.S.C.A. 9831, as amended. 702

(2) (a) In addition to or in conjunction with any request 703
that is required to be made under section 109.572, 2151.86, 704
3301.32, 3301.541, division (C) of section 3310.58, or section 705
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 706
5153.111 of the Revised Code or that is made under section 707
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 708
board of education of any school district; the director of 709
developmental disabilities; any county board of developmental 710
disabilities; any provider or subcontractor as defined in 711

section 5123.081 of the Revised Code; the chief administrator of 712
any chartered nonpublic school; the chief administrator of a 713
registered private provider that is not also a chartered 714
nonpublic school; the chief administrator of any home health 715
agency; the chief administrator of or person operating any child 716
day-care center, type A family day-care home, or type B family 717
day-care home licensed under Chapter 5104. of the Revised Code; 718
the chief administrator of any head start agency; the executive 719
director of a public children services agency; a private company 720
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 721
the Revised Code; or an employer described in division ~~(J)~~(I) (2) 722
of section 3327.10 of the Revised Code may request that the 723
superintendent of the bureau investigate and determine, with 724
respect to any individual who has applied for employment in any 725
position after October 2, 1989, or any individual wishing to 726
apply for employment with a board of education may request, with 727
regard to the individual, whether the bureau has any information 728
gathered under division (A) of this section that pertains to 729
that individual. On receipt of the request, subject to division 730
(E) (2) of this section, the superintendent shall determine 731
whether that information exists and, upon request of the person, 732
board, or entity requesting information, also shall request from 733
the federal bureau of investigation any criminal records it has 734
pertaining to that individual. The superintendent or the 735
superintendent's designee also may request criminal history 736
records from other states or the federal government pursuant to 737
the national crime prevention and privacy compact set forth in 738
section 109.571 of the Revised Code. Within thirty days of the 739
date that the superintendent receives a request, subject to 740
division (E) (2) of this section, the superintendent shall send 741
to the board, entity, or person a report of any information that 742
the superintendent determines exists, including information 743

contained in records that have been sealed under section 2953.32 744
of the Revised Code, and, within thirty days of its receipt, 745
subject to division (E) (2) of this section, shall send the 746
board, entity, or person a report of any information received 747
from the federal bureau of investigation, other than information 748
the dissemination of which is prohibited by federal law. 749

(b) When a board of education or a registered private 750
provider is required to receive information under this section 751
as a prerequisite to employment of an individual pursuant to 752
division (C) of section 3310.58 or section 3319.39 of the 753
Revised Code, it may accept a certified copy of records that 754
were issued by the bureau of criminal identification and 755
investigation and that are presented by an individual applying 756
for employment with the district in lieu of requesting that 757
information itself. In such a case, the board shall accept the 758
certified copy issued by the bureau in order to make a photocopy 759
of it for that individual's employment application documents and 760
shall return the certified copy to the individual. In a case of 761
that nature, a district or provider only shall accept a 762
certified copy of records of that nature within one year after 763
the date of their issuance by the bureau. 764

(c) Notwithstanding division (F) (2) (a) of this section, in 765
the case of a request under section 3319.39, 3319.391, or 766
3327.10 of the Revised Code only for criminal records maintained 767
by the federal bureau of investigation, the superintendent shall 768
not determine whether any information gathered under division 769
(A) of this section exists on the person for whom the request is 770
made. 771

(3) The state board of education may request, with respect 772
to any individual who has applied for employment after October 773

2, 1989, in any position with the state board or the department 774
of education, any information that a school district board of 775
education is authorized to request under division (F) (2) of this 776
section, and the superintendent of the bureau shall proceed as 777
if the request has been received from a school district board of 778
education under division (F) (2) of this section. 779

(4) When the superintendent of the bureau receives a 780
request for information under section 3319.291 of the Revised 781
Code, the superintendent shall proceed as if the request has 782
been received from a school district board of education and 783
shall comply with divisions (F) (2) (a) and (c) of this section. 784

(5) When a recipient of a classroom reading improvement 785
grant paid under section 3301.86 of the Revised Code requests, 786
with respect to any individual who applies to participate in 787
providing any program or service funded in whole or in part by 788
the grant, the information that a school district board of 789
education is authorized to request under division (F) (2) (a) of 790
this section, the superintendent of the bureau shall proceed as 791
if the request has been received from a school district board of 792
education under division (F) (2) (a) of this section. 793

(G) In addition to or in conjunction with any request that 794
is required to be made under section 3701.881, 3712.09, or 795
3721.121 of the Revised Code with respect to an individual who 796
has applied for employment in a position that involves providing 797
direct care to an older adult or adult resident, the chief 798
administrator of a home health agency, hospice care program, 799
home licensed under Chapter 3721. of the Revised Code, or adult 800
day-care program operated pursuant to rules adopted under 801
section 3721.04 of the Revised Code may request that the 802
superintendent of the bureau investigate and determine, with 803

respect to any individual who has applied after January 27, 804
1997, for employment in a position that does not involve 805
providing direct care to an older adult or adult resident, 806
whether the bureau has any information gathered under division 807
(A) of this section that pertains to that individual. 808

In addition to or in conjunction with any request that is 809
required to be made under section 173.27 of the Revised Code 810
with respect to an individual who has applied for employment in 811
a position that involves providing ombudsman services to 812
residents of long-term care facilities or recipients of 813
community-based long-term care services, the state long-term 814
care ombudsman, the director of aging, a regional long-term care 815
ombudsman program, or the designee of the ombudsman, director, 816
or program may request that the superintendent investigate and 817
determine, with respect to any individual who has applied for 818
employment in a position that does not involve providing such 819
ombudsman services, whether the bureau has any information 820
gathered under division (A) of this section that pertains to 821
that applicant. 822

In addition to or in conjunction with any request that is 823
required to be made under section 173.38 of the Revised Code 824
with respect to an individual who has applied for employment in 825
a direct-care position, the chief administrator of a provider, 826
as defined in section 173.39 of the Revised Code, may request 827
that the superintendent investigate and determine, with respect 828
to any individual who has applied for employment in a position 829
that is not a direct-care position, whether the bureau has any 830
information gathered under division (A) of this section that 831
pertains to that applicant. 832

In addition to or in conjunction with any request that is 833

required to be made under section 3712.09 of the Revised Code 834
with respect to an individual who has applied for employment in 835
a position that involves providing direct care to a pediatric 836
respite care patient, the chief administrator of a pediatric 837
respite care program may request that the superintendent of the 838
bureau investigate and determine, with respect to any individual 839
who has applied for employment in a position that does not 840
involve providing direct care to a pediatric respite care 841
patient, whether the bureau has any information gathered under 842
division (A) of this section that pertains to that individual. 843

On receipt of a request under this division, the 844
superintendent shall determine whether that information exists 845
and, on request of the individual requesting information, shall 846
also request from the federal bureau of investigation any 847
criminal records it has pertaining to the applicant. The 848
superintendent or the superintendent's designee also may request 849
criminal history records from other states or the federal 850
government pursuant to the national crime prevention and privacy 851
compact set forth in section 109.571 of the Revised Code. Within 852
thirty days of the date a request is received, subject to 853
division (E)(2) of this section, the superintendent shall send 854
to the requester a report of any information determined to 855
exist, including information contained in records that have been 856
sealed under section 2953.32 of the Revised Code, and, within 857
thirty days of its receipt, shall send the requester a report of 858
any information received from the federal bureau of 859
investigation, other than information the dissemination of which 860
is prohibited by federal law. 861

(H) Information obtained by a government entity or person 862
under this section is confidential and shall not be released or 863
disseminated. 864

(I) The superintendent may charge a reasonable fee for 865
providing information or criminal records under division (F) (2) 866
or (G) of this section. 867

(J) As used in this section: 868

(1) "Pediatric respite care program" and "pediatric care 869
patient" have the same meanings as in section 3712.01 of the 870
Revised Code. 871

(2) "Sexually oriented offense" and "child-victim oriented 872
offense" have the same meanings as in section 2950.01 of the 873
Revised Code. 874

(3) "Registered private provider" means a nonpublic school 875
or entity registered with the superintendent of public 876
instruction under section 3310.41 of the Revised Code to 877
participate in the autism scholarship program or section 3310.58 878
of the Revised Code to participate in the Jon Peterson special 879
needs scholarship program. 880

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 881
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 882
Code, a completed form prescribed pursuant to division (C) (1) of 883
this section, and a set of fingerprint impressions obtained in 884
the manner described in division (C) (2) of this section, the 885
superintendent of the bureau of criminal identification and 886
investigation shall conduct a criminal records check in the 887
manner described in division (B) of this section to determine 888
whether any information exists that indicates that the person 889
who is the subject of the request previously has been convicted 890
of ~~or pleaded guilty to~~ any of the following: 891

(a) A violation of section 2903.01, 2903.02, 2903.03, 892
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 893

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 894
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 895
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 896
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 897
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 898
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 899
sexual penetration in violation of former section 2907.12 of the 900
Revised Code, a violation of section 2905.04 of the Revised Code 901
as it existed prior to July 1, 1996, a violation of section 902
2919.23 of the Revised Code that would have been a violation of 903
section 2905.04 of the Revised Code as it existed prior to July 904
1, 1996, had the violation been committed prior to that date, or 905
a violation of section 2925.11 of the Revised Code that is not a 906
minor drug possession offense; 907

(b) A violation of an existing or former law of this 908
state, any other state, or the United States that is 909
substantially equivalent to any of the offenses listed in 910
division (A) (1) (a) of this section; 911

(c) If the request is made pursuant to section 3319.39 of 912
the Revised Code for an applicant who is a teacher, any 913
disqualifying offense, as specified in section under sections 914
9.79 and 3319.31 of the Revised Code. 915

(2) On receipt of a request pursuant to section 3712.09 or 916
3721.121 of the Revised Code, a completed form prescribed 917
pursuant to division (C) (1) of this section, and a set of 918
fingerprint impressions obtained in the manner described in 919
division (C) (2) of this section, the superintendent of the 920
bureau of criminal identification and investigation shall 921
conduct a criminal records check with respect to any person who 922
has applied for employment in a position for which a criminal 923

records check is required by those sections. The superintendent 924
shall conduct the criminal records check in the manner described 925
in division (B) of this section to determine whether any 926
information exists that indicates that the person who is the 927
subject of the request previously has been convicted of ~~or~~ 928
~~pleaded guilty to~~ any of the following: 929

(a) A violation of section 2903.01, 2903.02, 2903.03, 930
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 931
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 932
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 933
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 934
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 935
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 936
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 937
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 938

(b) An existing or former law of this state, any other 939
state, or the United States that is substantially equivalent to 940
any of the offenses listed in division (A)(2)(a) of this 941
section. 942

(3) On receipt of a request pursuant to section 173.27, 943
173.38, ~~173.381~~, 3701.881, 5164.34, 5164.341, 5164.342, or 944
~~5123.081~~, ~~or 5123.169~~ of the Revised Code, a completed form 945
prescribed pursuant to division (C)(1) of this section, and a 946
set of fingerprint impressions obtained in the manner described 947
in division (C)(2) of this section, the superintendent of the 948
bureau of criminal identification and investigation shall 949
conduct a criminal records check of the person for whom the 950
request is made. The superintendent shall conduct the criminal 951
records check in the manner described in division (B) of this 952
section to determine whether any information exists that 953

indicates that the person who is the subject of the request 954
previously has been convicted of, ~~has pleaded guilty to, or~~ 955
~~(except in the case of a request pursuant to section 5164.34,~~ 956
~~5164.341, or 5164.342 of the Revised Code) has been found~~ 957
~~eligible for intervention in lieu of conviction for any of the~~ 958
~~following, regardless of the date of the conviction, the date of~~ 959
~~entry of the guilty plea, or (except in the case of a request~~ 960
~~pursuant to section 5164.34, 5164.341, or 5164.342 of the~~ 961
~~Revised Code) the date the person was found eligible for~~ 962
~~intervention in lieu of conviction:~~ 963

(a) A violation of section 959.13, 959.131, 2903.01, 964
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 965
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 966
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 967
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 968
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 969
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 970
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 971
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 972
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 973
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 974
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 975
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 976
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 977
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 978
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 979
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 980
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 981
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 982

(b) Felonious sexual penetration in violation of former 983
section 2907.12 of the Revised Code; 984

(c) A violation of section 2905.04 of the Revised Code as 985
it existed prior to July 1, 1996; 986

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 987
the Revised Code when the underlying offense that is the object 988
of the conspiracy, attempt, or complicity is one of the offenses 989
listed in divisions (A) (3) (a) to (c) of this section; 990

(e) A violation of an existing or former municipal 991
ordinance or law of this state, any other state, or the United 992
States that is substantially equivalent to any of the offenses 993
listed in divisions (A) (3) (a) to (d) of this section. 994

(4) On receipt of a request pursuant to section 2151.86 of 995
the Revised Code, a completed form prescribed pursuant to 996
division (C) (1) of this section, and a set of fingerprint 997
impressions obtained in the manner described in division (C) (2) 998
of this section, the superintendent of the bureau of criminal 999
identification and investigation shall conduct a criminal 1000
records check in the manner described in division (B) of this 1001
section to determine whether any information exists that 1002
indicates that the person who is the subject of the request 1003
previously has been convicted of ~~or pleaded guilty to~~ any of the 1004
following: 1005

(a) A violation of section 959.13, 2903.01, 2903.02, 1006
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1007
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1008
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1009
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1010
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1011
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1012
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1013
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1014

2927.12, or 3716.11 of the Revised Code, a violation of section 1015
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1016
a violation of section 2919.23 of the Revised Code that would 1017
have been a violation of section 2905.04 of the Revised Code as 1018
it existed prior to July 1, 1996, had the violation been 1019
committed prior to that date, a violation of section 2925.11 of 1020
the Revised Code that is not a minor drug possession offense, 1021
two or more OVI or OVUAC violations committed within the three 1022
years immediately preceding the submission of the application or 1023
petition that is the basis of the request, or felonious sexual 1024
penetration in violation of former section 2907.12 of the 1025
Revised Code; 1026

(b) A violation of an existing or former law of this 1027
state, any other state, or the United States that is 1028
substantially equivalent to any of the offenses listed in 1029
division (A) (4) (a) of this section. 1030

(5) Upon receipt of a request pursuant to division (F) of 1031
section 5104.013 of the Revised Code, a completed form 1032
prescribed pursuant to division (C) (1) of this section, and a 1033
set of fingerprint impressions obtained in the manner described 1034
in division (C) (2) of this section, the superintendent of the 1035
bureau of criminal identification and investigation shall 1036
conduct a criminal records check in the manner described in 1037
division (B) of this section to determine whether any 1038
information exists that indicates that the person who is the 1039
subject of the request has been convicted of ~~or pleaded guilty~~ 1040
~~to~~ any of the following: 1041

(a) A violation of section 2151.421, 2903.01, 2903.02, 1042
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1043
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1044

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1045
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1046
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1047
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1048
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1049
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1050
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1051
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1052
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1053
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1054
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1055
3716.11 of the Revised Code, felonious sexual penetration in 1056
violation of former section 2907.12 of the Revised Code, a 1057
violation of section 2905.04 of the Revised Code as it existed 1058
prior to July 1, 1996, a violation of section 2919.23 of the 1059
Revised Code that would have been a violation of section 2905.04 1060
of the Revised Code as it existed prior to July 1, 1996, had the 1061
violation been committed prior to that date, a violation of 1062
section 2925.11 of the Revised Code that is not a minor drug 1063
possession offense, a violation of section 2923.02 or 2923.03 of 1064
the Revised Code that relates to a crime specified in this 1065
division, or a second violation of section 4511.19 of the 1066
Revised Code within five years of the date of application for 1067
licensure or certification. 1068

(b) A violation of an existing or former law of this 1069
state, any other state, or the United States that is 1070
substantially equivalent to any of the offenses or violations 1071
described in division (A) (5) (a) of this section. 1072

(6) Upon receipt of a request pursuant to section 5153.111 1073
of the Revised Code, a completed form prescribed pursuant to 1074
division (C) (1) of this section, and a set of fingerprint 1075

impressions obtained in the manner described in division (C) (2) 1076
of this section, the superintendent of the bureau of criminal 1077
identification and investigation shall conduct a criminal 1078
records check in the manner described in division (B) of this 1079
section to determine whether any information exists that 1080
indicates that the person who is the subject of the request 1081
previously has been convicted of ~~or pleaded guilty to~~ any of the 1082
following: 1083

(a) A violation of section 2903.01, 2903.02, 2903.03, 1084
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1085
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1086
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1087
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1088
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1089
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1090
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1091
Code, felonious sexual penetration in violation of former 1092
section 2907.12 of the Revised Code, a violation of section 1093
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1094
a violation of section 2919.23 of the Revised Code that would 1095
have been a violation of section 2905.04 of the Revised Code as 1096
it existed prior to July 1, 1996, had the violation been 1097
committed prior to that date, or a violation of section 2925.11 1098
of the Revised Code that is not a minor drug possession offense; 1099

(b) A violation of an existing or former law of this 1100
state, any other state, or the United States that is 1101
substantially equivalent to any of the offenses listed in 1102
division (A) (6) (a) of this section. 1103

(7) On receipt of a request for a criminal records check 1104
from an individual pursuant to section 4749.03 or 4749.06 of the 1105

Revised Code, accompanied by a completed copy of the form 1106
prescribed in division (C) (1) of this section and a set of 1107
fingerprint impressions obtained in a manner described in 1108
division (C) (2) of this section, the superintendent of the 1109
bureau of criminal identification and investigation shall 1110
conduct a criminal records check in the manner described in 1111
division (B) of this section to determine whether any 1112
information exists indicating that the person who is the subject 1113
of the request has been convicted of ~~or pleaded guilty to a~~ 1114
~~felony~~ any criminal offense in this state or in any other state. 1115
If the individual indicates that a firearm will be carried in 1116
the course of business, the superintendent shall require 1117
information from the federal bureau of investigation as 1118
described in division (B) (2) of this section. Subject to 1119
division (F) of this section, the superintendent shall report 1120
the findings of the criminal records check and any information 1121
the federal bureau of investigation provides to the director of 1122
public safety. 1123

(8) On receipt of a request pursuant to section 1321.37, 1124
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1125
Code, a completed form prescribed pursuant to division (C) (1) of 1126
this section, and a set of fingerprint impressions obtained in 1127
the manner described in division (C) (2) of this section, the 1128
superintendent of the bureau of criminal identification and 1129
investigation shall conduct a criminal records check with 1130
respect to any person who has applied for a license, permit, or 1131
certification from the department of commerce or a division in 1132
the department. The superintendent shall conduct the criminal 1133
records check in the manner described in division (B) of this 1134
section to determine whether any information exists that 1135
indicates that the person who is the subject of the request 1136

previously has been convicted of ~~or pleaded guilty to any of the~~ 1137
~~following: a violation of section 2913.02, 2913.11, 2913.31,~~ 1138
~~2913.51, or 2925.03 of the Revised Code; any other criminal~~ 1139
~~offense involving theft, receiving stolen property,~~ 1140
~~embezzlement, forgery, fraud, passing bad checks, money~~ 1141
~~laundering, or drug trafficking, or any criminal offense~~ 1142
~~involving money or securities, as set forth in Chapters 2909.,~~ 1143
~~2911., 2913., 2915., 2921., 2923., and 2925. of the Revised~~ 1144
~~Code; or any existing or former law of in this state, any other~~ 1145
~~state, or the United States that is substantially equivalent to~~ 1146
~~those offenses.~~ 1147

(9) On receipt of a request for a criminal records check 1148
from the treasurer of state under section 113.041 of the Revised 1149
Code or from an individual under section 4701.08, 4715.101, 1150
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1151
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1152
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1153
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1154
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1155
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1156
Code, accompanied by a completed form prescribed under division 1157
(C) (1) of this section and a set of fingerprint impressions 1158
obtained in the manner described in division (C) (2) of this 1159
section, the superintendent of the bureau of criminal 1160
identification and investigation shall conduct a criminal 1161
records check in the manner described in division (B) of this 1162
section to determine whether any information exists that 1163
indicates that the person who is the subject of the request has 1164
been convicted of ~~or pleaded guilty to~~ any criminal offense in 1165
this state or any other state. Subject to division (F) of this 1166
section, the superintendent shall send the results of a check 1167

requested under section 113.041 of the Revised Code to the 1168
treasurer of state and shall send the results of a check 1169
requested under any of the other listed sections to the 1170
licensing board specified by the individual in the request. 1171

(10) On receipt of a request pursuant to division (A) of 1172
section 5104.013 or section 173.381, 1121.23, 1315.141, 1733.47, 1173
~~or 1761.26, or 5123.169~~ of the Revised Code, a completed form 1174
prescribed pursuant to division (C) (1) of this section, and a 1175
set of fingerprint impressions obtained in the manner described 1176
in division (C) (2) of this section, the superintendent of the 1177
bureau of criminal identification and investigation shall 1178
conduct a criminal records check in the manner described in 1179
division (B) of this section to determine whether any 1180
information exists that indicates that the person who is the 1181
subject of the request previously has been convicted of ~~or~~ 1182
~~pleaded guilty to~~ any criminal offense under any existing or 1183
former law of this state, any other state, or the United States. 1184

(11) On receipt of a request for a criminal records check 1185
from an appointing or licensing authority under section 3772.07 1186
of the Revised Code, a completed form prescribed under division 1187
(C) (1) of this section, and a set of fingerprint impressions 1188
obtained in the manner prescribed in division (C) (2) of this 1189
section, the superintendent of the bureau of criminal 1190
identification and investigation shall conduct a criminal 1191
records check in the manner described in division (B) of this 1192
section to determine whether any information exists that 1193
indicates that the person who is the subject of the request 1194
previously has been convicted of ~~or pleaded guilty or no contest~~ 1195
~~to any offense under~~ any existing or former law of this state, 1196
any other state, or the United States that is a disqualifying 1197
offense as defined in section 3772.07 of the Revised Code or 1198

substantially equivalent to such an offense. 1199

(12) On receipt of a request pursuant to section 2151.33 1200
or 2151.412 of the Revised Code, a completed form prescribed 1201
pursuant to division (C)(1) of this section, and a set of 1202
fingerprint impressions obtained in the manner described in 1203
division (C)(2) of this section, the superintendent of the 1204
bureau of criminal identification and investigation shall 1205
conduct a criminal records check with respect to any person for 1206
whom a criminal records check is required under that section. 1207
The superintendent shall conduct the criminal records check in 1208
the manner described in division (B) of this section to 1209
determine whether any information exists that indicates that the 1210
person who is the subject of the request previously has been 1211
convicted of ~~or pleaded guilty to~~ any of the following: 1212

(a) A violation of section 2903.01, 2903.02, 2903.03, 1213
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1214
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1215
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1216
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1217
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1218
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1219
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1220
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1221

(b) An existing or former law of this state, any other 1222
state, or the United States that is substantially equivalent to 1223
any of the offenses listed in division (A)(12)(a) of this 1224
section. 1225

(13) On receipt of a request pursuant to section 3796.12 1226
of the Revised Code, a completed form prescribed pursuant to 1227
division (C)(1) of this section, and a set of fingerprint 1228

impressions obtained in a manner described in division (C) (2) of 1229
this section, the superintendent of the bureau of criminal 1230
identification and investigation shall conduct a criminal 1231
records check in the manner described in division (B) of this 1232
section to determine whether any information exists that 1233
indicates that the person who is the subject of the request 1234
previously has been convicted of ~~or pleaded guilty to~~ the 1235
following: 1236

(a) A disqualifying offense as specified in rules adopted 1237
under section 9.79 and division (B) (2) (b) of section 3796.03 of 1238
the Revised Code if the person who is the subject of the request 1239
is an administrator or other person responsible for the daily 1240
operation of, or an owner or prospective owner, officer or 1241
prospective officer, or board member or prospective board member 1242
of, an entity seeking a license from the department of commerce 1243
under Chapter 3796. of the Revised Code; 1244

(b) A disqualifying offense as specified in rules adopted 1245
under section 9.79 and division (B) (2) (b) of section 3796.04 of 1246
the Revised Code if the person who is the subject of the request 1247
is an administrator or other person responsible for the daily 1248
operation of, or an owner or prospective owner, officer or 1249
prospective officer, or board member or prospective board member 1250
of, an entity seeking a license from the state board of pharmacy 1251
under Chapter 3796. of the Revised Code. 1252

(14) On receipt of a request required by section 3796.13 1253
of the Revised Code, a completed form prescribed pursuant to 1254
division (C) (1) of this section, and a set of fingerprint 1255
impressions obtained in a manner described in division (C) (2) of 1256
this section, the superintendent of the bureau of criminal 1257
identification and investigation shall conduct a criminal 1258

records check in the manner described in division (B) of this 1259
section to determine whether any information exists that 1260
indicates that the person who is the subject of the request 1261
previously has been convicted of ~~or pleaded guilty to~~ the 1262
following: 1263

(a) A disqualifying offense as specified in rules adopted 1264
under division (B) (8) (a) of section 3796.03 of the Revised Code 1265
if the person who is the subject of the request is seeking 1266
employment with an entity licensed by the department of commerce 1267
under Chapter 3796. of the Revised Code; 1268

(b) A disqualifying offense as specified in rules adopted 1269
under division (B) (14) (a) of section 3796.04 of the Revised Code 1270
if the person who is the subject of the request is seeking 1271
employment with an entity licensed by the state board of 1272
pharmacy under Chapter 3796. of the Revised Code. 1273

(B) Subject to division (F) of this section, the 1274
superintendent shall conduct any criminal records check to be 1275
conducted under this section as follows: 1276

(1) The superintendent shall review or cause to be 1277
reviewed any relevant information gathered and compiled by the 1278
bureau under division (A) of section 109.57 of the Revised Code 1279
that relates to the person who is the subject of the criminal 1280
records check, including, if the criminal records check was 1281
requested under section 113.041, 121.08, 173.27, 173.38, 1282
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1283
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1284
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 1285
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 1286
5123.081, 5123.169, or 5153.111 of the Revised Code, any 1287
relevant information contained in records that have been sealed 1288

under section 2953.32 of the Revised Code; 1289

(2) If the request received by the superintendent asks for 1290
information from the federal bureau of investigation, the 1291
superintendent shall request from the federal bureau of 1292
investigation any information it has with respect to the person 1293
who is the subject of the criminal records check, including 1294
fingerprint-based checks of national crime information databases 1295
as described in 42 U.S.C. 671 if the request is made pursuant to 1296
section 2151.86 or 5104.013 of the Revised Code or if any other 1297
Revised Code section requires fingerprint-based checks of that 1298
nature, and shall review or cause to be reviewed any information 1299
the superintendent receives from that bureau. If a request under 1300
section 3319.39 of the Revised Code asks only for information 1301
from the federal bureau of investigation, the superintendent 1302
shall not conduct the review prescribed by division (B) (1) of 1303
this section. 1304

(3) The superintendent or the superintendent's designee 1305
may request criminal history records from other states or the 1306
federal government pursuant to the national crime prevention and 1307
privacy compact set forth in section 109.571 of the Revised 1308
Code. 1309

(4) The superintendent shall include in the results of the 1310
criminal records check a list or description of the offenses 1311
listed or described in division (A) (1), (2), (3), (4), (5), (6), 1312
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 1313
whichever division requires the superintendent to conduct the 1314
criminal records check. The superintendent shall exclude from 1315
the results any information the dissemination of which is 1316
prohibited by federal law. 1317

(5) The superintendent shall send the results of the 1318

criminal records check to the person to whom it is to be sent 1319
not later than the following number of days after the date the 1320
superintendent receives the request for the criminal records 1321
check, the completed form prescribed under division (C) (1) of 1322
this section, and the set of fingerprint impressions obtained in 1323
the manner described in division (C) (2) of this section: 1324

(a) If the superintendent is required by division (A) of 1325
this section (other than division (A) (3) of this section) to 1326
conduct the criminal records check, thirty; 1327

(b) If the superintendent is required by division (A) (3) 1328
of this section to conduct the criminal records check, sixty. 1329

(C) (1) The superintendent shall prescribe a form to obtain 1330
the information necessary to conduct a criminal records check 1331
from any person for whom a criminal records check is to be 1332
conducted under this section. The form that the superintendent 1333
prescribes pursuant to this division may be in a tangible 1334
format, in an electronic format, or in both tangible and 1335
electronic formats. 1336

(2) The superintendent shall prescribe standard impression 1337
sheets to obtain the fingerprint impressions of any person for 1338
whom a criminal records check is to be conducted under this 1339
section. Any person for whom a records check is to be conducted 1340
under this section shall obtain the fingerprint impressions at a 1341
county sheriff's office, municipal police department, or any 1342
other entity with the ability to make fingerprint impressions on 1343
the standard impression sheets prescribed by the superintendent. 1344
The office, department, or entity may charge the person a 1345
reasonable fee for making the impressions. The standard 1346
impression sheets the superintendent prescribes pursuant to this 1347
division may be in a tangible format, in an electronic format, 1348

or in both tangible and electronic formats. 1349

(3) Subject to division (D) of this section, the 1350
superintendent shall prescribe and charge a reasonable fee for 1351
providing a criminal records check under this section. The 1352
person requesting the criminal records check shall pay the fee 1353
prescribed pursuant to this division. In the case of a request 1354
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1355
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1356
fee shall be paid in the manner specified in that section. 1357

(4) The superintendent of the bureau of criminal 1358
identification and investigation may prescribe methods of 1359
forwarding fingerprint impressions and information necessary to 1360
conduct a criminal records check, which methods shall include, 1361
but not be limited to, an electronic method. 1362

(D) The results of a criminal records check conducted 1363
under this section, other than a criminal records check 1364
specified in division (A)(7) of this section, are valid for the 1365
person who is the subject of the criminal records check for a 1366
period of one year from the date upon which the superintendent 1367
completes the criminal records check. If during that period the 1368
superintendent receives another request for a criminal records 1369
check to be conducted under this section for that person, the 1370
superintendent shall provide the results from the previous 1371
criminal records check of the person at a lower fee than the fee 1372
prescribed for the initial criminal records check. 1373

(E) When the superintendent receives a request for 1374
information from a registered private provider, the 1375
superintendent shall proceed as if the request was received from 1376
a school district board of education under section 3319.39 of 1377
the Revised Code. The superintendent shall apply division (A)(1) 1378

(c) of this section to any such request for an applicant who is 1379
a teacher. 1380

(F) (1) Subject to division (F) (2) of this section, all 1381
information regarding the results of a criminal records check 1382
conducted under this section that the superintendent reports or 1383
sends under division (A) (7) or (9) of this section to the 1384
director of public safety, the treasurer of state, or the 1385
person, board, or entity that made the request for the criminal 1386
records check shall relate to the conviction of the subject 1387
person, ~~or the subject person's plea of guilty to, a criminal-~~ 1388
~~offense.~~ 1389

(2) Division (F) (1) of this section does not limit, 1390
restrict, or preclude the superintendent's release of 1391
information that relates to the arrest of a person who is 1392
eighteen years of age or older, to an adjudication of a child as 1393
a delinquent child, or to a criminal conviction of a person 1394
under eighteen years of age in circumstances in which a release 1395
of that nature is authorized under division (E) (2), (3), or (4) 1396
of section 109.57 of the Revised Code pursuant to a rule adopted 1397
under division (E) (1) of that section. 1398

(G) As used in this section: 1399

(1) "Criminal records check" means any criminal records 1400
check conducted by the superintendent of the bureau of criminal 1401
identification and investigation in accordance with division (B) 1402
of this section. 1403

(2) "Minor drug possession offense" has the same meaning 1404
as in section 2925.01 of the Revised Code. 1405

(3) "OVI or OVUAC violation" means a violation of section 1406
4511.19 of the Revised Code or a violation of an existing or 1407

former law of this state, any other state, or the United States 1408
that is substantially equivalent to section 4511.19 of the 1409
Revised Code. 1410

(4) "Registered private provider" means a nonpublic school 1411
or entity registered with the superintendent of public 1412
instruction under section 3310.41 of the Revised Code to 1413
participate in the autism scholarship program or section 3310.58 1414
of the Revised Code to participate in the Jon Peterson special 1415
needs scholarship program. 1416

Sec. 109.77. (A) As used in this section: 1417

(1) "Felony" has the same meaning as in section 109.511 of 1418
the Revised Code. 1419

(2) "Companion animal" has the same meaning as in section 1420
959.131 of the Revised Code. 1421

(B) (1) Notwithstanding any general, special, or local law 1422
or charter to the contrary, and except as otherwise provided in 1423
this section, no person shall receive an original appointment on 1424
a permanent basis as any of the following unless the person 1425
previously has been awarded a certificate by the executive 1426
director of the Ohio peace officer training commission attesting 1427
to the person's satisfactory completion of an approved state, 1428
county, municipal, or department of natural resources peace 1429
officer basic training program: 1430

(a) A peace officer of any county, township, municipal 1431
corporation, regional transit authority, or metropolitan housing 1432
authority; 1433

(b) A natural resources law enforcement staff officer, 1434
forest-fire investigator, wildlife officer, or natural resources 1435
officer of the department of natural resources; 1436

(c) An employee of a park district under section 511.232	1437
or 1545.13 of the Revised Code;	1438
(d) An employee of a conservancy district who is	1439
designated pursuant to section 6101.75 of the Revised Code;	1440
(e) A state university law enforcement officer;	1441
(f) A special police officer employed by the department of	1442
mental health and addiction services pursuant to section 5119.08	1443
of the Revised Code or the department of developmental	1444
disabilities pursuant to section 5123.13 of the Revised Code;	1445
(g) An enforcement agent of the department of public	1446
safety whom the director of public safety designates under	1447
section 5502.14 of the Revised Code;	1448
(h) A special police officer employed by a port authority	1449
under section 4582.04 or 4582.28 of the Revised Code;	1450
(i) A special police officer employed by a municipal	1451
corporation at a municipal airport, or other municipal air	1452
navigation facility, that has scheduled operations, as defined	1453
in section 119.3 of Title 14 of the Code of Federal Regulations,	1454
14 C.F.R. 119.3, as amended, and that is required to be under a	1455
security program and is governed by aviation security rules of	1456
the transportation security administration of the United States	1457
department of transportation as provided in Parts 1542. and	1458
1544. of Title 49 of the Code of Federal Regulations, as	1459
amended;	1460
(j) A gaming agent employed under section 3772.03 of the	1461
Revised Code.	1462
(2) Every person who is appointed on a temporary basis or	1463
for a probationary term or on other than a permanent basis as	1464

any of the following shall forfeit the appointed position unless 1465
the person previously has completed satisfactorily or, within 1466
the time prescribed by rules adopted by the attorney general 1467
pursuant to section 109.74 of the Revised Code, satisfactorily 1468
completes a state, county, municipal, or department of natural 1469
resources peace officer basic training program for temporary or 1470
probationary officers and is awarded a certificate by the 1471
director attesting to the satisfactory completion of the 1472
program: 1473

(a) A peace officer of any county, township, municipal 1474
corporation, regional transit authority, or metropolitan housing 1475
authority; 1476

(b) A natural resources law enforcement staff officer, 1477
park officer, forest officer, preserve officer, wildlife 1478
officer, or state watercraft officer of the department of 1479
natural resources; 1480

(c) An employee of a park district under section 511.232 1481
or 1545.13 of the Revised Code; 1482

(d) An employee of a conservancy district who is 1483
designated pursuant to section 6101.75 of the Revised Code; 1484

(e) A special police officer employed by the department of 1485
mental health and addiction services pursuant to section 5119.08 1486
of the Revised Code or the department of developmental 1487
disabilities pursuant to section 5123.13 of the Revised Code; 1488

(f) An enforcement agent of the department of public 1489
safety whom the director of public safety designates under 1490
section 5502.14 of the Revised Code; 1491

(g) A special police officer employed by a port authority 1492
under section 4582.04 or 4582.28 of the Revised Code; 1493

(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training on companion animal encounters and companion animal behavior. The requirement to complete training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code does not apply to any person serving as a peace officer on March 27, 1979, and the requirement to complete training in crisis intervention does not apply to any person serving as a peace officer on April 4, 1985. Any person who is serving as a peace officer on April 4, 1985, who terminates that employment after that date, and who subsequently is hired as a

peace officer by the same or another law enforcement agency 1525
shall complete training in crisis intervention as prescribed by 1526
rules adopted by the attorney general pursuant to section 1527
109.742 of the Revised Code. No peace officer shall have 1528
employment as a peace officer terminated and then be reinstated 1529
with intent to circumvent this section. 1530

(4) Division (B) of this section does not apply to any 1531
person serving on a permanent basis on March 28, 1985, as a park 1532
officer, forest officer, preserve officer, wildlife officer, or 1533
state watercraft officer of the department of natural resources 1534
or as an employee of a park district under section 511.232 or 1535
1545.13 of the Revised Code, to any person serving on a 1536
permanent basis on March 6, 1986, as an employee of a 1537
conservancy district designated pursuant to section 6101.75 of 1538
the Revised Code, to any person serving on a permanent basis on 1539
January 10, 1991, as a preserve officer of the department of 1540
natural resources, to any person employed on a permanent basis 1541
on July 2, 1992, as a special police officer by the department 1542
of mental health and addiction services pursuant to section 1543
5119.08 of the Revised Code or by the department of 1544
developmental disabilities pursuant to section 5123.13 of the 1545
Revised Code, to any person serving on a permanent basis on May 1546
17, 2000, as a special police officer employed by a port 1547
authority under section 4582.04 or 4582.28 of the Revised Code, 1548
to any person serving on a permanent basis on March 19, 2003, as 1549
a special police officer employed by a municipal corporation at 1550
a municipal airport or other municipal air navigation facility 1551
described in division (A) (19) of section 109.71 of the Revised 1552
Code, to any person serving on a permanent basis on June 19, 1553
1978, as a state university law enforcement officer pursuant to 1554
section 3345.04 of the Revised Code and who, immediately prior 1555

to June 19, 1978, was serving as a special police officer 1556
designated under authority of that section, or to any person 1557
serving on a permanent basis on September 20, 1984, as a liquor 1558
control investigator, known after June 30, 1999, as an 1559
enforcement agent of the department of public safety, engaged in 1560
the enforcement of Chapters 4301. and 4303. of the Revised Code. 1561

(5) Division (B) of this section does not apply to any 1562
person who is appointed as a regional transit authority police 1563
officer pursuant to division (Y) of section 306.35 of the 1564
Revised Code if, on or before July 1, 1996, the person has 1565
completed satisfactorily an approved state, county, municipal, 1566
or department of natural resources peace officer basic training 1567
program and has been awarded a certificate by the executive 1568
director of the Ohio peace officer training commission attesting 1569
to the person's satisfactory completion of such an approved 1570
program and if, on July 1, 1996, the person is performing peace 1571
officer functions for a regional transit authority. 1572

(C) No person, after September 20, 1984, shall receive an 1573
original appointment on a permanent basis as a veterans' home 1574
police officer designated under section 5907.02 of the Revised 1575
Code unless the person previously has been awarded a certificate 1576
by the executive director of the Ohio peace officer training 1577
commission attesting to the person's satisfactory completion of 1578
an approved police officer basic training program. Every person 1579
who is appointed on a temporary basis or for a probationary term 1580
or on other than a permanent basis as a veterans' home police 1581
officer designated under section 5907.02 of the Revised Code 1582
shall forfeit that position unless the person previously has 1583
completed satisfactorily or, within one year from the time of 1584
appointment, satisfactorily completes an approved police officer 1585
basic training program. 1586

(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following:

(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program approved by the Ohio peace officer training commission prior to employment as a bailiff, deputy bailiff, or criminal investigator;

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in the case of a criminal investigator, by the state public defender and has received training in the use of firearms that the Ohio peace officer training commission determines is equivalent to the training that otherwise is required by division (D) of this section.

(E) (1) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director of the Ohio peace officer training commission shall request the person to disclose, and the person shall disclose, any previous criminal conviction of ~~or plea of guilty of that person to a felony~~ a disqualifying offense, as specified under

section 9.79 of the Revised Code. 1617

(2) Before a person seeking a certificate completes an 1618
approved peace officer basic training program, the executive 1619
director shall request a criminal history records check on the 1620
person. The executive director shall submit the person's 1621
fingerprints to the bureau of criminal identification and 1622
investigation, which shall submit the fingerprints to the 1623
federal bureau of investigation for a national criminal history 1624
records check. 1625

Upon receipt of the executive director's request, the 1626
bureau of criminal identification and investigation and the 1627
federal bureau of investigation shall conduct a criminal history 1628
records check on the person and, upon completion of the check, 1629
shall provide a copy of the criminal history records check to 1630
the executive director. The executive director shall not award 1631
any certificate prescribed in this section unless the executive 1632
director has received a copy of the criminal history records 1633
check on the person to whom the certificate is to be awarded. 1634

(3) The executive director of the commission shall not 1635
award a certificate prescribed in this section to a person who 1636
has been convicted of ~~or has pleaded guilty to a felony~~ 1637
disqualifying offense, as specified under section 9.79 of the 1638
Revised Code, or who fails to disclose any previous criminal 1639
conviction of ~~or plea of guilty to a felony~~ disqualifying 1640
offense as required under division (E)(1) of this section. 1641

(4) The executive director of the commission shall revoke 1642
the certificate awarded to a person as prescribed in this 1643
section, and that person shall forfeit all of the benefits 1644
derived from being certified as a peace officer under this 1645
section, if the person, before completion of an approved peace 1646

officer basic training program, failed to disclose any previous 1647
criminal conviction of ~~or plea of guilty to a felony~~ 1648
disqualifying offense as required under division (E) (1) of this 1649
section. 1650

(F) (1) Regardless of whether the person has been awarded 1651
the certificate or has been classified as a peace officer prior 1652
to, on, or after October 16, 1996, the executive director of the 1653
Ohio peace officer training commission shall revoke any 1654
certificate that has been awarded to a person as prescribed in 1655
this section if the person does either of the following: 1656

(a) Pleads guilty to a felony committed on or after 1657
January 1, 1997 but before the effective date of this amendment; 1658

(b) Pleads guilty to a misdemeanor committed on or after 1659
January 1, 1997, pursuant to a negotiated plea agreement as 1660
provided in division (D) of section 2929.43 of the Revised Code 1661
in which the person agrees to surrender the certificate awarded 1662
to the person under this section. 1663

(2) The executive director of the commission shall suspend 1664
any certificate that has been awarded to a person as prescribed 1665
in this section if the person is convicted, after trial, of a 1666
felony committed on or after January 1, 1997, but before the 1667
effective date of this amendment, or convicted of a 1668
disqualifying offense, as specified under section 9.79 of the 1669
Revised Code on or after the effective date of this amendment. 1670

The executive director shall suspend the certificate pursuant to 1671
division (F) (2) of this section pending the outcome of an appeal 1672
by the person from that conviction to the highest court to which 1673
the appeal is taken or until the expiration of the period in 1674
which an appeal is required to be filed. If the person files an 1675
appeal that results in that person's acquittal ~~of the felony or~~ 1676

~~conviction of a misdemeanor,~~ or in the dismissal of the ~~felony~~ charge against that person that would constitute a disqualifying offense, the executive director shall reinstate the certificate awarded to the person under this section. If the person files an appeal from that person's conviction ~~of the felony~~ and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the executive director shall revoke the certificate awarded to the person under this section.

(G) (1) If a person is awarded a certificate under this section and the certificate is revoked pursuant to division (E) (4) or (F) of this section, the person shall not be eligible to receive, at any time, a certificate attesting to the person's satisfactory completion of a peace officer basic training program.

(2) The revocation or suspension of a certificate under division (E) (4) or (F) of this section shall be in accordance with Chapter 119. of the Revised Code.

(H) (1) A person who was employed as a peace officer of a county, township, or municipal corporation of the state on January 1, 1966, and who has completed at least sixteen years of full-time active service as such a peace officer, or equivalent service as determined by the executive director of the Ohio peace officer training commission, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.

(2) Any person who held an appointment as a state highway trooper on January 1, 1966, may receive an original appointment

on a permanent basis and serve as a peace officer of a county, 1707
township, or municipal corporation, or as a state university law 1708
enforcement officer, without complying with the requirements of 1709
division (B) of this section. 1710

(I) No person who is appointed as a peace officer of a 1711
county, township, or municipal corporation on or after April 9, 1712
1985, shall serve as a peace officer of that county, township, 1713
or municipal corporation unless the person has received training 1714
in the handling of missing children and child abuse and neglect 1715
cases from an approved state, county, township, or municipal 1716
police officer basic training program or receives the training 1717
within the time prescribed by rules adopted by the attorney 1718
general pursuant to section 109.741 of the Revised Code. 1719

(J) No part of any approved state, county, or municipal 1720
basic training program for bailiffs and deputy bailiffs of 1721
courts of record and no part of any approved state, county, or 1722
municipal basic training program for criminal investigators 1723
employed by the state public defender shall be used as credit 1724
toward the completion by a peace officer of any part of the 1725
approved state, county, or municipal peace officer basic 1726
training program that the peace officer is required by this 1727
section to complete satisfactorily. 1728

(K) This section does not apply to any member of the 1729
police department of a municipal corporation in an adjoining 1730
state serving in this state under a contract pursuant to section 1731
737.04 of the Revised Code. 1732

Sec. 119.12. (A) (1) Except as provided in division (A) (2) 1733
or (3) of this section, any party adversely affected by any 1734
order of an agency issued pursuant to an adjudication denying an 1735
applicant admission to an examination, or denying the issuance 1736

or renewal of a license or registration of a licensee, or 1737
revoking or suspending a license, or allowing the payment of a 1738
forfeiture under section 4301.252 of the Revised Code may appeal 1739
from the order of the agency to the court of common pleas of the 1740
county in which the place of business of the licensee is located 1741
or the county in which the licensee is a resident. 1742

(2) An appeal from an order described in division (A) (1) 1743
of this section issued by any of the following agencies shall be 1744
made to the court of common pleas of Franklin county: 1745

(a) The liquor control commission; 1746

(b) The Ohio casino control commission; 1747

(c) The state medical board; 1748

~~(e)~~ (d) The state chiropractic board; 1749

~~(d)~~ (e) The board of nursing; 1750

~~(e)~~ (f) The bureau of workers' compensation regarding 1751
participation in the health partnership program created in 1752
sections 4121.44 and 4121.441 of the Revised Code. 1753

(3) If any party appealing from an order described in 1754
division (A) (1) of this section is not a resident of and has no 1755
place of business in this state, the party may appeal to the 1756
court of common pleas of Franklin county. 1757

(B) Any party adversely affected by any order of an agency 1758
issued pursuant to any other adjudication may appeal to the 1759
court of common pleas of Franklin county, except that appeals 1760
from orders of the fire marshal issued under Chapter 3737. of 1761
the Revised Code may be to the court of common pleas of the 1762
county in which the building of the aggrieved person is located 1763
and except that appeals under division (B) of section 124.34 of 1764

the Revised Code from a decision of the state personnel board of 1765
review or a municipal or civil service township civil service 1766
commission shall be taken to the court of common pleas of the 1767
county in which the appointing authority is located or, in the 1768
case of an appeal by the department of rehabilitation and 1769
correction, to the court of common pleas of Franklin county. 1770

(C) This section does not apply to appeals from the 1771
department of taxation. 1772

(D) Any party desiring to appeal shall file a notice of 1773
appeal with the agency setting forth the order appealed from and 1774
stating that the agency's order is not supported by reliable, 1775
probative, and substantial evidence and is not in accordance 1776
with law. The notice of appeal may, but need not, set forth the 1777
specific grounds of the party's appeal beyond the statement that 1778
the agency's order is not supported by reliable, probative, and 1779
substantial evidence and is not in accordance with law. The 1780
notice of appeal shall also be filed by the appellant with the 1781
court. In filing a notice of appeal with the agency or court, 1782
the notice that is filed may be either the original notice or a 1783
copy of the original notice. Unless otherwise provided by law 1784
relating to a particular agency, notices of appeal shall be 1785
filed within fifteen days after the mailing of the notice of the 1786
agency's order as provided in this section. For purposes of this 1787
paragraph, an order includes a determination appealed pursuant 1788
to division (C) of section 119.092 of the Revised Code. The 1789
amendments made to this paragraph by Sub. H.B. 215 of the 128th 1790
general assembly are procedural, and this paragraph as amended 1791
by those amendments shall be applied retrospectively to all 1792
appeals pursuant to this paragraph filed before September 13, 1793
2010, but not earlier than May 7, 2009, which was the date the 1794
supreme court of Ohio released its opinion and judgment in 1795

Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs. (2009), 1796
121 Ohio St.3d 622. 1797

(E) The filing of a notice of appeal shall not 1798
automatically operate as a suspension of the order of an agency. 1799
If it appears to the court that an unusual hardship to the 1800
appellant will result from the execution of the agency's order 1801
pending determination of the appeal, the court may grant a 1802
suspension and fix its terms. If an appeal is taken from the 1803
judgment of the court and the court has previously granted a 1804
suspension of the agency's order as provided in this section, 1805
the suspension of the agency's order shall not be vacated and 1806
shall be given full force and effect until the matter is finally 1807
adjudicated. No renewal of a license or permit shall be denied 1808
by reason of the suspended order during the period of the appeal 1809
from the decision of the court of common pleas. In the case of 1810
an appeal from the Ohio casino control commission, the state 1811
medical board, or the state chiropractic board, the court may 1812
grant a suspension and fix its terms if it appears to the court 1813
that an unusual hardship to the appellant will result from the 1814
execution of the agency's order pending determination of the 1815
appeal and the health, safety, and welfare of the public will 1816
not be threatened by suspension of the order. This provision 1817
shall not be construed to limit the factors the court may 1818
consider in determining whether to suspend an order of any other 1819
agency pending determination of an appeal. 1820

(F) The final order of adjudication may apply to any 1821
renewal of a license or permit which has been granted during the 1822
period of the appeal. 1823

(G) Notwithstanding any other provision of this section, 1824
any order issued by a court of common pleas or a court of 1825

appeals suspending the effect of an order of the liquor control 1826
commission issued pursuant to Chapter 4301. or 4303. of the 1827
Revised Code that suspends, revokes, or cancels a permit issued 1828
under Chapter 4303. of the Revised Code or that allows the 1829
payment of a forfeiture under section 4301.252 of the Revised 1830
Code shall terminate not more than six months after the date of 1831
the filing of the record of the liquor control commission with 1832
the clerk of the court of common pleas and shall not be 1833
extended. The court of common pleas, or the court of appeals on 1834
appeal, shall render a judgment in that matter within six months 1835
after the date of the filing of the record of the liquor control 1836
commission with the clerk of the court of common pleas. A court 1837
of appeals shall not issue an order suspending the effect of an 1838
order of the liquor control commission that extends beyond six 1839
months after the date on which the record of the liquor control 1840
commission is filed with a court of common pleas. 1841

(H) Notwithstanding any other provision of this section, 1842
any order issued by a court of common pleas or a court of 1843
appeals suspending the effect of an order of the Ohio casino 1844
control commission issued under Chapter 3772. of the Revised 1845
Code that limits, conditions, restricts, suspends, revokes, 1846
denies, not renews, fines, or otherwise penalizes an applicant, 1847
licensee, or person excluded or ejected from a casino facility 1848
in accordance with section 3772.031 of the Revised Code shall 1849
terminate not more than six months after the date of the filing 1850
of the record of the Ohio casino control commission with the 1851
clerk of the court of common pleas and shall not be extended. 1852
The court of common pleas, or the court of appeals on appeal, 1853
shall render a judgment in that matter within six months after 1854
the date of the filing of the record of the Ohio casino control 1855
commission with the clerk of the court of common pleas. A court 1856

of appeals shall not issue an order suspending the effect of an 1857
order of the Ohio casino control commission that extends beyond 1858
six months after the date on which the record of the Ohio casino 1859
control commission is filed with the clerk of a court of common 1860
pleas. 1861

(I) Notwithstanding any other provision of this section, 1862
any order issued by a court of common pleas suspending the 1863
effect of an order of the state medical board or state 1864
chiropractic board that limits, revokes, suspends, places on 1865
probation, or refuses to register or reinstate a certificate 1866
issued by the board or reprimands the holder of the certificate 1867
shall terminate not more than fifteen months after the date of 1868
the filing of a notice of appeal in the court of common pleas, 1869
or upon the rendering of a final decision or order in the appeal 1870
by the court of common pleas, whichever occurs first. 1871

~~(I)~~ (J) Within thirty days after receipt of a notice of 1872
appeal from an order in any case in which a hearing is required 1873
by sections 119.01 to 119.13 of the Revised Code, the agency 1874
shall prepare and certify to the court a complete record of the 1875
proceedings in the case. Failure of the agency to comply within 1876
the time allowed, upon motion, shall cause the court to enter a 1877
finding in favor of the party adversely affected. Additional 1878
time, however, may be granted by the court, not to exceed thirty 1879
days, when it is shown that the agency has made substantial 1880
effort to comply. The record shall be prepared and transcribed, 1881
and the expense of it shall be taxed as a part of the costs on 1882
the appeal. The appellant shall provide security for costs 1883
satisfactory to the court of common pleas. Upon demand by any 1884
interested party, the agency shall furnish at the cost of the 1885
party requesting it a copy of the stenographic report of 1886
testimony offered and evidence submitted at any hearing and a 1887

copy of the complete record. 1888

~~(J)~~ (K) Notwithstanding any other provision of this 1889
section, any party desiring to appeal an order or decision of 1890
the state personnel board of review shall, at the time of filing 1891
a notice of appeal with the board, provide a security deposit in 1892
an amount and manner prescribed in rules that the board shall 1893
adopt in accordance with this chapter. In addition, the board is 1894
not required to prepare or transcribe the record of any of its 1895
proceedings unless the appellant has provided the deposit 1896
described above. The failure of the board to prepare or 1897
transcribe a record for an appellant who has not provided a 1898
security deposit shall not cause a court to enter a finding 1899
adverse to the board. 1900

~~(K)~~ (L) Unless otherwise provided by law, in the hearing of 1901
the appeal, the court is confined to the record as certified to 1902
it by the agency. Unless otherwise provided by law, the court 1903
may grant a request for the admission of additional evidence 1904
when satisfied that the additional evidence is newly discovered 1905
and could not with reasonable diligence have been ascertained 1906
prior to the hearing before the agency. 1907

~~(L)~~ (M) The court shall conduct a hearing on the appeal and 1908
shall give preference to all proceedings under sections 119.01 1909
to 119.13 of the Revised Code, over all other civil cases, 1910
irrespective of the position of the proceedings on the calendar 1911
of the court. An appeal from an order of the state medical board 1912
issued pursuant to division ~~(G)~~ (F) of either section 4730.25 or 1913
4731.22 of the Revised Code, the state chiropractic board issued 1914
pursuant to section 4734.37 of the Revised Code, the liquor 1915
control commission issued pursuant to Chapter 4301. or 4303. of 1916
the Revised Code, or the Ohio casino control commission issued 1917

pursuant to Chapter 3772. of the Revised Code shall be set down 1918
for hearing at the earliest possible time and takes precedence 1919
over all other actions. The hearing in the court of common pleas 1920
shall proceed as in the trial of a civil action, and the court 1921
shall determine the rights of the parties in accordance with the 1922
laws applicable to a civil action. At the hearing, counsel may 1923
be heard on oral argument, briefs may be submitted, and evidence 1924
may be introduced if the court has granted a request for the 1925
presentation of additional evidence. 1926

~~(M)~~ (N) The court may affirm the order of the agency 1927
complained of in the appeal if it finds, upon consideration of 1928
the entire record and any additional evidence the court has 1929
admitted, that the order is supported by reliable, probative, 1930
and substantial evidence and is in accordance with law. In the 1931
absence of this finding, it may reverse, vacate, or modify the 1932
order or make such other ruling as is supported by reliable, 1933
probative, and substantial evidence and is in accordance with 1934
law. The court shall award compensation for fees in accordance 1935
with section 2335.39 of the Revised Code to a prevailing party, 1936
other than an agency, in an appeal filed pursuant to this 1937
section. 1938

~~(N)~~ (O) The judgment of the court shall be final and 1939
conclusive unless reversed, vacated, or modified on appeal. 1940
These appeals may be taken either by the party or the agency, 1941
shall proceed as in the case of appeals in civil actions, and 1942
shall be pursuant to the Rules of Appellate Procedure and, to 1943
the extent not in conflict with those rules, Chapter 2505. of 1944
the Revised Code. An appeal by the agency shall be taken on 1945
questions of law relating to the constitutionality, 1946
construction, or interpretation of statutes and rules of the 1947
agency, and, in the appeal, the court may also review and 1948

determine the correctness of the judgment of the court of common 1949
pleas that the order of the agency is not supported by any 1950
reliable, probative, and substantial evidence in the entire 1951
record. 1952

The court shall certify its judgment to the agency or take 1953
any other action necessary to give its judgment effect. 1954

Sec. 121.22. (A) This section shall be liberally construed 1955
to require public officials to take official action and to 1956
conduct all deliberations upon official business only in open 1957
meetings unless the subject matter is specifically excepted by 1958
law. 1959

(B) As used in this section: 1960

(1) "Public body" means any of the following: 1961

(a) Any board, commission, committee, council, or similar 1962
decision-making body of a state agency, institution, or 1963
authority, and any legislative authority or board, commission, 1964
committee, council, agency, authority, or similar decision- 1965
making body of any county, township, municipal corporation, 1966
school district, or other political subdivision or local public 1967
institution; 1968

(b) Any committee or subcommittee of a body described in 1969
division (B) (1) (a) of this section; 1970

(c) A court of jurisdiction of a sanitary district 1971
organized wholly for the purpose of providing a water supply for 1972
domestic, municipal, and public use when meeting for the purpose 1973
of the appointment, removal, or reappointment of a member of the 1974
board of directors of such a district pursuant to section 1975
6115.10 of the Revised Code, if applicable, or for any other 1976
matter related to such a district other than litigation 1977

involving the district. As used in division (B) (1) (c) of this 1978
section, "court of jurisdiction" has the same meaning as "court" 1979
in section 6115.01 of the Revised Code. 1980

(2) "Meeting" means any prearranged discussion of the 1981
public business of the public body by a majority of its members. 1982

(3) "Regulated individual" means either of the following: 1983

(a) A student in a state or local public educational 1984
institution; 1985

(b) A person who is, voluntarily or involuntarily, an 1986
inmate, patient, or resident of a state or local institution 1987
because of criminal behavior, mental illness, an intellectual 1988
disability, disease, disability, age, or other condition 1989
requiring custodial care. 1990

(4) "Public office" has the same meaning as in section 1991
149.011 of the Revised Code. 1992

(C) All meetings of any public body are declared to be 1993
public meetings open to the public at all times. A member of a 1994
public body shall be present in person at a meeting open to the 1995
public to be considered present or to vote at the meeting and 1996
for purposes of determining whether a quorum is present at the 1997
meeting. 1998

The minutes of a regular or special meeting of any public 1999
body shall be promptly prepared, filed, and maintained and shall 2000
be open to public inspection. The minutes need only reflect the 2001
general subject matter of discussions in executive sessions 2002
authorized under division (G) or (J) of this section. 2003

(D) This section does not apply to any of the following: 2004

(1) A grand jury; 2005

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	2006 2007 2008
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	2009 2010 2011
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	2012 2013
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	2014 2015 2016 2017 2018 2019
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) <u>(F)</u> of either section 4730.25 or 4731.22 of the Revised Code;	2020 2021 2022 2023
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	2024 2025 2026 2027
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	2028 2029 2030
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	2031 2032 2033

(10) The executive committee of the emergency response 2034
commission when determining whether to issue an enforcement 2035
order or request that a civil action, civil penalty action, or 2036
criminal action be brought to enforce Chapter 3750. of the 2037
Revised Code; 2038

(11) The board of directors of the nonprofit corporation 2039
formed under section 187.01 of the Revised Code or any committee 2040
thereof, and the board of directors of any subsidiary of that 2041
corporation or a committee thereof; 2042

(12) An audit conference conducted by the audit staff of 2043
the department of job and family services with officials of the 2044
public office that is the subject of that audit under section 2045
5101.37 of the Revised Code; 2046

(13) The occupational therapy section of the occupational 2047
therapy, physical therapy, and athletic trainers board when 2048
determining whether to suspend a license or limited permit 2049
without a hearing pursuant to division (D) of section 4755.11 of 2050
the Revised Code; 2051

(14) The physical therapy section of the occupational 2052
therapy, physical therapy, and athletic trainers board when 2053
determining whether to suspend a license without a hearing 2054
pursuant to division (E) of section 4755.47 of the Revised Code; 2055

(15) The athletic trainers section of the occupational 2056
therapy, physical therapy, and athletic trainers board when 2057
determining whether to suspend a license without a hearing 2058
pursuant to division (D) of section 4755.64 of the Revised Code. 2059

(E) The controlling board, the tax credit authority, or 2060
the minority development financing advisory board, when meeting 2061
to consider granting assistance pursuant to Chapter 122. or 166. 2062

of the Revised Code, in order to protect the interest of the 2063
applicant or the possible investment of public funds, by 2064
unanimous vote of all board or authority members present, may 2065
close the meeting during consideration of the following 2066
information confidentially received by the authority or board 2067
from the applicant: 2068

(1) Marketing plans; 2069

(2) Specific business strategy; 2070

(3) Production techniques and trade secrets; 2071

(4) Financial projections; 2072

(5) Personal financial statements of the applicant or 2073
members of the applicant's immediate family, including, but not 2074
limited to, tax records or other similar information not open to 2075
public inspection. 2076

The vote by the authority or board to accept or reject the 2077
application, as well as all proceedings of the authority or 2078
board not subject to this division, shall be open to the public 2079
and governed by this section. 2080

(F) Every public body, by rule, shall establish a 2081
reasonable method whereby any person may determine the time and 2082
place of all regularly scheduled meetings and the time, place, 2083
and purpose of all special meetings. A public body shall not 2084
hold a special meeting unless it gives at least twenty-four 2085
hours' advance notice to the news media that have requested 2086
notification, except in the event of an emergency requiring 2087
immediate official action. In the event of an emergency, the 2088
member or members calling the meeting shall notify the news 2089
media that have requested notification immediately of the time, 2090
place, and purpose of the meeting. 2091

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

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

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

(2) To consider the purchase of property for public 2123
purposes, the sale of property at competitive bidding, or the 2124
sale or other disposition of unneeded, obsolete, or unfit-for- 2125
use property in accordance with section 505.10 of the Revised 2126
Code, if premature disclosure of information would give an 2127
unfair competitive or bargaining advantage to a person whose 2128
personal, private interest is adverse to the general public 2129
interest. No member of a public body shall use division (G) (2) 2130
of this section as a subterfuge for providing covert information 2131
to prospective buyers or sellers. A purchase or sale of public 2132
property is void if the seller or buyer of the public property 2133
has received covert information from a member of a public body 2134
that has not been disclosed to the general public in sufficient 2135
time for other prospective buyers and sellers to prepare and 2136
submit offers. 2137

If the minutes of the public body show that all meetings 2138
and deliberations of the public body have been conducted in 2139
compliance with this section, any instrument executed by the 2140
public body purporting to convey, lease, or otherwise dispose of 2141
any right, title, or interest in any public property shall be 2142
conclusively presumed to have been executed in compliance with 2143
this section insofar as title or other interest of any bona fide 2144
purchasers, lessees, or transferees of the property is 2145
concerned. 2146

(3) Conferences with an attorney for the public body 2147
concerning disputes involving the public body that are the 2148
subject of pending or imminent court action; 2149

(4) Preparing for, conducting, or reviewing negotiations 2150
or bargaining sessions with public employees concerning their 2151
compensation or other terms and conditions of their employment; 2152

(5) Matters required to be kept confidential by federal law or regulations or state statutes;	2153 2154
(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;	2155 2156 2157 2158 2159
(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code;	2160 2161 2162 2163 2164 2165
(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:	2166 2167 2168 2169 2170 2171 2172
(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.	2173 2174 2175 2176 2177 2178 2179 2180
(b) A unanimous quorum of the public body determines, by a	2181

roll call vote, that the executive session is necessary to 2182
protect the interests of the applicant or the possible 2183
investment or expenditure of public funds to be made in 2184
connection with the economic development project. 2185

If a public body holds an executive session to consider 2186
any of the matters listed in divisions (G)(2) to (8) of this 2187
section, the motion and vote to hold that executive session 2188
shall state which one or more of the approved matters listed in 2189
those divisions are to be considered at the executive session. 2190

A public body specified in division (B)(1)(c) of this 2191
section shall not hold an executive session when meeting for the 2192
purposes specified in that division. 2193

(H) A resolution, rule, or formal action of any kind is 2194
invalid unless adopted in an open meeting of the public body. A 2195
resolution, rule, or formal action adopted in an open meeting 2196
that results from deliberations in a meeting not open to the 2197
public is invalid unless the deliberations were for a purpose 2198
specifically authorized in division (G) or (J) of this section 2199
and conducted at an executive session held in compliance with 2200
this section. A resolution, rule, or formal action adopted in an 2201
open meeting is invalid if the public body that adopted the 2202
resolution, rule, or formal action violated division (F) of this 2203
section. 2204

(I)(1) Any person may bring an action to enforce this 2205
section. An action under division (I)(1) of this section shall 2206
be brought within two years after the date of the alleged 2207
violation or threatened violation. Upon proof of a violation or 2208
threatened violation of this section in an action brought by any 2209
person, the court of common pleas shall issue an injunction to 2210
compel the members of the public body to comply with its 2211

provisions. 2212

(2) (a) If the court of common pleas issues an injunction 2213
pursuant to division (I) (1) of this section, the court shall 2214
order the public body that it enjoins to pay a civil forfeiture 2215
of five hundred dollars to the party that sought the injunction 2216
and shall award to that party all court costs and, subject to 2217
reduction as described in division (I) (2) of this section, 2218
reasonable attorney's fees. The court, in its discretion, may 2219
reduce an award of attorney's fees to the party that sought the 2220
injunction or not award attorney's fees to that party if the 2221
court determines both of the following: 2222

(i) That, based on the ordinary application of statutory 2223
law and case law as it existed at the time of violation or 2224
threatened violation that was the basis of the injunction, a 2225
well-informed public body reasonably would believe that the 2226
public body was not violating or threatening to violate this 2227
section; 2228

(ii) That a well-informed public body reasonably would 2229
believe that the conduct or threatened conduct that was the 2230
basis of the injunction would serve the public policy that 2231
underlies the authority that is asserted as permitting that 2232
conduct or threatened conduct. 2233

(b) If the court of common pleas does not issue an 2234
injunction pursuant to division (I) (1) of this section and the 2235
court determines at that time that the bringing of the action 2236
was frivolous conduct, as defined in division (A) of section 2237
2323.51 of the Revised Code, the court shall award to the public 2238
body all court costs and reasonable attorney's fees, as 2239
determined by the court. 2240

(3) Irreparable harm and prejudice to the party that 2241
sought the injunction shall be conclusively and irrebuttably 2242
presumed upon proof of a violation or threatened violation of 2243
this section. 2244

(4) A member of a public body who knowingly violates an 2245
injunction issued pursuant to division (I)(1) of this section 2246
may be removed from office by an action brought in the court of 2247
common pleas for that purpose by the prosecuting attorney or the 2248
attorney general. 2249

(J)(1) Pursuant to division (C) of section 5901.09 of the 2250
Revised Code, a veterans service commission shall hold an 2251
executive session for one or more of the following purposes 2252
unless an applicant requests a public hearing: 2253

(a) Interviewing an applicant for financial assistance 2254
under sections 5901.01 to 5901.15 of the Revised Code; 2255

(b) Discussing applications, statements, and other 2256
documents described in division (B) of section 5901.09 of the 2257
Revised Code; 2258

(c) Reviewing matters relating to an applicant's request 2259
for financial assistance under sections 5901.01 to 5901.15 of 2260
the Revised Code. 2261

(2) A veterans service commission shall not exclude an 2262
applicant for, recipient of, or former recipient of financial 2263
assistance under sections 5901.01 to 5901.15 of the Revised 2264
Code, and shall not exclude representatives selected by the 2265
applicant, recipient, or former recipient, from a meeting that 2266
the commission conducts as an executive session that pertains to 2267
the applicant's, recipient's, or former recipient's application 2268
for financial assistance. 2269

(3) A veterans service commission shall vote on the grant 2270
or denial of financial assistance under sections 5901.01 to 2271
5901.15 of the Revised Code only in an open meeting of the 2272
commission. The minutes of the meeting shall indicate the name, 2273
address, and occupation of the applicant, whether the assistance 2274
was granted or denied, the amount of the assistance if 2275
assistance is granted, and the votes for and against the 2276
granting of assistance. 2277

Sec. 121.621. (A) No person shall be permitted to register 2278
as an executive agency lobbyist under division (A) or (B) of 2279
section 121.62 of the Revised Code if the person is convicted of 2280
~~or pleads guilty to committing on or after the effective date of~~ 2281
~~this section any felony offense listed or described in divisions~~ 2282
~~(A) (1) to (6) of section 101.721 of the Revised Code in the~~ 2283
~~circumstances specified in the particular division a~~ 2284
disqualifying offense, as specified under section 9.79 of the 2285
Revised Code. 2286

(B) If an executive agency lobbyist has registered with 2287
the joint legislative ethics committee under division (A) or (B) 2288
of section 121.62 of the Revised Code ~~and, on or after the~~ 2289
~~effective date of this section~~ and during the period during 2290
which the registration is valid, the executive agency lobbyist 2291
is convicted of ~~or pleads guilty to any felony offense listed or~~ 2292
~~described in divisions (A) (1) to (6) of section 101.721 of the~~ 2293
~~Revised Code in the circumstances specified in the particular~~ 2294
~~division a~~ disqualifying offense, as specified under section 9.79 2295
of the Revised Code, the joint legislative ethics committee 2296
immediately upon becoming aware of the conviction ~~or guilty plea~~ 2297
shall terminate the registration of the person as an executive 2298
agency lobbyist, and, after the termination, the ban imposed 2299
under division (A) of this section applies to the person. 2300

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

~~(D) For purposes of divisions (A) and (B) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of this section" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the effective date of this section.~~

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

(B) An application for a certificate of registration shall be in writing and in the form prescribed by the director. The application shall be accompanied by a recent full-face color photograph of the applicant and notarized ~~character~~ reference letters from two reputable ~~character~~ witnesses. The application shall, at a minimum, provide all of the following:

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

(2) The name, address, and telephone number of the two 2330
~~character~~-witnesses who have provided the ~~character~~-reference 2331
letters; 2332

(3) A statement that the applicant has not, during the 2333
ten-year period immediately preceding the submission of the 2334
application, violated division (A) of this section on or after 2335
the effective date of this section, or division (C) of section 2336
169.13 of the Revised Code, or been convicted of, ~~or pleaded~~ 2337
~~guilty to, any felony or any disqualifying offense involving~~ 2338
~~moral turpitude, including theft, attempted theft,~~ 2339
~~falsification, tampering with records, securing writings by~~ 2340
~~deception, fraud, forgery, and perjury as specified under~~ 2341
section 9.79 of the Revised Code; 2342

(4) The notarized signature of the applicant immediately 2343
following an acknowledgment that any false or perjured statement 2344
subjects the applicant to criminal liability under section 2345
2921.13 of the Revised Code. 2346

(C) Upon the filing of the application with the division 2347
of unclaimed funds, the division may investigate the applicant 2348
to verify the information provided in the application and to 2349
determine the applicant's eligibility for a certificate of 2350
registration under this section. False information on an 2351
application is grounds for the denial or revocation of the 2352
applicant's certificate of registration. 2353

(D) The director shall issue a certificate of registration 2354
to an applicant if the director finds that the following 2355
conditions are met: 2356

(1) The applicant has not, during the ten-year period 2357
immediately preceding the submission of the application, 2358

violated division (A) of this section on or after the effective 2359
date of this section, or division (C) of section 169.13 of the 2360
Revised Code, or been convicted of, ~~or pleaded guilty to, any~~ 2361
~~felony or any disqualifying offense involving moral turpitude,~~ 2362
~~including theft, attempted theft, falsification, tampering with~~ 2363
~~records, securing writings by deception, fraud, forgery, and~~ 2364
~~perjury as specified under section 9.79 of the Revised Code.~~ 2365

(2) The applicant's ~~character and~~ general fitness command 2366
the confidence of the public and warrant the belief that the 2367
applicant's business will be conducted honestly and fairly. 2368

(E) The certificate of registration issued pursuant to 2369
division (D) of this section may be renewed annually if the 2370
director finds that the following conditions are met: 2371

(1) The applicant submits a renewal application form 2372
prescribed by the director. 2373

(2) The applicant meets the conditions set forth in 2374
division (D) of this section. 2375

(3) The applicant's certificate of registration is not 2376
subject to an order of revocation by the director. 2377

Sec. 169.17. (A) After notice and an opportunity for a 2378
hearing conducted in accordance with Chapter 119. of the Revised 2379
Code, the director of commerce shall revoke or refuse to issue 2380
or renew a certificate of registration if the director finds 2381
~~either of the following:~~ 2382

~~(1) During that, during the~~ immediately preceding ten-year 2383
period, the person violated division (A) of section 169.16 on or 2384
after the effective date of this section, or division (C) of 2385
section 169.13 of the Revised Code, or has been convicted of, ~~or~~ 2386
~~pleaded guilty to, any felony or any offense involving moral~~ 2387

~~turpitude, including theft, attempted theft, falsification,~~ 2388
~~tampering with records, securing writings by deception, fraud,~~ 2389
~~forgery, and perjury~~ disqualifying offense, as specified under 2390
section 9.79 of the Revised Code. 2391

~~(2) The person's character and general fitness do not~~ 2392
~~command the confidence of the public or warrant the belief that~~ 2393
~~the person's business will be conducted honestly and fairly.~~ 2394

(B) The director may investigate alleged violations of 2395
division (C) of section 169.13 or division (A) of section 169.16 2396
of the Revised Code or complaints concerning any such violation. 2397
The director may make application to the court of common pleas 2398
for an order enjoining any such violation and, upon a showing by 2399
the director that a person has committed or is about to commit 2400
such a violation, the court shall grant an injunction, 2401
restraining order, or other appropriate relief. 2402

(C) In conducting any investigation pursuant to this 2403
section, the director may compel, by subpoena, witnesses to 2404
testify in relation to any matter over which the director has 2405
jurisdiction and may require the production of any book, record, 2406
or other document pertaining to that matter. If a person fails 2407
to file any statement or report, obey any subpoena, give 2408
testimony, produce any book, record, or other document as 2409
required by a subpoena, or permit photocopying of any book, 2410
record, or other document subpoenaed, the court of common pleas 2411
of any county in this state, upon application made to it by the 2412
director, shall compel obedience by attachment proceedings for 2413
contempt, as in the case of disobedience of the requirements of 2414
a subpoena issued from the court or a refusal to testify 2415
therein. 2416

(D) If the director determines that a person is engaged in 2417

or is believed to be engaged in activities that may constitute a 2418
violation of division (C) of section 169.13 or division (A) of 2419
section 169.16 of the Revised Code, the director, after notice 2420
and a hearing conducted in accordance with Chapter 119. of the 2421
Revised Code, may issue a cease and desist order. Such an order 2422
shall be enforceable in the court of common pleas. 2423

Sec. 173.381. (A) As used in this section: 2424

(1) "Community-based long-term care services" means 2425
community-based long-term care services, as defined in section 2426
173.14 of the Revised Code, that are provided under a program 2427
the department of aging administers. 2428

(2) "Community-based long-term care services certificate" 2429
means a certificate issued under section 173.391 of the Revised 2430
Code. 2431

(3) "Community-based long-term care services contract or 2432
grant" means a contract or grant awarded under section 173.392 2433
of the Revised Code. 2434

(4) "Criminal records check" has the same meaning as in 2435
section 109.572 of the Revised Code. 2436

~~(5) "Disqualifying offense" means any of the offenses~~ 2437
~~listed or described in divisions (A) (3) (a) to (e) of section~~ 2438
~~109.572 of the Revised Code.~~ 2439

~~(6)~~"Provider" has the same meaning as in section 173.39 2440
of the Revised Code. 2441

~~(7)~~(6) "Self-employed provider" means a provider who 2442
works for the provider's self and has no employees. 2443

(B) This section does not apply to any individual who is 2444
subject to a database review or criminal records check under 2445

section 3701.881 of the Revised Code.	2446
(C) (1) The department of aging or its designee shall take	2447
the following actions when the circumstances specified in	2448
division (C) (2) of this section apply:	2449
(a) Refuse to issue a community-based long-term care	2450
services certificate to a self-employed provider;	2451
(b) Revoke a self-employed provider's community-based	2452
long-term care services certificate;	2453
(c) Refuse to award a community-based long-term care	2454
services contract or grant to a self-employed provider;	2455
(d) Terminate a self-employed provider's community-based	2456
long-term care services contract or grant awarded on or after	2457
September 15, 2014.	2458
(2) The following are the circumstances that require the	2459
department of aging or its designee to take action under	2460
division (C) (1) of this section:	2461
(a) A review of the databases listed in division (E) of	2462
this section reveals any of the following:	2463
(i) That the self-employed provider is included in one or	2464
more of the databases listed in divisions (E) (1) to (5) of this	2465
section;	2466
(ii) That there is in the state nurse aide registry	2467
established under section 3721.32 of the Revised Code a	2468
statement detailing findings by the director of health that the	2469
self-employed provider abused, neglected, or exploited a long-	2470
term care facility or residential care facility resident or	2471
misappropriated property of such a resident;	2472

(iii) That the self-employed provider is included in one 2473
or more of the databases, if any, specified in rules adopted 2474
under this section and the rules require the department or its 2475
designee to take action under division (C)(1) of this section if 2476
a self-employed provider is included in such a database. 2477

(b) After the self-employed provider is provided, pursuant 2478
to division (F)(2)(a) of this section, a copy of the form 2479
prescribed pursuant to division (C)(1) of section 109.572 of the 2480
Revised Code and the standard impression sheet prescribed 2481
pursuant to division (C)(2) of that section, the self-employed 2482
provider fails to complete the form or provide the self-employed 2483
provider's fingerprint impressions on the standard impression 2484
sheet. 2485

(c) Unless the self-employed provider meets standards 2486
specified in rules adopted under this section, the self-employed 2487
provider is found by a criminal records check required by this 2488
section to have been convicted of, ~~pleaded guilty to, or been~~ 2489
~~found eligible for intervention in lieu of conviction for a~~ 2490
~~disqualifying offense, as specified under section 9.79 of the~~ 2491
Revised Code. 2492

(D) The department of aging or its designee shall inform 2493
each self-employed provider of both of the following at the time 2494
of the self-employed provider's initial application for a 2495
community-based long-term care services certificate or initial 2496
bid for a community-based long-term care services contract or 2497
grant: 2498

(1) That a review of the databases listed in division (E) 2499
of this section will be conducted to determine whether the 2500
department or its designee is required by division (C) of this 2501
section to refuse to issue or award a community-based long-term 2502

care services certificate or community-based long-term care 2503
services contract or grant to the self-employed provider; 2504

(2) That, unless the database review reveals that the 2505
department or its designee is required to refuse to issue or 2506
award a community-based long-term care services certificate or 2507
community-based long-term care services contract or grant to the 2508
self-employed provider, a criminal records check of the self- 2509
employed provider will be conducted and the self-employed 2510
provider is required to provide a set of the self-employed 2511
provider's fingerprint impressions as part of the criminal 2512
records check. 2513

(E) As a condition of issuing or awarding a community- 2514
based long-term care services certificate or community-based 2515
long-term care services contract or grant to a self-employed 2516
provider, the department of aging or its designee shall conduct 2517
a database review of the self-employed provider in accordance 2518
with rules adopted under this section. If rules adopted under 2519
this section so require, the department or its designee shall 2520
conduct a database review of a self-employed provider in 2521
accordance with the rules as a condition of not revoking or 2522
terminating the self-employed provider's community-based long- 2523
term care services certificate or community-based long-term care 2524
services contract or grant. A database review shall determine 2525
whether the self-employed provider is included in any of the 2526
following: 2527

(1) The excluded parties list system that is maintained by 2528
the United States general services administration pursuant to 2529
subpart 9.4 of the federal acquisition regulation and available 2530
at the federal web site known as the system for award 2531
management; 2532

(2) The list of excluded individuals and entities	2533
maintained by the office of inspector general in the United	2534
States department of health and human services pursuant to the	2535
"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;	2536
(3) The registry of developmental disabilities employees	2537
established under section 5123.52 of the Revised Code;	2538
(4) The internet-based sex offender and child-victim	2539
offender database established under division (A)(11) of section	2540
2950.13 of the Revised Code;	2541
(5) The internet-based database of inmates established	2542
under section 5120.66 of the Revised Code;	2543
(6) The state nurse aide registry established under	2544
section 3721.32 of the Revised Code;	2545
(7) Any other database, if any, specified in rules adopted	2546
under this section.	2547
(F)(1) As a condition of issuing or awarding a community-	2548
based long-term care services certificate or community-based	2549
long-term care services contract or grant to a self-employed	2550
provider, the department of aging or its designee shall request	2551
that the superintendent of the bureau of criminal identification	2552
and investigation conduct a criminal records check of the self-	2553
employed provider. If rules adopted under this section so	2554
require, the department or its designee shall request that the	2555
superintendent conduct a criminal records check of a self-	2556
employed provider at times specified in the rules as a condition	2557
of not revoking or terminating the self-employed provider's	2558
community-based long-term care services certificate or	2559
community-based long-term care services contract or grant.	2560
However, the department or its designee is not required to	2561

request the criminal records check of the self-employed provider 2562
if the department or its designee, because of circumstances 2563
specified in division (C)(2)(a) of this section, is required to 2564
refuse to issue or award a community-based long-term care 2565
services certificate or community-based long-term care services 2566
contract or grant to the self-employed provider or to revoke or 2567
terminate the self-employed provider's certificate or contract 2568
or grant. 2569

If a self-employed provider for whom a criminal records 2570
check request is required by this section does not present proof 2571
of having been a resident of this state for the five-year period 2572
immediately prior to the date the criminal records check is 2573
requested or provide evidence that within that five-year period 2574
the superintendent has requested information about the self- 2575
employed provider from the federal bureau of investigation in a 2576
criminal records check, the department or its designee shall 2577
request that the superintendent obtain information from the 2578
federal bureau of investigation as part of the criminal records 2579
check. Even if a self-employed provider for whom a criminal 2580
records check request is required by this section presents proof 2581
of having been a resident of this state for the five-year 2582
period, the department or its designee may request that the 2583
superintendent include information from the federal bureau of 2584
investigation in the criminal records check. 2585

(2) The department or its designee shall do all of the 2586
following: 2587

(a) Provide to each self-employed provider for whom a 2588
criminal records check request is required by this section a 2589
copy of the form prescribed pursuant to division (C)(1) of 2590
section 109.572 of the Revised Code and a standard impression 2591

sheet prescribed pursuant to division (C) (2) of that section; 2592

(b) Obtain the completed form and standard impression 2593
sheet from the self-employed provider; 2594

(c) Forward the completed form and standard impression 2595
sheet to the superintendent. 2596

(3) The department or its designee shall pay to the bureau 2597
of criminal identification and investigation the fee prescribed 2598
pursuant to division (C) (3) of section 109.572 of the Revised 2599
Code for each criminal records check of a self-employed provider 2600
the department or its designee requests under this section. The 2601
department or its designee may charge the self-employed provider 2602
a fee that does not exceed the amount the department or its 2603
designee pays to the bureau. 2604

(G) The report of any criminal records check of a self- 2605
employed provider conducted pursuant to a request made under 2606
this section is not a public record for the purposes of section 2607
149.43 of the Revised Code and shall not be made available to 2608
any person other than the following: 2609

(1) The self-employed provider or the self-employed 2610
provider's representative; 2611

(2) The department of aging, the department's designee, or 2612
a representative of the department or its designee; 2613

(3) The medicaid director and the staff of the department 2614
of medicaid who are involved in the administration of the 2615
medicaid program if the self-employed provider is to provide, or 2616
provides, community-based long-term care services under a 2617
component of the medicaid program that the department of aging 2618
administers; 2619

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	2620 2621
(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the self-employed provider;	2622 2623 2624
(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;	2625 2626 2627
(c) A civil or criminal action regarding a program the department of aging administers.	2628 2629
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:	2630 2631 2632 2633
(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.	2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644
(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the	2645 2646 2647 2648

self-employed provider's certificate or contract or grant 2649
because the self-employed provider meets standards specified in 2650
rules adopted under this section, the department and its 2651
designee shall not be found negligent solely because the self- 2652
employed provider has been convicted of, ~~pleaded guilty to, or~~ 2653
~~been found eligible for intervention in lieu of conviction for a~~ 2654
disqualifying offense, as specified under section 9.79 of the 2655
Revised Code. 2656

(I) The director of aging shall adopt rules in accordance 2657
with Chapter 119. of the Revised Code to implement this section. 2658

(1) The rules may do the following: 2659

(a) Require self-employed providers who have been issued 2660
or awarded community-based long-term care services certificates 2661
or community-based long-term care services contracts or grants 2662
to undergo database reviews and criminal records checks under 2663
this section; 2664

(b) If the rules require self-employed providers who have 2665
been issued or awarded community-based long-term care services 2666
certificates or community-based long-term care services 2667
contracts or grants to undergo database reviews and criminal 2668
records checks under this section, exempt one or more classes of 2669
such self-employed providers from the requirements; 2670

(c) For the purpose of division (E) (7) of this section, 2671
specify other databases that are to be checked as part of a 2672
database review conducted under this section. 2673

(2) The rules shall specify all of the following: 2674

(a) The procedures for conducting database reviews under 2675
this section; 2676

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

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

(d) Standards that a self-employed provider must meet for
the department or its designee to be permitted to issue or award
a community-based long-term care services certificate or
community-based long-term care services contract or grant to the
self-employed provider or not to revoke or terminate the self-
employed provider's certificate or contract or grant if the
self-employed provider is found by a criminal records check
required by this section to have been convicted of, ~~pleaded
guilty to, or been found eligible for intervention in lieu of
conviction for~~ a disqualifying offense, as specified under
section 9.79 of the Revised Code.

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

Revised Code:	2707
(1) Certify a provider to provide community-based long-	2708
term care services under a program the department administers if	2709
the provider satisfies the requirements for certification	2710
established by rules adopted under division (B) of this section	2711
and pays the fee, if any, established by rules adopted under	2712
division (G) of this section;	2713
(2) When required to do so by rules adopted under division	2714
(B) of this section, take one or more of the following	2715
disciplinary actions against a provider certified under division	2716
(A) (1) of this section:	2717
(a) Issue a written warning;	2718
(b) Require the submission of a plan of correction or	2719
evidence of compliance with requirements identified by the	2720
department;	2721
(c) Suspend referrals;	2722
(d) Remove clients;	2723
(e) Impose a fiscal sanction such as a civil monetary	2724
penalty or an order that unearned funds be repaid;	2725
(f) Suspend the certification;	2726
(g) Revoke the certification;	2727
(h) Impose another sanction.	2728
(3) Except as provided in division (E) of this section,	2729
hold hearings when there is a dispute between the department or	2730
its designee and a provider concerning actions the department or	2731
its designee takes regarding a decision not to certify the	2732
provider under division (A) (1) of this section or a disciplinary	2733

action under divisions (A) (2) (e) to (h) of this section. 2734

(B) The director of aging shall adopt rules in accordance 2735
with Chapter 119. of the Revised Code establishing certification 2736
requirements and standards for determining which type of 2737
disciplinary action to take under division (A) (2) of this 2738
section in individual situations. The rules shall establish 2739
procedures for all of the following: 2740

(1) Ensuring that providers comply with sections 173.38 2741
and 173.381 of the Revised Code; 2742

(2) Evaluating the services provided by the providers to 2743
ensure that the services are provided in a quality manner 2744
advantageous to the individual receiving the services; 2745

(3) In a manner consistent with section 173.381 of the 2746
Revised Code, determining when to take disciplinary action under 2747
division (A) (2) of this section and which disciplinary action to 2748
take; 2749

(4) Determining what constitutes another sanction for 2750
purposes of division (A) (2) (h) of this section. 2751

(C) The procedures established in rules adopted under 2752
division (B) (2) of this section shall require that all of the 2753
following be considered as part of an evaluation described in 2754
division (B) (2) of this section: 2755

(1) The provider's experience and financial 2756
responsibility; 2757

(2) The provider's ability to comply with standards for 2758
the community-based long-term care services that the provider 2759
provides under a program the department administers; 2760

(3) The provider's ability to meet the needs of the 2761

individuals served; 2762

(4) Any other factor the director considers relevant. 2763

(D) The rules adopted under division (B) (3) of this 2764
section shall specify that the reasons disciplinary action may 2765
be taken under division (A) (2) of this section include good 2766
cause, including misfeasance, malfeasance, nonfeasance, 2767
confirmed abuse or neglect, financial irresponsibility, or other 2768
conduct the director determines is injurious, or poses a threat, 2769
to the health or safety of individuals being served. 2770

(E) Subject to division (F) of this section, the 2771
department is not required to hold hearings under division (A) 2772
(3) of this section if any of the following conditions apply: 2773

(1) Rules adopted by the director of aging pursuant to 2774
this chapter require the provider to be a party to a provider 2775
agreement; hold a license, certificate, or permit; or maintain a 2776
certification, any of which is required or issued by a state or 2777
federal government entity other than the department of aging, 2778
and either of the following is the case: 2779

(a) The provider agreement has not been entered into or 2780
the license, certificate, permit, or certification has not been 2781
obtained or maintained. 2782

(b) The provider agreement, license, certificate, permit, 2783
or certification has been denied, revoked, not renewed, or 2784
suspended or has been otherwise restricted. 2785

(2) The provider's certification under this section has 2786
been denied, suspended, or revoked for any of the following 2787
reasons: 2788

(a) A government entity of this state, other than the 2789

department of aging, has terminated or refused to renew any of 2790
the following held by, or has denied any of the following sought 2791
by, a provider: a provider agreement, license, certificate, 2792
permit, or certification. Division (E) (2) (a) of this section 2793
applies regardless of whether the provider has entered into a 2794
provider agreement in, or holds a license, certificate, permit, 2795
or certification issued by, another state. 2796

(b) The provider or a principal owner or manager of the 2797
provider who provides direct care ~~has entered a guilty plea for,~~ 2798
~~or~~ has been convicted of, an offense materially related to the 2799
medicaid program. 2800

(c) A principal owner or manager of the provider who 2801
provides direct care has ~~entered a guilty plea for,~~ been 2802
~~convicted of, or been found eligible for intervention in lieu of~~ 2803
~~conviction for an a disqualifying offense listed or described in~~ 2804
~~divisions (A) (3) (a) to (e) of,~~ as specified under section 2805
~~109.572-9.79~~ of the Revised Code, but only if the provider, 2806
principal owner, or manager does not meet standards specified by 2807
the director in rules adopted under section 173.38 of the 2808
Revised Code. 2809

(d) The department or its designee is required by section 2810
173.381 of the Revised Code to deny or revoke the provider's 2811
certification. 2812

(e) The United States department of health and human 2813
services has taken adverse action against the provider and that 2814
action impacts the provider's participation in the medicaid 2815
program. 2816

(f) The provider has failed to enter into or renew a 2817
provider agreement with the PASSPORT administrative agency, as 2818

that term is defined in section 173.42 of the Revised Code, that 2819
administers programs on behalf of the department of aging in the 2820
region of the state in which the provider is certified to 2821
provide services. 2822

(g) The provider has not billed or otherwise submitted a 2823
claim to the department for payment under the medicaid program 2824
in at least two years. 2825

(h) The provider denied or failed to provide the 2826
department or its designee access to the provider's facilities 2827
during the provider's normal business hours for purposes of 2828
conducting an audit or structural compliance review. 2829

(i) The provider has ceased doing business. 2830

(j) The provider has voluntarily relinquished its 2831
certification for any reason. 2832

(3) The provider's provider agreement with the department 2833
of medicaid has been suspended under division (C) of section 2834
5164.37 of the Revised Code. 2835

(4) The provider's provider agreement with the department 2836
of medicaid is denied or revoked because the provider or its 2837
owner, officer, authorized agent, associate, manager, or 2838
employee has been convicted of an offense that caused the 2839
provider agreement to be suspended under section 5164.37 of the 2840
Revised Code. 2841

(F) If the department does not hold hearings when any 2842
condition described in division (E) of this section applies, the 2843
department may send a notice to the provider describing a 2844
decision not to certify the provider under division (A) (1) of 2845
this section or the disciplinary action the department proposes 2846
to take under ~~division~~ divisions (A) (2) (e) to (h) of this 2847

section. The notice shall be sent to the provider's address that 2848
is on record with the department and may be sent by regular 2849
mail. 2850

(G) The director of aging may adopt rules in accordance 2851
with Chapter 119. of the Revised Code establishing a fee to be 2852
charged by the department of aging or its designee for 2853
certification issued under this section. 2854

All fees collected by the department or its designee under 2855
this section shall be deposited in the state treasury to the 2856
credit of the provider certification fund, which is hereby 2857
created. Money credited to the fund shall be used to pay for 2858
community-based long-term care services, administrative costs 2859
associated with provider certification under this section, and 2860
administrative costs related to the publication of the Ohio 2861
long-term care consumer guide. 2862

Sec. 306.352. (A) As used in this section, ~~"felony" has~~ 2863
~~the same meaning as in~~ "disqualifying offense" means a 2864
disqualifying offense as specified under section 109.511-9.79 of 2865
the Revised Code with respect to a person who has been awarded a 2866
certificate attesting to the satisfactory completion of a peace 2867
officer basic training program under section 109.77 of the 2868
Revised Code. 2869

(B) (1) In the exercise of its authority under division (Y) 2870
of section 306.35 of the Revised Code, a regional transit 2871
authority shall not employ a person as a regional transit 2872
authority police officer on a permanent basis, on a temporary 2873
basis, for a probationary term, or on other than a permanent 2874
basis if the person previously has been convicted of ~~or has~~ 2875
~~pleaded guilty to a felony~~ a disqualifying offense. 2876

(2) (a) The transit authority shall terminate the 2877
employment of a person as a regional transit authority police 2878
officer if the person does either of the following: 2879

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 2880

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 2881
a disqualifying offense pursuant to a negotiated plea agreement 2882
as provided in division (D) of section 2929.43 of the Revised 2883
Code in which the police officer agrees to surrender the 2884
certificate awarded to that police officer under section 109.77 2885
of the Revised Code. 2886

(b) The transit authority shall suspend from employment a 2887
person designated as a regional transit authority police officer 2888
if that person is convicted, after trial, of a ~~felony~~ 2889
disqualifying offense. If the police officer files an appeal 2890
from that conviction and the conviction is upheld by the highest 2891
court to which the appeal is taken or if the police officer does 2892
not file a timely appeal, the transit authority shall terminate 2893
the employment of that police officer. If the police officer 2894
files an appeal that results in the police officer's acquittal 2895
of the ~~felony~~ disqualifying offense or conviction of a 2896
~~misdemeanor~~ an offense other than a disqualifying offense, or in 2897
the dismissal of the ~~felony~~ charge of the disqualifying offense 2898
against the police officer, the transit authority shall 2899
reinstate that police officer. A police officer who is 2900
reinstated under division (B) (2) (b) of this section shall not 2901
receive any back pay unless that officer's conviction of the 2902
~~felony~~ disqualifying offense was reversed on appeal, or the 2903
~~felony~~ charge of the disqualifying offense was dismissed, 2904
because the court found insufficient evidence to convict the 2905
police officer of the ~~felony~~ disqualifying offense. 2906

(3) Division (B) of this section does not apply regarding 2907
an offense that was committed prior to January 1, 1997. 2908

(4) The suspension from employment, or the termination of 2909
the employment, of a regional transit authority police officer 2910
under division (B) (2) of this section shall be in accordance 2911
with Chapter 119. of the Revised Code. 2912

Sec. 311.04. (A) As used in this section, "~~felony~~" has the 2913
~~same meaning as in~~ "disqualifying offense" means a disqualifying 2914
offense as specified under section 109.511-9.79 of the Revised 2915
Code with respect to a person who has been awarded a certificate 2916
attesting to the satisfactory completion of a peace officer 2917
basic training program under section 109.77 of the Revised Code. 2918

(B) (1) Subject to division (C) of this section, the 2919
sheriff may appoint, in writing, one or more deputies. At the 2920
time of the appointment, the sheriff shall file the writing upon 2921
which the appointment is made with the clerk of the court of 2922
common pleas, and the clerk of the court shall enter it upon the 2923
journal of the court. The sheriff shall pay the clerk's fees for 2924
the filing and journal entry of the writing. In cases of 2925
emergency, the sheriff may request of the sheriff of another 2926
county the aid of qualified deputies serving in those other 2927
counties of the state, and, if the consent of the sheriff of 2928
that other county is received, the deputies while so assigned 2929
shall be considered to be the deputies of the sheriff of the 2930
county requesting aid. No judge of a county court or mayor shall 2931
be appointed a deputy. 2932

(2) Notwithstanding section 2335.33 of the Revised Code, 2933
the sheriff shall retain the fee charged pursuant to division 2934
(B) of section 311.37 of the Revised Code for the purpose of 2935
training deputies appointed pursuant to this section. 2936

(C) (1) The sheriff shall not appoint a person as a deputy sheriff pursuant to division (B) (1) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of ~~or has pleaded guilty to a felony~~ a disqualifying offense.

(2) (a) The sheriff shall terminate the employment of a deputy sheriff appointed under division (B) (1) of this section if the deputy sheriff does either of the following:

(i) Pleads guilty to a ~~felony~~ disqualifying offense;

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than a disqualifying offense pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the deputy sheriff agrees to surrender the certificate awarded to the deputy sheriff under section 109.77 of the Revised Code.

(b) The sheriff shall suspend from employment any deputy sheriff appointed under division (B) (1) of this section if the deputy sheriff is convicted, after trial, of a ~~felony~~ disqualifying offense. If the deputy sheriff files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the deputy sheriff does not file a timely appeal, the sheriff shall terminate the employment of that deputy sheriff. If the deputy sheriff files an appeal that results in that deputy sheriff's acquittal of the ~~felony~~ disqualifying offense or conviction of a ~~misdemeanor~~ an offense other than a disqualifying offense, or in the dismissal of the ~~felony~~ charge of the disqualifying offense against the deputy sheriff, the sheriff shall reinstate that deputy sheriff. A deputy sheriff who is reinstated under division (C) (2) (b) of

this section shall not receive any back pay unless that deputy 2967
sheriff's conviction of the ~~felony-disqualifying offense~~ was 2968
reversed on appeal, or the ~~felony-charge~~ of the disqualifying 2969
offense was dismissed, because the court found insufficient 2970
evidence to convict the deputy sheriff of the ~~felony-~~ 2971
disqualifying offense. 2972

(3) Division (C) of this section does not apply regarding 2973
an offense that was committed prior to January 1, 1997. 2974

(4) The suspension from employment, or the termination of 2975
the employment, of a deputy sheriff under division (C) (2) of 2976
this section shall be in accordance with Chapter 119. of the 2977
Revised Code. 2978

Sec. 503.44. If a board of township trustees has adopted a 2979
resolution under section 503.41 of the Revised Code, it shall 2980
deny any application for a permit to operate a massage 2981
establishment or revoke a previously issued permit, for any of 2982
the following reasons: 2983

(A) Falsification of any of the information required for 2984
the application or failure to fully complete the application; 2985

(B) Failure to cooperate with any required health or 2986
safety inspection; 2987

(C) Any one of the persons named on the application is 2988
under the age of eighteen; 2989

(D) Any one of the persons named on the application has 2990
been convicted of ~~or pleaded guilty to any violation of Chapter-~~ 2991
~~2907. of the Revised Code, or violation of any municipal-~~ 2992
~~ordinance that is substantially equivalent to any a~~ 2993
disqualifying offense contained in Chapter 2907. as specified 2994
under section 9.79 of the Revised Code, within five years 2995

preceding the application; 2996

(E) Any ~~masseur or masseuse~~ massager employed at the 2997
licensed massage establishment has been convicted of ~~or pleaded~~ 2998
~~guilty~~ to a violation of division (D) of section 503.42 of the 2999
Revised Code. 3000

Sec. 503.46. If a board of township trustees has adopted a 3001
resolution under section 503.41 of the Revised Code, it shall 3002
deny the application for a ~~masseur or masseuse~~ massager license 3003
or revoke a previously issued license for any of the following 3004
reasons: 3005

(A) Falsification of any of the information required for 3006
the application or failure to fully complete the application; 3007

(B) The applicant is under the age of twenty-one. 3008

(C) The applicant has been convicted of ~~or pleaded guilty~~ 3009
~~to any violation of Chapter 2907. of the Revised Code, or~~ 3010
~~violation of any municipal ordinance that is substantially~~ 3011
~~equivalent to any offense contained in Chapter 2907. of the~~ 3012
~~Revised Code, within five years preceding the application a~~ 3013
disqualifying offense, as specified under section 9.79 of the 3014
Revised Code. 3015

(D) The applicant has been convicted of ~~or pleaded guilty~~ 3016
~~to~~ a violation of division (D) of section 503.42 of the Revised 3017
Code. 3018

Sec. 505.49. (A) As used in this section, ~~"felony" has the~~ 3019
~~same meaning as in~~ "disqualifying offense" means a disqualifying 3020
offense as specified under section 109.511-9.79 of the Revised 3021
Code with respect to a person who has been awarded a certificate 3022
attesting to the satisfactory completion of a peace officer 3023
basic training program under section 109.77 of the Revised Code. 3024

(B) (1) The township trustees of a township police 3025
district, by a two-thirds vote of the board, or a joint police 3026
district board, by majority vote of its members, may adopt rules 3027
necessary for the operation of the township or joint police 3028
district, including a determination of the qualifications of the 3029
chief of police, patrol officers, and others to serve as members 3030
of the district police force. 3031

(2) Except as otherwise provided in division (E) of this 3032
section and subject to division (D) of this section, the 3033
township trustees of a township police district, by a two-thirds 3034
vote of the board or the joint police district board, by 3035
majority vote of its members, shall appoint a chief of police 3036
for the district, determine the number of patrol officers and 3037
other personnel required by the district, and establish salary 3038
schedules and other conditions of employment for the employees 3039
of the township or joint police district. The chief of police of 3040
the district shall serve at the pleasure of the township 3041
trustees or the joint police district board and shall appoint 3042
patrol officers and other personnel that the district may 3043
require, subject to division (D) of this section and to the 3044
rules and limits as to qualifications, salary ranges, and 3045
numbers of personnel established by the board of township 3046
trustees or the joint police district board. The township 3047
trustees may include in the township police district and under 3048
the direction and control of the chief of police any constable 3049
appointed pursuant to section 509.01 of the Revised Code, or may 3050
designate the chief of police or any patrol officer appointed by 3051
the chief of police as a constable, as provided for in section 3052
509.01 of the Revised Code, for the township police district. 3053

(3) Except as provided in division (D) of this section, a 3054
patrol officer, other police district employee, or police 3055

constable, who has been awarded a certificate attesting to the 3056
satisfactory completion of an approved state, county, or 3057
municipal police basic training program, as required by section 3058
109.77 of the Revised Code, may be removed or suspended only 3059
under the conditions and by the procedures in sections 505.491 3060
to 505.495 of the Revised Code. Any other patrol officer, police 3061
district employee, or police constable shall serve at the 3062
pleasure of the township trustees or joint police district 3063
board. In case of removal or suspension of an appointee by the 3064
board of township trustees of a township police district or the 3065
joint police district board, that appointee may appeal the 3066
decision of either board to the court of common pleas of the 3067
county in which the district is situated to determine the 3068
sufficiency of the cause of removal or suspension. The appointee 3069
shall take the appeal within ten days of written notice to the 3070
appointee of the decision of the board. 3071

(C) (1) Division (B) of this section does not apply to a 3072
township that has a population of ten thousand or more persons 3073
residing within the township and outside of any municipal 3074
corporation, that has its own police department employing ten or 3075
more full-time paid employees, and that has a civil service 3076
commission established under division (B) of section 124.40 of 3077
the Revised Code. The township shall comply with the procedures 3078
for the employment, promotion, and discharge of police personnel 3079
provided by Chapter 124. of the Revised Code, except as 3080
otherwise provided in divisions (C) (2) and (3) of this section. 3081

(2) The board of township trustees of the township may 3082
appoint the chief of police, and a person so appointed shall be 3083
in the unclassified service under section 124.11 of the Revised 3084
Code and shall serve at the pleasure of the board. A person 3085
appointed chief of police under these conditions who is removed 3086

by the board or who resigns from the position shall be entitled 3087
to return to the classified service in the township police 3088
department, in the position that person held previous to the 3089
person's appointment as chief of police. 3090

(3) The appointing authority of an urban township, as 3091
defined in section 504.01 of the Revised Code, may appoint to a 3092
vacant position any one of the three highest scorers on the 3093
eligible list for a promotional examination. 3094

(4) The board of township trustees of a township described 3095
in this division shall determine the number of personnel 3096
required and establish salary schedules and conditions of 3097
employment not in conflict with Chapter 124. of the Revised 3098
Code. 3099

(5) Persons employed as police personnel in a township 3100
described in this division on the date a civil service 3101
commission is appointed pursuant to division (B) of section 3102
124.40 of the Revised Code, without being required to pass a 3103
competitive examination or a police training program, shall 3104
retain their employment and any rank previously granted them by 3105
action of the township trustees or otherwise, but those persons 3106
are eligible for promotion only by compliance with Chapter 124. 3107
of the Revised Code. 3108

(6) This division does not apply to constables appointed 3109
pursuant to section 509.01 of the Revised Code. This division is 3110
subject to division (D) of this section. 3111

(D)(1) The board of township trustees or a joint police 3112
district board shall not appoint or employ a person as a chief 3113
of police, and the chief of police shall not appoint or employ a 3114
person as a patrol officer or other peace officer of a township 3115

police district, township police department, or joint police 3116
district on a permanent basis, on a temporary basis, for a 3117
probationary term, or on other than a permanent basis if the 3118
person previously has been convicted of ~~or has pleaded guilty to~~ 3119
~~a felony~~ a disqualifying offense. 3120

(2) (a) The board of township trustees or joint police 3121
district board shall terminate the appointment or employment of 3122
a chief of police, patrol officer, or other peace officer of a 3123
township police district, township police department, or joint 3124
police district who does either of the following: 3125

(i) Pleads guilty to ~~a felony~~ disqualifying offense; 3126

(ii) Pleads guilty to ~~a misdemeanor~~ an offense other than 3127
a disqualifying offense pursuant to a negotiated plea agreement 3128
as provided in division (D) of section 2929.43 of the Revised 3129
Code in which the chief of police, patrol officer, or other 3130
peace officer of a township police district, township police 3131
department, or joint police district agrees to surrender the 3132
certificate awarded to that chief of police, patrol officer, or 3133
other peace officer under section 109.77 of the Revised Code. 3134

(b) The board shall suspend the appointment or employment 3135
of a chief of police, patrol officer, or other peace officer of 3136
a township police district, township police department, or joint 3137
police district who is convicted, after trial, of ~~a felony~~ 3138
disqualifying offense. If such chief of police, patrol officer, 3139
or other peace officer files an appeal from that conviction and 3140
the conviction is upheld by the highest court to which the 3141
appeal is taken, or, if no timely appeal is filed, the board 3142
shall terminate the appointment or employment of that chief of 3143
police, patrol officer, or other peace officer. If the chief of 3144
police, patrol officer, or other peace officer of a township 3145

police district, township police department, or joint police 3146
district files an appeal that results in that chief of police's, 3147
patrol officer's, or other peace officer's acquittal of the 3148
~~felony disqualifying offense~~ or conviction of ~~a misdemeanor~~ an 3149
offense other than a disqualifying offense, or in the dismissal 3150
of the ~~felony charge~~ of the disqualifying offense against the 3151
chief of police, patrol officer, or other peace officer, the 3152
board shall reinstate that chief of police, patrol officer, or 3153
other peace officer. A chief of police, patrol officer, or other 3154
peace officer who is reinstated under division (D) (2) (b) of this 3155
section shall not receive any back pay unless the conviction of 3156
that chief of police, patrol officer, or other peace officer of 3157
the ~~felony disqualifying offense~~ was reversed on appeal, or the 3158
~~felony charge~~ of the disqualifying offense was dismissed, 3159
because the court found insufficient evidence to convict the 3160
chief of police, patrol officer, or other peace officer of the 3161
~~felony disqualifying offense~~. 3162

(3) Division (D) of this section does not apply regarding 3163
an offense that was committed prior to January 1, 1997. 3164

(4) The suspension or termination of the appointment or 3165
employment of a chief of police, patrol officer, or other peace 3166
officer under division (D) (2) of this section shall be in 3167
accordance with Chapter 119. of the Revised Code. 3168

(E) The board of township trustees or the joint police 3169
district board may enter into a contract under section 505.43 or 3170
505.50 of the Revised Code to obtain all police protection for 3171
the township police district or joint police district from one 3172
or more municipal corporations, county sheriffs, or other 3173
townships. If the board enters into such a contract, subject to 3174
division (D) of this section, it may, but is not required to, 3175

appoint a police chief for the district. 3176

(F) The members of the police force of a township police 3177
district of a township, or of a joint police district board 3178
comprised of a township, that adopts the limited self-government 3179
form of township government shall serve as peace officers for 3180
the township territory included in the district. 3181

(G) A chief of police or patrol officer of a township 3182
police district, township police department, or joint police 3183
district may participate, as the director of an organized crime 3184
task force established under section 177.02 of the Revised Code 3185
or as a member of the investigatory staff of that task force, in 3186
an investigation of organized criminal activity in any county or 3187
counties in this state under sections 177.01 to 177.03 of the 3188
Revised Code. 3189

Sec. 509.01. (A) As used in this section, "~~felony~~" has the 3190
~~same meaning as in~~ "disqualifying offense" means a disqualifying 3191
offense as specified under section 109.511-9.79 of the Revised 3192
Code with respect to a person who has been awarded a certificate 3193
attesting to the satisfactory completion of a peace officer 3194
basic training program under section 109.77 of the Revised Code. 3195

(B) Subject to division (C) of this section, the board of 3196
township trustees may designate any qualified persons as police 3197
constables and may provide them with the automobiles, 3198
communication systems, uniforms, and police equipment that the 3199
board considers necessary. Except as provided in division (C) of 3200
this section, police constables designated under this division, 3201
who have been awarded a certificate attesting to the 3202
satisfactory completion of an approved state, county, or 3203
municipal police basic training program, as required by section 3204
109.77 of the Revised Code, may be removed or suspended only 3205

under the conditions and by the procedures in sections 505.491 3206
to 505.495 of the Revised Code. Any other police constable shall 3207
serve at the pleasure of the township trustees. In case of 3208
removal or suspension of a police constable by the board of 3209
township trustees, that police constable may appeal the decision 3210
of the board to the court of common pleas of the county to 3211
determine the sufficiency of the cause of removal or suspension. 3212
The police constable shall take the appeal within ten days of 3213
written notice to the police constable of the decision of the 3214
board. The board may pay each police constable, from the general 3215
funds of the township, the compensation that the board by 3216
resolution prescribes for the time actually spent in keeping the 3217
peace, protecting property, and performing duties as a police 3218
constable, including duties as an ex officio deputy bailiff of a 3219
municipal court pursuant to section 1901.32 of the Revised Code 3220
and duties as a ministerial officer of a county court. The 3221
police constable shall not be paid fees in addition to the 3222
compensation allowed by the board for services rendered as a 3223
police constable, including services as an ex officio deputy 3224
bailiff of a municipal court pursuant to section 1901.32 of the 3225
Revised Code and as a ministerial officer of a county court. All 3226
constable fees provided for by section 509.15 of the Revised 3227
Code, if due for services rendered while the police constable 3228
performing those services is being compensated as a police 3229
constable for that performance, shall be paid into the general 3230
fund of the township. 3231

(C) (1) The board of township trustees shall not designate 3232
a person as a police constable pursuant to division (B) of this 3233
section on a permanent basis, on a temporary basis, for a 3234
probationary term, or on other than a permanent basis if the 3235
person previously has been convicted of ~~or has pleaded guilty to~~ 3236

~~a felony disqualifying offense.~~ 3237

(2) (a) The board of township trustees shall terminate the 3238
employment of a police constable designated under division (B) 3239
of this section if the police constable does either of the 3240
following: 3241

(i) Pleads guilty to ~~a felony disqualifying offense;~~ 3242

(ii) Pleads guilty to ~~a misdemeanor~~ an offense other than 3243
a disqualifying offense pursuant to a negotiated plea agreement 3244
as provided in division (D) of section 2929.43 of the Revised 3245
Code in which the police constable agrees to surrender the 3246
certificate awarded to the police constable under section 109.77 3247
of the Revised Code. 3248

(b) The board shall suspend from employment a police 3249
constable designated under division (B) of this section if the 3250
police constable is convicted, after trial, of a ~~felony~~ 3251
disqualifying offense. If the police constable files an appeal 3252
from that conviction and the conviction is upheld by the highest 3253
court to which the appeal is taken or if the police constable 3254
does not file a timely appeal, the board shall terminate the 3255
employment of that police constable. If the police constable 3256
files an appeal that results in that police constable's 3257
acquittal of the ~~felony disqualifying offense~~ or conviction of a 3258
~~misdemeanor~~ an offense other than a disqualifying offense, or in 3259
the dismissal of the ~~felony~~ charge of the disqualifying offense 3260
against the police constable, the board shall reinstate that 3261
police constable. A police constable who is reinstated under 3262
division (C) (2) (b) of this section shall not receive any back 3263
pay unless that police constable's conviction of the ~~felony~~ 3264
disqualifying offense was reversed on appeal, or the ~~felony~~ 3265
charge of the disqualifying offense was dismissed, because the 3266

court found insufficient evidence to convict the police 3267
constable of the ~~felony~~disqualifying offense. 3268

(3) Division (C) of this section does not apply regarding 3269
an offense that was committed prior to January 1, 1997. 3270

(4) The suspension from employment, or the termination of 3271
the employment, of a police constable under division (C) (2) of 3272
this section shall be in accordance with Chapter 119. of the 3273
Revised Code. 3274

Sec. 511.232. (A) As used in this section, "~~felony~~" has 3275
~~the same meaning as in~~ "disqualifying offense" means a 3276
disqualifying offense as specified under section 109.511-9.79 of 3277
the Revised Code with respect to a person who has been awarded a 3278
certificate attesting to the satisfactory completion of a peace 3279
officer basic training program under section 109.77 of the 3280
Revised Code. 3281

(B) The employees designated by the board of park 3282
commissioners of a township park district may enforce the laws 3283
of the state and the regulations of the board within and 3284
adjacent to the lands under the jurisdiction and control of the 3285
board or when acting as authorized by section 511.235 or 511.236 3286
of the Revised Code. Before exercising those powers, the 3287
designated employees shall comply with the certification 3288
requirement established in section 109.77 of the Revised Code, 3289
take an oath, and give a bond to the state, in the sum that the 3290
board prescribes, for the proper performance of their duties. 3291
This division is subject to division (C) of this section. 3292

(C) (1) The board of park commissioners of a township park 3293
district shall not designate an employee as provided in division 3294
(B) of this section on a permanent basis, on a temporary basis, 3295

for a probationary term, or on other than a permanent basis if 3296
the employee previously has been convicted of ~~or has pleaded~~ 3297
~~guilty to a felony~~ disqualifying offense. 3298

(2) (a) The board of park commissioners of a township park 3299
district shall terminate the employment of an employee 3300
designated as provided in division (B) of this section if the 3301
employee does either of the following: 3302

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 3303

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 3304
a disqualifying offense pursuant to a negotiated plea agreement 3305
as provided in division (D) of section 2929.43 of the Revised 3306
Code in which the employee agrees to surrender the certificate 3307
awarded to the employee under section 109.77 of the Revised 3308
Code. 3309

(b) The board shall suspend from employment an employee 3310
designated as provided in division (B) of this section if the 3311
employee is convicted, after trial, of a ~~felony~~ disqualifying 3312
offense. If the employee files an appeal from that conviction 3313
and the conviction is upheld by the highest court to which the 3314
appeal is taken or if the employee does not file a timely 3315
appeal, the board shall terminate the employment of that 3316
employee. If the employee files an appeal that results in that 3317
employee's acquittal of the ~~felony~~ disqualifying offense or 3318
conviction of a ~~misdemeanor~~ an offense other than a 3319
disqualifying offense, or in the dismissal of the ~~felony~~ charge 3320
of the disqualifying offense against the employee, the board 3321
shall reinstate that employee. An employee who is reinstated 3322
under division (C) (2) (b) of this section shall not receive any 3323
back pay unless that employee's conviction of the ~~felony~~ 3324
disqualifying offense was reversed on appeal, or the ~~felony~~ 3325

charge of the disqualifying offense was dismissed, because the 3326
court found insufficient evidence to convict the employee of the 3327
~~felony disqualifying offense.~~ 3328

(3) Division (C) of this section does not apply regarding 3329
an offense that was committed prior to January 1, 1997. 3330

(4) The suspension from employment, or the termination of 3331
the employment, of an employee under division (C)(2) of this 3332
section shall be in accordance with Chapter 119. of the Revised 3333
Code. 3334

Sec. 715.27. (A) Any municipal corporation may: 3335

(1) Regulate the erection of fences, billboards, signs, 3336
and other structures, within the municipal corporation, and 3337
provide for the removal and repair of insecure billboards, 3338
signs, and other structures; 3339

(2) Regulate the construction and repair of wires, poles, 3340
plants, and all equipment to be used for the generation and 3341
application of electricity; 3342

(3) ~~Provide~~ Subject to section 9.78 of the Revised Code, 3343
provide for the licensing of house movers; plumbers; sewer 3344
tappers; vault cleaners; and specialty contractors who are not 3345
required to hold a valid license issued pursuant to Chapter 3346
4740. of the Revised Code; 3347

(4) ~~Require~~ Subject to section 9.78 of the Revised Code, 3348
require all specialty contractors other than those who hold a 3349
valid license issued pursuant to Chapter 4740. of the Revised 3350
Code, to successfully complete an examination, test, or 3351
demonstration of technical skills, and may impose a fee and 3352
additional requirements for a license or registration to engage 3353
in their respective occupations within the jurisdiction of the 3354

municipal corporation. 3355

(B) No municipal corporation shall require any specialty 3356
contractor who holds a valid license issued pursuant to Chapter 3357
4740. of the Revised Code to complete an examination, test, or 3358
demonstration of technical skills to engage in the type of 3359
contracting for which the license is held, within the municipal 3360
corporation. 3361

~~(C) A municipal corporation may require a specialty 3362
contractor who holds a valid license issued pursuant to Chapter 3363
4740. of the Revised Code to register with the municipal 3364
corporation and pay any fee the municipal corporation imposes 3365
before that specialty contractor may engage within the municipal 3366
corporation in the type of contracting for which the license is 3367
held. Any fee shall be the same for all specialty contractors 3368
who engage in the same type of contracting. A municipal 3369
corporation may require a bond and proof of all of the 3370
following: 3371~~

~~(1) Insurance pursuant to division (B) (4) of section 3372
4740.06 of the Revised Code; 3373~~

~~(2) Compliance with Chapters 4121. and 4123. of the 3374
Revised Code; 3375~~

~~(3) Registration with the tax department of the municipal 3376
corporation. 3377~~

~~If a municipal corporation requires registration, imposes 3378
such a fee, or requires a bond or proof of the items listed in 3379
divisions (C) (1), (2), and (3) of this section, the municipal 3380
corporation immediately shall permit a contractor who presents 3381
proof of holding a valid license issued pursuant to Chapter 3382
4740. of the Revised Code, who registers, pays the fee, obtains 3383~~

~~a bond, and submits the proof described under divisions (C) (1), (2), and (3) of this section, as required, to engage in the type of contracting for which the license is held, within the municipal corporation.~~ 3384
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~~(D) A municipal corporation may revoke the registration of a contractor registered with that municipal corporation for good cause shown. Good cause shown includes the failure of a contractor to maintain a bond or the items listed in divisions (C) (1), (2), and (3) of this section, if the municipal corporation requires those.~~ 3388
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~~(E) (D)~~ A municipal corporation that licenses specialty contractors pursuant to division (A) (3) of this section ~~may~~ shall accept, for purposes of satisfying its licensing requirements, a valid license issued pursuant to Chapter 4740. of the Revised Code that a specialty contractor holds, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses. 3394
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~~(F) (E)~~ A municipal corporation shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter. 3402
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~~(G) (F)~~ As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code. 3406
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Sec. 737.052. (A) As used in this section, ~~"felony" has the same meaning as in~~ "disqualifying offense" means a 3411
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disqualifying offense as specified under section ~~109.511-9.79~~ of 3413
the Revised Code with respect to a person who has been awarded a 3414
certificate attesting to the satisfactory completion of a peace 3415
officer basic training program under section 109.77 of the 3416
Revised Code. 3417

(B) (1) The director of public safety shall not appoint a 3418
person as a chief of police, a member of the police department 3419
of the municipal corporation, or an auxiliary police officer on 3420
a permanent basis, on a temporary basis, for a probationary 3421
term, or on other than a permanent basis if the person 3422
previously has been convicted of ~~or has pleaded guilty to a~~ 3423
felony disqualifying offense. 3424

(2) (a) The director of public safety shall terminate the 3425
employment of a chief of police, member of the police 3426
department, or auxiliary police officer who does either of the 3427
following: 3428

(i) Pleads guilty to a ~~felony disqualifying offense;~~ 3429

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 3430
a disqualifying offense pursuant to a negotiated plea agreement 3431
as provided in division (D) of section 2929.43 of the Revised 3432
Code in which the chief of police, member of the police 3433
department, or auxiliary police officer agrees to surrender the 3434
certificate awarded to the chief of police, member of the police 3435
department, or auxiliary police officer under section 109.77 of 3436
the Revised Code. 3437

(b) The director shall suspend from employment a chief of 3438
police, member of the police department, or auxiliary police 3439
officer who is convicted, after trial, of a ~~felony disqualifying~~ 3440
offense. If the chief of police, member of the police 3441

department, or auxiliary police officer files an appeal from 3442
that conviction and the conviction is upheld by the highest 3443
court to which the appeal is taken or if the chief of police, 3444
member of the police department, or auxiliary police officer 3445
does not file a timely appeal, the director shall terminate that 3446
person's employment. If the chief of police, member of the 3447
police department, or auxiliary police officer files an appeal 3448
that results in that person's acquittal of the ~~felony~~ 3449
disqualifying offense or conviction of ~~a misdemeanor~~ an offense 3450
other than a disqualifying offense, or in the dismissal of the 3451
~~felony~~ charge of a disqualifying offense against that person, 3452
the director shall reinstate that person. A chief of police, 3453
member of the police department, or auxiliary police officer who 3454
is reinstated under division (B) (2) (b) of this section shall not 3455
receive any back pay unless that person's conviction of the 3456
~~felony~~ disqualifying offense was reversed on appeal, or the 3457
~~felony~~ charge of the disqualifying offense was dismissed, 3458
because the court found insufficient evidence to convict that 3459
person of the ~~felony~~ disqualifying offense. 3460

(3) Division (B) of this section does not apply regarding 3461
an offense that was committed prior to January 1, 1997. 3462

(4) The suspension from employment, or the termination of 3463
the employment, of the chief of police, member of the police 3464
department, or auxiliary police officer under division (B) (2) of 3465
this section shall be in accordance with Chapter 119. of the 3466
Revised Code. 3467

Sec. 737.162. (A) As used in this section, ~~"felony" has~~ 3468
~~the same meaning as in~~ "disqualifying offense" means a 3469
disqualifying offense as specified under section 109.511-9.79 of 3470
the Revised Code with respect to a person who has been awarded a 3471

certificate attesting to the satisfactory completion of a peace officer basic training program under section 109.77 of the Revised Code. 3472
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(B) (1) The mayor shall not appoint a person as a marshal, 3475
a deputy marshal, a police officer, a night watchperson, a 3476
special police officer, or an auxiliary police officer on a 3477
permanent basis, on a temporary basis, for a probationary term, 3478
or on other than a permanent basis if the person previously has 3479
been convicted of ~~or has pleaded guilty to a felony~~ 3480
disqualifying offense. 3481

(2) (a) The mayor shall terminate the employment of a 3482
marshal, deputy marshal, police officer, night watchperson, 3483
special police officer, or auxiliary police officer who does 3484
either of the following: 3485

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 3486

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 3487
a disqualifying offense pursuant to a negotiated plea agreement 3488
as provided in division (D) of section 2929.43 of the Revised 3489
Code in which the marshal, deputy marshal, police officer, night 3490
watchperson, special police officer, or auxiliary police officer 3491
agrees to surrender the certificate awarded to that person under 3492
section 109.77 of the Revised Code. 3493

(b) The mayor shall suspend from employment a marshal, 3494
deputy marshal, police officer, night watchperson, special 3495
police officer, or auxiliary police officer who is convicted, 3496
after trial, of a ~~felony~~ disqualifying offense. If the marshal, 3497
deputy marshal, police officer, night watchperson, special 3498
police officer, or auxiliary police officer files an appeal from 3499
that conviction and the conviction is upheld by the highest 3500

court to which the appeal is taken or if that person does not 3501
file a timely appeal, the mayor shall terminate that person's 3502
employment. If the marshal, deputy marshal, police officer, 3503
night watchperson, special police officer, or auxiliary police 3504
officer files an appeal that results in that person's acquittal 3505
of the ~~felony disqualifying offense~~ or conviction of a 3506
~~misdemeanor~~ an offense other than a disqualifying offense, or in 3507
the dismissal of the ~~felony charge~~ of the disqualifying offense 3508
against that person, the mayor shall reinstate that person. A 3509
marshal, deputy marshal, police officer, night watchperson, 3510
special police officer, or auxiliary police officer who is 3511
reinstated under division (B) (2) (b) of this section shall not 3512
receive any back pay unless that person's conviction of the 3513
~~felony disqualifying offense~~ was reversed on appeal, or the 3514
~~felony charge~~ of the disqualifying offense was dismissed, 3515
because the court found insufficient evidence to convict that 3516
person of the ~~felony disqualifying offense~~. 3517

(3) Division (B) of this section does not apply regarding 3518
an offense that was committed prior to January 1, 1997. 3519

(4) The suspension from employment, or the termination of 3520
the employment, of a marshal, deputy marshal, police officer, 3521
night watchperson, special police officer, or auxiliary police 3522
officer under division (B) (2) of this section shall be in 3523
accordance with Chapter 119. of the Revised Code. 3524

Sec. 903.05. (A) Each application for a permit to install 3525
or permit to operate a concentrated animal feeding facility that 3526
is submitted by an applicant who has not owned or operated a 3527
concentrated animal feeding facility in this state for at least 3528
two of the five years immediately preceding the submission of 3529
the application shall be accompanied by all of the following: 3530

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

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

(3) A listing of all administrative enforcement orders issued to the applicant or any person identified by the applicant under division (C)(1) of section 903.02 or 903.03 of the Revised Code, all civil actions in which the applicant or any such person was determined by the trier of fact to be liable in damages or was the subject of injunctive relief or another type of civil relief, and all ~~criminal actions disqualifying offenses, as specified under section 9.79 of the Revised Code,~~ in which the applicant or any such person ~~pleaded guilty or was~~ convicted, during the five years immediately preceding the submission of the application, in connection with any violation of the Federal Water Pollution Control Act, the "Safe Drinking Water Act," as defined in section 6109.01 of the Revised Code, or any other applicable state laws pertaining to environmental protection that was alleged to have occurred or to be occurring at any animal feeding facility that the applicant or any such person owns, has owned, has operated, or is operating in the United States or with any violation of the environmental laws of

another country that was alleged to have occurred or to be 3562
occurring at any animal feeding facility that the applicant or 3563
any such person owns, has owned, has operated, or is operating 3564
outside the United States. 3565

The lists of animal feeding facilities owned or operated 3566
by the applicant or any person identified by the applicant under 3567
division (C)(1) of section 903.02 or 903.03 of the Revised Code 3568
within or outside this state or outside the United States shall 3569
include, respectively, all such facilities owned or operated by 3570
the applicant or any such person during the five-year period 3571
immediately preceding the submission of the application. 3572

(B) If the applicant for a permit to install or permit to 3573
operate or any person identified by the applicant under division 3574
(C)(1) of section 903.02 or 903.03 of the Revised Code has been 3575
involved in any prior activity involving the operation of an 3576
animal feeding facility, the director of agriculture may deny 3577
the application if the director finds from the application, the 3578
information submitted under divisions (A)(1) to (3) of this 3579
section, pertinent information submitted to the director, and 3580
other pertinent information obtained by the director at the 3581
director's discretion that the applicant and any such person, in 3582
the operation of animal feeding facilities, have a history of 3583
substantial noncompliance with the Federal Water Pollution 3584
Control Act, the "Safe Drinking Water Act," as defined in 3585
section 6109.01 of the Revised Code, any other applicable state 3586
laws pertaining to environmental protection, or the 3587
environmental laws of another country that indicates that the 3588
applicant or any such person lacks sufficient reliability, 3589
expertise, and competence to operate the proposed new or 3590
modified concentrated animal feeding facility in substantial 3591
compliance with this chapter and rules adopted under it. 3592

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

(D) An owner or operator of a concentrated animal feeding facility that has been issued an installation permit that has been transferred from the director of environmental protection to the director of agriculture, a permit to install, or a permit to operate shall submit to the director notice of any proposed change in the persons identified to the director under division (C) (1) of section 903.02 or 903.03 of the Revised Code, as applicable. The director may deny approval of the proposed change if the director finds from the information submitted

under divisions (A) (1) to (3) of this section, pertinent 3624
information submitted to the director, and other pertinent 3625
information obtained by the director at the director's 3626
discretion that the proposed person, in the operation of animal 3627
feeding facilities, has a history of substantial noncompliance 3628
with the Federal Water Pollution Control Act, the "Safe Drinking 3629
Water Act," as defined in section 6109.01 of the Revised Code, 3630
any other applicable state laws pertaining to environmental 3631
protection, or the environmental laws of another country that 3632
indicates that the person lacks sufficient reliability, 3633
expertise, and competence to operate the concentrated animal 3634
feeding facility in substantial compliance with this chapter and 3635
rules adopted under it. 3636

Sec. 905.503. (A) As used in this section: 3637

(1) "Political subdivision" means a county, township, or 3638
municipal corporation and any other body corporate and politic 3639
that is responsible for government activities in a geographic 3640
area smaller than that of the state. 3641

(2) "Local legislation" includes, but is not limited to, 3642
an ordinance, resolution, regulation, rule, motion, or amendment 3643
that is enacted or adopted by a political subdivision. 3644

(B) (1) No political subdivision shall regulate the 3645
registration, packaging, labeling, sale, storage, distribution, 3646
use, or application of fertilizer, ~~or require a person licensed-~~ 3647
~~or registered under sections 905.31 to 905.99 of the Revised-~~ 3648
~~Code to obtain a license or permit to operate in a manner-~~ 3649
~~described in those sections, or to satisfy any other condition-~~ 3650
~~except as provided by a statute or rule of this state or of the~~ 3651
United States. 3652

(2) No political subdivision shall enact, adopt, or 3653
continue in effect local legislation relating to the 3654
registration, packaging, labeling, sale, storage, distribution, 3655
use, or application of fertilizers. 3656

Sec. 907.111. (A) The department of agriculture has sole 3657
and exclusive authority to regulate the registration, labeling, 3658
sale, storage, transportation, distribution, notification of 3659
use, use, and planting of seed within the state. The regulation 3660
of seed is a matter of general statewide interest that requires 3661
uniform statewide regulation, and this chapter and rules adopted 3662
under it constitute a comprehensive plan with respect to all 3663
aspects of the regulation of seed within this state. 3664

(B) No political subdivision shall do ~~any either~~ of the 3665
following: 3666

(1) Regulate the registration, labeling, sale, storage, 3667
transportation, distribution, notification of use, use, or 3668
planting of seed; 3669

~~(2) Require a person who has been issued a permit or~~ 3670
~~license under this chapter to obtain a permit or license to~~ 3671
~~operate in a manner described in this chapter or to satisfy any~~ 3672
~~other condition except as provided by a statute or rule of this~~ 3673
~~state or of the United States;~~ 3674

~~(3) Require a person who has registered a legume~~ 3675
~~innoculant under this chapter to register that innoculant in a~~ 3676
~~manner described in this chapter or to satisfy any other~~ 3677
~~condition except as provided by a statute or rule of this state~~ 3678
~~or of the United States.~~ 3679

(C) No political subdivision shall enact, adopt, or 3680
continue in effect local legislation relating to the ~~permitting~~ 3681

~~or licensure of any person who is required to obtain a permit or~~ 3682
~~license under this chapter or to the registration, labeling,~~ 3683
sale, storage, transportation, distribution, notification of 3684
use, use, or planting of seed. 3685

(D) As used in this section, "political subdivision" and 3686
"local legislation" have the same meanings as in section 905.503 3687
of the Revised Code. 3688

Sec. 917.06. (A) As used in this section, "political 3689
subdivision" means a county, township, or municipal corporation 3690
and any other body corporate and politic that is responsible for 3691
government activities in a geographic area smaller than that of 3692
the state. 3693

(B) All political subdivisions shall give full faith and 3694
credit to the inspections and acts performed and records created 3695
in the administration and enforcement of this chapter and the 3696
rules adopted under it. No political subdivision shall require a 3697
person licensed under section 917.09 of the Revised Code ~~to~~ 3698
~~obtain a license or permit to operate in a manner described in~~ 3699
~~this chapter or rules adopted under it,~~ to submit to an 3700
inspection or pay a fee related to this chapter or the rules 3701
adopted under it, or to satisfy any other condition except as 3702
provided by a statute or rule of this state or the United 3703
States. 3704

Sec. 921.23. The director of agriculture may suspend, 3705
prior to a hearing, for not longer than ten days, and after the 3706
opportunity for a hearing may deny, suspend, revoke, refuse to 3707
renew, or modify any provision of any license, permit, or 3708
registration issued pursuant to this chapter if the director 3709
finds that the applicant or the holder of a license, permit, or 3710
registration is no longer qualified, has violated any provision 3711

of this chapter or rules adopted under it, ~~has been found guilty~~ 3712
~~of violating the federal act,~~ or has been convicted of a 3713
~~misdemeanor involving moral turpitude or of a felony~~ 3714
disqualifying offense, as specified under section 9.79 of the 3715
Revised Code. 3716

Sec. 926.05. (A) Each person desiring to obtain or renew a 3717
handler's license shall file an application annually with the 3718
director of agriculture at such times, on such forms, and 3719
containing such information as the director prescribes, 3720
including, if applicable, the appointment of a statutory agent 3721
under section 926.051 of the Revised Code. 3722

(B) Each application for a license or license renewal 3723
shall be accompanied by an application fee of two hundred 3724
dollars for the first facility operated by the applicant plus 3725
one hundred dollars for each additional facility operated by the 3726
same applicant and by an examination fee, established by rule of 3727
the director pursuant to section 926.02 of the Revised Code, for 3728
each facility operated by the applicant. "Facility" means all 3729
warehouse storage located on one premises, including any 3730
additional warehouse storage located within one thousand yards 3731
of that premises. The director may charge fees for examinations 3732
in an amount not to exceed those fees charged by the United 3733
States department of agriculture for comparable examinations. 3734

The director shall deposit all fees collected under this 3735
section in the commodity handler regulatory program fund created 3736
in section 926.19 of the Revised Code. 3737

(C) The director shall approve or reject each application 3738
for a license within fifteen days after receipt thereof, 3739
provided that such application is in proper form and contains 3740
the information required under division (A) of this section. A 3741

rejection of an application shall be accompanied by a statement 3742
from the director of the additional requirements necessary for a 3743
license. The applicant may resubmit the application without 3744
payment of any additional fee. 3745

(D) A handler's license shall expire on the date 3746
prescribed by rule of the director. Whenever the director 3747
considers it advisable to cancel the unexpired portion of an 3748
outstanding license in order to renew it according to a new or 3749
existing system of expiration dates, the director shall refund 3750
to the handler the unexpired portion of the fees paid under 3751
division (B) of this section. Whenever the director issues an 3752
initial license on a date that does not conform to the existing 3753
system, the director shall issue the license for a period of 3754
time, not less than six nor more than eighteen months, that 3755
makes the date conform to the existing system. The application 3756
fee for that initial license shall be proportionate to the fee 3757
for a one-year license. 3758

(E) An application for renewal of a handler's license 3759
shall be filed with the director not later than thirty days 3760
before the current license expires. An applicant who fails to 3761
file a renewal application in time shall pay a late fee of one 3762
dollar for each day the application is late or fifteen dollars, 3763
whichever is greater. A renewal license shall not be issued 3764
until a late fee that is due has been paid. 3765

(F) The director, with the approval of the commodity 3766
advisory commission, may revoke or refuse to issue or renew a 3767
handler's license if any of the following occurred within five 3768
years before the application for the license or renewal was 3769
filed: 3770

(1) The applicant, or the spouse, parent, sibling, or 3771

child of the applicant, or a manager employed by the applicant, 3772
or any other individual materially involved in the agricultural 3773
commodity handling business of the applicant was a principal in 3774
a receivership or insolvency that resulted in losses to 3775
creditors or to the agricultural commodity depositors fund 3776
established in section 926.16 of the Revised Code; 3777

(2) The applicant ~~pled guilty to or~~ was convicted of ~~any~~ 3778
~~felony or charge of embezzlement a disqualifying offense, as~~ 3779
specified under section 9.79 of the Revised Code, under the laws 3780
of this state, any other state, or of the United States; 3781

(3) The applicant made a delivery of commodities not 3782
authorized under this chapter; 3783

(4) The applicant's license under the "United States 3784
Warehouse Act," 39 Stat. 486 (1916), 7 U.S.C. 241, as amended, 3785
was revoked or canceled due to a violation of that act. 3786

Sec. 935.06. (A) Not later than ninety days after receipt 3787
of an application under section 935.05 of the Revised Code, the 3788
director of agriculture shall issue or deny a wildlife shelter 3789
permit. The director shall issue a permit to an applicant only 3790
if all of the following apply: 3791

(1) The applicant is eighteen years of age or older. 3792

(2) The applicant has registered the dangerous wild animal 3793
or animals that are the subject of the application under section 3794
935.04 of the Revised Code. 3795

(3) The applicant is in compliance with the standards of 3796
care established in rules adopted under division (A) (2) of 3797
section 935.17 of the Revised Code. 3798

(4) The applicant has sterilized each male dangerous wild 3799

animal that is possessed by the applicant. However, a dangerous 3800
wild animal is not required to be sterilized if a veterinarian 3801
that is qualified to provide veterinary care to the dangerous 3802
wild animal determines that the sterilization is medically 3803
contraindicated and the applicant has submitted a copy of the 3804
veterinarian's written determination with the applicant's 3805
application. 3806

(5) The applicant has signed an affidavit attesting that 3807
the applicant will not allow members of the public to be in 3808
physical contact with a dangerous wild animal possessed by the 3809
applicant. Division (A) (5) of this section does not apply to an 3810
employee of the applicant or a volunteer who has entered into a 3811
written agreement with the applicant to work for or volunteer 3812
for the applicant and assists in the care of a dangerous wild 3813
animal or animals specified in division (C) (20) of section 3814
935.01 of the Revised Code possessed by the applicant if the 3815
care is provided under the direction of the applicant. 3816

(6) The applicant has not been convicted of ~~or pleaded~~ 3817
~~guilty to a felony drug abuse offense, an offense of violence~~ 3818
~~that is a felony, or a violation of section 959.13 or 959.131 of~~ 3819
~~the Revised Code or of section 2927.21 of the Revised Code as~~ 3820
~~that section existed prior to its repeal by S.B. 310 of the~~ 3821
~~129th general assembly, disqualifying offense as specified under~~ 3822
section 9.79 of the Revised Code and as determined by a criminal 3823
records check performed in accordance with division (B) of this 3824
section. 3825

(7) The facility at which a dangerous wild animal or 3826
dangerous wild animals will be maintained under the permit 3827
consists of at least one acre. Division (A) (7) of this section 3828
does not apply to either of the following: 3829

(a) Dangerous wild animals specified in division (C) (20) 3830
of section 935.01 of the Revised Code; 3831

(b) An applicant to whom the director issues a written 3832
waiver stating that the acreage requirement does not apply to 3833
the applicant. 3834

(8) The applicant has signed an affidavit attesting that 3835
the facility at which a dangerous wild animal or dangerous wild 3836
animals will be maintained under the permit and the conditions 3837
in which each dangerous wild animal will be kept in that 3838
facility are in compliance with this chapter and rules. 3839

(9) The applicant has submitted a complete application 3840
that meets the requirements established in section 935.05 of the 3841
Revised Code. 3842

(10) The applicant has submitted the applicable fee under 3843
section 935.05 of the Revised Code. 3844

If a permit is issued, the director shall assign a unique 3845
identification number to the permit. 3846

(B) Prior to issuing or denying a wildlife shelter permit, 3847
the director shall submit a request to the bureau of criminal 3848
identification and investigation in the office of the attorney 3849
general for a criminal records check of the applicant for the 3850
permit. Upon receipt of a request, the superintendent of the 3851
bureau shall conduct a criminal records check in the manner 3852
described in division (B) of section 109.572 of the Revised Code 3853
to determine whether any information exists that indicates that 3854
the applicant previously has been convicted of ~~or pleaded guilty~~ 3855
~~to any of the following:~~ 3856

~~(1) A felony drug abuse offense;~~ 3857

~~(2) An offense of violence that is a felony;~~ 3858

~~(3) A violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. 310 of the 129th general assembly a disqualifying offense as specified under section 9.79 of the Revised Code.~~ 3859
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The applicant is responsible for paying all costs associated with the criminal records check. 3864
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(C) If a permit application is denied, two hundred fifty dollars of the permit application fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the fee shall be returned to the applicant. 3866
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(D) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the permit holder intends to retain possession of the dangerous wild animal or animals that are identified in the permit. Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies with this chapter and rules and pays a renewal fee in the same amount as the fee established for the initial permit in section 935.05 of the Revised Code. If a renewal permit is denied, two hundred fifty dollars of the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the renewal fee shall be returned to the applicant. 3871
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(E) If the director denies an application for a permit or 3886

a renewal of a permit, the director shall notify the person of 3887
the denial, the grounds for the denial, and the person's right 3888
to an adjudication under Chapter 119. of the Revised Code. 3889

(F) If a person does not appeal the determination of the 3890
director to deny an application for a permit or a renewal of a 3891
permit or if the determination of the director is affirmed under 3892
Chapter 119. of the Revised Code, not later than thirty days 3893
after the decision not to appeal or after the determination is 3894
affirmed, as applicable, the person shall transfer the dangerous 3895
wild animal or animals that the person possesses to a humane 3896
society, wildlife sanctuary, rescue facility, facility that is 3897
an accredited member of either the association of zoos and 3898
aquariums or the zoological association of America, or facility 3899
that is located in another state and that complies with that 3900
state's applicable laws. After the transfer has occurred, the 3901
person shall submit proof to the director that the dangerous 3902
wild animal or animals were transferred and shall specify the 3903
society, sanctuary, or facility to which the animal or animals 3904
were transferred. 3905

The person is responsible for all costs associated with 3906
the transfer of the dangerous wild animal or animals. 3907

(G) If a person that has been issued a wildlife shelter 3908
permit under this section or a wildlife propagation permit under 3909
section 935.07 of the Revised Code dies, the person's next of 3910
kin shall do one of the following: 3911

(1) If the next of kin wishes to possess the dangerous 3912
wild animal or animals, obtain a wildlife shelter permit under 3913
this section or a wildlife propagation permit under section 3914
935.07 of the Revised Code, as applicable. That next of kin 3915
shall comply with this chapter and rules, except that, with 3916

respect to the next of kin's initial permit, the person need not 3917
pay the applicable permit application fee. 3918

(2) If the deceased person has a last will and testament 3919
that specifies that the dangerous wild animal or animals 3920
possessed by the person are to be transferred to another person 3921
that has been issued a wildlife shelter permit, wildlife 3922
propagation permit, or rescue facility permit issued under this 3923
chapter, transfer the dangerous wild animal or animals to the 3924
applicable permit holder; 3925

(3) Transfer the dangerous wild animal or animals that 3926
were possessed by the deceased person in accordance with 3927
division (F) of this section. 3928

(H) All fees collected under this section shall be 3929
credited to the dangerous and restricted animal fund created in 3930
section 935.25 of the Revised Code. 3931

Sec. 943.03. (A) (1) Application for a license as a dealer 3932
or broker shall be made in writing to the department of 3933
agriculture. The application shall state the nature of the 3934
business, the municipal corporation, township, and county, and 3935
the post-office address of the location where the business is to 3936
be conducted, the name of any employee authorized to act in the 3937
dealer's or broker's behalf, and such additional information as 3938
the department prescribes. 3939

The applicant shall satisfy the department of the 3940
applicant's ~~character and~~ good faith in seeking to engage in 3941
such business. The department shall issue to the applicant a 3942
license to conduct the business of a dealer or broker at the 3943
place named in the application. Licenses, unless revoked, shall 3944
expire annually on the thirty-first day of March and shall be 3945

renewed according to the standard renewal procedure of sections 3946
4745.01 to 4745.03 of the Revised Code. 3947

(2) No license shall be issued by the department to a 3948
dealer or broker having weighing facilities until the applicant 3949
has filed with the department a copy of a scale test certificate 3950
showing the weighing facilities to be in satisfactory condition, 3951
a copy of the license of each weigher employed by the applicant, 3952
and a certificate of inspection by the department showing 3953
livestock market facilities to be in satisfactory sanitary 3954
condition. 3955

(3) Except as provided in division (A)(4) of this section, 3956
no license shall be issued by the department until the applicant 3957
has furnished proof of financial responsibility. Except as 3958
provided in division (C) of this section, such proof may be in 3959
the following forms: 3960

(a) A bond of a surety company authorized to do business 3961
in this state in the form prescribed by and to the satisfaction 3962
of the department, conditioned for the payment of a judgment 3963
against the applicant furnishing the bond and arising out of the 3964
failure of such dealer or broker to pay for the livestock 3965
purchased for the dealer's or broker's own or for the accounts 3966
of others or to pay when due to the person entitled thereto the 3967
gross amount, less lawful charges, for which all of the 3968
livestock is sold. The amount of bond required, the termination 3969
of the bond, and the limitation on filing claims against the 3970
dealer or broker or their surety shall be the same as prescribed 3971
in division (B) of this section. 3972

(b) A deposit with a trustee acceptable to the department 3973
of the required amount in money or negotiable bonds of the 3974
United States or of this state or of a political subdivision of 3975

this state of that par or face value, or any combination 3976
thereof, for the purpose of securing the payment of a judgment 3977
against the dealer or broker furnishing the deposit and arising 3978
out of the failure of the dealer or broker to pay for the 3979
livestock purchased for the dealer's or broker's own or for the 3980
accounts of others, or to pay when due to the person entitled 3981
thereto the gross amount, less lawful charges, for which all of 3982
the livestock is sold. The deposit shall be made under a deposit 3983
agreement acceptable to the department. The deposit is not 3984
subject to attachment for any other claim or levy of execution 3985
upon a judgment based on any other claims. 3986

(4) An applicant for a license as a dealer or broker of 3987
poultry is not required to maintain financial responsibility or 3988
furnish proof of financial responsibility. 3989

(B) Any person damaged by failure of a dealer or broker to 3990
pay for the livestock purchased for the dealer's or broker's or 3991
for the accounts of others or to pay when due to the person 3992
entitled thereto the gross amount, less lawful charges, for 3993
which all of the livestock is sold may maintain an action 3994
against the broker or dealer and the sureties on the bonds, or 3995
the trustee, provided for in this section. The aggregate 3996
liability of the sureties or trustee for all such damage shall 3997
not exceed the amount of the bond or deposit. 3998

Unless the person damaged files a claim with the dealer or 3999
broker and the sureties or trustee within sixty days from the 4000
date of the transaction on which the claim is based, the person 4001
shall be barred from maintaining an action on the bond or for 4002
the application of the deposit. Upon the filing of a claim, the 4003
claimant shall notify the department of that action. 4004

The amount of the bond or deposit shall not be less than 4005

the nearest multiple of one thousand dollars above the average 4006
daily value of livestock sold by the dealer or broker for the 4007
accounts of others and livestock purchased by the dealer or 4008
broker for the dealer's or broker's or for the accounts of 4009
others on the dealer's or broker's ten largest business days 4010
during the preceding twelve months or such part thereof as the 4011
dealer or broker was purchasing, selling, or exchanging 4012
livestock. In no case shall the amount of the bond or deposit 4013
total less than ten thousand dollars. 4014

Whenever the amount of bond or deposit calculated as above 4015
specified exceeds fifty thousand dollars, the amount of the bond 4016
shall be fifty thousand dollars plus ten per cent of the 4017
valuation in excess of fifty thousand dollars. 4018

In no case shall the bond or deposit covering the business 4019
of the dealer or broker be less than the amount specified above 4020
or such higher amount as may be specified by the "Packer and 4021
Stockyards Act of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as 4022
amended. 4023

Whenever in the judgment of the department the business 4024
volume of the licensee is such as to render the bond or deposit 4025
inadequate, the amount of the bond or deposit shall be adjusted, 4026
upon thirty days' notice, to meet sections 943.01 to 943.18 of 4027
the Revised Code and rules adopted under them. All of the bonds 4028
or deposit agreements shall contain a provision requiring that 4029
at least thirty days' prior notice in writing be given to the 4030
department and the packers and stockyards administration of the 4031
United States department of agriculture by the party terminating 4032
the bonds or deposit agreements in order to effect termination, 4033
except that a bond may be terminated as of the effective date of 4034
a replacement bond. 4035

The termination of a bond shall not release the parties 4036
from any liability arising out of facts or transactions 4037
occurring prior to the termination date. 4038

The termination of a deposit agreement shall neither 4039
release the party furnishing the deposit from any liability 4040
arising out of acts or transactions occurring prior to the 4041
termination date, nor shall the trustee permit the withdrawal of 4042
the deposit until after sixty days after the termination date, 4043
and then only if no claims under the agreement have been filed 4044
with the trustee. If any claims have been filed with the 4045
trustee, the withdrawal of the deposit shall not be permitted 4046
until the claims have been satisfied or released and evidence of 4047
the satisfaction or release filed with the trustee. 4048

(C) If approved by the director of agriculture, in lieu of 4049
the bond or deposit required in division (A) (3) of this section, 4050
a broker or dealer subject to the "Packers and Stockyards Act of 4051
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended, may furnish 4052
proof in a manner and form acceptable to the director that the 4053
broker or dealer has an irrevocable letter of credit on file 4054
with the packers and stockyards administration under regulations 4055
adopted by the packers and stockyards administration in 9 C.F.R. 4056
201.35, as amended. 4057

(D) No licensed livestock dealer or broker shall employ as 4058
an employee a person who, as a dealer or broker, previously 4059
defaulted on contracts pertaining to the purchase, exchange, or 4060
sale of livestock until the licensee does both of the following: 4061

(1) Increases the value of the dealer's or broker's bond, 4062
deposit, or letter of credit, in addition to the amount of any 4063
other bond, deposit, or letter of credit required by this 4064
section, by an amount equal to that owed by such person for the 4065

purchase, exchange, or sale of livestock prior to being employed 4066
by the licensee; 4067

(2) Signs and files with the director an agreement that 4068
guarantees, without condition, all contracts pertaining to the 4069
purchase, exchange, or sale of livestock made by such person 4070
while in the employ of the licensee. The agreement shall be in 4071
addition to any other proof of financial responsibility required 4072
by this section. The director shall prescribe the form and 4073
content of the agreement. 4074

(E) No licensed livestock dealer or broker shall employ a 4075
person whose dealer's or broker's license was revoked or is 4076
suspended. 4077

Sec. 943.031. (A) Application for a license as a small 4078
dealer shall be made in writing to the department of 4079
agriculture. The application shall state the nature of the 4080
business, the municipal corporation or township, county, and 4081
post-office address of the location where the business is to be 4082
conducted, the name of any employee who is authorized to act in 4083
the small dealer's behalf, and any additional information that 4084
the department prescribes. 4085

(B) The applicant shall satisfy the department of the 4086
applicant's ~~character and~~ good faith in seeking to engage in the 4087
business of a small dealer. The department then shall issue to 4088
the applicant a license to conduct the business of a small 4089
dealer at the place named in the application. Licenses, unless 4090
revoked, shall expire annually on the thirty-first day of March 4091
and shall be renewed according to the standard renewal procedure 4092
established in sections 4745.01 to 4745.03 of the Revised Code. 4093

(C) No license shall be issued by the department to a 4094

small dealer having weighing facilities until the applicant has 4095
filed with the department a copy of a scale test certificate 4096
showing the weighing facilities to be in satisfactory condition, 4097
a copy of the license of each weigher employed by the applicant, 4098
and a certificate of inspection by the department showing 4099
livestock market facilities to be in satisfactory sanitary 4100
condition. 4101

(D) No licensed small dealer shall employ as an employee a 4102
person who, as a small dealer, dealer, or broker, previously 4103
defaulted on contracts pertaining to the purchase, exchange, or 4104
sale of livestock until the licensee signs and files with the 4105
director an agreement that guarantees, without condition, all 4106
contracts pertaining to the purchase, exchange, or sale of 4107
livestock made by the person while in the employ of the 4108
licensee. The director shall prescribe the form and content of 4109
the agreement. 4110

(E) A licensed small dealer is not required to maintain 4111
financial responsibility or furnish proof of financial 4112
responsibility. 4113

Sec. 943.05. (A) The director of agriculture may refuse to 4114
grant or may suspend a small dealer's, dealer's, or broker's 4115
license, without prior hearing, after determining from evidence 4116
presented to the director that there is reasonable cause to 4117
believe any of the following situations exist: 4118

(1) Where the applicant or licensee or an employee has 4119
violated the laws of the state or official regulations governing 4120
the interstate or intrastate movement, shipment, or 4121
transportation of animals, or has been convicted of a ~~crime~~ 4122
involving moral turpitude or convicted of a felony disqualifying 4123
offense, as specified under section 9.79 of the Revised Code; 4124

(2) Where there have been false or misleading statements 4125
as to the health or physical condition of the animals with 4126
regard to official tests or quantity of animals, or the practice 4127
of fraud or misrepresentation in connection therewith or in the 4128
buying or receiving of animals or receiving, selling, 4129
exchanging, soliciting, or negotiating the sale, resale, 4130
exchange, weighing, or shipment of animals; 4131

(3) Where the applicant or licensee acts as a small 4132
dealer, dealer, or broker for a person attempting to conduct 4133
business in violation of section 943.02 of the Revised Code, 4134
after the notice of the violation has been given to the licensee 4135
by the department of agriculture; 4136

(4) Where the applicant or licensee or employee fails to 4137
practice measures of sanitation, disinfection, and inspection as 4138
required by sections 943.01 to 943.18 of the Revised Code, or 4139
prescribed by the department, of premises or vehicles used for 4140
the yarding, holding, or transporting of animals; 4141

(5) Where there has been a failure to keep records 4142
required by the department or where there is a refusal on the 4143
part of the applicant or licensee or employee to produce records 4144
of transactions in the carrying on of the business for which the 4145
license is granted; 4146

(6) Where the applicant or licensee providing weighing 4147
facilities used for, in connection with, or incident to the 4148
purchase or sale of livestock for the account of the licensee or 4149
others, fails to maintain and operate the weighing facilities in 4150
accordance with sections 943.08 and 943.10 of the Revised Code; 4151

(7) Where the applicant or licensee in the conduct of the 4152
business covered by the license fails to maintain and operate 4153

weighing facilities in accordance with sections 943.08 and 4154
943.10 of the Revised Code or fails to cause its livestock to be 4155
weighed by licensed weighers as provided in those sections; 4156

(8) With regard to a dealer or broker licensee, where the 4157
licensee fails to maintain a bond or deposit, or letter of 4158
credit, if applicable, or fails to adjust the bond or deposit 4159
upon thirty days' notice or refuses or neglects to pay the fees 4160
or inspection charges required to be paid; 4161

(9) Where the licensee has been suspended by order of the 4162
secretary of agriculture of the United States department of 4163
agriculture under provisions of the "Packers and Stockyards Act 4164
of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended; 4165

(10) With regard to a dealer or broker licensee, where the 4166
surety company, trustee, or issuer of a letter of credit of the 4167
licensee issues a notice of termination of the licensee's bond 4168
agreement, deposit agreement, or letter of credit; 4169

(11) Where the applicant has had a small dealer's, 4170
dealer's, or broker's license revoked or has had a small 4171
dealer's, dealer's, or broker's license suspended two or more 4172
times in the previous five years. 4173

(B) When the director refuses to grant or suspends a small 4174
dealer's, dealer's, or broker's license, the director or the 4175
director's designee may hand deliver the order. The licensee to 4176
whom a suspension order is issued shall be afforded a hearing in 4177
accordance with Chapter 119. of the Revised Code, after which 4178
the director shall reinstate, revoke, or suspend for a longer or 4179
indefinite period the suspended license. 4180

Sec. 943.09. Licenses shall be issued by the department of 4181
agriculture to weighers under such rules and regulations as the 4182

department shall prescribe. Each weigher shall display ~~his~~ the 4183
weigher's license in a conspicuous place on or adjacent to the 4184
weighing facility operated by such weigher. A weigher's license 4185
may be revoked for a violation ~~of section 943.11 of the Revised~~ 4186
~~Code~~ ~~or~~ of the rules and regulations of the department relating 4187
thereto. The license of any weigher convicted of a violation of 4188
~~such a~~ disqualifying offense as specified under section 9.79 of 4189
the Revised Code shall be promptly revoked. A weigher's license, 4190
unless revoked, shall expire on the thirty-first day of March of 4191
each year and shall be renewed according to the standard renewal 4192
procedure of sections 4745.01 to 4745.03, inclusive, of the 4193
Revised Code. 4194

Sec. 956.03. (A) The director of agriculture shall adopt 4195
rules in accordance with Chapter 119. of the Revised Code 4196
establishing all of the following: 4197

(1) Requirements and procedures governing high volume 4198
breeders, including the licensing and inspection of and record 4199
keeping by high volume breeders, in addition to the requirements 4200
and procedures established in this chapter; 4201

(2) Requirements and procedures for conducting background 4202
investigations of each applicant for a license issued under 4203
section 956.04 of the Revised Code in order to determine if the 4204
applicant has been convicted of ~~or pleaded guilty to any of the~~ 4205
~~violations~~ a disqualifying offense as specified in section 9.79 4206
or division (A) (2) of section 956.15 of the Revised Code; 4207

(3) Requirements and procedures governing dog retailers, 4208
including the licensing of and record keeping by dog retailers, 4209
in addition to the requirements and procedures established in 4210
this chapter; 4211

(4) The form of applications for licenses issued under 4212
this chapter and the information that is required to be 4213
submitted in the applications and the form for registering as an 4214
animal rescue for dogs under this chapter and the information 4215
that is required to be provided with a registration, including 4216
the name and address of each foster home that an animal rescue 4217
for dogs utilizes; 4218

(5) A requirement that each high volume breeder submit to 4219
the director, with an application for a high volume breeder 4220
license, evidence of insurance or, in the alternative, evidence 4221
of a surety bond payable to the state to ensure compliance with 4222
this chapter and rules adopted under it. The face value of the 4223
insurance coverage or bond shall be in the following amounts: 4224

(a) Five thousand dollars for high volume breeders 4225
keeping, housing, and maintaining not more than twenty-five 4226
adult dogs; 4227

(b) Ten thousand dollars for high volume breeders keeping, 4228
housing, and maintaining at least twenty-six adult dogs, but not 4229
more than fifty adult dogs; 4230

(c) Fifty thousand dollars for high volume breeders 4231
keeping, housing, and maintaining more than fifty adult dogs. 4232

The rules shall require that the insurance be payable to 4233
the state or that the surety bond be subject to redemption by 4234
the state, as applicable, upon a suspension or revocation of a 4235
high volume breeder license for the purpose of paying for the 4236
maintenance and care of dogs that are seized or otherwise 4237
impounded from the high volume breeder in accordance with this 4238
chapter. 4239

(6) (a) For high volume breeders, standards of care 4240

governing all of the following:	4241
(i) Housing;	4242
(ii) Nutrition;	4243
(iii) Exercise;	4244
(iv) Grooming;	4245
(v) Biosecurity and disease control;	4246
(vi) Waste management;	4247
(vii) Whelping;	4248
(viii) Any other general standards of care for dogs.	4249
(b) In adopting rules under division (A) (6) (a) of this section, the director shall consider the following factors, without limitation:	4250 4251 4252
(i) Best management practices for the care and well-being of dogs;	4253 4254
(ii) Biosecurity;	4255
(iii) The prevention of disease;	4256
(iv) Morbidity and mortality data;	4257
(v) Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association;	4258 4259 4260
(vi) Standards established by the United States department of agriculture under the federal animal welfare act as defined in section 959.131 of the Revised Code.	4261 4262 4263
(7) Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures	4264 4265

established in that section, and procedures for making records 4266
of the inspections; 4267

(8) (a) A requirement that an in-state retailer of a puppy 4268
or adult dog provide to the purchaser the complete name, 4269
address, and telephone number of all high volume breeders, dog 4270
retailers, and private owners that kept, housed, or maintained 4271
the puppy or adult dog prior to its coming into the possession 4272
of the retailer or proof that the puppy or adult dog was 4273
acquired through an animal rescue for dogs, animal shelter for 4274
dogs, or humane society, or a valid health certificate from the 4275
state of origin pertaining to the puppy or adult dog; 4276

(b) A requirement that an out-of-state retailer of a puppy 4277
or adult dog that is conducting business in this state provide 4278
to the purchaser a valid health certificate from the state of 4279
origin pertaining to the puppy or adult dog and the complete 4280
name, address, and telephone number of all breeders, retailers, 4281
and private owners that kept, housed, or maintained the puppy or 4282
adult dog prior to its coming into the possession of the 4283
retailer or proof that the puppy or adult dog was acquired 4284
through an animal rescue for dogs, animal shelter for dogs, or 4285
humane society in this state or another state. 4286

(9) A requirement that a high volume breeder or a dog 4287
retailer who advertises the sale of a puppy or adult dog include 4288
with the advertisement the vendor number assigned by the tax 4289
commissioner to the high volume breeder or to the dog retailer 4290
if the sale of the puppy or dog is subject to the tax levied 4291
under Chapter 5739. of the Revised Code; 4292

(10) A requirement that a licensed high volume breeder and 4293
a licensed dog retailer comply with Chapter 5739. of the Revised 4294
Code. The rules shall authorize the director to suspend or 4295

revoke a license for failure to comply with that chapter. The 4296
director shall work in conjunction with the tax commissioner for 4297
the purposes of rules adopted under this division. 4298

(11) Requirements and procedures governing pet stores, 4299
including requirements and procedures governing the initial 4300
licensing of pet stores and the renewal of pet store licenses; 4301

(12) The application form for a license issued under 4302
division (A) of section 956.21 of the Revised Code and the 4303
information that is required to be submitted in the application; 4304

(13) Requirements governing permanent implanted 4305
identification microchips for dogs to be sold at a pet store and 4306
by a dog retailer; 4307

(14) Any other requirements and procedures that are 4308
determined by the director to be necessary for the 4309
administration and enforcement of this chapter and rules adopted 4310
under it. However, rules adopted under this division shall not 4311
establish additional requirements and procedures governing 4312
animal rescues for dogs other than those adopted under division 4313
(A) (4) of this section. 4314

(B) The director of agriculture may adopt rules in 4315
accordance with Chapter 119. of the Revised Code establishing 4316
disease testing protocols and vaccination requirements for dogs 4317
to be sold at a pet store. 4318

Sec. 956.15. (A) The director of agriculture shall deny an 4319
application for a license that is submitted under section 956.04 4320
or 956.05 of the Revised Code for either of the following 4321
reasons: 4322

(1) The applicant for the license has violated any 4323
provision of this chapter or a rule adopted under it if the 4324

violation materially threatens the health or welfare of a dog. 4325

(2) The applicant, in the past twenty years, has been 4326
~~convicted of or pleaded guilty to violating section 959.01,~~ 4327
~~959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the~~ 4328
~~Revised Code or an equivalent municipal ordinance, or, in the~~ 4329
~~past twenty years, has been convicted of or pleaded guilty to~~ 4330
~~violating more than once section 2919.25 of the Revised Code or~~ 4331
~~an equivalent municipal ordinance~~ a disqualifying offense as 4332
specified under section 9.79 of the Revised Code. 4333

(B) The director may suspend or revoke a license issued 4334
under this chapter for violation of any provision of this 4335
chapter or a rule adopted or order issued under it if the 4336
violation materially threatens the health and welfare of a dog. 4337

(C) An application or a license shall not be denied, 4338
suspended, or revoked under this section without a written order 4339
of the director stating the findings on which the denial, 4340
suspension, or revocation is based. A copy of the order shall be 4341
sent to the applicant or license holder by certified mail or may 4342
be provided to the applicant or license holder by personal 4343
service. In addition, the person to whom a denial, suspension, 4344
or revocation applies may request an adjudication hearing under 4345
Chapter 119. of the Revised Code. The director shall comply with 4346
such a request. The determination of the director at an 4347
adjudication hearing may be appealed in accordance with section 4348
119.12 of the Revised Code, except that the determination may be 4349
appealed only to the environmental division of the Franklin 4350
county municipal court. 4351

Sec. 1119.05. (A) (1) For each representative office a 4352
foreign bank proposes to operate, the foreign bank shall first 4353
submit to the superintendent of financial institutions an 4354

application for preliminary approval of the representative 4355
office. The superintendent shall approve or disapprove the 4356
application within sixty days after accepting the application. 4357

(2) In determining whether to approve or disapprove the 4358
foreign bank's application, the superintendent shall consider 4359
all of the following: 4360

(a) Whether the foreign bank is subject to comprehensive 4361
supervision and regulation on a consolidated basis by the 4362
appropriate authorities in the country that granted its banking 4363
charter; 4364

(b) Whether the management of the foreign bank and the 4365
proposed management of the representative office are adequate; 4366

(c) Whether any controlling person of the foreign bank, 4367
each director and executive officer of the foreign bank, and 4368
each director and executive officer of any controlling person of 4369
the foreign bank is competent ~~and of good character~~ and sound 4370
financial standing; 4371

(d) Whether the capital and financial resources of the 4372
foreign bank are adequate; 4373

(e) Whether the foreign bank is currently operating in 4374
compliance with applicable laws, regulations, and orders; 4375

(f) Whether it is reasonable to believe the foreign bank 4376
will operate the representative office in compliance with 4377
applicable laws, regulations, and orders; 4378

(g) Any other reasonable criteria the superintendent may 4379
prescribe. 4380

(B) The superintendent shall issue a license to a foreign 4381
bank to operate the representative office if all of the 4382

following have occurred: 4383

(1) The superintendent has approved the foreign bank's 4384
application for preliminary approval to operate the 4385
representative office under division (A) of this section. 4386

(2) The foreign bank has met all conditions of the 4387
superintendent's preliminary approval. 4388

(3) The foreign bank has delivered to the superintendent 4389
an appointment of an agent for service of process, the agent's 4390
acknowledgment of the appointment, and the foreign bank's 4391
agreement to service of process upon the superintendent if 4392
reasonable efforts to serve the foreign bank's agent or place of 4393
business in this state are unsuccessful. 4394

Sec. 1119.08. (A) (1) For each agency or branch a foreign 4395
bank proposes to operate, the foreign bank shall first submit to 4396
the superintendent of financial institutions an application for 4397
preliminary approval of the agency or branch. The superintendent 4398
shall determine whether to approve or disapprove the application 4399
within sixty days after accepting the application. 4400

(2) In determining whether to approve or disapprove the 4401
foreign bank's application, the superintendent shall consider 4402
all of the following: 4403

(a) Whether the foreign bank is subject to comprehensive 4404
supervision and regulation on a consolidated basis by the 4405
appropriate authorities in the country that granted its banking 4406
charter; 4407

(b) Whether the management of the foreign bank and the 4408
proposed management of the agency or branch are adequate; 4409

(c) Whether any controlling person of the foreign bank, 4410

each director and executive officer of the foreign bank, and 4411
each director and executive officer of any controlling person of 4412
the foreign bank is competent ~~and of good character~~ and sound 4413
financial standing; 4414

(d) Whether the capital and financial resources of the 4415
foreign bank are adequate; 4416

(e) Whether the foreign bank is currently operating in a 4417
safe and sound manner, and is in compliance with applicable 4418
laws, regulations, and orders; 4419

(f) Whether it is reasonable to believe the foreign bank 4420
will operate the agency or branch in a safe and sound manner, 4421
and in compliance with applicable laws, regulations, and orders; 4422

(g) Any other reasonable criteria the superintendent may 4423
prescribe. 4424

(B) The superintendent shall issue a license to a foreign 4425
bank to operate the agency or branch if the following have 4426
occurred: 4427

(1) The superintendent has approved the foreign bank's 4428
application for preliminary approval to operate the agency or 4429
branch under division (A) of this section. 4430

(2) The foreign bank has met all conditions of the 4431
superintendent's preliminary approval. 4432

(3) The foreign bank has delivered to the superintendent 4433
an appointment of an agent for service of process, the agent's 4434
acknowledgment of the appointment, and the foreign bank's 4435
agreement to service of process upon the superintendent if 4436
reasonable efforts to serve the foreign bank's agent or place of 4437
business in this state are unsuccessful. 4438

(4) The foreign bank has pledged assets as required under 4439
section 1119.09 of the Revised Code and maintains assets in this 4440
state as required by section 1119.10 of the Revised Code. 4441

Sec. 1315.04. (A) (1) After accepting an application for a 4442
money transmitter license described in section 1315.03 of the 4443
Revised Code, the superintendent of financial institutions shall 4444
examine all the facts and circumstances relating to the 4445
application. 4446

(2) At the applicant's expense, the superintendent may 4447
conduct an on-site examination of the applicant's books, 4448
records, and operations. If the superintendent requests, the 4449
applicant shall advance to the superintendent the 4450
superintendent's estimate of the cost of the on-site 4451
examination, with any unconsumed portion to be returned to the 4452
applicant. 4453

(3) The applicant shall pay the cost of its examination 4454
described in division (A) of this section, or any balance of the 4455
cost of its examination in the case of an applicant that 4456
advanced the estimated cost of its examination, within fourteen 4457
days after receiving an invoice for payment. 4458

(B) In making a determination on an application described 4459
in division (A) (1) of this section, the superintendent shall 4460
consider all of the following: 4461

(1) The applicant's financial condition; 4462

(2) The applicant's business practices; 4463

(3) The applicant's and its directors', executive 4464
officers', and controlling persons' experience, competence, 4465
~~character,~~ and history of compliance with applicable laws. 4466

(C) The superintendent shall not approve an application 4467
described in division (A) (1) of this section if the applicant 4468
does not meet both of the following requirements: 4469

(1) The applicant is a legally established business entity 4470
that is capitalized separately and distinctly from every other 4471
legal entity and is qualified to do business in this state. 4472

(2) The applicant has a minimum net worth of not less than 4473
five hundred thousand dollars, calculated according to generally 4474
accepted accounting principles, but excluding any assets that 4475
the superintendent disqualifies and including any off-balance 4476
sheet liabilities that the superintendent requires. 4477

(D) (1) In approving an application for a money transmitter 4478
license, the superintendent may impose any condition the 4479
superintendent determines to be appropriate. 4480

(2) When an applicant has satisfied all prior conditions 4481
imposed by the superintendent in approving the applicant's 4482
application for a money transmitter license and has provided a 4483
security device as required by section 1315.07 of the Revised 4484
Code, the superintendent shall issue the applicant a money 4485
transmitter license. A license issued pursuant to this section 4486
remains in force and effect until surrendered by the licensee 4487
pursuant to section 1315.18 of the Revised Code or suspended or 4488
revoked by the superintendent pursuant to section 1315.151 of 4489
the Revised Code. 4490

(E) On or before the first day of July of each year, each 4491
licensee shall pay to the superintendent an annual fee for 4492
carrying on the business as a money transmitter, which fee is 4493
established by the superintendent pursuant to division (B) of 4494
section 1315.13 of the Revised Code. 4495

Sec. 1315.081. (A) Within fifteen business days after the 4496
occurrence of any of the events listed below, a licensee shall 4497
file a written report with the superintendent describing the 4498
event and its expected impact on the licensee's activities in 4499
the state: 4500

(1) Any material changes in information provided in a 4501
licensee's application or any report submitted to the 4502
superintendent under sections 1315.01 to 1315.18 of the Revised 4503
Code; 4504

(2) The licensee's filing for bankruptcy or 4505
reorganization; 4506

(3) The institution of revocation or suspension 4507
proceedings against the licensee by any state or governmental 4508
authority with regard to the licensee's money transmission 4509
activities; 4510

~~(4) Any felony indictment of the licensee, or any of its~~ 4511
~~controlling persons, directors, officers, or employees, related~~ 4512
~~to money transmission activities;~~ 4513

~~(5) Any felony conviction of the licensee, or any of its~~ 4514
~~controlling persons, directors, officers, or employees, of a~~ 4515
~~disqualifying offense as specified under section 9.79 of the~~ 4516
~~Revised Code related to money transmission activities;~~ 4517

~~(6)~~ (5) Any proposed change of control of the licensee; 4518

~~(7)~~ (6) The licensee's decision to voluntarily surrender 4519
or not to renew a money transmitter license it holds in another 4520
jurisdiction. 4521

(B) (1) No person shall make a false statement, 4522
misrepresentation, or false certification to the division of 4523

financial institutions or in a record filed or required to be 4524
maintained under sections 1315.01 to 1315.18 of the Revised Code 4525
or make a false entry or omit a material entry in a record filed 4526
or required to be maintained under sections 1315.01 to 1315.18 4527
of the Revised Code or made available to the division. 4528

(2) No licensee shall fail to comply with this section. 4529

Sec. 1315.101. (A) After accepting an application to 4530
acquire control of a licensee described in section 1315.10 of 4531
the Revised Code, the superintendent of financial institutions 4532
shall examine all of the facts and circumstances relating to the 4533
application. 4534

(B) The superintendent shall approve the application 4535
described in division (A) of this section if the superintendent 4536
determines both of the following: 4537

(1) The competence, and experience, ~~and character~~ of the 4538
applicant or applicants seeking to acquire control of a licensee 4539
and the applicant's or applicants' general fitness to operate 4540
the licensee or person in control of the licensee in a lawful 4541
and proper manner are acceptable. 4542

(2) The interests of the public are not jeopardized by the 4543
change of control. 4544

Sec. 1315.151. (A) The superintendent of financial 4545
institutions may issue and serve a notice of charges and intent 4546
to suspend or revoke a licensee's license, if the superintendent 4547
finds that any of the following applies: 4548

(1) Any fact or condition exists that, if it had existed 4549
at the time when the licensee applied for its license, would 4550
have been grounds for denying the application. 4551

(2) The licensee's net worth becomes inadequate and the 4552
licensee, after ten days' written notice from the 4553
superintendent, fails to take steps that the superintendent 4554
considers necessary to remedy the deficiency. 4555

(3) The licensee knowingly violates any material provision 4556
of sections 1315.01 to 1315.18 of the Revised Code or any rule 4557
or order adopted by the superintendent. 4558

(4) The licensee is conducting its business in an unsafe 4559
or unsound manner. 4560

(5) The licensee is insolvent. 4561

(6) The licensee has suspended payment of its obligations, 4562
has made an assignment for the benefit of its creditors, or has 4563
admitted in writing its inability to pay its debts as they 4564
become due. 4565

(7) The licensee has applied for an adjudication of 4566
bankruptcy, reorganization, arrangement, or other relief 4567
relating to bankruptcy. 4568

(8) The licensee refuses to permit the superintendent to 4569
make any examination authorized by sections 1315.01 to 1315.18 4570
of the Revised Code. 4571

(9) The licensee willfully fails to make any report 4572
required by sections 1315.01 to 1315.18 of the Revised Code. 4573

(10) The competence, experience, ~~character,~~ or general 4574
fitness of the licensee indicates that it is not in the public 4575
interest to permit the licensee to continue to transmit money in 4576
this state. 4577

(B) The notice of charges and intent to suspend or revoke 4578
a license described in division (A) of this section shall 4579

include all of the following:	4580
(1) A statement of the grounds alleged;	4581
(2) A statement of the facts constituting the grounds alleged;	4582 4583
(3) Notice that the licensee is entitled to a hearing, in accordance with section 1315.17 of the Revised Code, to determine whether a license should be suspended or revoked, if the licensee requests the hearing within thirty days of service of the notice;	4584 4585 4586 4587 4588
(4) Notice that, if the licensee makes a timely request for a hearing, the licensee may appear at the hearing in person or by attorney or by presenting positions, arguments, and contentions in writing, and at the hearing may present evidence and examine witnesses for and against the licensee.	4589 4590 4591 4592 4593
(5) Notice that failure of the licensee to make a timely request for a hearing to determine whether the license should be suspended or revoked or to appear at the hearing, in person, by attorney, or by writing, is consent by the licensee to the suspension or revocation of the license.	4594 4595 4596 4597 4598
(C) The superintendent may order a license suspended or revoked, if any of the following applies:	4599 4600
(1) The licensee consents to the suspension or revocation.	4601
(2) Upon the record of the hearing described in division (B) of this section, the superintendent finds that one or more grounds alleged pursuant to that division have been established.	4602 4603 4604
(3) The superintendent determines that the licensee's books and records are too incomplete or inaccurate to permit the superintendent, through the normal supervisory process, to	4605 4606 4607

determine the financial condition of the licensee or the details 4608
or purpose of one or more transactions that may have a material 4609
effect on the financial condition of the licensee. 4610

(4) The superintendent finds that one or more of the 4611
grounds alleged pursuant to division (B) of this section are 4612
likely, prior to completion of the hearing described in that 4613
division, to cause any of the following: 4614

(a) The licensee's insolvency; 4615

(b) Significant dissipation of the licensee's earnings or 4616
assets; 4617

(c) Weakening of the licensee's condition or other 4618
prejudice to the interests of the licensee's customers. 4619

(D) A suspension or revocation of a license order issued 4620
by the superintendent pursuant to division (C) of this section 4621
is effective at the time specified in the order, which shall be 4622
as follows: 4623

(1) In the case of a suspension or revocation order issued 4624
pursuant to division (C) (2) of this section, not less than 4625
thirty days after service of the order upon the licensee; 4626

(2) In the case of a suspension or revocation order issued 4627
pursuant to division (C) (1), (3), or (4) of this section, 4628
immediately upon service of the order on the licensee. 4629

(E) A suspension or revocation of a license order shall 4630
remain effective and enforceable as provided in the order except 4631
to the extent it is stayed, modified, terminated, or set aside 4632
by action of the superintendent or a reviewing court. If, upon 4633
the record of a hearing, the superintendent determines not to 4634
suspend or revoke a license, any suspension or revocation order 4635

issued pursuant to division (C) (3) or (4) of this section is 4636
terminated. 4637

(F) Within ten days after being served a suspension or 4638
revocation of a license order issued pursuant to division (C) (3) 4639
or (4) of this section, a licensee may apply to the court of 4640
common pleas of the county in which the principal place of 4641
business of the licensee is located, or to the court of common 4642
pleas of Franklin county, for an injunction setting aside, 4643
limiting, or suspending the enforcement, operation, or 4644
effectiveness of the suspension or revocation order pending 4645
completion of the hearing to determine whether a suspension or 4646
revocation order should be issued against the licensee pursuant 4647
to division (C) (2) of this section, and the court has 4648
jurisdiction to issue the injunction. 4649

Sec. 1315.23. (A) Upon the filing of an application for an 4650
original license to engage in the business of cashing checks, 4651
and the payment of the fees for investigation and licensure, the 4652
superintendent of financial institutions shall investigate the 4653
financial condition and responsibility, ~~character,~~ and ~~general-~~ 4654
~~fitness-criminal history~~ of the applicant. As part of that 4655
investigation, the superintendent shall request that the 4656
superintendent of the bureau of criminal identification and 4657
investigation investigate and determine, with respect to the 4658
applicant, whether the bureau has any information gathered under 4659
section 109.57 of the Revised Code that pertains to that 4660
applicant. 4661

(B) The superintendent shall issue a license, which shall 4662
apply to all check-cashing business locations of the applicant, 4663
if the superintendent determines that the applicant meets all 4664
the following requirements: 4665

(1) The applicant is financially sound and has a net worth 4666
of at least twenty-five thousand dollars. The applicant's net 4667
worth shall be computed according to generally accepted 4668
accounting principles. The applicant shall maintain a net worth 4669
of at least twenty-five thousand dollars throughout the 4670
licensure period. 4671

(2) The applicant ~~is a person of good character and has~~ 4672
the ability ~~and fitness~~ in the capacity involved to engage in 4673
the business of cashing checks. 4674

(3) The applicant has not been convicted of, ~~or has not~~ 4675
~~pleaded guilty or no contest to,~~ a felony disqualifying offense, 4676
as specified under section 9.79 of the Revised Code. 4677

(4) The applicant has never had a check-cashing license 4678
revoked. 4679

(C) (1) A license issued to a check-cashing business shall 4680
remain in full force and effect through the thirty-first day of 4681
December following its date of issuance, unless earlier 4682
surrendered, suspended, or revoked. 4683

(2) Each check-cashing business shall conspicuously post 4684
and at all times display in every business location its check- 4685
cashing license. No check-cashing license is transferable or 4686
assignable. 4687

(D) A check-cashing business voluntarily may surrender its 4688
license at any time by giving written notice to the 4689
superintendent and sending, by certified mail, to the 4690
superintendent all license documents issued to it pursuant to 4691
sections 1315.21 to 1315.28 of the Revised Code. 4692

(E) (1) A check-cashing business annually may apply to the 4693
superintendent for a renewal of its license on or after the 4694

first day of December of the year in which its existing license 4695
expires. 4696

(2) If a check-cashing business files an application for a 4697
renewal license with the superintendent before the first day of 4698
January of any year, the license sought to be renewed shall 4699
continue in full force and effect until the issuance by the 4700
superintendent of the renewal license applied for or until ten 4701
days after the superintendent has given the check-cashing 4702
business notice of the superintendent's refusal to issue a 4703
renewal license. 4704

(F) The superintendent may suspend, revoke, or refuse an 4705
original or renewal license for failure to comply with this 4706
section or for any ~~violation of section 1315.28~~ conviction of a 4707
disqualifying offense, as specified under section 9.79 of the 4708
Revised Code. If a suspension, revocation, or refusal of an 4709
original or renewal license is based on a violation of section 4710
1315.28 of the Revised Code that is committed, without the 4711
licensee's knowledge, at a check-cashing business location of 4712
the licensee, the suspension or revocation applies only to that 4713
check-cashing business location. In all other cases, a 4714
suspension, revocation, or refusal of an original or renewal 4715
license applies to all check-cashing business locations of the 4716
licensee. 4717

(G) No original or renewal license shall be suspended, 4718
revoked, or refused except after a hearing in accordance with 4719
Chapter 119. of the Revised Code. In suspending a license under 4720
this division, the superintendent shall establish the length of 4721
the suspension, provided that no suspension may be for a period 4722
exceeding one year. The superintendent's decision to revoke, 4723
suspend, or refuse an original or renewal license may be 4724

appealed pursuant to Chapter 119. of the Revised Code. 4725

(H) Upon revocation of a license, the licensee shall 4726
immediately send, by certified mail, all license documents 4727
issued pursuant to sections 1310.21 to 1310.28 of the Revised 4728
Code to the superintendent. 4729

(I) The superintendent may, in lieu of a suspension or 4730
revocation of a license, impose a fine of not more than one 4731
thousand dollars for each violation. 4732

Sec. 1315.30. The state, through the superintendent of 4733
financial institutions and in accordance with sections 1315.21 4734
to 1315.30 of the Revised Code, shall solely regulate ~~persons~~ 4735
~~engaged in the check-cashing business and the manner in which~~ 4736
~~any such the check-cashing business is conducted and,~~ 4737
notwithstanding division (B)(1) of section 9.78 of the Revised 4738
Code, persons engaged in the check-cashing business. 4739

By the enactment of sections 1315.21 to 1315.30 of the 4740
Revised Code, it is the intent of the general assembly to 4741
preempt municipal corporations and other political subdivisions 4742
from the regulation and licensing of check-cashing businesses. 4743

Sec. 1321.04. Upon the filing of an application under 4744
section 1321.03 of the Revised Code and payment of fees pursuant 4745
to section 1321.20 of the Revised Code, the division of 4746
financial institutions shall investigate the facts concerning 4747
the applicant and the requirements provided for in divisions (A) 4748
and (B) of this section. 4749

The division shall approve the application and issue and 4750
deliver a license to the applicant if the division finds both of 4751
the following: 4752

(A) That the financial responsibility, experience, 4753

~~reputation,~~ and general fitness of the applicant and of the 4754
members thereof, if the applicant is a partnership or an 4755
association, and of the officers and directors thereof, if the 4756
applicant is a corporation, are such as to warrant the belief 4757
that the business will be operated lawfully, honestly, and 4758
fairly under sections 1321.01 to 1321.19 of the Revised Code and 4759
within the purposes of those sections, that the applicant has 4760
fully complied with those sections, and that the applicant is 4761
qualified to act as a licensed lender; 4762

(B) That the applicant has available for the operation of 4763
such business cash or moneys deposited in a readily accessible 4764
fund or account of not less than twenty-five thousand dollars. 4765

If the division does not so find, it shall enter an order 4766
denying such application and forthwith notify the applicant of 4767
the denial, the grounds for the denial, and the applicant's 4768
reasonable opportunity to be heard on the action in accordance 4769
with Chapter 119. of the Revised Code. In the event of denial, 4770
the division shall return the license fee but shall retain the 4771
investigation fee. 4772

Sec. 1321.05. Each license shall state the address at 4773
which the business is to be conducted and shall state fully the 4774
name of the licensee. Each license shall be kept conspicuously 4775
posted in the place of business of the licensee and is not 4776
transferable or assignable. 4777

Each license shall remain in effect until surrendered, 4778
revoked, or suspended under section 1321.08 or 3123.47 of the 4779
Revised Code. Every licensee shall each year pay to the division 4780
of financial institutions a license fee and an assessment as 4781
determined by the superintendent pursuant to section 1321.20 of 4782
the Revised Code. Payment of such renewal fee shall be according 4783

to the provisions of this section and the standard renewal 4784
procedure of sections 4745.01 to 4745.03 of the Revised Code. No 4785
other or further license fee or assessment shall be required 4786
from any such licensee by the state ~~or any political subdivision~~ 4787
~~in the state.~~ 4788

Every licensee shall maintain for each license current 4789
assets of at least ten thousand dollars, either in use or 4790
readily available for use in the conduct of the business. 4791

Sec. 1321.37. (A) Application for an original or renewal 4792
license to make short-term loans shall be in writing, under 4793
oath, and in the form prescribed by the superintendent of 4794
financial institutions, and shall contain the name and address 4795
of the applicant, the location where the business of making 4796
loans is to be conducted, and any further information as the 4797
superintendent requires. At the time of making an application 4798
for an original license, the applicant shall pay to the 4799
superintendent a nonrefundable investigation fee of two hundred 4800
dollars. No investigation fee or any portion thereof shall be 4801
refunded after an original license has been issued. The 4802
application for an original or renewal license shall be 4803
accompanied by an original or renewal license fee, for each 4804
business location of one thousand dollars, except that 4805
applications for original licenses issued on or after the first 4806
day of July for any year shall be accompanied by an original 4807
license fee of five hundred dollars, and except that an 4808
application for an original or renewal license, for a nonprofit 4809
corporation that is incorporated under Chapter 1702. of the 4810
Revised Code, shall be accompanied by an original or renewal 4811
license fee, for each business location, that is one-half of the 4812
fee otherwise required. All fees paid to the superintendent 4813
pursuant to this division shall be deposited into the state 4814

treasury to the credit of the consumer finance fund. 4815

(B) Upon the filing of an application for an original 4816
license and, with respect to an application filed for a renewal 4817
license, on a schedule determined by the superintendent by rule 4818
adopted pursuant to section 1321.43 of the Revised Code, and the 4819
payment of fees in accordance with division (A) of this section, 4820
the superintendent shall investigate the facts concerning the 4821
applicant and the requirements provided by this division. The 4822
superintendent shall request the superintendent of the bureau of 4823
criminal identification and investigation, or a vendor approved 4824
by the bureau, to conduct a criminal records check based on the 4825
applicant's fingerprints in accordance with section 109.572 of 4826
the Revised Code. Notwithstanding division (K) of section 121.08 4827
of the Revised Code, the superintendent of financial 4828
institutions shall request that criminal record information from 4829
the federal bureau of investigation be obtained as part of the 4830
criminal records check. The superintendent of financial 4831
institutions shall conduct a civil records check. The 4832
superintendent shall approve an application and issue an 4833
original or renewal license to the applicant if the 4834
superintendent finds all of the following: 4835

(1) The financial responsibility, and experience, 4836
~~reputation, and general fitness~~ of the applicant are such as to 4837
warrant the belief that the business of making loans will be 4838
operated lawfully, honestly, and fairly under sections 1321.35 4839
to 1321.48 of the Revised Code and within the purposes of those 4840
sections; that the applicant has fully complied with those 4841
sections and any rule or order adopted or issued pursuant to 4842
section 1321.43 of the Revised Code; and that the applicant is 4843
qualified to engage in the business of making loans under 4844
sections 1321.35 to 1321.48 of the Revised Code. 4845

(2) The applicant is financially sound and has a net worth 4846
of not less than one hundred thousand dollars, or in the case of 4847
a nonprofit corporation that is incorporated under Chapter 1702. 4848
of the Revised Code, a net worth of not less than fifty thousand 4849
dollars. The applicant's net worth shall be computed according 4850
to generally accepted accounting principles. 4851

(3) The applicant has never had revoked a license to make 4852
loans under sections 1321.35 to 1321.48 of the Revised Code, 4853
under former sections 1315.35 to 1315.44 of the Revised Code, or 4854
to do business under sections 1315.21 to 1315.30 of the Revised 4855
Code. 4856

(4) Neither the applicant nor any senior officer, or 4857
partner of the applicant, has ~~pleaded guilty to or~~ been 4858
convicted of ~~any criminal offense involving theft, receiving~~ 4859
~~stolen property, embezzlement, forgery, fraud, passing bad~~ 4860
~~checks, money laundering, or drug trafficking, or any criminal~~ 4861
~~offense involving money or securities or any violation of an~~ 4862
~~existing or former law of this state, any other state, or the~~ 4863
~~United States that substantially is equivalent to a criminal~~ 4864
~~offense described in that division~~ a disqualifying offense, as 4865
specified under section 9.79 of the Revised Code. However, if 4866
the applicant or any of those other persons has ~~pleaded guilty~~ 4867
~~to or~~ been convicted of any such offense ~~other than theft,~~ the 4868
superintendent shall not consider the offense if the applicant 4869
has proven to the superintendent, by a preponderance of the 4870
evidence, that the applicant's or other person's activities and 4871
employment record since the conviction show that the applicant 4872
or other person is honest, and truthful, ~~and of good reputation,~~ 4873
and there is no basis in fact for believing that the applicant 4874
or other person will commit such an offense again. 4875

(5) Neither the applicant nor any senior officer, or 4876
partner of the applicant, has been subject to any adverse 4877
judgment for conversion, embezzlement, misappropriation of 4878
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 4879
duty, or if the applicant or any of those other persons has been 4880
subject to such a judgment, the applicant has proven to the 4881
superintendent, by a preponderance of the evidence, that the 4882
applicant's or other person's activities and employment record 4883
since the judgment show that the applicant or other person is 4884
honest, and truthful, ~~and of good reputation,~~ and there is no 4885
basis in fact for believing that the applicant or other person 4886
will be subject to such a judgment again. 4887

(C) If the superintendent finds that the applicant does 4888
not meet the requirements of division (B) of this section, or 4889
the superintendent finds that the applicant knowingly or 4890
repeatedly contracts with or employs persons to directly engage 4891
in lending activities who have been convicted of a felony crime 4892
listed in division (B)(5) of this section, the superintendent 4893
shall issue an order denying the application for an original or 4894
renewal license and giving the applicant an opportunity for a 4895
hearing on the denial in accordance with Chapter 119. of the 4896
Revised Code. The superintendent shall notify the applicant of 4897
the denial, the grounds for the denial, and the applicant's 4898
opportunity for a hearing. If the application is denied, the 4899
superintendent shall return the annual license fee but shall 4900
retain the investigation fee. 4901

(D) No person licensed under sections 1321.35 to 1321.48 4902
of the Revised Code shall conduct business in this state unless 4903
the licensee has obtained and maintains in effect at all times a 4904
corporate surety bond issued by a bonding company or insurance 4905
company authorized to do business in this state. The bond shall 4906

be in favor of the superintendent and in the penal sum of at least one hundred thousand dollars, or in the case of a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, in the amount of fifty thousand dollars. The term of the bond shall coincide with the term of the license. The licensee shall file a copy of the bond with the superintendent. The bond shall be for the exclusive benefit of any borrower injured by a violation by a licensee or any employee of a licensee, of any provision of sections 1321.35 to 1321.48 of the Revised Code.

Sec. 1321.522. (A) A credit union service organization seeking exemption from registration pursuant to division (D)(6) of section 1321.53 of the Revised Code shall submit an application to the superintendent of financial institutions along with a nonrefundable fee of three hundred fifty dollars for each location of an office to be maintained by the organization. The application shall be in a form prescribed by the superintendent and shall include all of the following:

(1) The organization's business name and state of incorporation;

(2) The names of the owners, officers, or partners having control of the organization;

(3) An attestation to all of the following:

(a) That the organization and its owners, officers, or partners identified in division (A)(2) of this section have not had a mortgage lender certificate of registration or mortgage loan originator license, or any comparable authority, revoked in any governmental jurisdiction;

(b) That the organization and its owners, officers, or

partners identified in division (A) (2) of this section have not 4936
been convicted of, ~~or pleaded guilty or nolo contendere to, any~~ 4937
~~of the following~~ a disqualifying offense, as specified under 4938
section 9.79 of the Revised Code, in a domestic, foreign, or 4939
military court. 4940

~~(i) During the seven year period immediately preceding the~~ 4941
~~date of application for exemption, a misdemeanor involving theft~~ 4942
~~or any felony;~~ 4943

~~(ii) At any time prior to the date of application for~~ 4944
~~exemption, a felony involving an act of fraud, dishonesty, a~~ 4945
~~breach of trust, theft, or money laundering.~~ 4946

(c) That, with respect to financing residential mortgage 4947
loans, the organization conducts business with residents of this 4948
state or secures its loans with property located in this state. 4949

(4) The names of all mortgage loan originators or 4950
licensees under the organization's control and direction; 4951

(5) An acknowledgment of understanding that the 4952
organization is subject to the regulatory authority of the 4953
division of financial institutions; 4954

(6) Any further information that the superintendent may 4955
require. 4956

(B) (1) If the superintendent determines that the credit 4957
union service organization honestly made the attestation 4958
required under division (A) (3) of this section and otherwise 4959
qualifies for exemption, the superintendent shall issue a letter 4960
of exemption. Additional certified copies of a letter of 4961
exemption shall be provided upon request and the payment of 4962
seventy-five dollars per copy. 4963

(2) If the superintendent determines that the organization 4964
does not qualify for exemption, the superintendent shall issue a 4965
notice of denial, and the organization may request a hearing in 4966
accordance with Chapter 119. of the Revised Code. 4967

(C) All of the following conditions apply to any credit 4968
union service organization holding a valid letter of exemption: 4969

(1) The organization shall be subject to examination in 4970
the same manner as a registrant with respect to the conduct of 4971
the organization's mortgage loan originators. In conducting any 4972
out-of-state examination, the organization shall be responsible 4973
for paying the costs of the division in the same manner as a 4974
registrant. 4975

(2) The organization shall have an affirmative duty to 4976
supervise the conduct of its mortgage loan originators, and to 4977
cooperate with investigations by the division with respect to 4978
that conduct, in the same manner as is required of registrants. 4979

(3) The organization shall keep and maintain records of 4980
all transactions relating to the conduct of its mortgage loan 4981
originators in the same manner as is required of registrants. 4982

(4) The organization may provide the surety bond for its 4983
mortgage loan originators in the same manner as is permitted for 4984
registrants. 4985

(D) A letter of exemption expires annually on the thirty- 4986
first day of December and may be renewed on or before that date 4987
by submitting an application that meets the requirements of 4988
division (A) of this section and a nonrefundable renewal fee of 4989
three hundred fifty dollars for each location of an office to be 4990
maintained by the credit union service organization. 4991

(E) The superintendent may issue a notice to revoke or 4992

suspend a letter of exemption if the superintendent finds that 4993
the letter was obtained through a false or fraudulent 4994
representation of a material fact, or the omission of a material 4995
fact, required by law, or that a condition for exemption is no 4996
longer being met. Prior to issuing an order of revocation or 4997
suspension, the credit union service organization shall be given 4998
an opportunity for a hearing in accordance with Chapter 119. of 4999
the Revised Code. 5000

(F) All information obtained by the division pursuant to 5001
an examination or investigation under this section shall be 5002
subject to the confidentiality requirements set forth in section 5003
1321.55 of the Revised Code. 5004

(G) All money collected under this section shall be 5005
deposited into the state treasury to the credit of the consumer 5006
finance fund created in section 1321.21 of the Revised Code. 5007

Sec. 1321.53. (A) (1) An application for a certificate of 5008
registration under sections 1321.51 to 1321.60 of the Revised 5009
Code shall contain an undertaking by the applicant to abide by 5010
those sections. The application shall be in writing, under oath, 5011
and in the form prescribed by the division of financial 5012
institutions, and shall contain any information that the 5013
division may require. Applicants that are foreign corporations 5014
shall obtain and maintain a license pursuant to Chapter 1703. of 5015
the Revised Code before a certificate is issued or renewed. 5016

(2) Upon the filing of the application and the payment by 5017
the applicant of a nonrefundable two-hundred-dollar 5018
investigation fee, a nonrefundable three-hundred-dollar annual 5019
registration fee, and any additional fee required by the 5020
nationwide mortgage licensing system and registry, the division 5021
shall investigate the relevant facts. If the application 5022

involves investigation outside this state, the applicant may be 5023
required by the division to advance sufficient funds to pay any 5024
of the actual expenses of such investigation, when it appears 5025
that these expenses will exceed two hundred dollars. An itemized 5026
statement of any of these expenses which the applicant is 5027
required to pay shall be furnished to the applicant by the 5028
division. No certificate shall be issued unless all the required 5029
fees have been submitted to the division. 5030

(3) All applicants making loans secured by an interest in 5031
real estate shall designate an employee or owner of the 5032
applicant as the applicant's primary point of contact. While 5033
acting as the primary point of contact, the employee or owner 5034
shall not be employed by any other registrant or mortgage 5035
broker. 5036

(4) The investigation undertaken upon application shall 5037
include both a civil and criminal records check of the applicant 5038
including any individual whose identity is required to be 5039
disclosed in the application. Where the applicant is a business 5040
entity the superintendent shall have the authority to require a 5041
civil and criminal background check of those persons that in the 5042
determination of the superintendent have the authority to direct 5043
and control the operations of the applicant. 5044

(5) (a) Notwithstanding division (K) of section 121.08 of 5045
the Revised Code, the superintendent of financial institutions 5046
shall obtain a criminal history records check and, as part of 5047
that records check, request that criminal record information 5048
from the federal bureau of investigation be obtained. To fulfill 5049
this requirement, the superintendent shall do either of the 5050
following: 5051

(i) Request the superintendent of the bureau of criminal 5052

identification and investigation, or a vendor approved by the 5053
bureau, to conduct a criminal records check based on the 5054
applicant's fingerprints or, if the fingerprints are unreadable, 5055
based on the applicant's social security number, in accordance 5056
with section 109.572 of the Revised Code; 5057

(ii) Authorize the nationwide mortgage licensing system 5058
and registry to request a criminal history background check as 5059
set forth in division (C) of section 1321.531 of the Revised 5060
Code. 5061

(b) Any fee required under division (C) (3) of section 5062
109.572 of the Revised Code or by the nationwide mortgage 5063
licensing system and registry shall be paid by the applicant. 5064

(6) If an application for a certificate of registration 5065
does not contain all of the information required under division 5066
(A) of this section, and if such information is not submitted to 5067
the division or to the nationwide mortgage licensing system and 5068
registry within ninety days after the superintendent or the 5069
nationwide mortgage licensing system and registry requests the 5070
information in writing, including by electronic transmission or 5071
facsimile, the superintendent may consider the application 5072
withdrawn. 5073

(7) If the division finds that the financial 5074
responsibility, and experience, ~~character, and general fitness~~ 5075
of the applicant command the confidence of the public and 5076
warrant the belief that the business will be operated honestly 5077
and fairly in compliance with the purposes of sections 1321.51 5078
to 1321.60 of the Revised Code and the rules adopted thereunder, 5079
and that the applicant has the requisite bond or applicable net 5080
worth and assets required by division (B) of this section, the 5081
division shall thereupon issue a certificate of registration to 5082

the applicant. The superintendent shall not use a credit score 5083
as the sole basis for a registration denial. 5084

(a) (i) Certificates of registration issued on or after 5085
July 1, 2010, shall annually expire on the thirty-first day of 5086
December, unless renewed by the filing of a renewal application 5087
and payment of a three-hundred-dollar nonrefundable annual 5088
registration fee, any assessment as determined by the 5089
superintendent pursuant to division (A) (7) (a) (ii) of this 5090
section, and any additional fee required by the nationwide 5091
mortgage licensing system and registry, on or before the last 5092
day of December of each year. No other fee or assessment shall 5093
be required of a registrant by the state or any political 5094
subdivision of this state. 5095

(ii) If the renewal fees billed by the superintendent 5096
pursuant to division (A) (7) (a) (i) of this section are less than 5097
the estimated expenditures of the consumer finance section of 5098
the division of financial institutions, as determined by the 5099
superintendent, for the following fiscal year, the 5100
superintendent may assess each registrant at a rate sufficient 5101
to equal in the aggregate the difference between the renewal 5102
fees billed and the estimated expenditures. Each registrant 5103
shall pay the assessed amount to the superintendent prior to the 5104
last day of June. In no case shall the assessment exceed ten 5105
cents per each one hundred dollars of interest (excluding 5106
charge-off recoveries), points, loan origination charges, and 5107
credit line charges collected by that registrant during the 5108
previous calendar year. If such an assessment is imposed, it 5109
shall not be less than two hundred fifty dollars per registrant 5110
and shall not exceed thirty thousand dollars less the total 5111
renewal fees paid pursuant to division (A) (7) (a) (i) of this 5112
section by each registrant. 5113

(b) Registrants shall timely file renewal applications on 5114
forms prescribed by the division and provide any further 5115
information that the division may require. If a renewal 5116
application does not contain all of the information required 5117
under this section, and if that information is not submitted to 5118
the division or to the nationwide mortgage licensing system and 5119
registry within ninety days after the superintendent or the 5120
nationwide mortgage licensing system and registry requests the 5121
information in writing, including by electronic transmission or 5122
facsimile, the superintendent may consider the application 5123
withdrawn. 5124

(c) Renewal shall not be granted if the applicant's 5125
certificate of registration is subject to an order of 5126
suspension, revocation, or an unpaid and past due fine imposed 5127
by the superintendent. 5128

(d) If the division finds the applicant does not meet the 5129
conditions set forth in this section, it shall issue a notice of 5130
intent to deny the application, and forthwith notify the 5131
applicant of the denial, the grounds for the denial, and the 5132
applicant's reasonable opportunity to be heard on the action in 5133
accordance with Chapter 119. of the Revised Code. 5134

(8) If there is a change of five per cent or more in the 5135
ownership of a registrant, the division may make any 5136
investigation necessary to determine whether any fact or 5137
condition exists that, if it had existed at the time of the 5138
original application for a certificate of registration, the fact 5139
or condition would have warranted the division to deny the 5140
application under division (A) (7) of this section. If such a 5141
fact or condition is found, the division may, in accordance with 5142
Chapter 119. of the Revised Code, revoke the registrant's 5143

certificate. 5144

(B) Each registrant that engages in lending under sections 5145
1321.51 to 1321.60 of the Revised Code shall, if not otherwise 5146
required to be bonded pursuant to section 1321.533 of the 5147
Revised Code, maintain both of the following: 5148

(1) A net worth of at least fifty thousand dollars; 5149

(2) For each certificate of registration, assets of at 5150
least fifty thousand dollars either in use or readily available 5151
for use in the conduct of the business. 5152

(C) Not more than one place of business shall be 5153
maintained under the same certificate, but the division may 5154
issue additional certificates to the same registrant upon 5155
compliance with sections 1321.51 to 1321.60 of the Revised Code, 5156
governing the issuance of a single certificate. No change in the 5157
place of business of a registrant to a location outside the 5158
original municipal corporation shall be permitted under the same 5159
certificate without the approval of a new application, the 5160
payment of the registration fee and, if required by the 5161
superintendent, the payment of an investigation fee of two 5162
hundred dollars. When a registrant wishes to change its place of 5163
business within the same municipal corporation, it shall give 5164
written notice of the change in advance to the division, which 5165
shall provide a certificate for the new address without cost. If 5166
a registrant changes its name, prior to making loans under the 5167
new name it shall give written notice of the change to the 5168
division, which shall provide a certificate in the new name 5169
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 5170
not limit the loans of any registrant to residents of the 5171
community in which the registrant's place of business is 5172
situated. Each certificate shall be kept conspicuously posted in 5173

the place of business of the registrant and is not transferable	5174
or assignable.	5175
(D) Sections 1321.51 to 1321.60 of the Revised Code do not	5176
apply to any of the following:	5177
(1) Entities chartered and lawfully doing business under	5178
the authority of any law of this state, another state, or the	5179
United States as a bank, savings bank, trust company, savings	5180
and loan association, or credit union, or a subsidiary of any	5181
such entity, which subsidiary is regulated by a federal banking	5182
agency and is owned and controlled by such a depository	5183
institution;	5184
(2) Life, property, or casualty insurance companies	5185
licensed to do business in this state;	5186
(3) Any person that is a lender making a loan pursuant to	5187
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of	5188
the Revised Code or a business loan as described in division (B)	5189
(6) of section 1343.01 of the Revised Code;	5190
(4) Any political subdivision, or any governmental or	5191
other public entity, corporation, instrumentality, or agency, in	5192
or of the United States or any state of the United States, or	5193
any entity described in division (B) (3) of section 1343.01 of	5194
the Revised Code;	5195
(5) A college or university, or controlled entity of a	5196
college or university, as those terms are defined in section	5197
1713.05 of the Revised Code;	5198
(6) A credit union service organization, provided the	5199
organization utilizes services provided by registered mortgage	5200
loan originators or the organization complies with section	5201
1321.522 of the Revised Code and holds a valid letter of	5202

exemption issued by the superintendent. 5203

(E) No person engaged in the business of selling tangible 5204
goods or services related to tangible goods may receive or 5205
retain a certificate under sections 1321.51 to 1321.60 of the 5206
Revised Code for such place of business. 5207

Sec. 1321.532. (A) Upon the conclusion of the 5208
investigation required under division (E) of section 1321.531 of 5209
the Revised Code, the superintendent of financial institutions 5210
shall issue a mortgage loan originator license to the applicant 5211
if the superintendent finds that all of the following conditions 5212
are met: 5213

(1) The application is accompanied by the application fee 5214
and any additional fee required by the nationwide mortgage 5215
licensing system and registry. 5216

If a check or other draft instrument is returned to the 5217
superintendent for insufficient funds, the superintendent shall 5218
notify the licensee by certified mail, return receipt requested, 5219
that the license issued in reliance on the check or other draft 5220
instrument will be canceled unless the licensee, within thirty 5221
days after receipt of the notice, submits the application fee 5222
and a one-hundred-dollar penalty to the superintendent. If the 5223
licensee does not submit the application fee and penalty within 5224
that time period, or if any check or other draft instrument used 5225
to pay the fee or penalty is returned to the superintendent for 5226
insufficient funds, the license shall be canceled immediately 5227
without a hearing, and the licensee shall cease activity as a 5228
mortgage loan originator. 5229

(2) The applicant complies with sections 1321.51 to 5230
1321.60 of the Revised Code. 5231

(3) The applicant has not had a mortgage loan originator license, or comparable authority, revoked in any governmental jurisdiction. 5232
5233
5234

(4) The applicant has not been convicted of, ~~or pleaded guilty or nolo contendere to, any of the following a~~ 5235
disqualifying offense, as specified under section 9.79 of the 5236
Revised Code, in a domestic, foreign, or military court. 5238

~~(a) During the seven year period immediately preceding the date of application for licensure, a misdemeanor involving theft or any felony;~~ 5239
5240
5241

~~(b) At any time prior to the date of application for licensure, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.~~ 5242
5243
5244

(5) Based on the totality of the circumstances and 5245
information submitted in the application, the applicant has 5246
proven to the division of financial institutions, by a 5247
preponderance of the evidence, that the applicant ~~is of good~~ 5248
~~business repute,~~ appears qualified to act as a mortgage loan 5249
originator, and has fully complied with sections 1321.51 to 5250
1321.60 of the Revised Code and rules adopted thereunder, and 5251
that the applicant meets all of the conditions for issuing a 5252
mortgage loan originator license. 5253

(6) The applicant successfully completed the written test 5254
required under section 1321.535 of the Revised Code and the 5255
education requirements set forth in section 1321.534 of the 5256
Revised Code. 5257

(7) The applicant is covered under a valid bond in 5258
compliance with section 1321.533 of the Revised Code. 5259

(8) The applicant's financial responsibility, ~~character,~~ 5260

~~and general fitness command the confidence of the public and~~ 5261
~~warrant warrants~~ the belief that the mortgage loan originator 5262
will operate honestly and fairly in compliance with the purposes 5263
of sections 1321.51 to 1321.60 of the Revised Code. The 5264
superintendent shall not use a credit score as the sole basis 5265
for a license denial. 5266

(B) The license issued under division (A) of this section 5267
may be renewed annually on or before the thirty-first day of 5268
December if the superintendent finds that all of the following 5269
conditions are met: 5270

(1) The renewal application is accompanied by a 5271
nonrefundable renewal fee of one hundred fifty dollars, and any 5272
additional fee required by the nationwide mortgage licensing 5273
system and registry. If a check or other draft instrument is 5274
returned to the superintendent for insufficient funds, the 5275
superintendent shall notify the licensee by certified mail, 5276
return receipt requested, that the license renewed in reliance 5277
on the check or other draft instrument will be canceled unless 5278
the licensee, within thirty days after receipt of the notice, 5279
submits the renewal fee and a one-hundred-dollar penalty to the 5280
superintendent. If the licensee does not submit the renewal fee 5281
and penalty within that time period, or if any check or other 5282
draft instrument used to pay the fee or penalty is returned to 5283
the superintendent for insufficient funds, the license shall be 5284
canceled immediately without a hearing, and the licensee shall 5285
cease activity as a mortgage loan originator. 5286

(2) The applicant has completed at least eight hours of 5287
continuing education as required under section 1321.536 of the 5288
Revised Code. 5289

(3) The applicant meets the conditions set forth in 5290

divisions (A) (2) to (8) of this section. 5291

(4) The applicant's license is not subject to an order of 5292
suspension or an unpaid and past due fine imposed by the 5293
superintendent. 5294

(C) (1) Subject to division (C) (2) of this section, if a 5295
license renewal application or fee, including any additional fee 5296
required by nationwide mortgage licensing system and registry, 5297
is received by the superintendent after the thirty-first day of 5298
December, the license shall not be considered renewed, and the 5299
applicant shall cease activity as a mortgage loan originator. 5300

(2) Division (C) (1) of this section shall not apply if the 5301
applicant, no later than the thirty-first day of January, 5302
submits the renewal application and fee, including any 5303
additional fee required by nationwide mortgage licensing system 5304
and registry, and a one-hundred-dollar penalty to the 5305
superintendent. 5306

(D) Mortgage loan originator licenses issued on or after 5307
July 1, 2010, shall annually expire on the thirty-first day of 5308
December. 5309

(E) If a renewal application does not contain all of the 5310
information required under this section, and if that information 5311
is not submitted to the superintendent or to the nationwide 5312
mortgage licensing system and registry within ninety days after 5313
the superintendent or the nationwide mortgage licensing system 5314
and registry requests the information in writing, including by 5315
electronic transmission or facsimile, the superintendent may 5316
consider the application withdrawn. 5317

Sec. 1321.537. (A) As used in this section: 5318

(1) "Out-of-state mortgage loan originator" means an 5319

individual to whom both of the following apply: 5320

(a) The individual holds a valid mortgage loan originator 5321
license, or comparable authority, issued pursuant to the law of 5322
any other state of the United States. 5323

(b) The individual is registered, fingerprinted, and 5324
maintains a unique identifier through the nationwide mortgage 5325
licensing system and registry. 5326

(2) "Sponsor" means a registrant or entity described in 5327
division (D) of section 1321.53 of the Revised Code that employs 5328
or is associated with an applicant for a temporary mortgage loan 5329
originator license and, during the term of the applicant's 5330
temporary license, covers the applicant under its corporate 5331
surety bond or requires the applicant to obtain and maintain a 5332
corporate surety bond. 5333

(B) The superintendent of financial institutions may, in 5334
accordance with this section, issue to an out-of-state mortgage 5335
loan originator a temporary mortgage loan originator license 5336
that enables the licensee to engage in the business of a 5337
mortgage loan originator while the individual completes the 5338
requirements necessary to meet the conditions set forth in 5339
section 1321.532 of the Revised Code for a mortgage loan 5340
originator license. A temporary mortgage loan originator license 5341
shall be valid for a term of not more than one hundred twenty 5342
days from the date of issuance. A temporary mortgage loan 5343
originator license may not be renewed. 5344

(C) An application for a temporary mortgage loan 5345
originator license shall be in writing, under oath, and in a 5346
form that meets the requirements of the nationwide mortgage 5347
licensing system and registry. The application shall be 5348

accompanied by a nonrefundable application fee, the amount of 5349
which shall be determined by the superintendent in rule, and a 5350
certification that, as of the date of application, the applicant 5351
meets the following conditions: 5352

(1) The applicant has at least two years of experience in 5353
the field of residential mortgage lending in the five years 5354
immediately preceding the date of application for the temporary 5355
mortgage loan originator license. 5356

(2) The applicant has not previously applied for a 5357
temporary mortgage loan originator license in this state. 5358

(3) The applicant has not had a mortgage loan originator 5359
license, or comparable authority, revoked in any governmental 5360
jurisdiction. For purposes of division (C)(3) of this section, a 5361
subsequent formal vacation of such a revocation shall not be 5362
considered a revocation. 5363

(4) The applicant has not been convicted of, ~~or pleaded~~ 5364
~~guilty or nolo contendere to, any of the following a~~ 5365
disqualifying offense, as specified under section 9.79 of the 5366
Revised Code, in a domestic, foreign, or military court. 5367

~~(a) During the seven-year period immediately preceding the~~ 5368
~~date of application, a misdemeanor involving theft or any~~ 5369
~~felony.~~ 5370

~~(b) At any time prior to the date of application, a felony~~ 5371
~~involving an act of fraud, dishonesty, a breach of trust, theft,~~ 5372
~~or money laundering.~~ 5373

For purposes of division (C)(4) of this section, any 5374
conviction for which the applicant has received a pardon shall 5375
not be considered a conviction. 5376

(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 each temporary mortgage loan originator 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.

(F) The superintendent may, in accordance with Chapter 119. of the Revised Code, adopt rules necessary for the implementation and operation of this section.

Sec. 1321.54. (A) The division of financial institutions may adopt, in accordance with Chapter 119. of the Revised Code,

rules that are necessary for the enforcement or administration 5406
of sections 1321.51 to 1321.60 of the Revised Code and that are 5407
consistent with those sections and rules to carry out the 5408
purposes of those sections. 5409

(B) (1) The division may, upon written notice to the 5410
registrant or licensee stating the contemplated action, the 5411
grounds for the action, and the registrant's or licensee's 5412
reasonable opportunity to be heard on the action in accordance 5413
with Chapter 119. of the Revised Code, revoke, suspend, or 5414
refuse to renew any certificate or license issued under sections 5415
1321.51 to 1321.60 of the Revised Code if it finds any of the 5416
following: 5417

(a) A violation of or failure to comply with any provision 5418
of sections 1321.51 to 1321.60 of the Revised Code or the rules 5419
adopted thereunder, any federal lending law, or any other law 5420
applicable to the business conducted under a certificate of 5421
registration or license; 5422

(b) The person has been convicted of ~~or pleaded guilty or~~ 5423
~~nolo contendere to any criminal felony offense~~ a disqualifying 5424
offense, as specified under section 9.79 of the Revised Code, in 5425
a domestic, foreign, or military court; 5426

(c) ~~The person has been convicted of or pleaded guilty or~~ 5427
~~nolo contendere to any criminal offense involving theft,~~ 5428
~~receiving stolen property, embezzlement, forgery, fraud, passing~~ 5429
~~bad checks, money laundering, breach of trust, dishonesty, or~~ 5430
~~drug trafficking, or any criminal offense involving money or~~ 5431
~~securities, in a domestic, foreign, or military court;~~ 5432

~~(d)~~ The person's mortgage lender certificate of 5433
registration or mortgage loan originator license, or comparable 5434

authority, has been revoked in any governmental jurisdiction. 5435

(2) In addition to, or in lieu of, any revocation, 5436
suspension, or denial, the division may impose a monetary fine 5437
after administrative hearing or in settlement of matters subject 5438
to claims under division (B) (1) (a) of this section. 5439

(3) Subject to division (D) (3) of section 1321.52 of the 5440
Revised Code, the revocation, suspension, or refusal to renew 5441
shall not impair the obligation of any pre-existing lawful 5442
contract made under sections 1321.51 to 1321.60 of the Revised 5443
Code; provided, however, that a prior registrant shall make good 5444
faith efforts to promptly transfer the registrant's collection 5445
rights to another registrant or person exempt from registration, 5446
or be subject to additional monetary fines and legal or 5447
administrative action by the division. Nothing in division (B) 5448
(3) of this section shall limit a court's ability to impose a 5449
cease and desist order preventing any further business or 5450
servicing activity. 5451

(C) (1) The superintendent of financial institutions may 5452
impose a fine for a violation of sections 1321.51 to 1321.60 of 5453
the Revised Code or any rule adopted thereunder. All fines 5454
collected pursuant to this section shall be paid to the 5455
treasurer of state to the credit of the consumer finance fund 5456
created in section 1321.21 of the Revised Code. In determining 5457
the amount of a fine to be imposed pursuant to this section, the 5458
superintendent may consider all of the following to the extent 5459
it is known to the division of financial institutions: 5460

(a) The seriousness of the violation; 5461

(b) The registrant's or licensee's good faith efforts to 5462
prevent the violation; 5463

(c) The registrant's or licensee's history regarding 5464
violations and compliance with division orders; 5465

(d) The registrant's or licensee's financial resources; 5466

(e) Any other matters the superintendent considers 5467
appropriate in enforcing sections 1321.51 to 1321.60 of the 5468
Revised Code. 5469

(2) Monetary fines imposed under this division shall not 5470
exceed twenty-five thousand dollars and do not preclude any 5471
criminal fine imposed pursuant to section 1321.99 of the Revised 5472
Code. 5473

(D) The superintendent may investigate alleged violations 5474
of sections 1321.51 to 1321.60 of the Revised Code, or the rules 5475
adopted thereunder, or complaints concerning any such violation. 5476
The superintendent may make application to the court of common 5477
pleas for an order enjoining any violation and, upon a showing 5478
by the superintendent that a person has committed, or is about 5479
to commit, a violation, the court shall grant an injunction, 5480
restraining order, or other appropriate relief. The 5481
superintendent, in making application to the court of common 5482
pleas for an order enjoining a person from acting as a 5483
registrant or mortgage loan originator in violation of division 5484
(A) or (E) of section 1321.52 of the Revised Code, may also seek 5485
and obtain civil penalties for that unregistered or unlicensed 5486
conduct in an amount not to exceed five thousand dollars per 5487
violation. 5488

(E) In conducting an investigation pursuant to this 5489
section, the superintendent may compel, by subpoena, witnesses 5490
to testify in relation to any matter over which the 5491
superintendent has jurisdiction, and may require the production 5492

or photocopying of any book, record, or other document 5493
pertaining to such matter. If a person fails to file any 5494
statement or report, obey any subpoena, give testimony, produce 5495
any book, record, or other document as required by such a 5496
subpoena, or permit photocopying of any book, record, or other 5497
document subpoenaed, the court of common pleas of any county in 5498
this state, upon application made to it by the superintendent, 5499
shall compel obedience by attachment proceedings for contempt, 5500
as in the case of disobedience of the requirements of a subpoena 5501
issued from the court, or a refusal to testify therein. 5502

(F) If the superintendent determines that a person is 5503
engaged in, or is believed to be engaged in, activities that may 5504
constitute a violation of sections 1321.51 to 1321.60 of the 5505
Revised Code or the rules adopted thereunder, the superintendent 5506
may, after notice and a hearing conducted in accordance with 5507
Chapter 119. of the Revised Code, issue a cease and desist 5508
order. The superintendent, in taking administrative action to 5509
enjoin a person from acting as a registrant or mortgage loan 5510
originator in violation of division (A) or (E) of section 5511
1321.52 of the Revised Code, may also seek and impose fines for 5512
those violations in an amount not to exceed five thousand 5513
dollars per violation. Such an order shall be enforceable in the 5514
court of common pleas. 5515

(G) The superintendent shall regularly report violations 5516
of sections 1321.51 to 1321.60 of the Revised Code, as well as 5517
enforcement actions and other relevant information, to the 5518
nationwide mortgage licensing system and registry pursuant to 5519
division (E) of section 1321.55 of the Revised Code. 5520

(H) (1) To protect the public interest, the superintendent 5521
may, without a prior hearing, do any of the following: 5522

(a) Suspend the certificate of registration or license of 5523
a person who is convicted of ~~or pleads guilty or nolo contendere~~ 5524
~~to a criminal violation of sections 1321.51 to 1321.60 of the~~ 5525
~~Revised Code or any criminal offense described in division (B)~~ 5526
~~(1)(b) or (c) of this section~~ a disqualifying offense, as 5527
specified under section 9.79 of the Revised Code; 5528

(b) Suspend the certificate of registration or license of 5529
a person who violates division (F) of section 1321.533 of the 5530
Revised Code; 5531

(c) Suspend the certificate of registration or license of 5532
a person who fails to comply with a request made by the 5533
superintendent under this section or section 1321.55 of the 5534
Revised Code to inspect qualifying education transcripts located 5535
at the registrant's or licensee's place of business. 5536

(2) The superintendent may, in accordance with Chapter 5537
119. of the Revised Code, subsequently revoke any registration 5538
or license suspended under division (H) (1) of this section. 5539

(3) The superintendent shall, in accordance with Chapter 5540
119. of the Revised Code, adopt rules establishing the maximum 5541
amount of time a suspension under division (H) (1) of this 5542
section may continue before a hearing is conducted. 5543

Sec. 1321.59. (A) No registrant under sections 1321.51 to 5544
1321.60 of the Revised Code shall permit any borrower to be 5545
indebted for a loan made under sections 1321.51 to 1321.60 of 5546
the Revised Code at any time while the borrower is also indebted 5547
to an affiliate or agent of the registrant for a loan made under 5548
sections 1321.01 to 1321.19 of the Revised Code for the purpose 5549
or with the result of obtaining greater charges than otherwise 5550
would be permitted by sections 1321.51 to 1321.60 of the Revised 5551

Code. 5552

(B) No registrant shall induce or permit any person to 5553
become obligated to the registrant under sections 1321.51 to 5554
1321.60 of the Revised Code, directly or contingently, or both, 5555
under more than one contract of loan at the same time for the 5556
purpose or with the result of obtaining greater charges than 5557
would otherwise be permitted by sections 1321.51 to 1321.60 of 5558
the Revised Code. 5559

(C) No registrant shall refuse to provide information 5560
regarding the amount required to pay in full a loan under 5561
sections 1321.51 to 1321.60 of the Revised Code when requested 5562
by the borrower or by another person designated in writing by 5563
the borrower. 5564

(D) On any loan or application for a loan under sections 5565
1321.51 to 1321.60 of the Revised Code secured by a mortgage on 5566
a borrower's real estate which is other than a first lien on the 5567
real estate, no person shall pay or receive, directly or 5568
indirectly, fees or any other type of compensation for services 5569
of a mortgage broker that, in the aggregate, exceed the lesser 5570
of one thousand dollars or one per cent of the principal amount 5571
of the loan. 5572

(E) No registrant or licensee shall obtain a certificate 5573
of registration or license through any false or fraudulent 5574
representation of a material fact or any omission of a material 5575
fact required by state or federal law, or make any substantial 5576
misrepresentation in the registration or license application, to 5577
engage in lending secured by real estate. 5578

(F) No registrant or licensee, in connection with the 5579
business of making or offering to make residential mortgage 5580

loans, shall knowingly make false or misleading statements of a 5581
material fact, omissions of statements required by state or 5582
federal law, or false promises regarding a material fact, 5583
through advertising or other means, or engage in a continued 5584
course of misrepresentations. 5585

(G) No registrant, licensee, or person making loans 5586
without a certificate of registration in violation of division 5587
(A) of section 1321.52 of the Revised Code, shall knowingly 5588
engage in conduct, in connection with the business of making or 5589
offering to make residential mortgage loans, that constitutes 5590
improper, fraudulent, or dishonest dealings. 5591

(H) No registrant, licensee, or applicant involved in the 5592
business of making or offering to make residential mortgage 5593
loans shall fail to notify the division of financial 5594
institutions within thirty days after knowing ~~any either~~ of the 5595
following: 5596

(1) That the registrant, licensee, or applicant has been 5597
convicted ~~of or pleaded guilty or nolo contendere to a felony-~~ 5598
~~offense a disqualifying offense, as specified under section 9.79~~ 5599
~~of the Revised Code,~~ in a domestic, foreign, or military court; 5600

(2) ~~That the registrant, licensee, or applicant has been~~ 5601
~~convicted of or pleaded guilty or nolo contendere to any~~ 5602
~~criminal offense involving theft, receiving stolen property,~~ 5603
~~embezzlement, forgery, fraud, passing bad checks, money~~ 5604
~~laundering, breach of trust, dishonesty, or drug trafficking, or~~ 5605
~~any criminal offense involving money or securities, in a~~ 5606
~~domestic, foreign, or military court;~~ 5607

~~(3)~~ That the registrant, licensee, or applicant has had a 5608
mortgage lender registration or mortgage loan originator 5609

license, or comparable authority, revoked in any governmental 5610
jurisdiction. 5611

(I) No registrant or licensee shall knowingly make, 5612
propose, or solicit fraudulent, false, or misleading statements 5613
on any mortgage document or on any document related to a 5614
mortgage loan, including a mortgage application, real estate 5615
appraisal, or real estate settlement or closing document. For 5616
purposes of this division, "fraudulent, false, or misleading 5617
statements" does not include mathematical errors, inadvertent 5618
transposition of numbers, typographical errors, or any other 5619
bona fide error. 5620

(J) No registrant or licensee shall knowingly instruct, 5621
solicit, propose, or otherwise cause a borrower to sign in blank 5622
a loan-related document in connection with a residential 5623
mortgage loan. 5624

(K) No registrant or licensee shall knowingly compensate, 5625
instruct, induce, coerce, or intimidate, or attempt to 5626
compensate, instruct, induce, coerce, or intimidate, a person 5627
licensed or certified as an appraiser under Chapter 4763. of the 5628
Revised Code for the purpose of corrupting or improperly 5629
influencing the independent judgment of the person with respect 5630
to the value of the dwelling offered as security for repayment 5631
of a mortgage loan. 5632

(L) No registrant or licensee shall willfully retain 5633
original documents provided to the registrant or licensee by the 5634
borrower in connection with the residential mortgage loan 5635
application, including income tax returns, account statements, 5636
or other financial-related documents. 5637

(M) No registrant or licensee shall, in connection with 5638

making residential mortgage loans, receive, directly or 5639
indirectly, a premium on the fees charged for services performed 5640
by a bona fide third party. 5641

(N) No registrant or licensee shall, in connection with 5642
making residential mortgage loans, pay or receive, directly or 5643
indirectly, a referral fee or kickback of any kind to or from a 5644
bona fide third party or other party with a related interest in 5645
the transaction, including a home improvement builder, real 5646
estate developer, or real estate broker or agent, for the 5647
referral of business. Nothing in this division shall prevent 5648
remuneration to a registrant or licensee for the licensed sale 5649
of any insurance product that is permitted under section 1321.57 5650
of the Revised Code, provided there is no additional fee or 5651
premium added to the cost for the insurance and paid directly or 5652
indirectly by the borrower. 5653

(O) No registrant, licensee, or person making loans 5654
without a certificate of registration in violation of division 5655
(A) of section 1321.52 of the Revised Code shall, in connection 5656
with making or offering to make residential mortgage loans, 5657
engage in any unfair, deceptive, or unconscionable act or 5658
practice prohibited under sections 1345.01 to 1345.13 of the 5659
Revised Code. 5660

Sec. 1321.64. (A) An application for a license shall 5661
contain an undertaking by the applicant to abide by those 5662
sections. The application shall be in writing, under oath, and 5663
in the form prescribed by the superintendent of financial 5664
institutions, and shall contain any information that the 5665
superintendent may require. Applicants that are foreign 5666
corporations shall obtain and maintain a license pursuant to 5667
Chapter 1703. of the Revised Code before a license is issued or 5668

renewed. 5669

(B) Upon the filing of the application and the payment by 5670
the applicant of a nonrefundable investigation fee of two 5671
hundred dollars, a nonrefundable annual registration fee of 5672
three hundred dollars, and any additional fee required by the 5673
NMLSR, the division of financial institutions shall investigate 5674
the relevant facts. If the application involves investigation 5675
outside this state, the applicant may be required by the 5676
division to advance sufficient funds to pay any of the actual 5677
expenses of the investigation when it appears that these 5678
expenses will exceed two hundred dollars. An itemized statement 5679
of any of these expenses which the applicant is required to pay 5680
shall be furnished to the applicant by the division. A license 5681
shall not be issued unless all the required fees have been 5682
submitted to the division. 5683

(C) (1) The investigation undertaken upon receipt of an 5684
application shall include both a civil and criminal records 5685
check of any control person. 5686

(2) (a) Notwithstanding division (K) of section 121.08 of 5687
the Revised Code, the superintendent shall obtain a criminal 5688
records check on each control person and, as part of that 5689
records check, request that criminal records information from 5690
the federal bureau of investigation be obtained. To fulfill this 5691
requirement, the superintendent shall do either of the 5692
following: 5693

(i) Request the superintendent of the bureau of criminal 5694
identification and investigation, or a vendor approved by the 5695
bureau, to conduct a criminal records check based on the control 5696
person's fingerprints or, if the fingerprints are unreadable, 5697
based on the control person's social security number, in 5698

accordance with section 109.572 of the Revised Code; 5699

(ii) Authorize the NMLSR to request a criminal records 5700
check of the control person. 5701

(b) Any fee required under division (C) (3) of section 5702
109.572 of the Revised Code or by the NMLSR shall be paid by the 5703
applicant. 5704

(D) If an application for a license does not contain all 5705
of the information required under division (A) of this section, 5706
and if such information is not submitted to the division or to 5707
the NMLSR within ninety days after the superintendent or the 5708
NMLSR requests the information in writing, including by 5709
electronic transmission or facsimile, the superintendent may 5710
consider the application withdrawn. 5711

(E) If the superintendent of financial institutions finds 5712
that the financial responsibility, experience, ~~character~~, and 5713
general fitness of the applicant command the confidence of the 5714
public and warrant the belief that the business will be operated 5715
honestly and fairly in compliance with the purposes of sections 5716
1321.62 to 1321.702 of the Revised Code and the rules adopted 5717
thereunder, and that the applicant has the requisite net worth 5718
and assets required under section 1321.65 of the Revised Code, 5719
the superintendent shall issue a license to the applicant. The 5720
license shall be valid until the thirty-first day of December of 5721
the year in which it is issued. A person may be licensed under 5722
both sections 1321.51 to 1321.60 and sections 1321.62 to 5723
1321.702 of the Revised Code. 5724

(F) If the superintendent finds that the applicant does 5725
not meet the conditions set forth in this section, the 5726
superintendent shall issue a notice of intent to deny the 5727

application, and promptly notify the applicant of the denial, 5728
the grounds for the denial, and the applicant's reasonable 5729
opportunity to be heard on the action in accordance with Chapter 5730
119. of the Revised Code. 5731

Sec. 1321.70. (A) The division of financial institutions 5732
may, upon written notice to the licensee stating the 5733
contemplated action, the grounds for the action, and the 5734
licensee's reasonable opportunity to be heard on the action in 5735
accordance with Chapter 119. of the Revised Code, revoke, 5736
suspend, or refuse to renew any license issued under sections 5737
1321.62 to 1321.702 of the Revised Code if it finds a violation 5738
of or failure to comply with any provision of sections 1321.62 5739
to 1321.702 of the Revised Code or the rules adopted thereunder, 5740
any federal lending law, or any other law applicable to the 5741
business conducted under a license. 5742

(B) In addition to, or in lieu of, any revocation, 5743
suspension, or denial, the division may impose a monetary fine 5744
after administrative hearing or in settlement of matters subject 5745
to claims under division (A) of this section. 5746

(C) The revocation, suspension, or refusal to renew shall 5747
not impair the obligation of any pre-existing lawful contract 5748
made under sections 1321.62 to 1321.702 of the Revised Code; 5749
provided, however, that a prior licensee shall make good faith 5750
efforts to promptly transfer the licensee's collection rights to 5751
another licensee or person exempt from licensing, or be subject 5752
to additional monetary fines and legal or administrative action 5753
by the division. Nothing in this division shall limit a court's 5754
ability to impose a cease-and-desist order preventing any 5755
further business or servicing activity. 5756

(D) (1) The superintendent of financial institutions may 5757

impose a fine for a violation of sections 1321.62 to 1321.702 of 5758
the Revised Code committed by a licensee. All fines collected 5759
pursuant to this section shall be paid to the treasurer of state 5760
to the credit of the consumer finance fund created in section 5761
1321.21 of the Revised Code. In determining the amount of a fine 5762
to be imposed pursuant to this division, the superintendent may 5763
consider all of the following to the extent it is known to the 5764
division: 5765

(a) The seriousness of the violation; 5766

(b) The licensee's good faith efforts to prevent the 5767
violation; 5768

(c) The licensee's history regarding violations and 5769
compliance with division orders; 5770

(d) The licensee's financial resources; 5771

(e) Any other matters the superintendent considers 5772
appropriate in enforcing sections 1321.62 to 1321.702 of the 5773
Revised Code. 5774

(2) Monetary fines imposed under division (D)(1) of this 5775
section shall not exceed twenty-five thousand dollars. 5776

(E) The superintendent may investigate alleged violations 5777
of sections 1321.62 to 1321.702 of the Revised Code, or the 5778
rules adopted thereunder, or complaints concerning any such 5779
violation. The superintendent may make application to the court 5780
of common pleas for an order enjoining any violation and, upon a 5781
showing by the superintendent that a person has committed, or is 5782
about to commit, a violation, the court shall grant an 5783
injunction, restraining order, or other appropriate relief. The 5784
superintendent, in making application to the court of common 5785
pleas for an order enjoining a person from acting as a licensee 5786

in violation of section 1321.63 of the Revised Code, may also 5787
seek and obtain civil penalties for that unlicensed conduct in 5788
an amount not to exceed five thousand dollars per violation. 5789

(F) In conducting an investigation pursuant to this 5790
section, the superintendent may compel, by subpoena, witnesses 5791
to testify in relation to any matter over which the 5792
superintendent has jurisdiction, and may require the production 5793
or photocopying of any book, record, or other document 5794
pertaining to such matter. If a person fails to file any 5795
statement or report, obey any subpoena, give testimony, produce 5796
any book, record, or other document as required by such a 5797
subpoena, or permit photocopying of any book, record, or other 5798
document subpoenaed, the court of common pleas of any county in 5799
this state, upon application made to it by the superintendent, 5800
shall compel obedience by attachment proceedings for contempt, 5801
as in the case of disobedience of the requirements of a subpoena 5802
issued from the court, or a refusal to testify therein. 5803

(G) If the superintendent determines that a person is 5804
engaged in, or is believed to be engaged in, activities that may 5805
constitute a violation of sections 1321.62 to 1321.702 of the 5806
Revised Code, the superintendent may, after notice and a hearing 5807
conducted in accordance with Chapter 119. of the Revised Code, 5808
issue a cease-and-desist order. The superintendent, in taking 5809
administrative action to enjoin a person from acting as a 5810
licensee in violation of section 1321.63 of the Revised Code, 5811
may also seek and impose fines for those violations in an amount 5812
not to exceed five thousand dollars per violation. Such an order 5813
shall be enforceable in the court of common pleas. 5814

(H) The superintendent shall regularly report violations 5815
of sections 1321.62 to 1321.702 of the Revised Code, as well as 5816

enforcement actions and other relevant information, to the 5817
NMLSR. 5818

(I) (1) To protect the public interest, the superintendent 5819
may, without a prior hearing, do any of the following: 5820

(a) Suspend the license of a person who is convicted of ~~or~~ 5821
~~pleads guilty or nolo contendere to a criminal violation of~~ 5822
~~sections 1321.62 to 1321.702 of the Revised Code~~ a disqualifying 5823
offense as specified under section 9.79 of the Revised Code; 5824

(b) Suspend any licensee who violates section 1321.65 of 5825
the Revised Code; 5826

(c) Suspend any licensee who fails to comply with a 5827
request made by the superintendent under this section. 5828

(2) The superintendent may, in accordance with Chapter 5829
119. of the Revised Code, subsequently revoke any license 5830
suspended under division (I) (1) of this section. 5831

Sec. 1322.022. (A) A mortgage banker seeking exemption 5832
from registration pursuant to division (G) (2) (h) of section 5833
1322.01 of the Revised Code shall submit an application to the 5834
superintendent of financial institutions along with a 5835
nonrefundable fee of three hundred fifty dollars for each 5836
location of an office to be maintained by the mortgage banker. 5837
The application shall be in a form prescribed by the 5838
superintendent and shall include all of the following: 5839

(1) The mortgage banker's business name and state of 5840
incorporation or business registration; 5841

(2) The names of the owners, officers, or partners having 5842
control of the business; 5843

(3) An attestation to all of the following: 5844

(a) That the mortgage banker and its owners, officers, or partners identified in division (A) (2) of this section have not had a mortgage banker license, mortgage broker certificate of registration, or loan originator license, or any comparable authority, revoked in any governmental jurisdiction;

(b) That the mortgage banker and its owners, officers, or partners identified in division (A) (2) of this section have not been convicted of, ~~or pleaded guilty or nolo contendere to, any of the following~~ a disqualifying offense, as specified under section 9.79 of the Revised Code, in a domestic, foreign, or military court;

~~(i) During the seven-year period immediately preceding the date of application for exemption, a misdemeanor involving theft or any felony;~~

~~(ii) At any time prior to the date the application for exemption is approved, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.~~

(c) That, with respect to financing residential mortgage loans, the mortgage banker conducts business with residents of this state, or secures its loans with property located in this state, under authority of an approval described in division (G) (2) (h) of section 1322.01 of the Revised Code.

(4) The names of all loan originators or licensees under the mortgage banker's control and direction;

(5) An acknowledgment of understanding that the mortgage banker is subject to the regulatory authority of the division of financial institutions as provided in this section;

(6) Any further reasonable information that the superintendent may require.

(B) (1) If the superintendent determines that the mortgage banker honestly made the attestation required under division (A) (3) of this section and otherwise qualifies for exemption, the superintendent shall issue a letter of exemption. Additional certified copies of a letter of exemption shall be provided upon request and the payment of seventy-five dollars per copy.

(2) If the superintendent determines that the mortgage banker does not qualify for exemption, the superintendent shall issue a notice of denial, and the mortgage banker may request a hearing in accordance with Chapter 119. of the Revised Code.

(C) All of the following conditions apply to any mortgage banker holding a valid letter of exemption:

(1) The mortgage banker shall be subject to examination in the same manner as a registrant with respect to the conduct of the mortgage banker's loan originators. In conducting any out-of-state examination, a mortgage banker shall be responsible for paying the costs of the division in the same manner as a registrant.

(2) The mortgage banker shall have an affirmative duty to supervise the conduct of its loan originators, and to cooperate with investigations by the division with respect to that conduct, in the same manner as is required of registrants.

(3) The mortgage banker shall keep and maintain records of all transactions relating to the conduct of its loan originators in the same manner as is required of registrants.

(4) The mortgage banker may provide the surety bond for its licensees in the same manner as is permitted for registrants.

(D) A letter of exemption expires annually on the thirty-

first day of December and may be renewed on or before that date 5903
by submitting an application that meets the requirements of 5904
division (A) of this section and a nonrefundable renewal fee of 5905
three hundred fifty dollars for each location of an office to be 5906
maintained by the mortgage banker. 5907

(E) The superintendent may issue a notice to revoke or 5908
suspend a letter of exemption if the superintendent finds that 5909
the letter was obtained through a false or fraudulent 5910
representation of a material fact, or the omission of a material 5911
fact, required by law, or that a condition for exemption is no 5912
longer being met. Prior to issuing an order of revocation or 5913
suspension, the mortgage banker shall be given an opportunity 5914
for a hearing in accordance with Chapter 119. of the Revised 5915
Code. 5916

(F) All information obtained by the division pursuant to 5917
an examination or investigation under this section shall be 5918
subject to the confidentiality requirements set forth in section 5919
1322.061 of the Revised Code. 5920

(G) All money collected under this section shall be 5921
deposited into the state treasury to the credit of the consumer 5922
finance fund created in section 1321.21 of the Revised Code. 5923

(H) A mortgage banker that holds a valid letter of 5924
exemption, and any licensee employed by the mortgage banker, 5925
shall not be required to comply with section 1322.062 of the 5926
Revised Code with respect to any transaction covered under the 5927
authority of an approval described in division (G) (2) (h) of 5928
section 1322.01 of the Revised Code. Compliance shall be 5929
required, however, with respect to transactions not covered 5930
under the authority of an approval described in that division. 5931

Sec. 1322.023. (A) A credit union service organization 5932
seeking exemption from registration pursuant to division (G) (2) 5933
(j) of section 1322.01 of the Revised Code shall submit an 5934
application to the superintendent of financial institutions 5935
along with a nonrefundable fee of three hundred fifty dollars 5936
for each location of an office to be maintained by the 5937
organization. The application shall be in a form prescribed by 5938
the superintendent and shall include all of the following: 5939

(1) The organization's business name and state of 5940
incorporation; 5941

(2) The names of the owners, officers, or partners having 5942
control of the organization; 5943

(3) An attestation to all of the following: 5944

(a) That the organization and its owners, officers, or 5945
partners identified in division (A) (2) of this section have not 5946
had a mortgage broker certificate of registration or loan 5947
originator license, or any comparable authority, revoked in any 5948
governmental jurisdiction; 5949

(b) That the organization and its owners, officers, or 5950
partners identified in division (A) (2) of this section have not 5951
been convicted of, ~~or pleaded guilty or nolo contendere to, any~~ 5952
~~of the following~~ a disqualifying offense, as specified under 5953
section 9.79 of the Revised Code, in a domestic, foreign, or 5954
military court; 5955

~~(i) During the seven year period immediately preceding the~~ 5956
~~date of application for exemption, a misdemeanor involving theft~~ 5957
~~or any felony;~~ 5958

~~(ii) At any time prior to the date the application for~~ 5959
~~exemption is approved, a felony involving an act of fraud,~~ 5960

~~dishonesty, a breach of trust, theft, or money laundering.~~ 5961

(c) That, with respect to financing residential mortgage 5962
loans, the organization conducts business with residents of this 5963
state or secures its loans with property located in this state. 5964

(4) The names of all loan originators or licensees under 5965
the organization's control and direction; 5966

(5) An acknowledgment of understanding that the 5967
organization is subject to the regulatory authority of the 5968
division of financial institutions; 5969

(6) Any further information that the superintendent may 5970
require. 5971

(B) (1) If the superintendent determines that the credit 5972
union service organization honestly made the attestation 5973
required under division (A) (3) of this section and otherwise 5974
qualifies for exemption, the superintendent shall issue a letter 5975
of exemption. Additional certified copies of a letter of 5976
exemption shall be provided upon request and the payment of 5977
seventy-five dollars per copy. 5978

(2) If the superintendent determines that the organization 5979
does not qualify for exemption, the superintendent shall issue a 5980
notice of denial, and the organization may request a hearing in 5981
accordance with Chapter 119. of the Revised Code. 5982

(C) All of the following conditions apply to any credit 5983
union service organization holding a valid letter of exemption: 5984

(1) The organization shall be subject to examination in 5985
the same manner as a registrant with respect to the conduct of 5986
the organization's loan originators. In conducting any out-of- 5987
state examination, the organization shall be responsible for 5988

paying the costs of the division in the same manner as a 5989
registrant. 5990

(2) The organization shall have an affirmative duty to 5991
supervise the conduct of its loan originators, and to cooperate 5992
with investigations by the division with respect to that 5993
conduct, in the same manner as is required of registrants. 5994

(3) The organization shall keep and maintain records of 5995
all transactions relating to the conduct of its loan originators 5996
in the same manner as is required of registrants. 5997

(4) The organization may provide the surety bond for its 5998
licensees in the same manner as is permitted for registrants. 5999

(D) A letter of exemption expires annually on the thirty- 6000
first day of December and may be renewed on or before that date 6001
by submitting an application that meets the requirements of 6002
division (A) of this section and a nonrefundable renewal fee of 6003
three hundred fifty dollars for each location of an office to be 6004
maintained by the credit union service organization. 6005

(E) The superintendent may issue a notice to revoke or 6006
suspend a letter of exemption if the superintendent finds that 6007
the letter was obtained through a false or fraudulent 6008
representation of a material fact, or the omission of a material 6009
fact, required by law, or that a condition for exemption is no 6010
longer being met. Prior to issuing an order of revocation or 6011
suspension, the credit union service organization shall be given 6012
an opportunity for a hearing in accordance with Chapter 119. of 6013
the Revised Code. 6014

(F) All information obtained by the division pursuant to 6015
an examination or investigation under this section shall be 6016
subject to the confidentiality requirements set forth in section 6017

1322.061 of the Revised Code. 6018

(G) All money collected under this section shall be 6019
deposited into the state treasury to the credit of the consumer 6020
finance fund created in section 1321.21 of the Revised Code. 6021

Sec. 1322.04. (A) Upon the conclusion of the investigation 6022
required under division (B) of section 1322.03 of the Revised 6023
Code, the superintendent of financial institutions shall issue a 6024
certificate of registration to the applicant if the 6025
superintendent finds that the following conditions are met: 6026

(1) The application is accompanied by the application fee 6027
and any fee required by the nationwide mortgage licensing system 6028
and registry. 6029

(a) If a check or other draft instrument is returned to 6030
the superintendent for insufficient funds, the superintendent 6031
shall notify the applicant by certified mail, return receipt 6032
requested, that the application will be withdrawn unless the 6033
applicant, within thirty days after receipt of the notice, 6034
submits the application fee and a one-hundred-dollar penalty to 6035
the superintendent. If the applicant does not submit the 6036
application fee and penalty within that time period, or if any 6037
check or other draft instrument used to pay the fee or penalty 6038
is returned to the superintendent for insufficient funds, the 6039
application shall be withdrawn. 6040

(b) If a check or other draft instrument is returned to 6041
the superintendent for insufficient funds after the certificate 6042
of registration has been issued, the superintendent shall notify 6043
the registrant by certified mail, return receipt requested, that 6044
the certificate of registration issued in reliance on the check 6045
or other draft instrument will be canceled unless the 6046

registrant, within thirty days after receipt of the notice, 6047
submits the application fee and a one-hundred-dollar penalty to 6048
the superintendent. If the registrant does not submit the 6049
application fee and penalty within that time period, or if any 6050
check or other draft instrument used to pay the fee or penalty 6051
is returned to the superintendent for insufficient funds, the 6052
certificate of registration shall be canceled immediately 6053
without a hearing, and the registrant shall cease activity as a 6054
mortgage broker. 6055

(2) If the application is for a location that is a 6056
residence, evidence that the use of the residence to transact 6057
business as a mortgage broker is not prohibited. 6058

(3) The person designated on the application pursuant to 6059
division (A) (3) of section 1322.03 of the Revised Code meets the 6060
experience requirements provided in division (A) (4) of section 6061
1322.03 of the Revised Code and the education requirements set 6062
forth in division (A) (5) of section 1322.03 of the Revised Code. 6063

(4) The applicant maintains all necessary filings and 6064
approvals required by the secretary of state. 6065

(5) The applicant complies with the surety bond 6066
requirements of section 1322.05 of the Revised Code. 6067

(6) The applicant complies with sections 1322.01 to 6068
1322.12 of the Revised Code and the rules adopted thereunder. 6069

(7) Neither the applicant nor any person whose identity is 6070
required to be disclosed on an application for a mortgage broker 6071
certificate of registration has had a mortgage broker 6072
certificate of registration or loan originator license, or any 6073
comparable authority, revoked in any governmental jurisdiction 6074
or has ~~pleaded guilty or nolo contendere to or~~ been convicted of 6075

~~any of the following a disqualifying offense, as specified under~~ 6076
~~section 9.79 of the Revised Code, in a domestic, foreign, or~~ 6077
~~military court.~~ 6078

~~(a) During the seven-year period immediately preceding the~~ 6079
~~date of application for the certificate of registration, a~~ 6080
~~misdemeanor involving theft or any felony.~~ 6081

~~(b) At any time prior to the date the application for the~~ 6082
~~certificate of registration is approved, a felony involving an~~ 6083
~~act of fraud, dishonesty, a breach of trust, theft, or money~~ 6084
~~laundering.~~ 6085

(8) Based on the totality of the circumstances and 6086
information submitted in the application, the applicant has 6087
proven to the superintendent, by a preponderance of the 6088
evidence, that the applicant ~~is of good business repute,~~ appears 6089
qualified to act as a mortgage broker, has fully complied with 6090
sections 1322.01 to 1322.12 of the Revised Code and the rules 6091
adopted thereunder, and meets all of the conditions for issuing 6092
a mortgage broker certificate of registration. 6093

(9) The applicant's operations manager successfully 6094
completed the examination required by section 1322.051 of the 6095
Revised Code. 6096

(10) The applicant's financial responsibility, and 6097
~~experience, character, and general fitness command the~~ 6098
~~confidence of the public and warrant the belief that the~~ 6099
business will be operated honestly and fairly in compliance with 6100
the purposes of sections 1322.01 to 1322.12 of the Revised Code 6101
and the rules adopted thereunder. The superintendent shall not 6102
use a credit score as the sole basis for registration denial. 6103

(B) For purposes of determining whether an applicant that 6104

is a partnership, corporation, or other business entity or 6105
association has met the conditions set forth in divisions (A) 6106
(7), (A) (8), and (A) (10) of this section, the superintendent 6107
shall determine which partners, shareholders, or persons named 6108
in the application pursuant to division (A) (2) of section 6109
1322.03 of the Revised Code must meet the conditions set forth 6110
in divisions (A) (7), (A) (8), and (A) (10) of this section. This 6111
determination shall be based on the extent and nature of the 6112
partner's, shareholder's, or person's ownership interest in the 6113
partnership, corporation, or other business entity or 6114
association that is the applicant and on whether the person is 6115
in a position to direct, control, or adversely influence the 6116
operations of the applicant. 6117

(C) The certificate of registration issued pursuant to 6118
division (A) of this section may be renewed annually on or 6119
before the thirty-first day of December if the superintendent 6120
finds that all of the following conditions are met: 6121

(1) The renewal application is accompanied by a 6122
nonrefundable renewal fee of five hundred dollars for each 6123
location of an office to be maintained by the applicant in 6124
accordance with division (A) of section 1322.02 of the Revised 6125
Code and any fee required by the nationwide mortgage licensing 6126
system and registry. If a check or other draft instrument is 6127
returned to the superintendent for insufficient funds, the 6128
superintendent shall notify the registrant by certified mail, 6129
return receipt requested, that the certificate of registration 6130
renewed in reliance on the check or other draft instrument will 6131
be canceled unless the registrant, within thirty days after 6132
receipt of the notice, submits the renewal fee and a one- 6133
hundred-dollar penalty to the superintendent. If the registrant 6134
does not submit the renewal fee and penalty within that time 6135

period, or if any check or other draft instrument used to pay 6136
the fee or penalty is returned to the superintendent for 6137
insufficient funds, the certificate of registration shall be 6138
canceled immediately without a hearing and the registrant shall 6139
cease activity as a mortgage broker. 6140

(2) The operations manager designated under division (A) 6141
(3) of section 1322.03 of the Revised Code has completed, at 6142
least eight hours of continuing education as required under 6143
section 1322.052 of the Revised Code. 6144

(3) The applicant meets the conditions set forth in 6145
divisions (A) (2) to (10) of this section. 6146

(4) The applicant's mortgage broker certificate of 6147
registration is not subject to an order of suspension or an 6148
unpaid and past due fine imposed by the superintendent. 6149

(D) (1) Subject to division (D) (2) of this section, if a 6150
renewal fee or additional fee required by the nationwide 6151
mortgage licensing system and registry is received by the 6152
superintendent after the thirty-first day of December, the 6153
mortgage broker certificate of registration shall not be 6154
considered renewed, and the applicant shall cease activity as a 6155
mortgage broker. 6156

(2) Division (D) (1) of this section shall not apply if the 6157
applicant, no later than the thirty-first day of January, 6158
submits the renewal fee or additional fee and a one-hundred- 6159
dollar penalty to the superintendent. 6160

(E) If the person designated as the operations manager 6161
pursuant to division (A) (3) of section 1322.03 of the Revised 6162
Code is no longer the operations manager, the registrant shall 6163
do all of the following: 6164

(1) Within ninety days after the departure of the 6165
designated operations manager, designate another person as the 6166
operations manager; 6167

(2) Within ten days after the designation described in 6168
division (E) (1) of this section, notify the superintendent in 6169
writing of the designation; 6170

(3) Submit any additional information that the 6171
superintendent requires to establish that the newly designated 6172
operations manager complies with the requirements set forth in 6173
section 1322.03 of the Revised Code. 6174

(F) The registrant shall cease operations if it is without 6175
an operations manager approved by the superintendent for more 6176
than one hundred eighty days unless otherwise authorized in 6177
writing by the superintendent due to exigent circumstances. 6178

(G) Mortgage broker certificates of registration issued on 6179
or after May 1, 2010, annually expire on the thirty-first day of 6180
December. 6181

Sec. 1322.041. (A) Upon the conclusion of the 6182
investigation required under division (D) of section 1322.031 of 6183
the Revised Code, the superintendent of financial institutions 6184
shall issue a loan originator license to the applicant if the 6185
superintendent finds that the following conditions are met: 6186

(1) The application is accompanied by the application fee 6187
and any fee required by the nationwide mortgage licensing system 6188
and registry. 6189

(a) If a check or other draft instrument is returned to 6190
the superintendent for insufficient funds, the superintendent 6191
shall notify the applicant by certified mail, return receipt 6192
requested, that the application will be withdrawn unless the 6193

applicant, within thirty days after receipt of the notice, 6194
submits the application fee and a one-hundred-dollar penalty to 6195
the superintendent. If the applicant does not submit the 6196
application fee and penalty within that time period, or if any 6197
check or other draft instrument used to pay the fee or penalty 6198
is returned to the superintendent for insufficient funds, the 6199
application shall be withdrawn. 6200

(b) If a check or other draft instrument is returned to 6201
the superintendent for insufficient funds after the license has 6202
been issued, the superintendent shall notify the licensee by 6203
certified mail, return receipt requested, that the license 6204
issued in reliance on the check or other draft instrument will 6205
be canceled unless the licensee, within thirty days after 6206
receipt of the notice, submits the application fee and a one- 6207
hundred-dollar penalty to the superintendent. If the licensee 6208
does not submit the application fee and penalty within that time 6209
period, or if any check or other draft instrument used to pay 6210
the fee or penalty is returned to the superintendent for 6211
insufficient funds, the license shall be canceled immediately 6212
without a hearing, and the licensee shall cease activity as a 6213
loan originator. 6214

(2) The applicant complies with sections 1322.01 to 6215
1322.12 of the Revised Code and the rules adopted thereunder. 6216

(3) The applicant has not been convicted of ~~or pleaded~~ 6217
~~guilty or nolo contendere to any of the following a~~ 6218
disqualifying offense, as specified under section 9.79 of the 6219
Revised Code, in a domestic, foreign, or military court. 6220

~~(a) During the seven-year period immediately preceding the~~ 6221
~~date of application for the license, a misdemeanor involving~~ 6222
~~theft or any felony;~~ 6223

~~(b) At any time prior to the date the application for the license is approved, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.~~ 6224
6225
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(4) Based on the totality of the circumstances and information submitted in the application, the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant ~~is of good business repute,~~ appears qualified to act as a loan originator, has fully complied with sections 1322.01 to 1322.12 of the Revised Code and the rules adopted thereunder, and meets all of the conditions for issuing a loan originator license. 6227
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(5) The applicant successfully completed the written test required by section 1322.051 of the Revised Code and completed the prelicensing instruction set forth in division (B) of section 1322.031 of the Revised Code. 6235
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~~(6) The applicant's financial responsibility, character, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code. The superintendent shall not use a credit score as the sole basis for a license denial.~~ 6239
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(7) The applicant is in compliance with the surety bond requirements of section 1322.05 of the Revised Code. 6245
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(8) The applicant has not had a loan originator license, or comparable authority, revoked in any governmental jurisdiction. 6247
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(B) The license issued under division (A) of this section may be renewed annually on or before the thirty-first day of December if the superintendent finds that all of the following 6250
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6252

conditions are met: 6253

(1) The renewal application is accompanied by a 6254
nonrefundable renewal fee of one hundred fifty dollars and any 6255
fee required by the nationwide mortgage licensing system and 6256
registry. If a check or other draft instrument is returned to 6257
the superintendent for insufficient funds, the superintendent 6258
shall notify the licensee by certified mail, return receipt 6259
requested, that the license renewed in reliance on the check or 6260
other draft instrument will be canceled unless the licensee, 6261
within thirty days after receipt of the notice, submits the 6262
renewal fee and a one-hundred-dollar penalty to the 6263
superintendent. If the licensee does not submit the renewal fee 6264
and penalty within that time period, or if any check or other 6265
draft instrument used to pay the fee or penalty is returned to 6266
the superintendent for insufficient funds, the license shall be 6267
canceled immediately without a hearing, and the licensee shall 6268
cease activity as a loan originator. 6269

(2) The applicant has completed at least eight hours of 6270
continuing education as required under section 1322.052 of the 6271
Revised Code. 6272

(3) The applicant meets the conditions set forth in 6273
divisions (A) (2) to (8) of this section; provided, however, that 6274
an applicant who was issued a loan officer license prior to 6275
January 1, 2010, and has continuously maintained that license 6276
shall not be required to meet the condition described in 6277
division (B) (1) (b) of section 1322.031 of the Revised Code. 6278

(4) The applicant's license is not subject to an order of 6279
suspension or an unpaid and past due fine imposed by the 6280
superintendent. 6281

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

(2) Division (C) (1) of this section shall not apply if the applicant, no later than the thirty-first day of January, submits the renewal application and fees and a one-hundred-dollar penalty to the superintendent.

(D) Loan originator licenses issued on or after May 1, 2010, annually expire on the thirty-first day of December.

Sec. 1322.042. (A) As used in this section:

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

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

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

(2) "Sponsor" means a registrant or entity described in division (G) (2) of section 1322.01 of the Revised Code that employs or is associated with an applicant for a temporary loan originator license and, during the term of the applicant's temporary license, covers the applicant under its corporate surety bond or requires the applicant to obtain and maintain a corporate surety bond.

(B) The superintendent of financial institutions may, in 6311
accordance with this section, issue to an out-of-state loan 6312
originator a temporary loan originator license that enables the 6313
licensee to engage in the business of a loan originator while 6314
the individual completes the requirements necessary to meet the 6315
conditions set forth in section 1322.041 of the Revised Code for 6316
a loan originator license. A temporary loan originator license 6317
shall be valid for a term of not more than one hundred twenty 6318
days from the date of issuance. A temporary loan originator 6319
license may not be renewed. 6320

(C) An application for a temporary loan originator license 6321
shall be in writing, under oath, and in a form that meets the 6322
requirements of the nationwide mortgage licensing system and 6323
registry. The application shall be accompanied by a 6324
nonrefundable application fee, the amount of which shall be 6325
determined by the superintendent in rule, and a certification 6326
that, as of the date of application, the applicant meets the 6327
following conditions: 6328

(1) The applicant has at least two years of experience in 6329
the field of residential mortgage lending in the five years 6330
immediately preceding the date of application for the temporary 6331
loan originator license. 6332

(2) The applicant has not previously applied for a 6333
temporary loan originator license in this state. 6334

(3) The applicant has not had a loan originator license, 6335
or comparable authority, revoked in any governmental 6336
jurisdiction. For purposes of division (C)(3) of this section, a 6337
subsequent formal vacation of such a revocation shall not be 6338
considered a revocation. 6339

(4) The applicant has not been convicted of, ~~or pleaded~~ 6340
~~guilty or nolo contendere to, any of the following a~~ 6341
disqualifying offense, as specified under section 9.79 of the 6342
Revised Code, in a domestic, foreign, or military court. 6343

~~(a) During the seven-year period immediately preceding the~~ 6344
~~date of application, a misdemeanor involving theft or any~~ 6345
~~felony.~~ 6346

~~(b) At any time prior to the date of application, a felony~~ 6347
~~involving an act of fraud, dishonesty, a breach of trust, theft,~~ 6348
~~or money laundering.~~ 6349

For purposes of division (C) (4) of this section, any 6350
conviction for which the applicant has received a pardon shall 6351
not be considered a conviction. 6352

(D) The superintendent shall issue a temporary loan 6353
originator license to the applicant if the superintendent finds 6354
that all of the following conditions are met: 6355

(1) The application is accompanied by the application fee 6356
and the certification described in division (C) of this section. 6357

(2) The applicant is registered, fingerprinted, and has a 6358
valid unique identifier through the nationwide mortgage 6359
licensing system and registry as of the date of application. 6360

(3) The applicant has authorized the nationwide mortgage 6361
licensing system and registry to obtain a credit report for 6362
submission to the superintendent. 6363

(4) The applicant has a sponsor that certifies employment 6364
of, or association with, the applicant and has signed the 6365
application. 6366

(E) The sponsor of a temporary licensee shall have an 6367

affirmative duty to supervise the conduct of each temporary loan 6368
originator in the same manner as is required of its other 6369
licensees. If the temporary licensee's employment or association 6370
with the sponsor is terminated, the sponsor shall notify the 6371
division of financial institutions of the termination through 6372
the nationwide mortgage licensing system and registry. Upon the 6373
division's receipt of the notice, the sponsor shall no longer be 6374
held responsible for the conduct of the temporary licensee. 6375

(F) The superintendent may, in accordance with Chapter 6376
119. of the Revised Code, adopt rules necessary for the 6377
implementation and operation of this section. 6378

Sec. 1322.07. No registrant, licensee, person required to 6379
be registered or licensed under sections 1322.01 to 1322.12 of 6380
the Revised Code, or individual disclosed in an application as 6381
required by division (A) (2) of section 1322.03 of the Revised 6382
Code shall do any of the following: 6383

(A) Obtain a mortgage broker certificate of registration 6384
or loan originator license through any false or fraudulent 6385
representation of a material fact or any omission of a material 6386
fact required by state law, or make any substantial 6387
misrepresentation in any registration or license application; 6388

(B) Make false or misleading statements of a material 6389
fact, omissions of statements required by state or federal law, 6390
or false promises regarding a material fact, through advertising 6391
or other means, or engage in a continued course of 6392
misrepresentations; 6393

(C) Engage in conduct that constitutes improper, 6394
fraudulent, or dishonest dealings; 6395

(D) Fail to notify the division of financial institutions 6396

within thirty days after ~~any either~~ of the following: 6397

(1) Being convicted of ~~or pleading guilty or nolo~~ 6398
~~contendere to a felony~~ a disqualifying offense, as specified 6399
under section 9.79 of the Revised Code, in a domestic, foreign, 6400
or military court; 6401

(2) ~~Being convicted of or pleading guilty or nolo~~ 6402
~~contendere to any criminal offense involving theft, receiving-~~ 6403
~~stolen property, embezzlement, forgery, fraud, passing bad-~~ 6404
~~checks, money laundering, breach of trust, dishonesty, or drug-~~ 6405
~~trafficking, or any criminal offense involving money or~~ 6406
~~securities, in a domestic, foreign, or military court;~~ 6407

~~(3)~~ Having a mortgage broker certificate of registration 6408
or loan originator license, or any comparable authority, revoked 6409
in any governmental jurisdiction. 6410

(E) Knowingly make, propose, or solicit fraudulent, false, 6411
or misleading statements on any mortgage loan document or on any 6412
document related to a mortgage loan, including a mortgage 6413
application, real estate appraisal, or real estate settlement or 6414
closing document. For purposes of this division, "fraudulent, 6415
false, or misleading statements" does not include mathematical 6416
errors, inadvertent transposition of numbers, typographical 6417
errors, or any other bona fide error. 6418

(F) Knowingly instruct, solicit, propose, or otherwise 6419
cause a buyer to sign in blank a mortgage related document; 6420

(G) Knowingly compensate, instruct, induce, coerce, or 6421
intimidate, or attempt to compensate, instruct, induce, coerce, 6422
or intimidate, a person licensed or certified under Chapter 6423
4763. of the Revised Code for the purpose of corrupting or 6424
improperly influencing the independent judgment of the person 6425

with respect to the value of the dwelling offered as security 6426
for repayment of a mortgage loan; 6427

(H) Promise to refinance a loan in the future at a lower 6428
interest rate or with more favorable terms, unless the promise 6429
is set forth in writing and is initialed by the buyer; 6430

(I) Engage in any unfair, deceptive, or unconscionable act 6431
or practice prohibited under sections 1345.01 to 1345.13 of the 6432
Revised Code. 6433

Sec. 1322.074. (A) Except as otherwise provided in 6434
division (B) of this section, no registrant, or any member of 6435
the immediate family of an owner of a registrant, shall own or 6436
control a majority interest in an appraisal company. 6437

(B) Division (A) of this section shall not apply to any 6438
registrant, or any member of the immediate family of an owner of 6439
a registrant, who, on January 1, 2010, directly or indirectly 6440
owns or controls a majority interest in an appraisal company. 6441
However, such ownership or control is subject to the following 6442
conditions: 6443

(1) The registrant and members of the immediate family of 6444
an owner of a registrant shall not increase their interest in 6445
the company. 6446

(2) The interest is not transferable to a member of the 6447
immediate family of an owner of a registrant. 6448

(3) If the registrant is convicted of ~~or pleads guilty or~~ 6449
~~is a~~ ~~contender~~ ~~to~~ a criminal violation of sections 1322.01 to 6450
1322.12 of the Revised Code or any criminal-disqualifying 6451
offense described in division as specified under section 9.79 of 6452
the Revised Code and division (A) (1) (b) of section 1322.10 of 6453
the Revised Code, the superintendent of financial institutions 6454

may, in addition to any of the actions authorized under section 6455
1322.10 of the Revised Code, order the registrant or members of 6456
the immediate family of an owner of a registrant to divest their 6457
interest in the company. 6458

Sec. 1322.10. (A) After notice and opportunity for a 6459
hearing conducted in accordance with Chapter 119. of the Revised 6460
Code, the superintendent of financial institutions may do the 6461
following: 6462

(1) Suspend, revoke, or refuse to issue or renew a 6463
certificate of registration or license if the superintendent 6464
finds any of the following: 6465

(a) A violation of or failure to comply with any provision 6466
of sections 1322.01 to 1322.12 of the Revised Code or the rules 6467
adopted under those sections, federal lending law, or any other 6468
law applicable to the business conducted under a certificate of 6469
registration or license; 6470

(b) A conviction of ~~or guilty or nolo contendere plea to a~~ 6471
~~felony a disqualifying offense, as specified under section 9.79~~ 6472
~~of the Revised Code, in a domestic, foreign, or military court;~~ 6473

(c) ~~A conviction of or guilty or nolo contendere plea to~~ 6474
~~any criminal offense involving theft, receiving stolen property,~~ 6475
~~embezzlement, forgery, fraud, passing bad checks, money~~ 6476
~~laundering, breach of trust, dishonesty, or drug trafficking, or~~ 6477
~~any criminal offense involving money or securities, in a~~ 6478
~~domestic, foreign, or military court;~~ 6479

~~(d) The revocation of a mortgage broker certificate of~~ 6480
~~registration or loan originator license, or any comparable~~ 6481
~~authority, in any governmental jurisdiction.~~ 6482

(2) Impose a fine of not more than one thousand dollars, 6483

for each day a violation of a law or rule is committed, 6484
repeated, or continued. If the registrant or licensee engages in 6485
a pattern of repeated violations of a law or rule, the 6486
superintendent may impose a fine of not more than two thousand 6487
dollars for each day the violation is committed, repeated, or 6488
continued. All fines collected pursuant to this division shall 6489
be paid to the treasurer of state to the credit of the consumer 6490
finance fund created in section 1321.21 of the Revised Code. In 6491
determining the amount of a fine to be imposed pursuant to this 6492
division, the superintendent may consider all of the following, 6493
to the extent known by the division of financial institutions: 6494

(a) The seriousness of the violation; 6495

(b) The registrant's or licensee's good faith efforts to 6496
prevent the violation; 6497

(c) The registrant's or licensee's history regarding 6498
violations and compliance with division orders; 6499

(d) The registrant's or licensee's financial resources; 6500

(e) Any other matters the superintendent considers 6501
appropriate in enforcing sections 1322.01 to 1322.12 of the 6502
Revised Code. 6503

(B) The superintendent may investigate alleged violations 6504
of sections 1322.01 to 1322.12 of the Revised Code or the rules 6505
adopted under those sections or complaints concerning any 6506
violation. 6507

(1) The superintendent may make application to the court 6508
of common pleas for an order enjoining any violation and, upon a 6509
showing by the superintendent that a person has committed or is 6510
about to commit that violation, the court shall grant an 6511
injunction, restraining order, or other appropriate relief. 6512

(2) The superintendent may make application to the court 6513
of common pleas for an order enjoining any person from acting as 6514
a mortgage broker, registrant, loan originator, or licensee in 6515
violation of division (A) or (B) of section 1322.02 of the 6516
Revised Code, and may seek and obtain civil penalties for 6517
unregistered or unlicensed conduct of not more than five 6518
thousand dollars per violation. 6519

(C) In conducting any investigation pursuant to this 6520
section, the superintendent may compel, by subpoena, witnesses 6521
to testify in relation to any matter over which the 6522
superintendent has jurisdiction and may require the production 6523
of any book, record, or other document pertaining to that 6524
matter. If a person fails to file any statement or report, obey 6525
any subpoena, give testimony, produce any book, record, or other 6526
document as required by a subpoena, or permit photocopying of 6527
any book, record, or other document subpoenaed, the court of 6528
common pleas of any county in this state, upon application made 6529
to it by the superintendent, shall compel obedience by 6530
attachment proceedings for contempt, as in the case of 6531
disobedience of the requirements of a subpoena issued from the 6532
court or a refusal to testify therein. 6533

(D) If the superintendent determines that a person is 6534
engaged in or is believed to be engaged in activities that may 6535
constitute a violation of sections 1322.01 to 1322.12 of the 6536
Revised Code or any rule adopted thereunder, the superintendent, 6537
after notice and a hearing conducted in accordance with Chapter 6538
119. of the Revised Code, may issue a cease and desist order. If 6539
the administrative action is to enjoin a person from acting as a 6540
mortgage broker or loan originator in violation of division (A) 6541
or (B) of section 1322.02 of the Revised Code, the 6542
superintendent may seek and impose fines for that conduct in an 6543

amount not to exceed five thousand dollars per violation. Such 6544
an order shall be enforceable in the court of common pleas. 6545

(E) If the superintendent revokes a mortgage broker 6546
certificate of registration or loan originator license, the 6547
revocation shall be permanent and with prejudice. 6548

(F) (1) To protect the public interest, the superintendent 6549
may, without a prior hearing, do any of the following: 6550

(a) Suspend the mortgage broker certificate of 6551
registration or loan originator license of a registrant or 6552
licensee who is convicted of ~~or pleads guilty or nolo contendere~~ 6553
~~to a criminal violation of any provision of sections 1322.01 to~~ 6554
~~1322.12 of the Revised Code or any criminal offense described in~~ 6555
~~division (A) (1) (b) or (c) of this section~~ a disqualifying 6556
offense, as specified under section 9.79 of the Revised Code; 6557

(b) Suspend the mortgage broker certificate of 6558
registration of a registrant who violates division (F) of 6559
section 1322.05 of the Revised Code; 6560

(c) Suspend the mortgage broker certificate of 6561
registration or loan originator license of a registrant or 6562
licensee who fails to comply with a request made by the 6563
superintendent under section 1322.03 or 1322.031 of the Revised 6564
Code to inspect qualifying education transcripts located at the 6565
registrant's or licensee's place of business. 6566

(2) The superintendent may, in accordance with Chapter 6567
119. of the Revised Code, subsequently revoke any registration 6568
or license suspended under division (F) (1) of this section. 6569

(3) The superintendent shall, in accordance with Chapter 6570
119. of the Revised Code, adopt rules establishing the maximum 6571
amount of time a suspension under division (F) (1) of this 6572

section may continue before a hearing is conducted. 6573

(G) The imposition of fines under this section does not 6574
preclude any penalty imposed under section 1322.99 of the 6575
Revised Code. 6576

Sec. 1501.013. (A) Subject to division (B) of this 6577
section, the director of natural resources may designate an 6578
employee of the department of natural resources as a natural 6579
resources law enforcement staff officer. Such an officer may do 6580
any or all of the following: 6581

(1) Coordinate the law enforcement activities, training, 6582
and policies of the department; 6583

(2) Serve as the department's liaison with other law 6584
enforcement agencies and jurisdictions and as the director's 6585
representative regarding law enforcement activities; 6586

(3) Conduct internal investigations of employees of the 6587
department as necessary; 6588

(4) Perform other functions related to the department's 6589
law enforcement activities, training, and policies that the 6590
director assigns to the officer. 6591

A natural resources law enforcement staff officer, on any 6592
lands or waters owned, controlled, maintained, or administered 6593
by the department, has the authority specified under section 6594
2935.03 of the Revised Code for peace officers of the department 6595
of natural resources to keep the peace, to enforce all laws and 6596
rules governing those lands and waters, and to make arrests for 6597
violation of those laws and rules. 6598

The governor, upon the recommendation of the director, 6599
shall issue to a natural resources law enforcement staff officer 6600

a commission indicating authority to make arrests as provided in 6601
division (A) of this section. 6602

The director shall furnish a suitable badge to a 6603
commissioned natural resources law enforcement staff officer as 6604
evidence of that officer's authority. 6605

(B) (1) As used in division (B) of this section, ~~"felony"~~ 6606
~~has the same meaning as in "disqualifying offense"~~ means a 6607
disqualifying offense as specified under section 109.511-9.79 of 6608
the Revised Code with respect to a person who has been awarded a 6609
certificate attesting to the satisfactory completion of a peace 6610
officer basic training program under section 109.77 of the 6611
Revised Code. 6612

(2) The director shall not designate a person as a natural 6613
resources law enforcement staff officer under division (A) of 6614
this section on a permanent basis, on a temporary basis, for a 6615
probationary term, or on other than a permanent basis if the 6616
person previously has been convicted of ~~or has pleaded guilty to~~ 6617
~~a felony disqualifying offense.~~ 6618

(3) The director shall terminate the employment as a 6619
natural resources law enforcement staff officer of a person 6620
designated as such an officer if that person does either of the 6621
following: 6622

(a) Pleads guilty to a ~~felony disqualifying offense;~~ 6623

(b) Pleads guilty to a ~~misdemeanor~~ an offense other than a 6624
disqualifying offense pursuant to a negotiated plea agreement as 6625
provided in division (D) of section 2929.43 of the Revised Code 6626
in which the natural resources law enforcement staff officer 6627
agrees to surrender the certificate awarded to that officer 6628
under section 109.77 of the Revised Code. 6629

(4) The director shall suspend from employment as a 6630
natural resources law enforcement staff officer a person 6631
designated as such an officer if that person is convicted, after 6632
trial, of a ~~felony disqualifying offense~~. If the natural 6633
resources law enforcement staff officer files an appeal from 6634
that conviction and the conviction is upheld by the highest 6635
court to which the appeal is taken, or if the officer does not 6636
file a timely appeal, the director shall terminate the 6637
employment of the natural resources law enforcement staff 6638
officer. If the natural resources law enforcement staff officer 6639
files an appeal that results in the officer's acquittal of the 6640
~~felony disqualifying offense~~ or conviction of a ~~misdemeanor an~~ 6641
~~offense other than a disqualifying offense~~, or in the dismissal 6642
of the ~~felony charge of the disqualifying offense~~ against the 6643
officer, the director shall reinstate the natural resources law 6644
enforcement staff officer. A natural resources law enforcement 6645
staff officer who is reinstated under division (B) (4) of this 6646
section shall not receive any back pay unless the officer's 6647
conviction of the ~~felony disqualifying offense~~ was reversed on 6648
appeal, or the ~~felony charge of the disqualifying offense~~ was 6649
dismissed, because the court found insufficient evidence to 6650
convict the officer of the ~~felony disqualifying offense~~. 6651

(5) Division (B) of this section does not apply regarding 6652
an offense that was committed prior to January 1, 1999. 6653

(6) The suspension from employment, or the termination of 6654
the employment, of a natural resources law enforcement staff 6655
officer under division (B) (3) or (4) of this section shall be in 6656
accordance with Chapter 119. of the Revised Code. 6657

Sec. 1501.25. (A) As used in this section, "~~felony~~" ~~has~~ 6658
~~the same meaning as in~~ "disqualifying offense" means a 6659

disqualifying offense as specified under section 109.511-9.79 of 6660
the Revised Code with respect to a person who has been awarded a 6661
certificate attesting to the satisfactory completion of a peace 6662
officer basic training program under section 109.77 of the 6663
Revised Code. 6664

(B) (1) The director of natural resources shall not appoint 6665
a person as a natural resources officer under section 1501.24 of 6666
the Revised Code on a permanent or temporary basis or for a 6667
probationary term if the person previously has been convicted of 6668
or has pleaded guilty to a ~~felony~~ disqualifying offense. 6669

(2) (a) The director shall terminate the employment of a 6670
natural resources officer if the officer does either of the 6671
following: 6672

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 6673

(ii) Pleads guilty to an offense other than a misdemeanor- 6674
disqualifying offense pursuant to a negotiated plea agreement as 6675
provided in division (D) of section 2929.43 of the Revised Code 6676
in which the officer agrees to surrender the certificate awarded 6677
to the officer under section 109.77 of the Revised Code. 6678

(b) The director shall suspend a natural resources officer 6679
from employment if that person is convicted, after trial, of a 6680
~~felony~~ disqualifying offense. If the natural resources officer 6681
files an appeal from that conviction and the conviction is 6682
upheld by the highest court to which the appeal is taken or if 6683
the officer does not file a timely appeal, the director shall 6684
terminate the employment of that officer. If the officer files 6685
an appeal that results in the officer's acquittal of the ~~felony-~~ 6686
disqualifying offense or conviction of an offense other than a 6687
~~misdemeanor~~ disqualifying offense, or in the dismissal of the 6688

~~felony charge of the disqualifying offense~~ against the officer, 6689
the director shall reinstate that officer. A natural resources 6690
officer who is reinstated under division (B) (2) (b) of this 6691
section shall not receive any back pay unless that officer's 6692
conviction of the ~~felony disqualifying offense~~ was reversed or 6693
dismissed on appeal because the court found insufficient 6694
evidence to convict the officer of the ~~felony disqualifying~~ 6695
offense. 6696

(3) Division (B) of this section does not apply regarding 6697
an offense that was committed prior to January 1, 1997. 6698

(4) The director shall suspend or terminate the employment 6699
of a natural resources officer under division (B) (2) of this 6700
section in accordance with Chapter 119. of the Revised Code. 6701

Sec. 1514.99. (A) Whoever violates division (A) (1) or (2) 6702
of section 1514.10 of the Revised Code may be fined not more 6703
than five thousand dollars plus not more than one thousand 6704
dollars per acre of land affected, and is responsible for 6705
achieving reclamation of the land as required pursuant to this 6706
chapter. 6707

(B) Whoever violates division (B) of section 1514.10 of 6708
the Revised Code may be fined not more than one thousand dollars 6709
per acre of land affected that is not under permit, and is 6710
responsible for achieving reclamation of the land as required 6711
pursuant to this chapter. 6712

(C) Whoever violates division (C) of section 1514.10 of 6713
the Revised Code may be fined not less than one hundred nor more 6714
than one thousand dollars, or imprisoned not more than six 6715
months, or both. 6716

(D) Whoever violates division (D), (E), (F), or (G) of 6717

section 1514.10 of the Revised Code may be fined not less than 6718
one hundred nor more than one thousand dollars for a first 6719
offense. For each subsequent offense, on one or more permits 6720
held by such persons, such person may be fined not less than two 6721
hundred nor more than five thousand dollars, or imprisoned not 6722
more than six months, or both. ~~The permit of any person~~ 6723
~~convicted of a third offense may be revoked by the court at the~~ 6724
~~time of that conviction, and the court at that time may further~~ 6725
~~order that no permit or amendment to a permit may be issued to~~ 6726
~~that person under this chapter for a period of five years from~~ 6727
~~the date of the conviction.~~ Nothing contained in this section 6728
shall be construed to limit or affect the authority of the chief 6729
of the division of mineral resources management granted by this 6730
chapter. 6731

(E) Whoever violates an order of the chief of the division 6732
of mineral resources management issued under this chapter is 6733
guilty of a minor misdemeanor. 6734

Sec. 1531.132. (A) As used in this section, ~~"felony" has~~ 6735
~~the same meaning as in "disqualifying offense" means a~~ 6736
disqualifying offense as specified under section 109.511-9.79 of 6737
the Revised Code with respect to a person who has been awarded a 6738
certificate attesting to the satisfactory completion of a peace 6739
officer basic training program under section 109.77 of the 6740
Revised Code. 6741

(B) (1) The chief of the division of wildlife shall not 6742
designate a person as a game protector on a permanent basis, on 6743
a temporary basis, for a probationary term, or on other than a 6744
permanent basis if the person previously has been convicted of 6745
or has pleaded guilty to a ~~felony disqualifying offense.~~ 6746

(2) (a) The chief of the division of wildlife shall 6747

terminate the employment of a person as a game protector if that person does either of the following:

(i) Pleads guilty to a ~~felony disqualifying offense~~;

(ii) Pleads guilty to an offense other than a misdemeanor-disqualifying offense pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the game protector agrees to surrender the certificate awarded to the game protector under section 109.77 of the Revised Code.

(b) The chief shall suspend from employment as a game protector a person designated as a game protector if that person is convicted, after trial, of a ~~felony disqualifying offense~~. If the game protector files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the game protector does not file a timely appeal, the chief shall terminate the employment of that game protector. If the game protector files an appeal that results in the game protector's acquittal of the ~~felony disqualifying offense~~ or conviction of an offense other than a misdemeanor disqualifying offense, or in the dismissal of the ~~felony charge of the disqualifying offense~~ against the game protector, the chief shall reinstate that game protector. A game protector who is reinstated under division (B) (2) (b) of this section shall not receive any back pay unless that game protector's conviction of the ~~felony disqualifying offense~~ was reversed on appeal, or the ~~felony charge of the disqualifying offense~~ was dismissed, because the court found insufficient evidence to convict the game protector of the ~~felony disqualifying offense~~.

(3) Division (B) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of 6778
the employment, of a game protector under division (B)(2) of 6779
this section shall be in accordance with Chapter 119. of the 6780
Revised Code. 6781

Sec. 1533.342. (A) The chief of the division of wildlife, 6782
with the approval of the wildlife council, may limit the type 6783
and number of commercial fishing licenses to be issued for 6784
fishing in the Lake Erie fishing district and other water 6785
wherein nets are licensed by law, except that such limitations 6786
shall not prohibit any person who was issued an Ohio commercial 6787
fishing license in the prior fishing season from being issued, 6788
upon satisfaction of the qualifications established in division 6789
(C) of this section and proper application, a license of the 6790
same type for the current fishing season unless the issuance of 6791
such a license is prohibited by this chapter or Chapter 1531. of 6792
the Revised Code or division rule. 6793

In limiting the number and type of licenses, the chief and 6794
the council shall give consideration to the number and type of 6795
licenses needed to harvest the fish determined to be 6796
harvestable; the capacity of the boats and characteristics of 6797
the equipment owned or used by the applicant; and any other 6798
facts or data relating to the protection, preservation, 6799
management, and utilization of fish species in a biologically 6800
sound manner. 6801

(B) The chief, in prescribing forms for license 6802
applications, may require the applicant to list information 6803
relating to the kind and condition of boats and fishing 6804
equipment proposed to be used by the applicant, port or ports of 6805
entry, years of commercial fishing experience, quantity and 6806
kinds of fish taken during the previous five years, conviction 6807

records relating to ~~Chapter 1531. and this chapter~~ disqualifying 6808
offenses, as specified under section 9.79 of the Revised Code 6809
and division rules, and any other facts the chief determines 6810
necessary to assist the chief in determining whether or not the 6811
applicant may engage in commercial fishing in accordance with 6812
those chapters and division rules. All questions shall be 6813
answered fully and completely by the applicant. The application 6814
shall be sworn to and signed by the applicant before a person 6815
authorized to administer oaths. 6816

(C) Any person, prior to making application for an Ohio 6817
commercial fishing license, first shall satisfy the following 6818
qualifications to the satisfaction of the chief: over eighteen 6819
years of age; no prior conviction of ~~or plea of guilty on or~~ 6820
~~after the effective date of this amendment to a felony~~ 6821
~~concerning commercial fishing activities for a violation of~~ 6822
~~state or federal law;~~ a disqualifying offense, as specified 6823
under section 9.79 of the Revised Code; ninety days Ohio 6824
residency immediately preceding application; two years 6825
commercial fishing gear experience or holder of an Ohio 6826
commercial license of another gear; and posting of a one 6827
thousand dollar performance bond or cash deposit in a like 6828
amount. In the event the person does not meet these pre- 6829
application qualifications or does meet those qualifications, 6830
but a license is not granted, the bond or cash deposit 6831
immediately shall be returned by the division. In the event the 6832
person is granted a license, the bond or cash deposit shall be 6833
held by the division during the term of the license. 6834

(D) In determining the terms and conditions of any 6835
commercial fishing license, the chief, with the approval of the 6836
wildlife council, may do both of the following: 6837

(1) Fix by species, the weight, number, or size of fish to 6838
be taken; 6839

(2) Specify the home port and up to two alternate ports at 6840
which the licensee shall land the licensee's catch, as listed on 6841
the licensee's application. 6842

(E) Any wildlife officer, or other division employee 6843
designated by the chief to inspect commercial fishing 6844
operations, may enter upon any property used, owned, or leased 6845
by the holder of a commercial fishing license and may inspect 6846
any boat, net, seine, or other equipment used in commercial 6847
fishing; any building or premises used to hold, store, repair, 6848
or build commercial fishing gear or equipment; and any building 6849
or premises used in boxing, storing, or processing fish. No 6850
person shall assault, threaten, abuse, or interfere with any 6851
wildlife officer or designated inspector when carrying out an 6852
inspection under authority of this section, nor shall any person 6853
prohibit such an inspection. 6854

(F) No person shall fail to comply with this section or a 6855
division rule adopted pursuant thereto. 6856

(G) No person having been issued a commercial fishing 6857
license shall fail to comply with all terms, specifications, and 6858
conditions set forth in the license. 6859

~~(H) (1) In addition to other penalties provided in the 6860
Revised Code, the license of any person who is convicted of 6861
assaulting, threatening, abusing, or interfering with any person 6862
inspecting by authority of this section is suspended upon such 6863
conviction by operation of law for a period of eighteen fishing 6864
season months immediately following that conviction. 6865~~

~~(2) In addition to other penalties provided in the Revised 6866~~

~~Code, the license of any person who is convicted of two~~ 6867
~~violations of provisions of this section relating to inspection~~ 6868
~~or terms and conditions of any commercial fishing license that~~ 6869
~~occurred within a twelve month period is suspended upon the~~ 6870
~~second such conviction by operation of law for a period of sixty~~ 6871
~~fishing season days immediately following that conviction.~~ 6872

~~(3) In addition to other penalties provided in the Revised~~ 6873
~~Code, the license of any person who is convicted of three or~~ 6874
~~more violations of provisions of this section relating to~~ 6875
~~inspection or terms and conditions of any commercial fishing~~ 6876
~~licenses that occurred within a twelve month period is suspended~~ 6877
~~upon the third or subsequent such conviction by operation of law~~ 6878
~~for a period of eighteen fishing season months immediately~~ 6879
~~following that conviction.~~ 6880

~~(I) During any period of suspension, no person shall use~~ 6881
~~or engage in fishing with commercial gear owned, used, or~~ 6882
~~controlled at the time of conviction by the licensee whose~~ 6883
~~license has been suspended.~~ 6884

Sec. 1533.631. Any person may apply for a permit to handle 6885
commercial fish, or other fish that may be bought or sold under 6886
the Revised Code or division rule, at wholesale. Prior to making 6887
application for such a permit, a person first shall satisfy the 6888
following qualifications to the satisfaction of the chief of the 6889
division of wildlife: over eighteen years of age, no prior 6890
conviction of ~~or plea of guilty on or after the effective date~~ 6891
~~of this amendment to a felony concerning commercial fishing~~ 6892
~~activities for a violation of state or federal law a~~ 6893
disqualifying offense, as specified under section 9.79 of the 6894
Revised Code, and ninety days Ohio residency immediately 6895
preceding application. The chief shall issue an annual permit 6896

granting the applicant the privilege to handle such fish at 6897
wholesale at one or more designated premises upon satisfaction 6898
of the pre-application qualifications, filing of an application 6899
on a form prescribed by the chief, and payment of a fee of 6900
sixty-five dollars. No person or a person's agent shall handle 6901
at wholesale any fresh water fish or part thereof unless a 6902
permit has been issued for the calendar year in which the fish 6903
is handled at wholesale for the premises at which the fish is 6904
handled. 6905

A fish is handled at wholesale for purposes of this 6906
section when it is on a premises within the state and is being 6907
held, stored, handled, or processed for the purpose of sale to a 6908
person who resells the fish. 6909

The permit required by this section shall be issued 6910
subject to the right of entry and inspection of the designated 6911
premises of the permittee by any law enforcement officer 6912
authorized by section 1531.13 of the Revised Code to enforce the 6913
laws and rules of the division of wildlife. Such an officer may 6914
enter and inspect the designated premises and any box, package, 6915
or receptacle, and the contents thereof, for the purpose of 6916
determining whether any provision of this chapter or Chapter 6917
1531. of the Revised Code or division rule is being violated. 6918

No person holding a permit under this section shall remove 6919
a label required by section 1533.301 of the Revised Code unless 6920
the box, package, or receptacle bearing the label has been 6921
opened or unless the label is replaced with another label that 6922
meets the requirements of that section. 6923

No person shall fail to comply with any provision of this 6924
section or division rule adopted pursuant to it. 6925

Sec. 1533.632. (A) As used in this section: 6926

(1) "Aquaculture" means a form of agriculture that 6927
involves the propagation and rearing of aquatic species in 6928
controlled environments under private control, including, but 6929
not limited to, for the purpose of sale for consumption as food. 6930

(2) "Aquaculture species" means any aquatic species that 6931
may be raised through aquaculture that is either a class A 6932
aquaculture species or a class B aquaculture species. 6933

(3) "Class A aquaculture species" includes any species 6934
designated as such by the chief of the division of wildlife in 6935
rules adopted under division (B) of this section. 6936

(4) "Class B aquaculture species" includes any species, 6937
except for class A aquaculture species, designated as such by 6938
the chief in rules adopted under division (B) of this section. 6939

(5) "Aquaculture production facility" means a facility 6940
that has suitable infrastructure and equipment, as determined by 6941
the chief, and that is solely dedicated to the propagation and 6942
rearing of an aquaculture species. 6943

(6) "Suitable infrastructure" includes ponds, raceways, 6944
and tanks. 6945

(B) The chief, in accordance with Chapter 119. of the 6946
Revised Code, shall adopt rules for the regulation of 6947
aquaculture and may issue permits to persons wishing to engage 6948
in aquaculture for the production of aquaculture species. Rules 6949
adopted under this section shall ensure the protection and 6950
preservation of the wildlife and natural resources of this 6951
state. The legal length and weight limitations established under 6952
section 1533.63 of the Revised Code do not apply to class A or 6953
class B aquaculture species. 6954

A permit may be issued upon application to any person who 6955
satisfies the chief that the person owns or leases an 6956
aquaculture production facility. Each permit shall be in such 6957
form as the chief prescribes. The permits shall be classified as 6958
either class A or class B. A class A permit shall be required 6959
for all class A aquaculture species that are designated by rule 6960
as a class A aquaculture species. Class B permits shall be 6961
issued on a case-by-case basis. In determining whether to issue 6962
a class B permit, the chief shall take into account the species 6963
for which the class B permit is requested, the location of the 6964
aquaculture production facility, and any other information 6965
determined by the chief to be necessary to protect the wildlife 6966
and natural resources of this state. The annual fee for a class 6967
A permit shall be fifty dollars unless otherwise provided by 6968
rule by the chief. The annual fee for a class B permit shall be 6969
set by the chief at a level between one hundred and five hundred 6970
dollars. In determining the fee to be charged for a class B 6971
permit, the chief shall take into account the additional costs 6972
to the division for the inspection of aquaculture facilities 6973
used to raise a given class B aquaculture species. 6974

The chief may revoke a permit upon a determination that 6975
the person to whom the permit was issued has violated any rule 6976
adopted under this section. The permit shall be reissued upon a 6977
showing by the person that the person is in compliance with the 6978
rules adopted under this section. A holder of an aquaculture 6979
permit may receive a permit issued under section 1533.301 or 6980
1533.40 of the Revised Code without payment of the fee for that 6981
permit if the conditions for the issuance of the permit have 6982
been met. 6983

(C) No person shall knowingly sell any aquatic species 6984
under an aquaculture permit issued under this section that was 6985

not raised in an aquaculture production facility. ~~In addition to~~ 6986
~~any other penalties prescribed for violation of this division,~~ 6987
~~the chief may revoke the permit of any person convicted of a~~ 6988
~~violation of this division for any period of time the chief~~ 6989
~~considers necessary.~~ 6990

(D) No person who does not hold a current valid 6991
aquaculture permit shall knowingly sell an aquaculture species 6992
while claiming to possess an aquaculture permit. 6993

Sec. 1533.641. (A) ~~If a person is convicted of or pleads~~ 6994
~~guilty on or after the effective date of this section to a~~ 6995
~~felony related to commercial fishing activities for a violation~~ 6996
~~of state or federal law, all commercial fishing licenses issued~~ 6997
~~under section 1533.35 of the Revised Code and all permits to~~ 6998
~~handle commercial fish or other fish at wholesale issued under~~ 6999
~~section 1533.631 of the Revised Code to that person are~~ 7000
~~permanently revoked by operation of law.~~ 7001

~~(B) (1) If a commercial fishing licensee, such a licensee's~~ 7002
~~authorized representative, a person that has been issued a~~ 7003
~~permit under section 1533.631 of the Revised Code to handle~~ 7004
~~commercial fish or other fish at wholesale, or such a~~ 7005
~~permittee's authorized representative is convicted of or pleads~~ 7006
~~guilty to a violation of section 1533.341, 1533.343, 1533.41,~~ 7007
~~1533.42, 1533.62, 1533.63, 1533.631, or 1533.64 of the Revised~~ 7008
~~Code or any division rule pertaining to those sections, the~~ 7009
~~licensee's license or the permittee's permit, as applicable,~~ 7010
~~shall be suspended for a period of thirty fishing season days.~~ 7011
~~Not later than seven days after receipt of a notification under~~ 7012
~~division (F) of this section, the chief of the division of~~ 7013
~~wildlife shall suspend the license or permit.~~ 7014

~~(2) If a person is convicted of or pleads guilty to a~~ 7015

~~second violation of a section of the Revised Code that is listed in division (B) (1) of this section or any division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable licensee's license or permittee's permit shall be suspended for a period of sixty fishing season days. Not later than seven days after receipt of a notification under division (F) of this section, the chief shall suspend the license or permit.~~

~~(3) If a person is convicted of or pleads guilty to a third violation of a section of the Revised Code that is listed in division (B) (1) of this section or any division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable licensee's license or permittee's permit shall be permanently revoked. Not later than seven days after receipt of a notification under division (F) of this section, the chief shall revoke the license or permit.~~

~~(C) During any period of suspension of a commercial fishing license or a permit under this section to handle commercial fish or other fish at wholesale, no person shall use or engage in fishing with commercial gear, or in handling commercial fish or other fish at wholesale with equipment, owned, used, or controlled at the time of conviction ~~or plea~~ by the licensee or the licensee's authorized representative or by the permittee or the permittee's authorized representative, as applicable.~~

~~(D) (B) A person whose license has been suspended by operation of law pursuant to any provision of this chapter or Chapter 1531. of the Revised Code or division rule is not~~

eligible to apply for or receive a new commercial fishing 7046
license issued under section 1533.35 of the Revised Code or a 7047
permit to handle commercial fish or other fish at wholesale 7048
issued under section 1533.631 of the Revised Code during the 7049
period of the suspension. 7050

~~(E)~~ (C) For purposes of determining a license or permit 7051
suspension or revocation for a violation of section 1533.63 of 7052
the Revised Code, multiple convictions resulting from violations 7053
of that section that occurred at the same time, on the same day, 7054
and at the same location are deemed to be a single conviction of 7055
one violation. 7056

~~(F)~~ (D) The clerk of the court before which a person is 7057
convicted of ~~or pleads guilty to a violation of state or federal~~ 7058
~~law as described in division (A) of this section or a section of~~ 7059
~~the Revised Code that is listed in division (B) (1) of this~~ 7060
~~section a disqualifying offense, as specified under section 9.79~~ 7061
~~of the Revised Code, or any related division rule pertaining to~~ 7062
~~those sections, shall send written notification to the chief of~~ 7063
the conviction ~~or plea~~ together with the person's name and 7064
address not later than ten days after the date of conviction ~~or~~ 7065
~~plea.~~ 7066

Sec. 1545.13. (A) As used in this section, ~~"felony" has~~ 7067
~~the same meaning as in~~ "disqualifying offense" means a 7068
disqualifying offense as specified under section 109.511-9.79 of 7069
the Revised Code with respect to a person who has been awarded a 7070
certificate attesting to the satisfactory completion of a peace 7071
officer basic training program under section 109.77 of the 7072
Revised Code. 7073

(B) The employees that the board of park commissioners 7074
designates for that purpose may exercise all the powers of 7075

police officers within and adjacent to the lands under the 7076
jurisdiction and control of the board or when acting as 7077
authorized by section 1545.131 or 1545.132 of the Revised Code. 7078
Before exercising the powers of police officers, the designated 7079
employees shall comply with the certification requirement 7080
established in section 109.77 of the Revised Code, take an oath, 7081
and give a bond to the state in the sum that the board 7082
prescribes, for the proper performance of their duties in that 7083
respect. This division is subject to division (C) of this 7084
section. 7085

(C) (1) The board of park commissioners shall not designate 7086
an employee as provided in division (B) of this section on a 7087
permanent basis, on a temporary basis, for a probationary term, 7088
or on other than a permanent basis if the employee previously 7089
has been convicted of ~~or has pleaded guilty to a felony~~ 7090
disqualifying offense. 7091

(2) (a) The board of park commissioners shall terminate the 7092
employment of an employee designated as provided in division (B) 7093
of this section if the employee does either of the following: 7094

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 7095

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 7096
a disqualifying offense pursuant to a negotiated plea agreement 7097
as provided in division (D) of section 2929.43 of the Revised 7098
Code in which the employee agrees to surrender the certificate 7099
awarded to the employee under section 109.77 of the Revised 7100
Code. 7101

(b) The board shall suspend from employment an employee 7102
designated as provided in division (B) of this section if the 7103
employee is convicted, after trial, of a ~~felony~~ disqualifying 7104

offense. If the employee files an appeal from that conviction 7105
and the conviction is upheld by the highest court to which the 7106
appeal is taken or if the employee does not file a timely 7107
appeal, the board shall terminate the employment of that 7108
employee. If the employee files an appeal that results in the 7109
employee's acquittal of the ~~felony~~disqualifying offense or 7110
conviction of ~~a misdemeanor~~ an offense other than a 7111
disqualifying offense, or in the dismissal of the ~~felony~~ charge 7112
of the disqualifying offense against the employee, the board 7113
shall reinstate that employee. An employee who is reinstated 7114
under division (C) (2) (b) of this section shall not receive any 7115
back pay unless that employee's conviction of the ~~felony~~ 7116
disqualifying offense was reversed on appeal, or the ~~felony~~ 7117
charge of the disqualifying offense was dismissed, because the 7118
court found insufficient evidence to convict the employee of the 7119
~~felony~~ disqualifying offense. 7120

(3) Division (C) of this section does not apply regarding 7121
an offense that was committed prior to January 1, 1995. 7122

(4) The suspension from employment, or the termination of 7123
the employment, of an employee under division (C) (2) of this 7124
section shall be in accordance with Chapter 119. of the Revised 7125
Code. 7126

Sec. 1546.16. The chief of the division of parks and 7127
watercraft shall issue pilot licenses and engineer licenses to 7128
all persons employed by a boat owner or operator to act as pilot 7129
or engineer on any boat carrying passengers for hire on 7130
reservoir parks or other bodies of water under the supervision 7131
and control of the division. The applicant for such license 7132
shall be over eighteen years of age ~~and of good character~~. ~~The~~ 7133
~~violation of any of the sections of the Revised Code relating to~~ 7134

~~reservoir parks or other bodies of water under supervision and control of the division or any rule or regulation of the division for the management of such reservoir parks or other bodies of water shall be cause for the chief to revoke such license.~~

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

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

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

the actual practical experience required, the chief may accept 7165
as the equivalent thereof a certificate evidencing graduation 7166
from an accredited school of mines or mining, after a four-year 7167
course of study, but such credit shall not apply as to the two 7168
years' actual practical experience required in the mines in this 7169
state. 7170

The applicant shall pass an examination as to the 7171
applicant's practical and technological knowledge of mine 7172
surveying, mining machinery, and appliances; the proper 7173
development and operation of mines; the best methods of working 7174
and ventilating mines; the nature, properties, and powers of 7175
noxious, poisonous, and explosive gases, particularly methane; 7176
the best means and methods of detecting, preventing, and 7177
removing the accumulation of such gases; the use and operation 7178
of gas detecting devices and appliances; first aid to the 7179
injured; and the uses and dangers of electricity as applied and 7180
used in, at, and around mines. The applicant shall also hold a 7181
certificate for foreperson of gaseous mines issued by the chief. 7182

(B) An applicant for the position of deputy mine inspector 7183
of surface mines shall have had actual practical mining 7184
experience of not less than six years, at least two of which 7185
shall have been in surface mines in this state. In lieu of two 7186
years of the actual practical experience required, the chief may 7187
accept as the equivalent thereof a certificate evidencing 7188
graduation from an accredited school of mines or mining, after a 7189
four-year course of study, but that credit shall not apply as to 7190
the two years' actual practical experience required in the mines 7191
in this state. The applicant shall pass an examination as to the 7192
applicant's practical and technological knowledge of surface 7193
mine surveying, machinery, and appliances; the proper 7194
development and operations of surface mines; first aid to the 7195

injured; and the use and dangers of explosives and electricity 7196
as applied and used in, at, and around surface mines. The 7197
applicant shall also hold a surface mine foreperson certificate 7198
issued by the chief. 7199

(C) An applicant for the position of electrical inspector 7200
shall have had at least five years' practical experience in the 7201
installation and maintenance of electrical circuits and 7202
equipment in mines, and the applicant shall be thoroughly 7203
familiar with the principles underlying the safety features of 7204
permissible and approved equipment as authorized and used in 7205
mines. 7206

The applicant shall be required to pass the examination 7207
required for deputy mine inspectors and an examination testing 7208
and determining the applicant's qualification and ability to 7209
competently inspect and administer the mining law that relates 7210
to electricity used in and around mines and mining in this 7211
state. 7212

(D) An applicant for the position of superintendent or 7213
assistant superintendent of rescue stations shall possess the 7214
same qualifications as those required for a deputy mine 7215
inspector. In addition, the applicant shall present evidence 7216
satisfactory to the chief that the applicant is sufficiently 7217
qualified and trained to organize, supervise, and conduct group 7218
training classes in first aid, safety, and rescue work. 7219

The applicant shall pass the examination required for 7220
deputy mine inspectors and shall be tested as to the applicant's 7221
practical and technological experience and training in first 7222
aid, safety, and mine rescue work. 7223

(E) An applicant for the position of mine chemist shall 7224

have such educational training as is represented by the degree 7225
MS in chemistry from a university of recognized standing, and at 7226
least five years of actual practical experience in research work 7227
in chemistry or as an assistant chemist. The chief may provide 7228
that an equivalent combination of education and experience 7229
together with a wide knowledge of the methods of and skill in 7230
chemical analysis and research may be accepted in lieu of the 7231
above qualifications. It is preferred that the chemist shall 7232
have had actual experience in mineralogy and metallurgy. 7233

Sec. 1561.23. The chief of the division of mineral 7234
resources management shall issue the following certificates to 7235
those applicants who pass their examination: 7236

- (A) Certificates for mine forepersons of gaseous mines; 7237
- (B) Certificates for mine forepersons of nongaseous mines; 7238
- (C) Certificates for forepersons of gaseous mines; 7239
- (D) Certificates for forepersons of nongaseous mines; 7240
- (E) Certificates for forepersons of surface maintenance 7241
facilities of underground or surface mines; 7242
- (F) Certificates for mine forepersons of surface mines; 7243
- (G) Certificates for forepersons of surface mines; 7244
- (H) Certificates for fire bosses; 7245
- (I) Certificates for mine electricians; 7246
- (J) Certificates for surface mine blasters; 7247
- (K) Certificates for shot firers. 7248

Applicants for certificates shall make application to the 7249
chief, on a form provided by the chief, for examination. All 7250

applicants shall be able to read and write the English language 7251
intelligently, and shall furnish the chief with a certificate as 7252
to their ~~character,~~ length and description of their practical 7253
experience, and satisfactory evidence of their ability to 7254
perform the duties of the position for which they make 7255
application for examination. 7256

Except as provided in sections 1561.16 and 1561.17 of the 7257
Revised Code, any certificate issued by the former mine 7258
examining board prior to October 29, 1995, shall remain in 7259
effect notwithstanding the new classifications of certificates 7260
established by this section. 7261

Sec. 1571.012. An applicant for the position of gas 7262
storage well inspector shall register the applicant's name with 7263
the chief of the division of oil and gas resources management 7264
and file with the chief an affidavit as to all matters of fact 7265
establishing the applicant's right to take the examination for 7266
that position, ~~a certificate of good character and temperate~~ 7267
~~habits signed by at least three reputable citizens of the~~ 7268
~~community in which the applicant resides,~~ and a certificate from 7269
a reputable and disinterested physician as to the physical 7270
condition of the applicant showing that the applicant is 7271
physically capable of performing the duties of the position. The 7272
applicant also shall present evidence satisfactory to the chief 7273
that the applicant has been a resident and citizen of this state 7274
for at least two years next preceding the date of application. 7275

An applicant shall possess the same qualifications as an 7276
applicant for the position of deputy mine inspector established 7277
in section 1561.12 of the Revised Code. In addition, the 7278
applicant shall have practical knowledge and experience of and 7279
in the operation, location, drilling, maintenance, and 7280

abandonment of oil and gas wells, especially in coal or mineral 7281
bearing townships, and shall have a thorough knowledge of the 7282
latest and best method of plugging and sealing abandoned oil and 7283
gas wells. 7284

An applicant for gas storage well inspector shall pass an 7285
examination conducted by the chief to determine the applicant's 7286
fitness to act as gas storage well inspector before being 7287
eligible for appointment. 7288

Sec. 1702.80. (A) As used in this section: 7289

(1) "Qualified nonprofit corporation" means a nonprofit 7290
corporation that is established under this chapter and to which 7291
all of the following apply: 7292

(a) The nonprofit corporation is a tax-exempt charitable 7293
organization; 7294

(b) The nonprofit corporation has other organizations as 7295
members, and at least twenty of its members are tax-exempt 7296
charitable organizations; 7297

(c) The nonprofit corporation, together with its members 7298
that are organizations, owns, leases, occupies, or uses an area 7299
of not less than three hundred acres within which its police 7300
department established under division (B) of this section will 7301
provide police services; 7302

(d) The chief of police of each municipal corporation 7303
within which the police department of the nonprofit corporation 7304
will be eligible to provide police services has given approval 7305
for persons who are appointed as police officers of that 7306
department to carry out their powers and duties as police 7307
officers. 7308

(2) "Authorizing agreement" means the written agreement entered into between a qualified nonprofit corporation and a municipal corporation pursuant to division (B) of this section for the provision of police services within the municipal corporation by the police department of the nonprofit corporation established under division (B) of this section.

(3) "Tax exempt" means that a corporation or organization is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3) of the Internal Revenue Code, and that the corporation or organization has received from the internal revenue service a determination letter that currently is in effect stating that the corporation or organization is exempt from federal income taxation under that subsection and is described in that subsection.

(4) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(5) ~~"Felony" has the same meaning as in "Disqualifying offense"~~ means a disqualifying offense as specified under section ~~109.511-9.79~~ of the Revised Code with respect to a person who has been awarded a certificate attesting to the satisfactory completion of a peace officer basic training program under section 109.77 of the Revised Code.

(B) A qualified nonprofit corporation may establish a police department to provide police services, subject to the requirements and limitations set forth in this division and divisions (C) and (D) of this section, within one or more municipal corporations. Subject to division (E) of this section, the board of trustees of a qualified nonprofit corporation that establishes a police department may appoint persons as police officers of the department, and the corporation may employ the

persons so appointed as police officers. 7339

A person so appointed and employed as a police officer is 7340
authorized to act as a police officer only to the extent and in 7341
the manner described in this section and only when directly 7342
engaged in the discharge of that person's duties as a police 7343
officer for the qualified nonprofit corporation. No person so 7344
appointed and employed as a police officer shall engage in any 7345
duties or activities as a police officer for a police department 7346
established by a qualified nonprofit corporation unless both of 7347
the following apply: 7348

(1) The person successfully has completed a training 7349
program approved by the Ohio peace officer training commission 7350
and has been certified by the commission as having successfully 7351
completed the training program, or the person previously has 7352
successfully completed a police officer basic training program 7353
certified by the commission and has been awarded a certificate 7354
to that effect by the commission. 7355

(2) The qualified nonprofit corporation has entered into a 7356
written authorizing agreement, as described in division (C) of 7357
this section, with the chief of police of each municipal 7358
corporation within which the police department of the qualified 7359
nonprofit corporation will provide police services. 7360

(C) An authorizing agreement entered into between a 7361
qualified nonprofit corporation and a chief of police of a 7362
municipal corporation shall apply only to the agreeing municipal 7363
corporation, and a separate authorizing agreement shall be 7364
entered into for each municipal corporation within which the 7365
police department of the qualified nonprofit corporation will 7366
provide police services. An authorizing agreement shall not 7367
require, or contain any provision granting authority to, the 7368

chief of police or any other officer, official, or employee of 7369
the municipal corporation that enters into the agreement, to 7370
appoint or to approve or disapprove the appointment of any 7371
police officer appointed and employed by the qualified nonprofit 7372
corporation police department under division (B) of this 7373
section. An authorizing agreement shall comply with any statutes 7374
and with any municipal charter provisions, ordinances, or 7375
resolutions that may apply to it. An authorizing agreement may 7376
prescribe, but is not limited to, any of the following: 7377

(1) The geographical territory within the municipal 7378
corporation in which the police department established by the 7379
qualified nonprofit corporation under division (B) of this 7380
section may provide police services; 7381

(2) The standards and criteria to govern the interaction 7382
between the police officers employed by the police department 7383
established by the qualified nonprofit corporation under 7384
division (B) of this section and the law enforcement officers 7385
employed by the municipal corporation, which standards and 7386
criteria may include, but are not limited to, either of the 7387
following: 7388

(a) Provisions governing the reporting of offenses 7389
discovered by the police officers employed by the qualified 7390
nonprofit corporation police department to the police department 7391
of the municipal corporation; 7392

(b) Provisions governing the processing and confinement of 7393
persons arrested by police officers of the qualified nonprofit 7394
corporation police department. 7395

(3) Any limitation on the qualified nonprofit corporation 7396
police department's enforcement of municipal traffic ordinances 7397

and regulations; 7398

(4) The duration, if any, of the agreement. 7399

(D) If a qualified nonprofit corporation establishes a 7400
police department under this section, the qualified nonprofit 7401
corporation, within the geographical territory specified for 7402
each municipal corporation that has entered into an authorizing 7403
agreement with it, concurrently with the municipal corporation, 7404
shall preserve the peace, protect persons and property, enforce 7405
the laws of the state, and enforce the charter provisions, 7406
ordinances, and regulations of the political subdivisions of the 7407
state that apply within that territory. Except as limited by the 7408
terms of any applicable authorizing agreement, each police 7409
officer who is employed by a police department established by a 7410
qualified nonprofit corporation and who satisfies the 7411
requirement set forth in division (B) (1) of this section is 7412
vested, while directly in the discharge of that police officer's 7413
duties as a police officer, with the same powers and authority 7414
as are vested in a police officer of a municipal corporation 7415
under Title XXIX of the Revised Code and the Rules of Criminal 7416
Procedure, and with the same powers and authority, including the 7417
operation of a public safety vehicle, as are vested in a police 7418
officer of a municipal corporation under Chapter 4511. of the 7419
Revised Code. 7420

(E) (1) The board of trustees of a qualified nonprofit 7421
corporation that establishes a police department shall not 7422
appoint a person as a police officer of the department pursuant 7423
to division (B) of this section on a permanent basis, on a 7424
temporary basis, for a probationary term, or on other than a 7425
permanent basis if the person previously has been convicted of 7426
~~or has pleaded guilty to a felony disqualifying offense.~~ 7427

(2) (a) The board of trustees of a qualified nonprofit corporation shall terminate the employment of a police officer of its police department appointed under division (B) of this section if the police officer does either of the following:

(i) Pleads guilty to a ~~felony~~disqualifying offense;

(ii) Pleads guilty to a ~~misdemeanor~~an offense other than a disqualifying offense pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the police officer agrees to surrender the certificate awarded to the police officer under section 109.77 of the Revised Code.

(b) The board of trustees of a qualified nonprofit corporation shall suspend from employment a police officer of its police department appointed under division (B) of this section if the police officer is convicted, after trial, of a ~~felony~~disqualifying offense. If the police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the police officer does not file a timely appeal, the board shall terminate the employment of that police officer. If the police officer files an appeal that results in the police officer's acquittal of the ~~felony~~disqualifying offense or conviction of a ~~misdemeanor~~an offense other than a disqualifying offense, or in the dismissal of the ~~felony~~charge of the disqualifying offense against the police officer, the board shall reinstate that police officer. A police officer who is reinstated under division (E) (2) (b) of this section shall not receive any back pay unless that police officer's conviction of the ~~felony~~disqualifying offense was reversed on appeal, or the ~~felony~~charge of the disqualifying offense was dismissed, because the

court found insufficient evidence to convict the police officer 7458
of the felony disqualifying offense. 7459

(3) Division (E) of this section does not apply regarding 7460
an offense that was committed prior to January 1, 1997. 7461

(4) The suspension from employment, or the termination of 7462
the employment, of a police officer under division (E) (2) of 7463
this section shall be in accordance with Chapter 119. of the 7464
Revised Code. 7465

Sec. 1713.50. (A) As used in this section: 7466

(1) "Political subdivision" means a county, municipal 7467
corporation, or township. 7468

(2) "Private college or university" means a college or 7469
university that has all of the following characteristics: 7470

(a) It is not owned or controlled by the state or any 7471
political subdivision of the state. 7472

(b) It provides a program of education in residence 7473
leading to a baccalaureate degree or provides a program of 7474
education in residence, for which the baccalaureate degree is a 7475
prerequisite, leading to an academic or professional degree. 7476

(c) It is accredited by the north central association or 7477
another nationally recognized agency that accredits colleges and 7478
universities. 7479

(3) ~~"Felony" has the same meaning as in~~ "Disqualifying 7480
offense" means a disqualifying offense as specified under 7481
section 109.511-9.79 of the Revised Code with respect to a 7482
person who has been awarded a certificate attesting to the 7483
satisfactory completion of a peace officer basic training 7484
program under section 109.77 of the Revised Code. 7485

(B) The board of trustees of a private college or 7486
university may establish a campus police department and appoint 7487
members of the campus police department to act as police 7488
officers. The board shall assign duties to the members of a 7489
campus police department that shall include the enforcement of 7490
the regulations of the college or university. Subject to 7491
division (E) of this section, the board shall appoint as members 7492
of a campus police department only those persons who have 7493
successfully completed a training program approved by the Ohio 7494
peace officer training commission and have been certified as 7495
having done so or who have previously successfully completed a 7496
police officer basic training program certified by the 7497
commission and have been awarded a certificate to that effect by 7498
the commission. 7499

Members of a campus police department shall not be 7500
reimbursed with state funds for any training they receive or be 7501
eligible to participate in any state or municipal retirement 7502
system. The uniforms, vehicles, and badges of members of a 7503
campus police department shall be distinct from those of the law 7504
enforcement agencies of the political subdivisions in which the 7505
private college or university that established the campus police 7506
department is located. 7507

(C) Each member of a campus police department appointed 7508
under division (B) of this section is vested, while directly in 7509
the discharge of that member's duties as a police officer, with 7510
the same powers and authority that are vested in a police 7511
officer of a municipal corporation or a county sheriff under 7512
Title XXIX of the Revised Code and the Rules of Criminal 7513
Procedure, including the same powers and authority relating to 7514
the operation of a public safety vehicle that are vested in a 7515
police officer of a municipal corporation or a county sheriff 7516

under Chapter 4511. of the Revised Code. Except as otherwise 7517
provided in this division, members of a campus police department 7518
may exercise, concurrently with the law enforcement officers of 7519
the political subdivisions in which the private college or 7520
university is located, the powers and authority granted to them 7521
under this division in order to preserve the peace, protect 7522
persons and property, enforce the laws of this state, and 7523
enforce the ordinances and regulations of the political 7524
subdivisions in which the private college or university is 7525
located, but only on the property of the private college or 7526
university that employs them. The board of trustees of a private 7527
college or university may enter into an agreement with any 7528
political subdivision pursuant to which the members of the 7529
campus police department of the college or university may 7530
exercise within that political subdivision, but outside the 7531
property of the college or university, the powers and authority 7532
granted to them under this division. A member of a campus police 7533
department has no authority to serve civil process. 7534

(D) Except as otherwise provided in this division, the 7535
board of trustees of a private college or university shall 7536
provide to each member of a campus police department appointed 7537
under division (B) of this section, without cost to the member, 7538
liability insurance coverage that insures the member against any 7539
liability that may arise out of or in the course of the member's 7540
employment and that is in an amount of not less than two hundred 7541
fifty thousand dollars. A board of trustees may provide the 7542
liability coverage required by this division by self-insurance. 7543

(E) (1) The board of trustees of a private college or 7544
university that establishes a campus police department shall not 7545
appoint a person as a member of the campus police department 7546
pursuant to division (B) of this section on a permanent basis, 7547

on a temporary basis, for a probationary term, or on other than 7548
a permanent basis if the person previously has been convicted of 7549
~~or has pleaded guilty to a felony disqualifying offense.~~ 7550

(2) (a) The board of trustees of a private college or 7551
university shall terminate the employment of a member of its 7552
campus police department appointed under division (B) of this 7553
section if the member does either of the following: 7554

(i) Pleads guilty to a ~~felony disqualifying offense;~~ 7555

(ii) Pleads guilty to ~~a misdemeanor~~ an offense other than 7556
a disqualifying offense pursuant to a negotiated plea agreement 7557
as provided in division (D) of section 2929.43 of the Revised 7558
Code in which the member agrees to surrender the certificate 7559
awarded to that member under section 109.77 of the Revised Code. 7560

(b) The board of trustees of a private college or 7561
university shall suspend from employment a member of its campus 7562
police department appointed under division (B) of this section 7563
if the member is convicted, after trial, of a ~~felony~~ 7564
disqualifying offense. If the member of the campus police 7565
department files an appeal from that conviction and the 7566
conviction is upheld by the highest court to which the appeal is 7567
taken or if the member does not file a timely appeal, the board 7568
shall terminate the employment of that member. If the member of 7569
the campus police department files an appeal that results in 7570
that member's acquittal of the ~~felony disqualifying offense~~ or 7571
conviction of ~~a misdemeanor~~ an offense other than a 7572
disqualifying offense, or in the dismissal of the ~~felony~~ charge 7573
of the disqualifying offense against that member, the board 7574
shall reinstate that member. A member of a campus police 7575
department who is reinstated under division (E) (2) (b) of this 7576
section shall not receive any back pay unless that member's 7577

conviction of the ~~felony-disqualifying offense~~ was reversed on 7578
appeal, or the ~~felony-charge of the disqualifying offense~~ was 7579
dismissed, because the court found insufficient evidence to 7580
convict the member of the ~~felony disqualifying offense~~. 7581

(3) Division (E) of this section does not apply regarding 7582
an offense that was committed prior to January 1, 1997. 7583

(4) The suspension from employment, or the termination of 7584
the employment, of a member of a campus police department under 7585
division (E) (2) of this section shall be in accordance with 7586
Chapter 119. of the Revised Code. 7587

Sec. 1716.05. (A) No person shall act as a fund-raising 7588
counsel unless the person first has complied with the 7589
requirements of this chapter and any rules adopted under this 7590
chapter. 7591

(B) Any fund-raising counsel that at any time has custody 7592
of contributions from a solicitation shall do all of the 7593
following: 7594

(1) Register with the attorney general. Applications for 7595
registration or renewal of registration shall be in writing, 7596
under oath, and in the form prescribed by the attorney general, 7597
and shall be accompanied by a fee in the amount of two hundred 7598
dollars. Any corporation, partnership, association, or other 7599
entity that intends to act as a fund-raising counsel may 7600
register for and pay a single fee of two hundred dollars on 7601
behalf of all its members, officers, employees, and agents. In 7602
that case, the names and addresses of all the officers, 7603
employees, and agents of the fund-raising counsel and all other 7604
persons with whom the fund-raising counsel has contracted to 7605
work under its direction shall be listed in the application. The 7606

application shall contain any other information that the attorney general may require. The registration or renewal of registration shall be for a period of one year or part of one year and shall expire on the thirty-first day of March of each year. All fees prescribed in this division shall be paid into the state treasury to the credit of the charitable law fund established under section 109.32 of the Revised Code.

(2) At the time of making an application for registration or renewal of registration, file with and have approved by the attorney general a bond in which the fund-raising counsel shall be the principal obligor, in the sum of twenty-five thousand dollars, with one or more sureties authorized to do business in this state. The fund-raising counsel shall maintain the bond in effect as long as the registration is in effect; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of twenty-five thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

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

after it is furnished to the charitable organization. 7638

(4) Not later than two days after receipt of each 7639
contribution, deposit the entire amount of the contribution in 7640
an account at a bank or other federally insured financial 7641
institution which shall be in the name of the charitable 7642
organization with which the fund-raising counsel has contracted. 7643
Each contribution collected by the fund-raising counsel shall be 7644
solely in the name of that charitable organization. The 7645
charitable organization shall have sole control of all 7646
withdrawals from the account and the fund-raising counsel shall 7647
not be given the authority to withdraw any deposited funds from 7648
the account. 7649

(5) During each solicitation campaign and for not less 7650
than three years after its completion, maintain the following 7651
records that shall be made available to the attorney general 7652
upon the attorney general's request: 7653

(a) A record of each contribution that at any time is in 7654
the custody of the fund-raising counsel, including the name and 7655
address of each contributor and the date and amount of the 7656
contribution, provided that the attorney general shall not 7657
disclose that information except to the extent necessary for 7658
investigative or law enforcement purposes; 7659

(b) The location of each bank or financial institution in 7660
which the fund-raising counsel has deposited revenue from the 7661
solicitation campaign and the account number of each account in 7662
which the deposits were made. 7663

(c) Unless otherwise provided in this section, any change 7664
in any information filed with the attorney general pursuant to 7665
this section shall be reported in writing to the attorney 7666

general within seven days after the change occurs. 7667

(D) No person shall serve as a fund-raising counsel, or be 7668
a member, officer, employee, or agent of any fund-raising 7669
counsel, who has been convicted in the last five years of ~~either~~ 7670
~~of the following:~~ 7671

~~(1) Any violation of this chapter or any rule adopted~~ 7672
~~under this chapter, or of any charitable solicitation~~ 7673
~~legislation or regulation of a political subdivision of this~~ 7674
~~state or charitable solicitation law of any other jurisdiction~~ 7675
~~that is similar to this chapter;~~ 7676

~~(2) A felony a disqualifying offense, as specified under~~ 7677
~~section 9.79 of the Revised Code, in this or another state.~~ 7678

(E) The information provided under this section to the 7679
attorney general by a fund-raising counsel shall be included in 7680
the reports and files required to be compiled and maintained by 7681
the attorney general pursuant to divisions (E) and (F) of 7682
section 1716.08 of the Revised Code. 7683

(F) If a fund-raising counsel fails to comply in a timely 7684
or complete manner with any of the requirements under this 7685
section, the fund-raising counsel is liable for and, in addition 7686
to any fee required in this section, shall pay two hundred 7687
dollars for each late filing. Each registration, renewal of 7688
registration, bond, or accounting shall be considered a separate 7689
filing for the purposes of this section. Any fees required by 7690
this section are in addition to, and not in place of, penalties 7691
prescribed in this chapter. 7692

Sec. 1716.07. (A) No professional solicitor shall engage 7693
in any solicitation unless it has complied with the requirements 7694
of this chapter and any rules adopted under this chapter. 7695

(B) Every professional solicitor, before engaging in any solicitation, shall register with the attorney general. Applications for registration or renewal of registration shall be in writing, under oath, and in the form prescribed by the attorney general, and shall be accompanied by a fee in the amount of two hundred dollars. Any corporation, partnership, association, or other entity that intends to act as a professional solicitor may register for and pay a single fee of two hundred dollars on behalf of all its members, officers, employees, agents, and solicitors. In that case, the names and addresses of all the officers, employees, and agents of the professional solicitor and all other persons with whom the professional solicitor has contracted to work under its direction, including solicitors, shall be listed in the application or furnished to the attorney general within five days of the date of employment or contractual arrangement. The application shall contain any other information that the attorney general may require. The registration shall be for a period of one year or part of one year and shall expire on the thirty-first day of March of each year. Upon application and payment of the fee specified in this division and filing of the bond prescribed in division (C) of this section, the registration may be renewed for additional one-year periods. All fees prescribed in this division shall be paid into the state treasury to the credit of the charitable law fund established under section 109.32 of the Revised Code.

(C) At the time of making an application for registration or renewal of registration, the professional solicitor shall file with and have approved by the attorney general a bond in which the professional solicitor shall be the principal obligor, in the sum of twenty-five thousand dollars, with one or more

sureties authorized to do business in this state. The 7727
professional solicitor shall maintain the bond in effect as long 7728
as the registration is in effect; however, the liability of the 7729
surety under the bond shall not exceed an all-time aggregate 7730
liability of twenty-five thousand dollars. The bond, which may 7731
be in the form of a rider to a larger blanket liability bond, 7732
shall run to the state and to any person who may have a cause of 7733
action against the principal obligor of the bond for any 7734
liability arising out of a violation by the obligor of any 7735
provision of this chapter or any rule adopted pursuant to this 7736
chapter. 7737

(D) (1) Prior to the commencement of any solicitation, the 7738
professional solicitor shall file all of the following with the 7739
attorney general: 7740

(a) A completed document called "Solicitation Notice" upon 7741
a form prescribed by the attorney general and containing all of 7742
the information specified in division (D) (2) of this section; 7743

(b) A copy of the contract described in division (A) of 7744
section 1716.08 of the Revised Code; 7745

(c) A sworn statement by the charitable organization on 7746
whose behalf the professional solicitor is acting certifying 7747
that the solicitation notice and any accompanying material are 7748
true and correct to the best of its knowledge. 7749

(2) The solicitation notice shall include all of the 7750
following: 7751

(a) The fund-raising methods to be used; 7752

(b) The projected dates when the solicitation will 7753
commence and terminate; 7754

(c) The location and telephone number from where the solicitation will be conducted if it will be conducted by telephone;

(d) The name and residence address of each person responsible for directing and supervising the conduct of the solicitation campaign;

(e) A statement of whether the professional solicitor will at any time have custody of any contributions;

(f) A full and fair description of the charitable program for which the solicitation campaign is being carried out;

(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.

(E) Not later than ninety days after a solicitation campaign has been completed and on the anniversary of the commencement of a solicitation campaign lasting more than one year, the professional solicitor shall provide to the charitable organization and file with the attorney general a financial report of the campaign, including the gross revenue received and an itemization of all expenses incurred. The report shall be completed on a form prescribed by the attorney general and signed by an authorized official of the professional solicitor who shall certify under oath that the report is true and correct.

(F) Each contribution collected by or in the custody of the professional solicitor shall be solely in the name of the charitable organization on whose behalf the contribution was solicited. Not later than two days after receipt of each

contribution, the professional solicitor shall deposit the 7784
entire amount of the contribution in an account at a bank or 7785
other federally insured financial institution, which shall be in 7786
the name of that charitable organization. The charitable 7787
organization shall have sole control of all withdrawals from the 7788
account and the professional solicitor shall not be given the 7789
authority to withdraw any deposited funds from the account. 7790

(G) (1) During each solicitation campaign and for not less 7791
than three years after its completion, the professional 7792
solicitor shall maintain the following records: 7793

(a) The name and, if known to the professional solicitor, 7794
the address and telephone number of each contributor and the 7795
date and amount of the contribution, provided that the attorney 7796
general shall not disclose that information except to the extent 7797
necessary for investigative or law enforcement purposes; 7798

(b) The name and residence address of each employee, 7799
agent, and any other person, however designated, who is involved 7800
in the solicitation, the amount of compensation paid to each, 7801
and the dates on which the payments were made; 7802

(c) A record of all contributions that at any time are in 7803
the custody of the professional solicitor; 7804

(d) A record of all expenses incurred by the professional 7805
solicitor for the payment of which the professional solicitor is 7806
liable; 7807

(e) A record of all expenses incurred by the professional 7808
solicitor for the payment of which the charitable organization 7809
is liable; 7810

(f) The location of each bank or financial institution in 7811
which the professional solicitor has deposited revenue from the 7812

solicitation campaign and the account number of each account in 7813
which the deposits were made; 7814

(g) A copy of each pitch sheet or solicitation script used 7815
during the solicitation campaign; 7816

(h) If a refund of a contribution has been requested, the 7817
name and address of each person requesting the refund, and if a 7818
refund was made, its amount and the date it was made. 7819

(i) Any other record of such information as the attorney 7820
general may require. 7821

(2) If the professional solicitor sells tickets to any 7822
event and represents that the tickets will be donated for use by 7823
another person, the professional solicitor also shall maintain 7824
for the same period as specified in division (G)(1) of this 7825
section the following records: 7826

(a) The name and address of each contributor that 7827
purchases or donates tickets and the number of tickets purchased 7828
or donated by the contributor; 7829

(b) The name and address of each organization that 7830
receives the donated tickets for the use of others, and the 7831
number of tickets received by the organization. 7832

(3) Any of the records described in divisions (G)(1) and 7833
(2) of this section shall be made available to the attorney 7834
general upon the attorney general's request and shall be 7835
furnished to the attorney general within ten days of the 7836
request. 7837

(H) Unless otherwise provided in this section or section 7838
1716.08 of the Revised Code, any change in any information filed 7839
with the attorney general pursuant to this section and section 7840

1716.08 of the Revised Code shall be reported in writing to the 7841
attorney general within seven days after the change occurs. 7842

(I) No person shall serve as a professional solicitor, or 7843
be a member, officer, employee, or agent of any professional 7844
solicitor, who has been convicted in the last five years of 7845
~~either of the following:~~ 7846

~~(1) Any violation of this chapter or any rule adopted 7847
under this chapter, or of any charitable solicitation 7848
legislation or regulation of a political subdivision of this 7849
state or charitable solicitation law of any other jurisdiction 7850
that is similar to this chapter;~~ 7851

~~(2) A felony a disqualifying offense, as specified under 7852
section 9.79 of the Revised Code, in this or another state. 7853~~

(J) If a professional solicitor fails to comply in a 7854
timely or complete manner with any of the requirements under 7855
this section, the professional solicitor is liable for and, in 7856
addition to any fee required in this section, shall pay two 7857
hundred dollars for each late filing. Each registration, renewal 7858
of registration, bond, solicitation notice, contract, sworn 7859
statement, or financial report shall be considered a separate 7860
filing for the purposes of this section. Any fees required by 7861
this section are in addition to, and not in place of, penalties 7862
prescribed in this chapter. 7863

Sec. 1751.05. (A) The superintendent of insurance shall 7864
issue or deny a certificate of authority to a health insuring 7865
corporation filing an application pursuant to section 1751.03 of 7866
the Revised Code, one hundred thirty-five days from the 7867
superintendent's receipt of a complete application and 7868
accompanying documents. 7869

(B) A certificate of authority shall be issued upon 7870
payment of the application fee prescribed in section 1751.44 of 7871
the Revised Code if the superintendent is satisfied that the 7872
following conditions are met: 7873

(1) The persons responsible for the conduct of the affairs 7874
of the applicant are competent, and trustworthy, ~~and possess~~ 7875
~~good reputations.~~ 7876

(2) The superintendent determines, in accordance with 7877
division (B) of section 1751.04 of the Revised Code, that the 7878
organization's proposed plan of operation meets the requirements 7879
of division (A) of that section. 7880

(3) The applicant constitutes an appropriate mechanism to 7881
effectively provide or arrange for the provision of the basic 7882
health care services, supplemental health care services, or 7883
specialty health care services to be provided to enrollees. 7884

(4) The applicant is financially responsible, complies 7885
with section 1751.28 of the Revised Code, and may reasonably be 7886
expected to meet its obligations to enrollees and prospective 7887
enrollees. In making this determination, the superintendent may 7888
consider: 7889

(a) The financial soundness of the applicant's 7890
arrangements for health care services, including the applicant's 7891
proposed contractual periodic prepayments or premiums and the 7892
use of copayments and deductibles; 7893

(b) The adequacy of working capital; 7894

(c) Any agreement with an insurer, a government, or any 7895
other person for insuring the payment of the cost of health care 7896
services or providing for automatic applicability of an 7897
alternative coverage in the event of discontinuance of the 7898

health insuring corporation's operations; 7899

(d) Any agreement with providers or health care facilities 7900
for the provision of health care services; 7901

(e) Any deposit of securities submitted in accordance with 7902
section 1751.27 of the Revised Code as a guarantee that the 7903
obligations will be performed. 7904

(5) The applicant has submitted documentation of an 7905
arrangement to provide health care services to its enrollees 7906
until the expiration of the enrollees' contracts with the 7907
applicant if a health care plan or the operations of the health 7908
insuring corporation are discontinued prior to the expiration of 7909
the enrollees' contracts. An arrangement to provide health care 7910
services may be made by using any one, or any combination, of 7911
the following methods: 7912

(a) The maintenance of insolvency insurance; 7913

(b) A provision in contracts with providers and health 7914
care facilities, but no health insuring corporation shall rely 7915
solely on such a provision for more than thirty days; 7916

(c) An agreement with other health insuring corporations 7917
or insurers, providing enrollees with automatic conversion 7918
rights upon the discontinuation of a health care plan or the 7919
health insuring corporation's operations; 7920

(d) Such other methods as approved by the superintendent. 7921

(6) Nothing in the applicant's proposed method of 7922
operation, as shown by the information submitted pursuant to 7923
section 1751.03 of the Revised Code or by independent 7924
investigation, will cause harm to an enrollee or to the public 7925
at large, as determined by the superintendent. 7926

(7) Any deficiencies identified by the superintendent 7927
under section 1751.04 of the Revised Code have been corrected. 7928

(8) The applicant has deposited securities as set forth in 7929
section 1751.27 of the Revised Code. 7930

(C) If an applicant elects to fulfill the requirements of 7931
division (B) (5) of this section through an agreement with other 7932
health insuring corporations or insurers, the agreement shall 7933
require those health insuring corporations or insurers to give 7934
thirty days' notice to the superintendent prior to cancellation 7935
or discontinuation of the agreement for any reason. 7936

(D) A certificate of authority shall be denied only after 7937
compliance with the requirements of section 1751.36 of the 7938
Revised Code. 7939

Sec. 2903.37. Any individual, who owns, operates, or 7940
administers, or who is an agent or employee of, a care facility, 7941
who is convicted of a ~~felony violation of section 2903.34~~ 7942
disqualifying offense, as specified under section 9.79 of the 7943
Revised Code, and who is required to be licensed under any law 7944
of this state, shall have ~~his~~ the individual's license revoked 7945
in accordance with Chapter 119. of the Revised Code. 7946

Sec. 2915.081. (A) No distributor shall sell, offer to 7947
sell, or otherwise provide or offer to provide bingo supplies to 7948
another person, or modify, convert, add to, or remove parts from 7949
bingo supplies to further their promotion or sale, for use in 7950
this state without having obtained a license from the attorney 7951
general under this section. 7952

(B) The attorney general may issue a distributor license 7953
to any person that meets the requirements of this section. The 7954
application for the license shall be on a form prescribed by the 7955

attorney general and be accompanied by the annual fee prescribed 7956
by this section. The license is valid for a period of one year, 7957
and the annual fee for the license is five thousand dollars. 7958

(C) The attorney general may refuse to issue a distributor 7959
license to any person to which any of the following applies, or 7960
to any person that has an officer, partner, or other person who 7961
has an ownership interest of ten per cent or more and to whom 7962
any of the following applies: 7963

(1) The person, officer, or partner has been convicted of 7964
a ~~felony disqualifying offense, as specified under section 9.79~~ 7965
~~of the Revised Code,~~ under the laws of this state, another 7966
state, or the United States. 7967

~~(2) The person, officer, or partner has been convicted of~~ 7968
~~any gambling offense.~~ 7969

~~(3)~~The person, officer, or partner has made an incorrect 7970
or false statement that is material to the granting of a license 7971
in an application submitted to the attorney general under this 7972
section or in a similar application submitted to a gambling 7973
licensing authority in another jurisdiction if the statement 7974
resulted in license revocation through administrative action in 7975
the other jurisdiction. 7976

~~(4)~~(3) The person, officer, or partner has submitted any 7977
incorrect or false information relating to the application to 7978
the attorney general under this section, if the information is 7979
material to the granting of the license. 7980

~~(5)~~(4) The person, officer, or partner has failed to 7981
correct any incorrect or false information that is material to 7982
the granting of the license in the records required to be 7983
maintained under division ~~(E)~~(F) of section 2915.10 of the 7984

Revised Code. 7985

~~(6)~~ (5) The person, officer, or partner has had a license 7986
related to gambling revoked or suspended under the laws of this 7987
state, another state, or the United States. 7988

(D) The attorney general shall not issue a distributor 7989
license to any person that is involved in the conduct of bingo 7990
on behalf of a charitable organization or that is a lessor of 7991
premises used for the conduct of bingo. This division does not 7992
prohibit a distributor from advising charitable organizations on 7993
the use and benefit of specific bingo supplies or prohibit a 7994
distributor from advising a customer on operational methods to 7995
improve bingo profitability. 7996

(E) (1) No distributor shall sell, offer to sell, or 7997
otherwise provide or offer to provide bingo supplies to any 7998
person, or modify, convert, add to, or remove parts from bingo 7999
supplies to further their promotion or sale, for use in this 8000
state except to or for the use of a charitable organization that 8001
has been issued a license under section 2915.08 of the Revised 8002
Code or to another distributor that has been issued a license 8003
under this section. No distributor shall accept payment for the 8004
sale or other provision of bingo supplies other than by check or 8005
electronic fund transfer. 8006

(2) No distributor may donate, give, loan, lease, or 8007
otherwise provide any bingo supplies or equipment, or modify, 8008
convert, add to, or remove parts from bingo supplies to further 8009
their promotion or sale, to or for the use of a charitable 8010
organization for use in a bingo session conditioned on or in 8011
consideration for an exclusive right to provide bingo supplies 8012
to the charitable organization. A distributor may provide a 8013
licensed charitable organization with free samples of the 8014

distributor's products to be used as prizes or to be used for 8015
the purpose of sampling. 8016

(3) No distributor shall purchase bingo supplies for use 8017
in this state from any person except from a manufacturer issued 8018
a license under section 2915.082 of the Revised Code or from 8019
another distributor issued a license under this section. Subject 8020
to division (D) of section 2915.082 of the Revised Code, no 8021
distributor shall pay for purchased bingo supplies other than by 8022
check or electronic fund transfer. 8023

(4) No distributor shall participate in the conduct of 8024
bingo on behalf of a charitable organization or have any direct 8025
or indirect ownership interest in a premises used for the 8026
conduct of bingo. 8027

(5) No distributor shall knowingly solicit, offer, pay, or 8028
receive any kickback, bribe, or undocumented rebate, directly or 8029
indirectly, overtly or covertly, in cash or in kind, in return 8030
for providing bingo supplies to any person in this state. 8031

(F) The attorney general may suspend or revoke a 8032
distributor license for any of the reasons for which the 8033
attorney general may refuse to issue a distributor license 8034
specified in division (C) of this section or if the distributor 8035
holding the license violates any provision of this chapter or 8036
any rule adopted by the attorney general under this chapter. 8037

(G) Whoever violates division (A) or (E) of this section 8038
is guilty of illegally operating as a distributor. Except as 8039
otherwise provided in this division, illegally operating as a 8040
distributor is a misdemeanor of the first degree. If the 8041
offender previously has been convicted of a violation of 8042
division (A) or (E) of this section, illegally operating as a 8043

distributor is a felony of the fifth degree. 8044

Sec. 2915.082. (A) No manufacturer shall sell, offer to 8045
sell, or otherwise provide or offer to provide bingo supplies 8046
for use in this state without having obtained a license from the 8047
attorney general under this section. 8048

(B) The attorney general may issue a manufacturer license 8049
to any person that meets the requirements of this section. The 8050
application for the license shall be on a form prescribed by the 8051
attorney general and be accompanied by the annual fee prescribed 8052
by this section. The license is valid for a period of one year, 8053
and the annual fee for the license is five thousand dollars. 8054

(C) The attorney general may refuse to issue a 8055
manufacturer license to any person to which any of the following 8056
applies, or to any person that has an officer, partner, or other 8057
person who has an ownership interest of ten per cent or more and 8058
to whom any of the following applies: 8059

(1) The person, officer, or partner has been convicted of 8060
a ~~felony disqualifying offense, as specified under section 9.79~~ 8061
~~of the Revised Code,~~ under the laws of this state, another 8062
state, or the United States. 8063

~~(2) The person, officer, or partner has been convicted of~~ 8064
~~any gambling offense.~~ 8065

~~(3) The person, officer, or partner has made an incorrect~~ 8066
or false statement that is material to the granting of a license 8067
in an application submitted to the attorney general under this 8068
section or in a similar application submitted to a gambling 8069
licensing authority in another jurisdiction if the statement 8070
resulted in license revocation through administrative action in 8071
the other jurisdiction. 8072

~~(4)~~ (3) The person, officer, or partner has submitted any 8073
incorrect or false information relating to the application to 8074
the attorney general under this section, if the information is 8075
material to the granting of the license. 8076

~~(5)~~ (4) The person, officer, or partner has failed to 8077
correct any incorrect or false information that is material to 8078
the granting of the license in the records required to be 8079
maintained under division ~~(F)~~ (G) of section 2915.10 of the 8080
Revised Code. 8081

~~(6)~~ (5) The person, officer, or partner has had a license 8082
related to gambling revoked or suspended under the laws of this 8083
state, another state, or the United States. 8084

(D) (1) No manufacturer shall sell, offer to sell, or 8085
otherwise provide or offer to provide bingo supplies to any 8086
person for use in this state except to a distributor that has 8087
been issued a license under section 2915.081 of the Revised 8088
Code. No manufacturer shall accept payment for the sale of bingo 8089
supplies other than by check or electronic fund transfer. 8090

(2) No manufacturer shall knowingly solicit, offer, pay, 8091
or receive any kickback, bribe, or undocumented rebate, directly 8092
or indirectly, overtly or covertly, in cash or in kind, in 8093
return for providing bingo supplies to any person in this state. 8094

(E) (1) The attorney general may suspend or revoke a 8095
manufacturer license for any of the reasons for which the 8096
attorney general may refuse to issue a manufacturer license 8097
specified in division (C) of this section or if the manufacturer 8098
holding the license violates any provision of this chapter or 8099
any rule adopted by the attorney general under this chapter. 8100

(2) The attorney general may perform an onsite inspection 8101

of a manufacturer of bingo supplies that is selling, offering to 8102
sell, or otherwise providing or offering to provide bingo 8103
supplies or that is applying for a license to sell, offer to 8104
sell, or otherwise provide or offer to provide bingo supplies in 8105
this state. 8106

(F) Whoever violates division (A) or (D) of this section 8107
is guilty of illegally operating as a manufacturer. Except as 8108
otherwise provided in this division, illegally operating as a 8109
manufacturer is a misdemeanor of the first degree. If the 8110
offender previously has been convicted of a violation of 8111
division (A) or (D) of this section, illegally operating as a 8112
manufacturer is a felony of the fifth degree. 8113

Sec. 2919.123. (A) No person shall knowingly give, sell, 8114
dispense, administer, otherwise provide, or prescribe RU-486 8115
(mifepristone) to another for the purpose of inducing an 8116
abortion in any person or enabling the other person to induce an 8117
abortion in any person, unless the person who gives, sells, 8118
dispenses, administers, or otherwise provides or prescribes the 8119
RU-486 (mifepristone) is a physician, the physician satisfies 8120
all the criteria established by federal law that a physician 8121
must satisfy in order to provide RU-486 (mifepristone) for 8122
inducing abortions, and the physician provides the RU-486 8123
(mifepristone) to the other person for the purpose of inducing 8124
an abortion in accordance with all provisions of federal law 8125
that govern the use of RU-486 (mifepristone) for inducing 8126
abortions. A person who gives, sells, dispenses, administers, 8127
otherwise provides, or prescribes RU-486 (mifepristone) to 8128
another as described in division (A) of this section shall not 8129
be prosecuted based on a violation of the criteria contained in 8130
this division unless the person knows that the person is not a 8131
physician, that the person did not satisfy all the specified 8132

criteria established by federal law, or that the person did not 8133
provide the RU-486 (mifepristone) in accordance with the 8134
specified provisions of federal law, whichever is applicable. 8135

(B) No physician who provides RU-486 (mifepristone) to 8136
another for the purpose of inducing an abortion as authorized 8137
under division (A) of this section shall knowingly fail to 8138
comply with the applicable requirements of any federal law that 8139
pertain to follow-up examinations or care for persons to whom or 8140
for whom RU-486 (mifepristone) is provided for the purpose of 8141
inducing an abortion. 8142

(C) (1) If a physician provides RU-486 (mifepristone) to 8143
another for the purpose of inducing an abortion as authorized 8144
under division (A) of this section and if the physician knows 8145
that the person who uses the RU-486 (mifepristone) for the 8146
purpose of inducing an abortion experiences during or after the 8147
use an incomplete abortion, severe bleeding, or an adverse 8148
reaction to the RU-486 (mifepristone) or is hospitalized, 8149
receives a transfusion, or experiences any other serious event, 8150
the physician promptly must provide a written report of the 8151
incomplete abortion, severe bleeding, adverse reaction, 8152
hospitalization, transfusion, or serious event to the state 8153
medical board. The board shall compile and retain all reports it 8154
receives under this division. Except as otherwise provided in 8155
this division, all reports the board receives under this 8156
division are public records open to inspection under section 8157
149.43 of the Revised Code. In no case shall the board release 8158
to any person the name or any other personal identifying 8159
information regarding a person who uses RU-486 (mifepristone) 8160
for the purpose of inducing an abortion and who is the subject 8161
of a report the board receives under this division. 8162

(2) No physician who provides RU-486 (mifepristone) to 8163
another for the purpose of inducing an abortion as authorized 8164
under division (A) of this section shall knowingly fail to file 8165
a report required under division (C) (1) of this section. 8166

(D) Division (A) of this section does not apply to any of 8167
the following: 8168

(1) A pregnant woman who obtains or possesses RU-486 8169
(mifepristone) for the purpose of inducing an abortion to 8170
terminate her own pregnancy; 8171

(2) The legal transport of RU-486 (mifepristone) by any 8172
person or entity and the legal delivery of the RU-486 8173
(mifepristone) by any person to the recipient, provided that 8174
this division does not apply regarding any conduct related to 8175
the RU-486 (mifepristone) other than its transport and delivery 8176
to the recipient; 8177

(3) The distribution, provision, or sale of RU-486 8178
(mifepristone) by any legal manufacturer or distributor of RU- 8179
486 (mifepristone), provided the manufacturer or distributor 8180
made a good faith effort to comply with any applicable 8181
requirements of federal law regarding the distribution, 8182
provision, or sale. 8183

(E) Whoever violates this section is guilty of unlawful 8184
distribution of an abortion-inducing drug, a felony of the 8185
fourth degree. If the offender previously has been convicted of 8186
or pleaded guilty to a violation of this section or of section 8187
2919.12, 2919.121, 2919.13, 2919.14, 2919.151, 2919.17, or 8188
2919.18 of the Revised Code, unlawful distribution of an 8189
abortion-inducing drug is a felony of the third degree. 8190

~~If the offender is a professionally licensed person, in-~~ 8191

~~addition to any other sanction imposed by law for the offense,~~ 8192
~~the offender is subject to sanctioning as provided by law by the~~ 8193
~~regulatory or licensing board or agency that has the~~ 8194
~~administrative authority to suspend or revoke the offender's~~ 8195
~~professional license, including the sanctioning provided in~~ 8196
~~section 4731.22 of the Revised Code for offenders who have a~~ 8197
~~certificate to practice or certificate of registration issued~~ 8198
~~under that chapter.~~ 8199

(F) As used in this section: 8200

(1) "Federal law" means any law, rule, or regulation of 8201
the United States or any drug approval letter of the food and 8202
drug administration of the United States that governs or 8203
regulates the use of RU-486 (mifepristone) for the purpose of 8204
inducing abortions. 8205

(2) "Personal identifying information" has the same 8206
meaning as in section 2913.49 of the Revised Code. 8207

(3) "Physician" has the same meaning as in section 8208
2305.113 of the Revised Code. 8209

(4) "Professionally licensed person" has the same meaning 8210
as in section 2925.01 of the Revised Code. 8211

Sec. 2919.17. (A) No person shall purposely perform or 8212
induce or attempt to perform or induce an abortion on a pregnant 8213
woman when the unborn child is viable. 8214

(B) (1) It is an affirmative defense to a charge under 8215
division (A) of this section that the abortion was performed or 8216
induced or attempted to be performed or induced by a physician 8217
and that the physician determined, in the physician's good faith 8218
medical judgment, based on the facts known to the physician at 8219
that time, that either of the following applied: 8220

(a) The unborn child was not viable. 8221

(b) The abortion was necessary to prevent the death of the 8222
pregnant woman or a serious risk of the substantial and 8223
irreversible impairment of a major bodily function of the 8224
pregnant woman. 8225

(2) No abortion shall be considered necessary under 8226
division (B) (1) (b) of this section on the basis of a claim or 8227
diagnosis that the pregnant woman will engage in conduct that 8228
would result in the pregnant woman's death or a substantial and 8229
irreversible impairment of a major bodily function of the 8230
pregnant woman or based on any reason related to the woman's 8231
mental health. 8232

(C) Except when a medical emergency exists that prevents 8233
compliance with section 2919.18 of the Revised Code, the 8234
affirmative defense set forth in division (B) (1) (a) of this 8235
section does not apply unless the physician who performs or 8236
induces or attempts to perform or induce the abortion performs 8237
the viability testing required by division (A) of section 8238
2919.18 of the Revised Code and certifies in writing, based on 8239
the results of the tests performed, that in the physician's good 8240
faith medical judgment the unborn child is not viable. 8241

(D) Except when a medical emergency exists that prevents 8242
compliance with one or more of the following conditions, the 8243
affirmative defense set forth in division (B) (1) (b) of this 8244
section does not apply unless the physician who performs or 8245
induces or attempts to perform or induce the abortion complies 8246
with all of the following conditions: 8247

(1) The physician who performs or induces or attempts to 8248
perform or induce the abortion certifies in writing that, in the 8249

physician's good faith medical judgment, based on the facts 8250
known to the physician at that time, the abortion is necessary 8251
to prevent the death of the pregnant woman or a serious risk of 8252
the substantial and irreversible impairment of a major bodily 8253
function of the pregnant woman. 8254

(2) Another physician who is not professionally related to 8255
the physician who intends to perform or induce the abortion 8256
certifies in writing that, in that physician's good faith 8257
medical judgment, based on the facts known to that physician at 8258
that time, the abortion is necessary to prevent the death of the 8259
pregnant woman or a serious risk of the substantial and 8260
irreversible impairment of a major bodily function of the 8261
pregnant woman. 8262

(3) The physician performs or induces or attempts to 8263
perform or induce the abortion in a hospital or other health 8264
care facility that has appropriate neonatal services for 8265
premature infants. 8266

(4) The physician who performs or induces or attempts to 8267
perform or induce the abortion terminates or attempts to 8268
terminate the pregnancy in the manner that provides the best 8269
opportunity for the unborn child to survive, unless that 8270
physician determines, in the physician's good faith medical 8271
judgment, based on the facts known to the physician at that 8272
time, that the termination of the pregnancy in that manner poses 8273
a greater risk of the death of the pregnant woman or a greater 8274
risk of the substantial and irreversible impairment of a major 8275
bodily function of the pregnant woman than would other available 8276
methods of abortion. 8277

(5) The physician certifies in writing the available 8278
method or techniques considered and the reasons for choosing the 8279

method or technique employed. 8280

(6) The physician who performs or induces or attempts to 8281
perform or induce the abortion has arranged for the attendance 8282
in the same room in which the abortion is to be performed or 8283
induced or attempted to be performed or induced at least one 8284
other physician who is to take control of, provide immediate 8285
medical care for, and take all reasonable steps necessary to 8286
preserve the life and health of the unborn child immediately 8287
upon the child's complete expulsion or extraction from the 8288
pregnant woman. 8289

(E) For purposes of this section, there is a rebuttable 8290
presumption that an unborn child of at least twenty-four weeks 8291
gestational age is viable. 8292

(F) Whoever violates this section is guilty of terminating 8293
or attempting to terminate a human pregnancy after viability, a 8294
felony of the fourth degree. 8295

~~(G) The state medical board shall revoke a physician's~~ 8296
~~license to practice medicine in this state if the physician~~ 8297
~~violates this section.~~ 8298

~~(H)~~ Any physician who performs or induces an abortion or 8299
attempts to perform or induce an abortion with actual knowledge 8300
that neither of the affirmative defenses set forth in division 8301
(B) (1) of this section applies, or with a heedless indifference 8302
as to whether either affirmative defense applies, is liable in a 8303
civil action for compensatory and exemplary damages and 8304
reasonable attorney's fees to any person, or the representative 8305
of the estate of any person, who sustains injury, death, or loss 8306
to person or property as the result of the performance or 8307
inducement or the attempted performance or inducement of the 8308

abortion. In any action under this division, the court also may 8309
award any injunctive or other equitable relief that the court 8310
considers appropriate. 8311

~~(I)~~(H) A pregnant woman on whom an abortion is performed 8312
or induced or attempted to be performed or induced in violation 8313
of division (A) of this section is not guilty of violating 8314
division (A) of this section or of attempting to commit, 8315
conspiring to commit, or complicity in committing a violation of 8316
division (A) of this section. 8317

Sec. 2919.171. (A) A physician who performs or induces or 8318
attempts to perform or induce an abortion on a pregnant woman 8319
shall submit a report to the department of health in accordance 8320
with the forms, rules, and regulations adopted by the department 8321
that includes all of the information the physician is required 8322
to certify in writing or determine under sections 2919.17 and 8323
2919.18 of the Revised Code: 8324

(B) By September 30 of each year, the department of health 8325
shall issue a public report that provides statistics for the 8326
previous calendar year compiled from all of the reports covering 8327
that calendar year submitted to the department in accordance 8328
with this section for each of the items listed in division (A) 8329
of this section. The report shall also provide the statistics 8330
for each previous calendar year in which a report was filed with 8331
the department pursuant to this section, adjusted to reflect any 8332
additional information that a physician provides to the 8333
department in a late or corrected report. The department shall 8334
ensure that none of the information included in the report could 8335
reasonably lead to the identification of any pregnant woman upon 8336
whom an abortion is performed. 8337

(C) (1) The physician shall submit the report described in 8338

division (A) of this section to the department of health within 8339
fifteen days after the woman is discharged. If the physician 8340
fails to submit the report more than thirty days after that 8341
fifteen-day deadline, the physician shall be subject to a late 8342
fee of five hundred dollars for each additional thirty-day 8343
period or portion of a thirty-day period the report is overdue. 8344
A physician who is required to submit to the department of 8345
health a report under division (A) of this section and who has 8346
not submitted a report or has submitted an incomplete report 8347
more than one year following the fifteen-day deadline may, in an 8348
action brought by the department of health, be directed by a 8349
court of competent jurisdiction to submit a complete report to 8350
the department of health within a period of time stated in a 8351
court order or be subject to contempt of court. 8352

(2) If a physician fails to comply with the requirements 8353
of this section, other than filing a late report with the 8354
department of health, or fails to submit a complete report to 8355
the department of health in accordance with a court order, the 8356
physician is subject to division (B) ~~(44)~~ (37) of section 4731.22 8357
of the Revised Code. 8358

(3) No person shall falsify any report required under this 8359
section. Whoever violates this division is guilty of abortion 8360
report falsification, a misdemeanor of the first degree. 8361

(D) Within ninety days of October 20, 2011, the department 8362
of health shall adopt rules pursuant to section 111.15 of the 8363
Revised Code to assist in compliance with this section. 8364

Sec. 2919.18. (A) Except in a medical emergency that 8365
prevents compliance with this division, no physician shall 8366
perform or induce or attempt to perform or induce an abortion on 8367
a pregnant woman after the beginning of the twentieth week of 8368

gestation unless, prior to the performance or inducement of the 8369
abortion or the attempt to perform or induce the abortion, the 8370
physician determines, in the physician's good faith medical 8371
judgment, that the unborn child is not viable, and the physician 8372
makes that determination after performing a medical examination 8373
of the pregnant woman and after performing or causing to be 8374
performed those tests for assessing gestational age, weight, 8375
lung maturity, or other tests that the physician, in that 8376
physician's good faith medical judgment, believes are necessary 8377
to determine whether an unborn child is viable. 8378

(B) Except in a medical emergency that prevents compliance 8379
with this division, no physician shall perform or induce or 8380
attempt to perform or induce an abortion on a pregnant woman 8381
after the beginning of the twentieth week of gestation without 8382
first entering the determination made in division (A) of this 8383
section and the associated findings of the medical examination 8384
and tests in the medical record of the pregnant woman. 8385

(C) Whoever violates this section is guilty of failure to 8386
perform viability testing, a misdemeanor of the fourth degree. 8387

~~(D) The state medical board shall suspend a physician's 8388
license to practice medicine in this state for a period of not 8389
less than six months if the physician violates this section. 8390~~

Sec. 2919.201. (A) No person shall purposely perform or 8391
induce or purposely attempt to perform or induce an abortion on 8392
a pregnant woman when the probable post-fertilization age of the 8393
unborn child is twenty weeks or greater. 8394

(B) (1) It is an affirmative defense to a charge under 8395
division (A) of this section that the abortion was purposely 8396
performed or induced or purposely attempted to be performed or 8397

induced by a physician and that the physician determined, in the 8398
physician's reasonable medical judgment, based on the facts 8399
known to the physician at that time, that either of the 8400
following applied: 8401

(a) The probable post-fertilization age of the unborn 8402
child was less than twenty weeks. 8403

(b) The abortion was necessary to prevent the death of the 8404
pregnant woman or a serious risk of the substantial and 8405
irreversible impairment of a major bodily function of the 8406
pregnant woman. 8407

(2) No abortion shall be considered necessary under 8408
division (B) (1) (b) of this section on the basis of a claim or 8409
diagnosis that the pregnant woman will engage in conduct that 8410
would result in the pregnant woman's death or a substantial and 8411
irreversible impairment of a major bodily function of the 8412
pregnant woman or based on any reason related to the woman's 8413
mental health. 8414

(C) Except when a medical emergency exists that prevents 8415
compliance with section 2919.203 of the Revised Code, the 8416
affirmative defense set forth in division (B) (1) (a) of this 8417
section does not apply unless the physician who purposely 8418
performs or induces or purposely attempts to perform or induce 8419
the abortion makes a determination of the probable post- 8420
fertilization age of the unborn child as required by division 8421
(A) of section 2919.203 of the Revised Code or relied upon such 8422
a determination made by another physician and certifies in 8423
writing, based on the results of the tests performed, that in 8424
the physician's reasonable medical judgment the unborn child's 8425
probable post-fertilization age is less than twenty weeks. 8426

(D) Except when a medical emergency exists that prevents 8427
compliance with one or more of the following conditions, the 8428
affirmative defense set forth in division (B) (1) (b) of this 8429
section does not apply unless the physician who purposely 8430
performs or induces or purposely attempts to perform or induce 8431
the abortion complies with all of the following conditions: 8432

(1) The physician who purposely performs or induces or 8433
purposely attempts to perform or induce the abortion certifies 8434
in writing that, in the physician's reasonable medical judgment, 8435
based on the facts known to the physician at that time, the 8436
abortion is necessary to prevent the death of the pregnant woman 8437
or a serious risk of the substantial and irreversible impairment 8438
of a major bodily function of the pregnant woman. 8439

(2) A different physician not professionally related to 8440
the physician described in division (D) (1) of this section 8441
certifies in writing that, in that different physician's 8442
reasonable medical judgment, based on the facts known to that 8443
different physician at that time, the abortion is necessary to 8444
prevent the death of the pregnant woman or a serious risk of the 8445
substantial and irreversible impairment of a major bodily 8446
function of the pregnant woman. 8447

(3) The physician purposely performs or induces or 8448
purposely attempts to perform or induce the abortion in a 8449
hospital or other health care facility that has appropriate 8450
neonatal services for premature infants. 8451

(4) The physician who purposely performs or induces or 8452
purposely attempts to perform or induce the abortion terminates 8453
or attempts to terminate the pregnancy in the manner that 8454
provides the best opportunity for the unborn child to survive, 8455
unless that physician determines, in the physician's reasonable 8456

medical judgment, based on the facts known to the physician at 8457
that time, that the termination of the pregnancy in that manner 8458
poses a greater risk of the death of the pregnant woman or a 8459
greater risk of the substantial and irreversible impairment of a 8460
major bodily function of the pregnant woman than would other 8461
available methods of abortion. 8462

(5) The physician certifies in writing the available 8463
method or techniques considered and the reasons for choosing the 8464
method or technique employed. 8465

(6) The physician who purposely performs or induces or 8466
purposely attempts to perform or induce the abortion has 8467
arranged for the attendance in the same room in which the 8468
abortion is to be performed or induced or attempted to be 8469
performed or induced at least one other physician who is to take 8470
control of, provide immediate medical care for, and take all 8471
reasonable steps necessary to preserve the life and health of 8472
the unborn child immediately upon the child's complete expulsion 8473
or extraction from the pregnant woman. 8474

(E) Whoever purposely performs or induces or purposely 8475
attempts to perform or induce an abortion in violation of, or 8476
without complying with, the requirements of this section is 8477
guilty of terminating or attempting to terminate a human 8478
pregnancy of a pain-capable unborn child, a felony of the fourth 8479
degree. 8480

~~(F) The state medical board shall revoke a physician's~~ 8481
~~license to practice medicine in this state if the physician~~ 8482
~~violates or fails to comply with this section.~~ 8483

~~(G) Any physician who purposely performs or induces an~~ 8484
~~abortion or purposely attempts to perform or induce an abortion~~ 8485

with actual knowledge that neither of the affirmative defenses 8486
set forth in division (B) (1) of this section applies, or with a 8487
heedless indifference as to whether either an affirmative 8488
defense applies, is liable in a civil action for compensatory 8489
and exemplary damages and reasonable attorney's fees to any 8490
person, or the representative of the estate of any person, who 8491
sustains injury, death, or loss to person or property as the 8492
result of the performance or inducement or the attempted 8493
performance or inducement of the abortion. In any action under 8494
this division, the court also may award any injunctive or other 8495
equitable relief that the court considers appropriate. 8496

~~(H)~~ (G) A pregnant woman on whom an abortion is purposely 8497
performed or induced or purposely attempted to be performed or 8498
induced in violation of division (A) of this section is not 8499
guilty of violating division (A) of this section or of 8500
attempting to commit, conspiring to commit, or complicity in 8501
committing a violation of division (A) of this section. 8502

Sec. 2919.202. (A) A physician who performs or induces or 8503
attempts to perform or induce an abortion on a pregnant woman 8504
shall submit a report to the department of health in accordance 8505
with the forms, rules, and regulations adopted by the department 8506
that includes all of the information the physician is required 8507
to certify in writing or determine under sections 2919.201 and 8508
2919.203 of the Revised Code. 8509

(B) By the thirtieth day of September of each year, the 8510
department of health shall issue a public report that provides 8511
statistics for the previous calendar year compiled from all of 8512
the reports covering that calendar year submitted to the 8513
department in accordance with this section for each of the items 8514
listed in division (A) of this section. The report shall also 8515

provide the statistics for each previous calendar year in which 8516
a report was filed with the department pursuant to this section, 8517
adjusted to reflect any additional information that a physician 8518
provides to the department in a late or corrected report. The 8519
department shall ensure that none of the information included in 8520
the report could reasonably lead to the identification of any 8521
pregnant woman upon whom an abortion is performed. 8522

(C) (1) The physician shall submit the report described in 8523
division (A) of this section to the department of health within 8524
fifteen days after the woman is discharged. If the physician 8525
fails to submit the report more than thirty days after that 8526
fifteen-day deadline, the physician shall be subject to a late 8527
fee of five hundred dollars for each additional thirty-day 8528
period or portion of a thirty-day period the report is overdue. 8529
A physician who is required to submit to the department of 8530
health a report under division (A) of this section and who has 8531
not submitted a report or has submitted an incomplete report 8532
more than one year following the last day of the fifteen-day 8533
deadline may, in an action brought by the department of health, 8534
be directed by a court of competent jurisdiction to submit a 8535
complete report to the department of health within a period of 8536
time stated in a court order or be subject to contempt of court. 8537

(2) If a physician fails to comply with the requirements 8538
of this section, other than filing a late report with the 8539
department of health, or fails to submit a complete report to 8540
the department of health in accordance with a court order, the 8541
physician is subject to division (B) ~~(44)~~ (37) of section 4731.22 8542
of the Revised Code. 8543

(3) No person shall purposely falsify any report required 8544
under this section. Whoever purposely violates this division is 8545

guilty of pain-capable unborn child abortion report 8546
falsification, a misdemeanor of the first degree. 8547

(D) Within ninety days of ~~the effective date of this~~ 8548
~~section~~ March 14, 2017, the department of health shall adopt 8549
rules pursuant to section 111.15 of the Revised Code to assist 8550
in compliance with this section. 8551

Sec. 2919.203. (A) Except in a medical emergency that 8552
prevents compliance with this division, no physician shall 8553
purposely perform or induce or purposely attempt to perform or 8554
induce an abortion on a pregnant woman after the unborn child 8555
reaches the probable post-fertilization age of twenty weeks 8556
unless, prior to the performance or inducement of the abortion 8557
or the attempt to perform or induce the abortion, the physician 8558
determines, in the physician's reasonable medical judgment, the 8559
unborn child's probable post-fertilization age. The physician 8560
shall make that determination after making inquiries of the 8561
pregnant woman and performing any medical examinations or tests 8562
of the pregnant woman the physician considers necessary as a 8563
reasonably prudent physician, knowledgeable about the case and 8564
medical conditions involved, would consider necessary to 8565
determine the unborn child's probable post-fertilization age. 8566

(B) Except in a medical emergency that prevents compliance 8567
with this division, no physician shall purposely perform or 8568
induce or purposely attempt to perform or induce an abortion on 8569
a pregnant woman after the unborn child reaches the probable 8570
post-fertilization age of twenty weeks without first entering 8571
the determination made in division (A) of this section and the 8572
associated findings of the medical examination and tests in the 8573
medical record of the pregnant woman. 8574

(C) Whoever violates division (A) of this section is 8575

guilty of failure to perform probable post-fertilization age testing, a misdemeanor of the fourth degree. 8576
8577

~~(D) The state medical board shall suspend a physician's license to practice medicine in this state for a period of not less than six months if the physician violates this section. 8578
8579
8580~~

Sec. 2923.17. (A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance. 8581
8582

(B) ~~No~~ Subject to section 9.78 of the Revised Code, no person shall manufacture or process an explosive at any location in this state unless the person first has been issued a license, certificate of registration, or permit to do so from a fire official of a political subdivision of this state or from the office of the fire marshal. 8583
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(C) Division (A) of this section does not apply to: 8589

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of the person's duties; 8590
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(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law; 8596
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(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and 8603
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in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 8605
1213, 18 U.S.C. 923, and any amendments or additions thereto or 8606
reenactments thereof, with respect to dangerous ordnance 8607
lawfully acquired, possessed, carried, or used under the laws of 8608
this state and applicable federal law; 8609

(4) Persons to whom surplus ordnance has been sold, 8610
loaned, or given by the secretary of the army pursuant to 70A 8611
Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any 8612
amendments or additions thereto or reenactments thereof, with 8613
respect to dangerous ordnance when lawfully possessed and used 8614
for the purposes specified in such section; 8615

(5) Owners of dangerous ordnance registered in the 8616
national firearms registration and transfer record pursuant to 8617
the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and 8618
any amendments or additions thereto or reenactments thereof, and 8619
regulations issued thereunder; 8620

(6) Carriers, warehouses, and others engaged in the 8621
business of transporting or storing goods for hire, with respect 8622
to dangerous ordnance lawfully transported or stored in the 8623
usual course of their business and in compliance with the laws 8624
of this state and applicable federal law; 8625

(7) The holders of a license or temporary permit issued 8626
and in effect pursuant to section 2923.18 of the Revised Code, 8627
with respect to dangerous ordnance lawfully acquired, possessed, 8628
carried, or used for the purposes and in the manner specified in 8629
such license or permit; 8630

(8) Persons who own a dangerous ordnance that is a firearm 8631
muffler or suppressor attached to a gun that is authorized to be 8632
used for hunting by section 1533.16 of the Revised Code and who 8633

are authorized to use such a dangerous ordnance by section 1533.04 of the Revised Code. 8634
8635

(D) Whoever violates division (A) of this section is 8636
guilty of unlawful possession of dangerous ordnance, a felony of 8637
the fifth degree. 8638

(E) Whoever violates division (B) of this section is 8639
guilty of illegally manufacturing or processing explosives, a 8640
felony of the second degree. 8641

Sec. 2925.38. If a person who is convicted of ~~or pleads~~ 8642
~~guilty to a violation of section 2925.02, 2925.03, 2925.04,~~ 8643
~~2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14,~~ 8644
~~2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or~~ 8645
~~2925.37~~ a disqualifying offense, as specified under section 9.79 8646
of the Revised Code, that relates to offenses specified in 8647
Chapter 2925. of the Revised Code, is a professionally licensed 8648
person, in addition to any other sanctions imposed for the 8649
violation, the court, except as otherwise provided in this 8650
section, immediately shall transmit a certified copy of the 8651
judgment entry of conviction to the regulatory or licensing 8652
board or agency that has the administrative authority to suspend 8653
or revoke the offender's professional license. If the 8654
professionally licensed person who is convicted of ~~or pleads~~ 8655
~~guilty to a violation of any section listed in this section~~ a 8656
disqualifying offense is a person who has been admitted to the 8657
bar by order of the supreme court in compliance with its 8658
prescribed and published rules, in addition to any other 8659
sanctions imposed for the violation, the court immediately shall 8660
transmit a certified copy of the judgment entry of conviction to 8661
the secretary of the board of commissioners on grievances and 8662
discipline of the supreme court and to either the disciplinary 8663

counsel or the president, secretary, and chairperson of each 8664
certified grievance committee. 8665

Sec. 2929.42. (A) The prosecutor in any case against any 8666
person licensed, certified, registered, or otherwise authorized 8667
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 8668
4731., 4734., or 4741. of the Revised Code shall notify the 8669
appropriate licensing board, on forms provided by the board, of 8670
~~any of the following regarding the person:~~ 8671

~~(1) A plea of guilty to, or a person's conviction of, a 8672
felony, or a court order dismissing a felony charge on technical- 8673
or procedural grounds;~~ 8674

~~(2) A plea of guilty to, or a conviction of, a misdemeanor 8675
committed in the course of practice or in the course of 8676
business, or a court order dismissing such a misdemeanor charge- 8677
on technical or procedural grounds;~~ 8678

~~(3) A plea of guilty to, or a conviction of, a misdemeanor 8679
involving moral turpitude, or a court order dismissing such a 8680
charge on technical or procedural grounds any criminal offense. 8681~~

(B) The report required by division (A) of this section 8682
shall include the name and address of the person, the nature of 8683
the offense, and certified copies of court entries in the 8684
action. 8685

Sec. 2929.43. (A) As used in this section: 8686

(1) "Peace officer" has the same meaning as in section 8687
109.71 of the Revised Code. 8688

(2) ~~"Felony" has the same meaning as in "Disqualifying 8689
offense" means a disqualifying offense as specified under 8690
section ~~109.511-9.79~~ of the Revised Code with respect to a 8691~~

person who has been awarded a certificate attesting to the 8692
satisfactory completion of a peace officer basic training 8693
program under section 109.77 of the Revised Code. 8694

(B) (1) Prior to accepting a plea of guilty to an 8695
indictment, information, or complaint charging a ~~felony~~ 8696
disqualifying offense, the court shall determine whether the 8697
defendant is a peace officer. If the court determines that the 8698
defendant is a peace officer, it shall address the defendant 8699
personally and provide the following advisement to the defendant 8700
that shall be entered in the record of the court. 8701

"You are hereby advised that conviction of the ~~felony~~ 8702
disqualifying offense to which you are pleading guilty will 8703
result in the termination of your employment as a peace officer 8704
and in your decertification as a peace officer pursuant to the 8705
laws of Ohio." 8706

Upon the request of the defendant, the court shall allow 8707
the defendant additional time to consider the appropriateness of 8708
the plea of guilty in light of the advisement described in 8709
division (B) (1) of this section. 8710

The court shall not accept a plea of guilty of a defendant 8711
who is a peace officer unless, in addition to any other 8712
procedures required under the Rules of Criminal Procedure, the 8713
court determines that the defendant voluntarily and 8714
intelligently enters that plea after being given the advisement 8715
described in division (B) (1) of this section. 8716

(2) After accepting under division (B) (1) of this section 8717
a plea of guilty to an indictment, information, or complaint 8718
charging a ~~felony~~ disqualifying offense, the court shall provide 8719
to the clerk of the court of common pleas a written notice of 8720

the plea of guilty of the defendant peace officer, the name and 8721
address of the peace officer, the law enforcement agency or 8722
other governmental entity that employs the peace officer and its 8723
address, the date of the plea, the nature of the ~~felony-~~ 8724
disqualifying offense, and certified copies of court entries in 8725
the action. Upon receiving the written notice required by 8726
division (B) (2) of this section, the clerk of the court of 8727
common pleas shall transmit to the employer of the peace officer 8728
and to the Ohio peace officer training council a report that 8729
includes the information contained in the written notice and the 8730
certified copies of the court entries in the action. 8731

(C) (1) Upon the conviction of a defendant, after trial, of 8732
a ~~felony~~ disqualifying offense, the trial judge shall determine 8733
whether the defendant is a peace officer. If the judge 8734
determines that the defendant is a peace officer or if the 8735
defendant states on the record that the defendant is a peace 8736
officer, the judge shall provide to the clerk of the court of 8737
common pleas a written notice of the conviction of the defendant 8738
peace officer, the name and address of the peace officer, the 8739
law enforcement agency or other governmental entity that employs 8740
the peace officer and its address, the date of the conviction, 8741
the nature of the ~~felony-~~ disqualifying offense, and certified 8742
copies of court entries in the action. Upon receiving the 8743
written notice required by division (C) (1) of this section, the 8744
clerk of the court of common pleas shall transmit to the 8745
employer of the peace officer and to the Ohio peace officer 8746
training council a report that includes the information 8747
contained in the written notice and the certified copies of the 8748
court entries in the action. 8749

(2) Upon the conclusion of the final appeal of a defendant 8750
who is a peace officer and who has been convicted of a ~~felony-~~ 8751

disqualifying offense, upon expiration of the time period within 8752
which that peace officer may appeal the conviction if no appeal 8753
is taken, or otherwise upon the final disposition of the 8754
criminal action against that peace officer, the trial judge 8755
shall provide to the clerk of the court of common pleas a 8756
written notice of the final disposition of the action that shall 8757
include, as appropriate, notice of the final conviction of the 8758
peace officer of the ~~felony~~ disqualifying offense, the acquittal 8759
of the peace officer of the ~~felony~~ disqualifying offense, the 8760
conviction of the peace officer of ~~a misdemeanor~~ an offense 8761
other than a disqualifying offense, or the dismissal of the 8762
~~felony~~ charge of the disqualifying offense against the peace 8763
officer. The judge also shall provide to the clerk of the court 8764
of common pleas certified copies of the court entries in the 8765
action. Upon receiving the written notice required by division 8766
(C) (2) of this section, the clerk of the court of common pleas 8767
shall transmit to the employer of the peace officer and to the 8768
Ohio peace officer training council a report that includes the 8769
information contained in the written notice and the certified 8770
copies of the court entries in the action. 8771

(D) If pursuant to a negotiated plea agreement between a 8772
prosecuting attorney and a defendant who is a peace officer and 8773
who is charged with a ~~felony~~ disqualifying offense, in which the 8774
defendant agrees to enter a plea of guilty to ~~a misdemeanor~~ an 8775
offense other than a disqualifying offense and to surrender the 8776
certificate awarded to the defendant under section 109.77 of the 8777
Revised Code, the trial judge issues an order to the defendant 8778
to surrender that certificate, the trial judge shall provide to 8779
the clerk of the court a written notice of the order, the name 8780
and address of the peace officer, the law enforcement agency or 8781
other governmental entity that employs the peace officer and its 8782

address, the date of the plea, the nature of the ~~misdemeanor~~ 8783
offense to which the peace officer pleaded guilty, and certified 8784
copies of court entries in the action. Upon receiving the 8785
written notice required by this division, the clerk of the court 8786
shall transmit to the employer of the peace officer and to the 8787
executive director of the Ohio peace officer training council a 8788
report that includes the information contained in the written 8789
notice and the certified copies of the court entries in the 8790
action. 8791

Sec. 2953.25. (A) As used in this section: 8792

(1) "Collateral sanction" means a penalty, disability, or 8793
disadvantage that is related to employment or occupational 8794
licensing, however denominated, as a result of the individual's 8795
conviction of or plea of guilty to an offense and that applies 8796
by operation of law in this state whether or not the penalty, 8797
disability, or disadvantage is included in the sentence or 8798
judgment imposed. 8799

"Collateral sanction" does not include imprisonment, 8800
probation, parole, supervised release, forfeiture, restitution, 8801
fine, assessment, or costs of prosecution. 8802

(2) "Decision-maker" includes, but is not limited to, the 8803
state acting through a department, agency, board, commission, or 8804
instrumentality established by the law of this state for the 8805
exercise of any function of government, a political subdivision, 8806
an educational institution, or a government contractor or 8807
subcontractor made subject to this section by contract, law, or 8808
ordinance. 8809

(3) "Department-funded program" means a residential or 8810
nonresidential program that is not a term in a state 8811

correctional institution, that is funded in whole or part by the 8812
department of rehabilitation and correction, and that is imposed 8813
as a sanction for an offense, as part of a sanction that is 8814
imposed for an offense, or as a term or condition of any 8815
sanction that is imposed for an offense. 8816

(4) "Designee" means the person designated by the deputy 8817
director of the division of parole and community services to 8818
perform the duties designated in division (B) of this section. 8819

(5) "Division of parole and community services" means the 8820
division of parole and community services of the department of 8821
rehabilitation and correction. 8822

(6) "Offense" means any felony or misdemeanor under the 8823
laws of this state. 8824

(7) "Political subdivision" has the same meaning as in 8825
section 2969.21 of the Revised Code. 8826

(8) "Discretionary civil impact," "licensing agency," and 8827
"mandatory civil impact" have the same meanings as in section 8828
2961.21 of the Revised Code. 8829

(B)(1) An individual who is subject to one or more 8830
collateral sanctions as a result of being convicted of or 8831
pleading guilty to an offense and who either has served a term 8832
in a state correctional institution for any offense or has spent 8833
time in a department-funded program for any offense may file a 8834
petition with the designee of the deputy director of the 8835
division of parole and community services for a certificate of 8836
qualification for employment. 8837

(2) An individual who is subject to one or more collateral 8838
sanctions as a result of being convicted of or pleading guilty 8839
to an offense and who is not in a category described in division 8840

(B) (1) of this section may file for a certificate of 8841
qualification for employment by doing either of the following: 8842

(a) In the case of an individual who resides in this 8843
state, filing a petition with the court of common pleas of the 8844
county in which the person resides or with the designee of the 8845
deputy director of the division of parole and community 8846
services; 8847

(b) In the case of an individual who resides outside of 8848
this state, filing a petition with the court of common pleas of 8849
any county in which any conviction or plea of guilty from which 8850
the individual seeks relief was entered or with the designee of 8851
the deputy director of the division of parole and community 8852
services. 8853

(3) A petition under division (B) (1) or (2) of this 8854
section shall be made on a copy of the form prescribed by the 8855
division of parole and community services under division (J) of 8856
this section and shall contain all of the information described 8857
in division (F) of this section. 8858

(4) (a) Except as provided in division (B) (4) (b) of this 8859
section, an individual may file a petition under division (B) (1) 8860
or (2) of this section at any time after the expiration of 8861
whichever of the following is applicable: 8862

(i) If the offense that resulted in the collateral 8863
sanction from which the individual seeks relief is a felony, at 8864
any time after the expiration of one year from the date of 8865
release of the individual from any period of incarceration in a 8866
state or local correctional facility that was imposed for that 8867
offense and all periods of supervision imposed after release 8868
from the period of incarceration or, if the individual was not 8869

incarcerated for that offense, at any time after the expiration 8870
of one year from the date of the individual's final release from 8871
all other sanctions imposed for that offense. 8872

(ii) If the offense that resulted in the collateral 8873
sanction from which the individual seeks relief is a 8874
misdemeanor, at any time after the expiration of six months from 8875
the date of release of the individual from any period of 8876
incarceration in a local correctional facility that was imposed 8877
for that offense and all periods of supervision imposed after 8878
release from the period of incarceration or, if the individual 8879
was not incarcerated for that offense, at any time after the 8880
expiration of six months from the date of the final release of 8881
the individual from all sanctions imposed for that offense 8882
including any period of supervision. 8883

(b) The department of rehabilitation and correction may 8884
establish criteria by rule adopted under Chapter 119. of the 8885
Revised Code that, if satisfied by an individual, would allow 8886
the individual to file a petition before the expiration of six 8887
months or one year from the date of final release, whichever is 8888
applicable under division (B) (4) (a) of this section. 8889

(5) (a) A designee that receives a petition for a 8890
certificate of qualification for employment from an individual 8891
under division (B) (1) or (2) of this section shall review the 8892
petition to determine whether it is complete. If the petition is 8893
complete, the designee shall forward the petition, and any other 8894
information the designee possesses that relates to the petition, 8895
to the court of common pleas of the county in which the 8896
individual resides if the individual submitting the petition 8897
resides in this state or, if the individual resides outside of 8898
this state, to the court of common pleas of the county in which 8899

the conviction or plea of guilty from which the individual seeks relief was entered.

(b) A court of common pleas that receives a petition for a certificate of qualification for employment from an individual under division (B) (2) of this section, or that is forwarded a petition for such a certificate under division (B) (5) (a) of this section, shall attempt to determine all other courts in this state in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. The court that receives or is forwarded the petition shall notify all other courts in this state that it determines under this division were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section, or that is forwarded a petition for qualification under division (B) (5) (a) of this section may direct the clerk of court to process and record all notices required in or under this section.

(C) (1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B) (2) of this section or being forwarded a petition

for such a certificate under division (B) (5) (a) of this section, 8930
the court shall review the individual's petition, the 8931
individual's criminal history, all filings submitted by the 8932
prosecutor or by the victim in accordance with rules adopted by 8933
the division of parole and community services, the applicant's 8934
military service record, if applicable, and whether the 8935
applicant has an emotional, mental, or physical condition that 8936
is traceable to the applicant's military service in the armed 8937
forces of the United States and that was a contributing factor 8938
in the commission of the offense or offenses, and all other 8939
relevant evidence. The court may order any report, 8940
investigation, or disclosure by the individual that the court 8941
believes is necessary for the court to reach a decision on 8942
whether to approve the individual's petition for a certificate 8943
of qualification for employment. 8944

(2) Upon receiving a petition for a certificate of 8945
qualification for employment filed by an individual under 8946
division (B) (2) of this section or being forwarded a petition 8947
for such a certificate under division (B) (5) (a) of this section, 8948
except as otherwise provided in this division, the court shall 8949
decide whether to issue the certificate within sixty days after 8950
the court receives or is forwarded the completed petition and 8951
all information requested for the court to make that decision. 8952
Upon request of the individual who filed the petition, the court 8953
may extend the sixty-day period specified in this division. 8954

(3) Subject to division (C) (5) of this section, a court 8955
that receives an individual's petition for a certificate of 8956
qualification for employment under division (B) (2) of this 8957
section or that is forwarded a petition for such a certificate 8958
under division (B) (5) (a) of this section may issue a certificate 8959
of qualification for employment, at the court's discretion, if 8960

the court finds that the individual has established all of the 8961
following by a preponderance of the evidence: 8962

(a) Granting the petition will materially assist the 8963
individual in obtaining employment or occupational licensing. 8964

(b) The individual has a substantial need for the relief 8965
requested in order to live a law-abiding life. 8966

(c) Granting the petition would not pose an unreasonable 8967
risk to the safety of the public or any individual. 8968

(4) The submission of an incomplete petition by an 8969
individual shall not be grounds for the designee or court to 8970
deny the petition. 8971

(5) A certificate of qualification for employment shall 8972
not create relief from any of the following collateral 8973
sanctions: 8974

(a) Requirements imposed by Chapter 2950. of the Revised 8975
Code and rules adopted under sections 2950.13 and 2950.132 of 8976
the Revised Code; 8977

(b) A driver's license, commercial driver's license, or 8978
probationary license suspension, cancellation, or revocation 8979
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 8980
the Revised Code if the relief sought is available pursuant to 8981
section 4510.021 or division (B) of section 4510.13 of the 8982
Revised Code; 8983

(c) Restrictions on employment as a prosecutor or law 8984
enforcement officer; 8985

(d) The denial, ineligibility, or automatic suspension of 8986
a license that is imposed upon an individual applying for or 8987
holding a license as a health care professional under Title 8988

XLVII of the Revised Code if the individual is convicted of, 8989
~~pleads guilty to, is subject to a judicial finding of~~ 8990
~~eligibility for intervention in lieu of conviction in this state~~ 8991
~~under section 2951.041 of the Revised Code, or is subject to~~ 8992
~~treatment or intervention in lieu of conviction~~ a disqualifying 8993
offense as specified in section 9.79 of the Revised Code for a 8994
violation of section 2903.01, 2903.02, 2903.03, 2903.11, 8995
2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 8996
or 2919.123 of the Revised Code; 8997

~~(e) The immediate suspension of a license, certificate, or~~ 8998
~~evidence of registration that is imposed upon an individual~~ 8999
~~holding a license as a health care professional under Title~~ 9000
~~XLVII of the Revised Code pursuant to division (C) of section~~ 9001
~~3719.121 of the Revised Code;~~ 9002

~~(f)~~ The denial or ineligibility for employment in a pain 9003
clinic under division (B) (4) of section 4729.552 of the Revised 9004
Code; 9005

~~(g)~~ (f) The mandatory suspension of a license that is 9006
imposed on an individual applying for or holding a license as a 9007
health care professional under Title XLVII of the Revised Code 9008
pursuant to section 3123.43 of the Revised Code. 9009

(6) If a court that receives an individual's petition for 9010
a certificate of qualification for employment under division (B) 9011
(2) of this section or that is forwarded a petition for such a 9012
certificate under division (B) (5) (a) of this section denies the 9013
petition, the court shall provide written notice to the 9014
individual of the court's denial. The court may place conditions 9015
on the individual regarding the individual's filing of any 9016
subsequent petition for a certificate of qualification for 9017
employment. The written notice must notify the individual of any 9018

conditions placed on the individual's filing of a subsequent 9019
petition for a certificate of qualification for employment. 9020

If a court of common pleas that receives an individual's 9021
petition for a certificate of qualification for employment under 9022
division (B) (2) of this section or that is forwarded a petition 9023
for such a certificate under division (B) (5) (a) of this section 9024
denies the petition, the individual may appeal the decision to 9025
the court of appeals only if the individual alleges that the 9026
denial was an abuse of discretion on the part of the court of 9027
common pleas. 9028

(D) (1) A certificate of qualification for employment 9029
issued to an individual lifts the automatic bar of a collateral 9030
sanction, and a decision-maker shall consider on a case-by-case 9031
basis whether to grant or deny the issuance or restoration of an 9032
occupational license or an employment opportunity, 9033
notwithstanding the individual's possession of the certificate, 9034
without, however, reconsidering or rejecting any finding made by 9035
a designee or court under division (C) (3) of this section. 9036

(2) The certificate constitutes a rebuttable presumption 9037
that the person's criminal convictions are insufficient evidence 9038
that the person is unfit for the license, employment 9039
opportunity, or certification in question. Notwithstanding the 9040
presumption established under this division, the agency may deny 9041
the license or certification for the person if it determines 9042
that the person is unfit for issuance of the license. 9043

(3) If an employer that has hired a person who has been 9044
issued a certificate of qualification for employment applies to 9045
a licensing agency for a license or certification and the person 9046
has a conviction or guilty plea that otherwise would bar the 9047
person's employment with the employer or licensure for the 9048

employer because of a mandatory civil impact, the agency shall 9049
give the person individualized consideration, notwithstanding 9050
the mandatory civil impact, the mandatory civil impact shall be 9051
considered for all purposes to be a discretionary civil impact, 9052
and the certificate constitutes a rebuttable presumption that 9053
the person's criminal convictions are insufficient evidence that 9054
the person is unfit for the employment, or that the employer is 9055
unfit for the license or certification, in question. 9056

(E) A certificate of qualification for employment does not 9057
grant the individual to whom the certificate was issued relief 9058
from the mandatory civil impacts identified in division (A) (1) 9059
of section 2961.01 or division (B) of section 2961.02 of the 9060
Revised Code. 9061

(F) A petition for a certificate of qualification for 9062
employment filed by an individual under division (B) (1) or (2) 9063
of this section shall include all of the following: 9064

(1) The individual's name, date of birth, and social 9065
security number; 9066

(2) All aliases of the individual and all social security 9067
numbers associated with those aliases; 9068

(3) The individual's residence address, including the 9069
city, county, and state of residence and zip code; 9070

(4) The length of time that the individual has resided in 9071
the individual's current state of residence, expressed in years 9072
and months of residence; 9073

(5) A general statement as to why the individual has filed 9074
the petition and how the certificate of qualification for 9075
employment would assist the individual; 9076

- (6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses; 9077
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- (7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer; 9082
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- (8) Verifiable references and endorsements; 9085
- (9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan; 9086
9087
9088
- (10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 9089
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- (11) Any other information required by rule by the department of rehabilitation and correction. 9091
9092
- (G) (1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault. 9093
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- (2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide 9103
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immunity for the employer as to the claim if the employer knew 9106
of the certificate at the time of the alleged negligence. 9107

(3) If an employer hires an individual who has been issued 9108
a certificate of qualification for employment under this 9109
section, if the individual, after being hired, subsequently 9110
demonstrates dangerousness or is convicted of ~~or pleads guilty~~ 9111
~~to~~ a felony, and if the employer retains the individual as an 9112
employee after the demonstration of dangerousness or the 9113
conviction ~~or guilty plea~~, the employer may be held liable in a 9114
civil action that is based on or relates to the retention of the 9115
individual as an employee only if it is proved by a 9116
preponderance of the evidence that the person having hiring and 9117
firing responsibility for the employer had actual knowledge that 9118
the employee was dangerous or had been convicted of ~~or pleaded~~ 9119
~~guilty to~~ the felony and was willful in retaining the individual 9120
as an employee after the demonstration of dangerousness or the 9121
conviction ~~or guilty plea~~ of which the person has actual 9122
knowledge. 9123

(H) A certificate of qualification for employment issued 9124
under this section shall be revoked if the individual to whom 9125
the certificate of qualification for employment was issued is 9126
convicted of or pleads guilty to a felony offense committed 9127
subsequent to the issuance of the certificate of qualification 9128
for employment. The department of rehabilitation and correction 9129
shall periodically review the certificates listed in the 9130
database described in division (K) of this section to identify 9131
those that are subject to revocation under this division. Upon 9132
identifying a certificate of qualification for employment that 9133
is subject to revocation, the department shall note in the 9134
database that the certificate has been revoked, the reason for 9135
revocation, and the effective date of revocation, which shall be 9136

the date of the conviction or plea of guilty subsequent to the 9137
issuance of the certificate. 9138

(I) A designee's forwarding, or failure to forward, a 9139
petition for a certificate of qualification for employment to a 9140
court or a court's issuance, or failure to issue, a petition for 9141
a certificate of qualification for employment to an individual 9142
under division (B) of this section does not give rise to a claim 9143
for damages against the department of rehabilitation and 9144
correction or court. 9145

(J) The division of parole and community services shall 9146
adopt rules in accordance with Chapter 119. of the Revised Code 9147
for the implementation and administration of this section and 9148
shall prescribe the form for the petition to be used under 9149
division (B)(1) or (2) of this section. The form for the 9150
petition shall include places for all of the information 9151
specified in division (F) of this section. 9152

(K) The department of rehabilitation and correction shall 9153
maintain a database that identifies granted certificates and 9154
revoked certificates and tracks the number of certificates 9155
granted and revoked, the industries, occupations, and 9156
professions with respect to which the certificates have been 9157
most applicable, and the types of employers that have accepted 9158
the certificates. The department shall annually create a report 9159
that summarizes the information maintained in the database and 9160
shall make the report available to the public on its internet 9161
web site. 9162

Sec. 2961.03. Whenever a person engaged in business as a 9163
secondhand dealer, junk dealer, transient dealer, peddler, 9164
itinerant vendor, or pawnbroker, under a license issued under 9165
any law of this state or under any ordinance of a municipal 9166

corporation, is convicted and sentenced for ~~knowingly and~~ 9167
~~fraudulently buying, receiving, or concealing goods or property~~ 9168
~~which has been stolen, taken by robbers, embezzled, or obtained~~ 9169
~~by false pretenses~~ a disqualifying offense, as specified under 9170
section 9.79 of the Revised Code, such judgment of conviction, 9171
in addition to the other penalties provided by law for such 9172
offense, acts as a cancellation and revocation of such license 9173
to conduct such business, and the court in which such conviction 9174
was had shall forthwith certify to the authority which issued 9175
such license, the fact of such conviction. A person who has been 9176
so convicted and whose license has been canceled or revoked, 9177
shall not again be licensed to engage in such business, or any 9178
of the businesses enumerated in this section, unless such person 9179
is pardoned by the governor. 9180

Sec. 2961.23. (A) (1) If a person who has been issued a 9181
certificate of achievement and employability under section 9182
2961.22 of the Revised Code applies to a licensing agency for a 9183
license or certificate and the person has a conviction ~~or guilty~~ 9184
~~plea~~ that otherwise would bar licensure or certification for the 9185
person because of a mandatory civil impact, the agency shall 9186
give the person individualized consideration for the license or 9187
certification, notwithstanding the mandatory civil impact, the 9188
mandatory civil impact shall be considered for all purposes to 9189
be a discretionary civil impact, and the certificate constitutes 9190
a rebuttable presumption that the person's criminal convictions 9191
are insufficient evidence that the person is unfit for the 9192
license or certification in question. Notwithstanding the 9193
presumption established under this division, the agency may deny 9194
the license or certification for the person if it determines 9195
that the person is unfit for issuance of the license. 9196

(2) If an employer that has hired a person who has been 9197

issued a certificate of achievement and employability under 9198
section 2961.22 of the Revised Code applies to a licensing 9199
agency for a license or certification and the person has a 9200
conviction ~~or guilty plea~~ that otherwise would bar the person's 9201
employment with the employer or licensure for the employer 9202
because of a mandatory civil impact, the agency shall give the 9203
person individualized consideration, notwithstanding the 9204
mandatory civil impact, the mandatory civil impact shall be 9205
considered for all purposes to be a discretionary civil impact, 9206
and the certificate constitutes a rebuttable presumption that 9207
the person's criminal convictions are insufficient evidence that 9208
the person is unfit for the employment, or that the employer is 9209
unfit for the license or certification, in question. 9210
Notwithstanding the presumption established under this division, 9211
the agency may deny the license or certification for the 9212
employer if it determines that the person is unfit for the 9213
employment or that the employer is unfit for the license or 9214
certification. 9215

(B) If an employer hires a person who has been issued a 9216
certificate of achievement and employability under section 9217
2961.22 of the Revised Code and if the person presents the 9218
employer with a copy of the certificate, all of the following 9219
apply: 9220

(1) If a subsequent civil action against the employer 9221
alleges that the employer was negligent in hiring the person and 9222
if the civil action includes as an element of the alleged 9223
negligence that the employer had actual or constructive 9224
knowledge of the incompetence or dangerousness of the person, 9225
the person's presentation of the certificate to the employer is 9226
an absolute defense for the employer to the element of the 9227
employer's actual or constructive knowledge of the incompetence 9228

or dangerousness of the person. 9229

(2) If the person, after being hired, subsequently 9230
demonstrates dangerousness and if the employer retains the 9231
person as an employee after the demonstration of dangerousness, 9232
the employer may be held liable in a civil action that is based 9233
on or relates to the retention of the person as an employee only 9234
if it is proved by a preponderance of the evidence that the 9235
person having hiring and firing responsibility for the employer 9236
had actual knowledge that the employee was dangerous and was 9237
willful in retaining the person as an employee after the 9238
demonstration of dangerousness of which the person had actual 9239
knowledge. 9240

Sec. 3302.151. (A) Notwithstanding anything to the 9241
contrary in the Revised Code, a school district that qualifies 9242
under division (D) of this section shall be exempt from all of 9243
the following: 9244

(1) The teacher qualification requirements under the 9245
third-grade reading guarantee, as prescribed under divisions (B) 9246
(3) (c) and (H) of section 3313.608 of the Revised Code. This 9247
exemption does not relieve a teacher from holding a valid Ohio 9248
license in a subject area and grade level determined appropriate 9249
by the board of education of that district. 9250

(2) The mentoring component of the Ohio teacher residency 9251
program established under division (A) (1) of section 3319.223 of 9252
the Revised Code, so long as the district utilizes a local 9253
approach to train and support new teachers; 9254

(3) Any provision of the Revised Code or rule or standard 9255
of the state board of education prescribing a minimum or maximum 9256
class size; 9257

(4) Any provision of the Revised Code or rule or standard 9258
of the state board requiring teachers to be licensed 9259
specifically in the grade level in which they are teaching, 9260
except unless otherwise prescribed by federal law. This 9261
exemption does not apply to special education teachers. Nor does 9262
this exemption relieve a teacher from holding a valid Ohio 9263
license in the subject area in which that teacher is teaching 9264
and at least some grade level determined appropriate by the 9265
district board. 9266

(B) (1) Notwithstanding anything to the contrary in the 9267
Revised Code, including sections 3319.30 and 3319.36 of the 9268
Revised Code, the superintendent of a school district that 9269
qualifies under division (D) of this section may employ an 9270
individual who is not licensed as required by sections 3319.22 9271
to 3319.30 of the Revised Code, but who is otherwise qualified 9272
based on experience, to teach classes in the district, so long 9273
as the board of education of the school district approves the 9274
individual's employment and provides mentoring and professional 9275
development opportunities to that individual, as determined 9276
necessary by the board. 9277

(2) As a condition of employment under this section, an 9278
individual shall be subject to a criminal records check as 9279
prescribed by section 3319.391 of the Revised Code. In the 9280
manner prescribed by the department of education, the individual 9281
shall submit the criminal records check to the department and 9282
shall register with the department during the period in which 9283
the individual is employed by the district. The department shall 9284
use the information submitted to enroll the individual in the 9285
retained applicant fingerprint database, established under 9286
section 109.5721 of the Revised Code, in the same manner as any 9287
teacher licensed under sections 3319.22 to 3319.31 of the 9288

Revised Code. 9289

(3) An individual employed pursuant to this division is 9290
subject to Chapter 3307. of the Revised Code. 9291

If the department receives notification of the ~~arrest or~~ 9292
conviction of an individual employed under division (B) of this 9293
section, the department shall promptly notify the employing 9294
district and may take any action authorized under sections 9295
3319.31 and 3319.311 of the Revised Code that it considers 9296
appropriate. No district shall employ any individual under 9297
division (B) of this section if the district learns that the 9298
individual has ~~plead guilty to, has been found guilty by a jury~~ 9299
~~or court of, or has been convicted of any of the offenses listed~~ 9300
~~in a disqualifying offense, as specified in~~ division (C) of 9301
section 3319.31 of the Revised Code. 9302

(C) Notwithstanding anything to the contrary in the 9303
Revised Code, noncompliance with any of the requirements listed 9304
in divisions (A) or (B) of this section shall not disqualify a 9305
school district that qualifies under division (D) of this 9306
section from receiving funds under Chapter 3317. of the Revised 9307
Code. 9308

(D) In order for a city, local, or exempted village school 9309
district to qualify for the exemptions described in this 9310
section, the school district shall meet all of the following 9311
benchmarks on the most recent report card issued for that 9312
district under section 3302.03 of the Revised Code: 9313

(1) The district received at least eighty-five per cent of 9314
the total possible points for the performance index score 9315
calculated under division (C) (1) (b) of that section; 9316

(2) The district received a grade of an "A" for 9317

performance indicators met under division (C) (1) (c) of that 9318
section; 9319

(3) The district has a four-year adjusted cohort 9320
graduation rate of at least ninety-three per cent and a five- 9321
year adjusted cohort graduation rate of at least ninety-five per 9322
cent, as calculated under division (C) (1) (d) of that section. 9323

(E) A school district that meets the requirements 9324
prescribed by division (D) of this section shall be qualified 9325
for the exemptions prescribed by this section for three school 9326
years, beginning with the school year in which the qualifying 9327
report card is issued. 9328

(F) As used in this section, "license" has the same 9329
meaning as in section 3319.31 of the Revised Code. 9330

Sec. 3304.31. Licenses issued by the bureau of services 9331
for the visually impaired under section 3304.29 of the Revised 9332
Code shall be in effect until suspended or revoked. The bureau 9333
may deny, revoke, or suspend a license or otherwise discipline a 9334
licensee upon proof that the licensee is guilty of fraud or 9335
deceit in procuring or attempting to procure a license, ~~is~~ 9336
guilty of a felony or a crime of moral turpitude has been 9337
convicted of a disqualifying offense as specified under section 9338
9.79 of the Revised Code, is addicted to the use of habit- 9339
forming drugs or alcohol, or is mentally incompetent. Such 9340
license may also be denied, revoked, or suspended on proof of 9341
violation by the applicant or licensee of the rules established 9342
by the bureau for the operation of suitable vending facilities 9343
by the blind or if a licensee fails to maintain a vending 9344
facility as a suitable vending facility. 9345

Any individual who is blind and who has had the 9346

individual's license suspended or revoked or the individual's 9347
application denied by the bureau may reapply for a license and 9348
may be reinstated or be granted a license by the bureau upon 9349
presentation of satisfactory evidence that there is no longer 9350
cause for such suspension, revocation, or denial. Before the 9351
bureau may revoke, deny, or suspend a license, or otherwise 9352
discipline a licensee, written charges must be filed by the 9353
director of the bureau and a hearing shall be held as provided 9354
in Chapter 119. of the Revised Code. 9355

Sec. 3310.43. (A) As used in this section: 9356

(1) "Registered private provider" has the same meaning as 9357
in section 3310.41 of the Revised Code. 9358

(2) "Two years of study" means the equivalent of forty- 9359
eight semester hours or seventy-two quarter hours. 9360

(B) The state board of education may issue an 9361
instructional assistant permit to an individual, upon the 9362
request of a registered private provider, qualifying that 9363
individual to provide services to a child under the autism 9364
scholarship program under section 3310.41 of the Revised Code. 9365
The permit shall be valid for one year from the date of issue 9366
and shall be renewable. 9367

For an individual to qualify for a permit under this 9368
section, the registered private provider shall assure to the 9369
state board all of the following: 9370

(1) ~~The individual is of good moral character.~~ 9371

~~(2)~~ The individual possesses the appropriate skills 9372
necessary to perform the duties of an instructional assistant, 9373
including the supervision of children and assistance with 9374
instructional tasks. 9375

~~(3)~~ (2) The individual demonstrates the potential to benefit from and consents to participating in in-service training, as required by the registered private provider.

~~(4)~~ (3) The individual either:

(a) Has an associate degree or higher from an accredited institution of higher education;

(b) Has completed at least two years of study at an accredited institution of higher education.

(C) An individual issued a permit under this section may provide instructional services in the home of a child so long as the individual is subject to adequate training and supervision. The state board shall adopt rules, pursuant to Chapter 119. of the Revised Code, regarding how providers will demonstrate this supervision.

(D) An individual issued a permit under this section shall be subject to the requirements of sections 3319.291, 3319.31, 3319.311, and 3319.313 of the Revised Code.

Sec. 3314.101. (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

(B) If a person who is employed by a community school established under this chapter or by an operator is ~~arrested, summoned, or indicted for an alleged violation convicted of an a~~ disqualifying offense listed in under division (C) of section 3319.31 of the Revised Code, if the person holds a license, or an offense listed in division (B) (1) of section 3319.39 of the Revised Code, if the person does not hold a license, the chief administrator of the community school in which that person works shall suspend that person from all duties that require the care, custody, or control of a child ~~during the pendency of the~~

~~criminal action against the person.~~ If the person who is 9405
~~arrested, summoned, or indicted for an alleged violation~~ 9406
~~convicted of an a disqualifying offense listed in adopted under~~ 9407
division (C) of section 3319.31 or division (B) (1) of section 9408
3319.39 of the Revised Code is the chief administrator of the 9409
community school, the governing authority of the school shall 9410
suspend the chief administrator from all duties that require the 9411
care, custody, or control of a child. 9412

(C) When a person who holds a license is suspended in 9413
accordance with this section, the chief administrator or 9414
governing authority that imposed the suspension promptly shall 9415
report the person's suspension to the department of education. 9416
The report shall include the offense for which the person was 9417
~~arrested, summoned, or indicted convicted.~~ 9418

Sec. 3314.40. (A) As used in this section: 9419

(1) "Conduct unbecoming to the teaching profession" shall 9420
be as described in rules adopted by the state board of 9421
education. 9422

~~(2) "Intervention in lieu of conviction" means~~ 9423
~~intervention in lieu of conviction under section 2951.041 of the~~ 9424
~~Revised Code.~~ 9425

~~(3) "License" has the same meaning as in section 3319.31~~ 9426
~~of the Revised Code.~~ 9427

~~(4) "Pre trial diversion program" means a pre trial~~ 9428
~~diversion program under section 2935.36 of the Revised Code or a~~ 9429
~~similar diversion program under rules of a court.~~ 9430

(B) The chief administrator of each community school, or 9431
the president or chairperson of the governing authority of each 9432
community school if division (C) of this section applies, shall 9433

promptly submit to the superintendent of public instruction the 9434
information prescribed in division (D) of this section when any 9435
of the following conditions applies to an employee of the 9436
school, or an employee of an operator working in the school, who 9437
holds a license issued by the state board of education: 9438

(1) The chief administrator, or president or chairperson, 9439
knows that the employee ~~has pleaded guilty to, has been found~~ 9440
~~guilty by a jury or court of,~~ has been convicted of, ~~has been~~ 9441
~~found to be eligible for intervention in lieu of conviction for,~~ 9442
~~or has agreed to participate in a pre-trial diversion program~~ 9443
~~for an a disqualifying offense described in division (B) (2) or~~ 9444
(C) of section 3319.31 or division (B) (1) of section 3319.39 of 9445
the Revised Code. 9446

(2) The governing authority of the school, or the 9447
operator, has initiated termination or nonrenewal proceedings 9448
against, has terminated, or has not renewed the contract of the 9449
employee because the governing authority or operator has 9450
reasonably determined that the employee has committed an act 9451
that is unbecoming to the teaching profession ~~or an offense~~ 9452
~~described in division (B) (2) or (C) of section 3319.31 or~~ 9453
~~division (B) (1) of section 3319.39 of the Revised Code.~~ 9454

(3) The employee has resigned under threat of termination 9455
or nonrenewal as described in division (B) (2) of this section. 9456

(4) The employee has resigned because of or in the course 9457
of an investigation by the governing authority or operator 9458
regarding whether the employee has committed an act that is 9459
unbecoming to the teaching profession ~~or an offense described in~~ 9460
~~division (B) (2) or (C) of section 3319.31 or division (B) (1) of~~ 9461
~~section 3319.39 of the Revised Code.~~ 9462

(C) If the employee to whom any of the conditions 9463
prescribed in divisions (B) (1) to (4) of this section applies is 9464
the chief administrator of the community school, the president 9465
or chairperson of the governing authority of the school shall 9466
make the report required under this section. 9467

(D) If a report is required under this section, the chief 9468
administrator, or president or chairperson, shall submit to the 9469
superintendent of public instruction the name and social 9470
security number of the employee about whom the information is 9471
required and a factual statement regarding any of the conditions 9472
prescribed in divisions (B) (1) to (4) of this section that apply 9473
to the employee. 9474

(E) A determination made by the governing authority or 9475
operator as described in division (B) (2) of this section or a 9476
termination, nonrenewal, resignation, or other separation 9477
described in divisions (B) (2) to (4) of this section does not 9478
create a presumption of the commission or lack of the commission 9479
by the employee of an act unbecoming to the teaching profession 9480
~~or an offense described in division (B) (2) or (C) of section~~ 9481
~~3319.31 or division (B) (1) of section 3319.39 of the Revised~~ 9482
Code. 9483

(F) No individual required to submit a report under 9484
division (B) of this section shall knowingly fail to comply with 9485
that division. 9486

(G) An individual who provides information to the 9487
superintendent of public instruction in accordance with this 9488
section in good faith shall be immune from any civil liability 9489
that otherwise might be incurred or imposed for injury, death, 9490
or loss to person or property as a result of the provision of 9491
that information. 9492

Sec. 3319.088. As used in this section, "educational 9493
assistant" means any nonteaching employee in a school district 9494
who directly assists a teacher as defined in section 3319.09 of 9495
the Revised Code, by performing duties for which a license 9496
issued pursuant to sections 3319.22 to 3319.30 of the Revised 9497
Code is not required. 9498

(A) The state board of education shall issue educational 9499
aide permits and educational paraprofessional licenses for 9500
educational assistants and shall adopt rules for the issuance 9501
and renewal of such permits and licenses which shall be 9502
consistent with the provisions of this section. Educational aide 9503
permits and educational paraprofessional licenses may be of 9504
several types and the rules shall prescribe the minimum 9505
qualifications of education, and health, ~~and character~~ for the 9506
service to be authorized under each type. The prescribed minimum 9507
qualifications may require special training or educational 9508
courses designed to qualify a person to perform effectively the 9509
duties authorized under an educational aide permit or 9510
educational paraprofessional license. 9511

(B) (1) Any application for a permit or license, or a 9512
renewal or duplicate of a permit or license, under this section 9513
shall be accompanied by the payment of a fee in the amount 9514
established under division (A) of section 3319.51 of the Revised 9515
Code. Any fees received under this division shall be paid into 9516
the state treasury to the credit of the state board of education 9517
licensure fund established under division (B) of section 3319.51 9518
of the Revised Code. 9519

(2) Any person applying for or holding a permit or license 9520
pursuant to this section is subject to sections 3123.41 to 9521
3123.50 of the Revised Code and any applicable rules adopted 9522

under section 3123.63 of the Revised Code and sections 3319.31 9523
and 3319.311 of the Revised Code. 9524

(C) Educational assistants shall at all times while in the 9525
performance of their duties be under the supervision and 9526
direction of a teacher as defined in section 3319.09 of the 9527
Revised Code. Educational assistants may assist a teacher to 9528
whom assigned in the supervision of pupils, in assisting with 9529
instructional tasks, and in the performance of duties which, in 9530
the judgment of the teacher to whom the assistant is assigned, 9531
may be performed by a person not licensed pursuant to sections 9532
3319.22 to 3319.30 of the Revised Code and for which a teaching 9533
license, issued pursuant to sections 3319.22 to 3319.30 of the 9534
Revised Code is not required. The duties of an educational 9535
assistant shall not include the assignment of grades to pupils. 9536
The duties of an educational assistant need not be performed in 9537
the physical presence of the teacher to whom assigned, but the 9538
activity of an educational assistant shall at all times be under 9539
the direction of the teacher to whom assigned. The assignment of 9540
an educational assistant need not be limited to assisting a 9541
single teacher. In the event an educational assistant is 9542
assigned to assist more than one teacher the assignments shall 9543
be clearly delineated and so arranged that the educational 9544
assistant shall never be subject to simultaneous supervision or 9545
direction by more than one teacher. 9546

Educational assistants assigned to supervise children 9547
shall, when the teacher to whom assigned is not physically 9548
present, maintain the degree of control and discipline that 9549
would be maintained by the teacher. 9550

Educational assistants may not be used in place of 9551
classroom teachers or other employees and any payment of 9552

compensation by boards of education to educational assistants 9553
for such services is prohibited. The ratio between the number of 9554
licensed teachers and the pupils in a school district may not be 9555
decreased by utilization of educational assistants and no 9556
grouping, or other organization of pupils, for utilization of 9557
educational assistants shall be established which is 9558
inconsistent with sound educational practices and procedures. A 9559
school district may employ up to one full time equivalent 9560
educational assistant for each six full time equivalent licensed 9561
employees of the district. Educational assistants shall not be 9562
counted as licensed employees for purposes of state support in 9563
the school foundation program and no grouping or regrouping of 9564
pupils with educational assistants may be counted as a class or 9565
unit for school foundation program purposes. Neither special 9566
courses required by the regulations of the state board of 9567
education, prescribing minimum qualifications of education for 9568
an educational assistant, nor years of service as an educational 9569
assistant shall be counted in any way toward qualifying for a 9570
teacher license, for a teacher contract of any type, or for 9571
determining placement on a salary schedule in a school district 9572
as a teacher. 9573

(D) Educational assistants employed by a board of 9574
education shall have all rights, benefits, and legal protection 9575
available to other nonteaching employees in the school district, 9576
except that provisions of Chapter 124. of the Revised Code shall 9577
not apply to any person employed as an educational assistant, 9578
and shall be members of the school employees retirement system. 9579
Educational assistants shall be compensated according to a 9580
salary plan adopted annually by the board. 9581

Except as provided in this section nonteaching employees 9582
shall not serve as educational assistants without first 9583

obtaining an appropriate educational aide permit or educational 9584
paraprofessional license from the state board of education. A 9585
nonteaching employee who is the holder of a valid educational 9586
aide permit or educational paraprofessional license shall 9587
neither render nor be required to render services inconsistent 9588
with the type of services authorized by the permit or license 9589
held. No person shall receive compensation from a board of 9590
education for services rendered as an educational assistant in 9591
violation of this provision. 9592

Nonteaching employees whose functions are solely 9593
secretarial-clerical and who do not perform any other duties as 9594
educational assistants, even though they assist a teacher and 9595
work under the direction of a teacher shall not be required to 9596
hold a permit or license issued pursuant to this section. 9597
Students preparing to become licensed teachers or educational 9598
assistants shall not be required to hold an educational aide 9599
permit or paraprofessional license for such periods of time as 9600
such students are assigned, as part of their training program, 9601
to work with a teacher in a school district. Such students shall 9602
not be compensated for such services. 9603

Following the determination of the assignment and general 9604
job description of an educational assistant and subject to 9605
supervision by the teacher's immediate administrative officer, a 9606
teacher to whom an educational assistant is assigned shall make 9607
all final determinations of the duties to be assigned to such 9608
assistant. Teachers shall not be required to hold a license 9609
designated for being a supervisor or administrator in order to 9610
perform the necessary supervision of educational assistants. 9611

(E) No person who is, or who has been employed as an 9612
educational assistant shall divulge, except to the teacher to 9613

whom assigned, or the administrator of the school in the absence 9614
of the teacher to whom assigned, or when required to testify in 9615
a court or proceedings, any personal information concerning any 9616
pupil in the school district which was obtained or obtainable by 9617
the educational assistant while so employed. Violation of this 9618
provision is grounds for disciplinary action or dismissal, or 9619
both. 9620

(F) Notwithstanding anything to the contrary in this 9621
section, the superintendent of a school district may allow an 9622
employee who does not hold a permit or license issued under this 9623
section to work as a substitute for an educational assistant who 9624
is absent on account of illness or on a leave of absence, or to 9625
fill a temporary position created by an emergency, provided that 9626
the superintendent believes the employee's application materials 9627
indicate that the employee is qualified to obtain a permit or 9628
license under this section. 9629

An employee shall begin work as a substitute under this 9630
division not earlier than on the date on which the employee 9631
files an application with the state board for a permit or 9632
license under this section. An employee shall cease working as a 9633
substitute under this division on the earliest of the following: 9634

(1) The date on which the employee files a valid permit or 9635
license issued under this section with the superintendent; 9636

(2) The date on which the employee is denied a permit or 9637
license under this section; 9638

(3) Sixty days following the date on which the employee 9639
began work as a substitute under this division. 9640

The superintendent shall ensure that an employee assigned 9641
to work as a substitute under division (F) of this section has 9642

undergone a criminal records check in accordance with section 9643
3319.391 of the Revised Code. 9644

Sec. 3319.225. (A) No temporary educator license shall be 9645
issued under this section for employment as a principal after 9646
the effective date of the rules prescribed by division (A) of 9647
section 3319.27 of the Revised Code. No temporary educator 9648
license shall be issued under this section for employment as a 9649
superintendent or in any other administrative position except 9650
principal after the effective date of the rules prescribed by 9651
division (B) of section 3319.27 of the Revised Code. 9652

(B) Notwithstanding sections 3319.01 and 3319.22 of the 9653
Revised Code, the board of education of any city, local, or 9654
exempted village, or joint vocational school district, or the 9655
governing board of any educational service center may request 9656
the state board of education to issue a one-year temporary 9657
educator license valid for being employed as a superintendent, 9658
or in any other administrative position, to an individual 9659
specified by the district board. The state board of education 9660
may issue the educator license if the requesting district board 9661
has determined ~~both of the following:~~ 9662

~~(1) The individual is of good moral character;~~ 9663

~~(2) The that the individual holds at least a baccalaureate 9664
degree from an accredited institution of higher education in a 9665
field related to finance or administration, or has five years of 9666
recent work experience in education, management, or 9667
administration. 9668~~

A one-year temporary educator license is valid only in the 9669
district whose board requested the license. An individual 9670
holding such a license may be employed as a superintendent or in 9671

any other administrative position in such district. The state 9672
board of education may renew such license annually upon request 9673
of the employing district. 9674

Sec. 3319.292. As used in this section, "license" has the 9675
same meaning as in section 3319.31 of the Revised Code. 9676

The state board of education and the department of 9677
education may question an applicant for issuance or renewal of 9678
any license with respect to any criminal offense ~~committed or~~ 9679
~~alleged to have been committed by~~ for which the applicant has 9680
been convicted. If the record of a conviction, ~~plea of guilty,~~ 9681
~~bail forfeiture, or other disposition of a criminal offense~~ 9682
~~committed or alleged to have been committed by the applicant~~ has 9683
been sealed or expunged, the state board and the department need 9684
not assert or demonstrate that its questioning with respect to 9685
the offense bears a direct and substantial relationship to the 9686
issuance or renewal of the license or to the position in which 9687
the applicant will work under the license. 9688

Any questions regarding a record of a conviction, ~~plea of~~ 9689
~~guilty, bail forfeiture, or other disposition~~ of a criminal 9690
offense ~~committed or alleged to have been committed by~~ the 9691
applicant that has been sealed or expunged and the responses of 9692
the applicant to such questions shall not be a public record 9693
under section 149.43 of the Revised Code. 9694

Sec. 3319.30. Except as provided in section 3319.36 of the 9695
Revised Code, no person shall receive any compensation for the 9696
performance of duties as teacher in any school supported wholly 9697
or in part by the state or by federal funds who has not obtained 9698
a license of qualification for the position as provided for 9699
under section 3319.22 of the Revised Code ~~and which license~~ 9700
~~shall further certify to the good moral character of the holder~~ 9701

~~thereof.~~ Any teacher so qualified may, at the discretion of the 9702
employing board of education, receive compensation for days on 9703
which the teacher is excused by such board for the purpose of 9704
attending professional meetings, and the board may provide and 9705
pay the salary of a substitute teacher for such days. 9706

Sec. 3319.31. (A) As used in this section and sections 9707
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 9708
means a certificate, license, or permit described in this 9709
chapter or in division (B) of section 3301.071 or in section 9710
3301.074 of the Revised Code. 9711

(B) For any of the following reasons, the state board of 9712
education, in accordance with Chapter 119. and section 3319.311 9713
of the Revised Code, may refuse to issue a license to an 9714
applicant; may limit a license it issues to an applicant; may 9715
suspend, revoke, or limit a license that has been issued to any 9716
person; or may revoke a license that has been issued to any 9717
person and has expired: 9718

(1) Engaging in ~~an immoral act,~~ incompetence, negligence, 9719
or conduct that is unbecoming to the applicant's or person's 9720
position; 9721

(2) ~~A plea of guilty to, a finding of guilt by a jury or~~ 9722
~~court of, or a conviction of any of the following:~~ 9723

~~(a) A felony other than a felony listed in division (C) of~~ 9724
~~this section;~~ 9725

~~(b) An offense of violence other than an offense of~~ 9726
~~violence listed in division (C) of this section;~~ 9727

~~(c) A theft offense, as defined in section 2913.01 of the~~ 9728
~~Revised Code, other than a theft offense listed in division (C)~~ 9729
~~of this section;~~ 9730

~~(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;~~ 9731
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~~(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section a disqualifying offense, as specified under section 9.79 of the Revised Code.~~ 9734
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~~(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section;~~ 9738
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~~(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.~~ 9744
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~~(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division a disqualifying offense, as specified under section 9.79 of the Revised Code, by a person who holds a current or expired license or is an applicant for a license or renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny issuance or renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this division applies and has expired in the same manner as a license that has not expired.~~ 9746
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Revocation of a license or denial of issuance or renewal 9759

of a license under this division is effective immediately at the 9760
time and date that the board or superintendent issues the 9761
written order and is not subject to appeal in accordance with 9762
Chapter 119. of the Revised Code. Revocation of a license or 9763
denial of issuance or renewal of license under this division 9764
remains in force during the pendency of an appeal by the person 9765
of the ~~plea of guilty, finding of guilt, or conviction~~ that is 9766
the basis of the action taken under this division. 9767

~~The state board or superintendent shall take the action~~ 9768
~~required by this division for a violation of division (B) (1),~~ 9769
~~(2), (3), or (4) of section 2919.22 of the Revised Code; a~~ 9770
~~violation of section 2903.01, 2903.02, 2903.03, 2903.04,~~ 9771
~~2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05,~~ 9772
~~2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07,~~ 9773
~~2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31,~~ 9774
~~2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33,~~ 9775
~~2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,~~ 9776
~~2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31,~~ 9777
~~2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04,~~ 9778
~~2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123,~~ 9779
~~2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041,~~ 9780
~~2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32,~~ 9781
~~2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a~~ 9782
~~violation of section 2905.04 of the Revised Code as it existed~~ 9783
~~prior to July 1, 1996; a violation of section 2919.23 of the~~ 9784
~~Revised Code that would have been a violation of section 2905.04~~ 9785
~~of the Revised Code as it existed prior to July 1, 1996, had the~~ 9786
~~violation been committed prior to that date; felonious sexual~~ 9787
~~penetration in violation of former section 2907.12 of the~~ 9788
~~Revised Code; or a violation of an ordinance of a municipal~~ 9789
~~corporation that is substantively comparable to an offense~~ 9790

~~listed in this paragraph.~~ 9791

(D) The state board may delegate to the superintendent of 9792
public instruction the authority to revoke a person's license or 9793
to deny issuance or renewal of a license to a person under 9794
division (C) or (F) of this section. 9795

(E) ~~(1)~~ If the ~~plea of guilty, finding of guilt, or~~ 9796
~~conviction~~ that is the basis of the action taken under division 9797
(B) (2) or (C) of this section, or under the version of division 9798
(F) of section 3319.311 of the Revised Code in effect prior to 9799
September 12, 2008, is overturned on appeal, upon exhaustion of 9800
the criminal appeal, the clerk of the court that overturned the 9801
~~plea, finding, or conviction~~ or, if applicable, the clerk of the 9802
court that accepted an appeal from the court that overturned the 9803
~~plea, finding, or conviction~~, shall notify the state board that 9804
the ~~plea, finding, or conviction~~ has been overturned. Within 9805
thirty days after receiving the notification, the state board 9806
shall initiate proceedings to reconsider the revocation or 9807
denial of the person's license ~~in accordance with division (E)~~ 9808
~~(2) of this section.~~ In addition, the person whose license was 9809
revoked or denied may file with the state board a petition for 9810
reconsideration of the revocation or denial along with 9811
appropriate court documents. 9812

~~(2) Upon receipt of a court notification or a petition and~~ 9813
~~supporting court documents under division (E) (1) of this~~ 9814
~~section, the state board, after offering the person an~~ 9815
~~opportunity for an adjudication hearing under Chapter 119. of~~ 9816
~~the Revised Code, shall determine whether the person committed~~ 9817
~~the act in question in the prior criminal action against the~~ 9818
~~person that is the basis of the revocation or denial and may~~ 9819
~~continue the revocation or denial, may reinstate the person's~~ 9820

~~license, with or without limits, or may grant the person a new~~ 9821
~~license, with or without limits. The decision of the board shall~~ 9822
~~be based on grounds for revoking, denying, suspending, or~~ 9823
~~limiting a license adopted by rule under division (C) of this~~ 9824
~~section and in accordance with the evidentiary standards the~~ 9825
~~board employs for all other licensure hearings. The decision of~~ 9826
the board under this division is subject to appeal under Chapter 9827
119. of the Revised Code. 9828

~~(3) A person whose license is revoked or denied under~~ 9829
~~division (C) of this section shall not apply for any license if~~ 9830
~~the plea of guilty, finding of guilt, or conviction that is the~~ 9831
~~basis of the revocation or denial, upon completion of the~~ 9832
~~criminal appeal, either is upheld or is overturned but the state~~ 9833
~~board continues the revocation or denial under division (E)(2)~~ 9834
~~of this section and that continuation is upheld on final appeal.~~ 9835

(F) The state board may take action under division (B) of 9836
this section, and the state board or the superintendent shall 9837
take the action required under division (C) of this section, on 9838
the basis of substantially comparable conduct occurring in a 9839
jurisdiction outside this state or occurring before a person 9840
applies for or receives any license. 9841

(G) The state board may adopt rules in accordance with 9842
Chapter 119. of the Revised Code to carry out this section and 9843
section 3319.311 of the Revised Code. 9844

Sec. 3319.311. (A) (1) The state board of education, or the 9845
superintendent of public instruction on behalf of the board, may 9846
investigate any information received about a person that 9847
reasonably appears to be a basis for action under section 9848
3319.31 of the Revised Code, including information received 9849
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 9850

3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 9851
provided in division (A) (2) of this section, the board shall 9852
contract with the office of the Ohio attorney general to conduct 9853
any investigation of that nature. The board shall pay for the 9854
costs of the contract only from moneys in the state board of 9855
education licensure fund established under section 3319.51 of 9856
the Revised Code. Except as provided in division (A) (2) of this 9857
section, all information received pursuant to section 3314.40, 9858
3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of 9859
the Revised Code, and all information obtained during an 9860
investigation is confidential and is not a public record under 9861
section 149.43 of the Revised Code. If an investigation is 9862
conducted under this division regarding information received 9863
about a person and no action is taken against the person under 9864
this section or section 3319.31 of the Revised Code within two 9865
years of the completion of the investigation, all records of the 9866
investigation shall be expunged. 9867

(2) In the case of a person about whom the board has 9868
learned of ~~a plea of guilty to, finding of guilt by a jury or~~ 9869
~~court of, or a conviction of an~~ a disqualifying offense listed 9870
~~in~~ adopted under division (C) of section 3319.31 of the Revised 9871
Code, or substantially comparable conduct occurring in a 9872
jurisdiction outside this state, the board or the superintendent 9873
of public instruction need not conduct any further investigation 9874
and shall take the action required by division (C) or (F) of 9875
that section. Except as provided in division (G) of this 9876
section, all information obtained by the board or the 9877
superintendent of public instruction pertaining to the action is 9878
a public record under section 149.43 of the Revised Code. 9879

(B) The superintendent of public instruction shall review 9880
the results of each investigation of a person conducted under 9881

division (A) (1) of this section and shall determine, on behalf 9882
of the state board, whether the results warrant initiating 9883
action under division (B) of section 3319.31 of the Revised 9884
Code. The superintendent shall advise the board of such 9885
determination at a meeting of the board. Within fourteen days of 9886
the next meeting of the board, any member of the board may ask 9887
that the question of initiating action under section 3319.31 of 9888
the Revised Code be placed on the board's agenda for that next 9889
meeting. Prior to initiating that action against any person, the 9890
person's name and any other personally identifiable information 9891
shall remain confidential. 9892

(C) The board shall take no action against a person under 9893
division (B) of section 3319.31 of the Revised Code without 9894
providing the person with written notice of the charges and with 9895
an opportunity for a hearing in accordance with Chapter 119. of 9896
the Revised Code. 9897

(D) For purposes of an investigation under division (A) (1) 9898
of this section or a hearing under division (C) of this section 9899
~~or under division (E) (2) of section 3319.31 of the Revised Code,~~ 9900
the board, or the superintendent on behalf of the board, may 9901
administer oaths, order the taking of depositions, issue 9902
subpoenas, and compel the attendance of witnesses and the 9903
production of books, accounts, papers, records, documents, and 9904
testimony. The issuance of subpoenas under this division may be 9905
by certified mail or personal delivery to the person. 9906

(E) The superintendent, on behalf of the board, may enter 9907
into a consent agreement with a person against whom action is 9908
being taken under division (B) of section 3319.31 of the Revised 9909
Code. The board may adopt rules governing the superintendent's 9910
action under this division. 9911

(F) No surrender of a license shall be effective until the 9912
board takes action to accept the surrender unless the surrender 9913
is pursuant to a consent agreement entered into under division 9914
(E) of this section. 9915

(G) The name of any person who is not required to report 9916
information under section 3314.40, 3319.313, 3326.24, 3328.19, 9917
5126.253, or 5153.176 of the Revised Code, but who in good faith 9918
provides information to the state board or superintendent of 9919
public instruction about alleged misconduct committed by a 9920
person who holds a license or has applied for issuance or 9921
renewal of a license, shall be confidential and shall not be 9922
released. Any such person shall be immune from any civil 9923
liability that otherwise might be incurred or imposed for 9924
injury, death, or loss to person or property as a result of the 9925
provision of that information. 9926

(H) (1) No person shall knowingly make a false report to 9927
the superintendent of public instruction or the state board of 9928
education alleging misconduct by an employee of a public or 9929
chartered nonpublic school or an employee of the operator of a 9930
community school established under Chapter 3314. or a college- 9931
preparatory boarding school established under Chapter 3328. of 9932
the Revised Code. 9933

(2) (a) In any civil action brought against a person in 9934
which it is alleged and proved that the person violated division 9935
(H) (1) of this section, the court shall award the prevailing 9936
party reasonable attorney's fees and costs that the prevailing 9937
party incurred in the civil action or as a result of the false 9938
report that was the basis of the violation. 9939

(b) If a person is convicted of or pleads guilty to a 9940
violation of division (H) (1) of this section, if the subject of 9941

the false report that was the basis of the violation was charged 9942
with any violation of a law or ordinance as a result of the 9943
false report, and if the subject of the false report is found 9944
not to be guilty of the charges brought against the subject as a 9945
result of the false report or those charges are dismissed, the 9946
court that sentences the person for the violation of division 9947
(H) (1) of this section, as part of the sentence, shall order the 9948
person to pay restitution to the subject of the false report, in 9949
an amount equal to reasonable attorney's fees and costs that the 9950
subject of the false report incurred as a result of or in 9951
relation to the charges. 9952

Sec. 3319.313. (A) As used in this section: 9953

(1) "Conduct unbecoming to the teaching profession" shall 9954
be as described in rules adopted by the state board of 9955
education. 9956

~~(2) "Intervention in lieu of conviction" means 9957
intervention in lieu of conviction under section 2951.041 of the 9958
Revised Code. 9959~~

~~(3) "License" has the same meaning as in section 3319.31 9960
of the Revised Code. 9961~~

~~(4) "Pre-trial diversion program" means a pre-trial- 9962
diversion program under section 2935.36 of the Revised Code or a 9963
similar diversion program under rules of a court. 9964~~

(B) The superintendent of each school district and each 9965
educational service center or the president of the district or 9966
service center board, if division (C) (1) of this section 9967
applies, and the chief administrator of each chartered nonpublic 9968
school or the president or chairperson of the governing 9969
authority of the nonpublic school, if division (C) (2) of this 9970

section applies, shall promptly submit to the superintendent of 9971
public instruction the information prescribed in division (D) of 9972
this section when any of the following conditions applies to an 9973
employee of the district, service center, or nonpublic school 9974
who holds a license issued by the state board of education: 9975

(1) The superintendent, chief administrator, president, or 9976
chairperson knows that the employee ~~has pleaded guilty to, has~~ 9977
~~been found guilty by a jury or court of, has been convicted of,~~ 9978
~~has been found to be eligible for intervention in lieu of~~ 9979
~~conviction for, or has agreed to participate in a pre-trial~~ 9980
~~diversion program for an a disqualifying offense described in~~ 9981
~~adopted under~~ division (B) (2) or (C) of section 3319.31 or 9982
division (B) (1) of section 3319.39 of the Revised Code; 9983

(2) The district board of education, service center 9984
governing board, or nonpublic school chief administrator or 9985
governing authority has initiated termination or nonrenewal 9986
proceedings against, has terminated, or has not renewed the 9987
contract of the employee because the board of education, 9988
governing board, or chief administrator has reasonably 9989
determined that the employee has committed an act that is 9990
unbecoming to the teaching profession ~~or an offense described in~~ 9991
~~division (B) (2) or (C) of section 3319.31 or division (B) (1) of~~ 9992
~~section 3319.39 of the Revised Code;~~ 9993

(3) The employee has resigned under threat of termination 9994
or nonrenewal as described in division (B) (2) of this section; 9995

(4) The employee has resigned because of or in the course 9996
of an investigation by the board of education, governing board, 9997
or chief administrator regarding whether the employee has 9998
committed an act that is unbecoming to the teaching profession 9999
~~or an offense described in division (B) (2) or (C) of section~~ 10000

3319.31 or division (B) (1) of section 3319.39 of the Revised	10001
Code.	10002
(C) (1) If the employee to whom any of the conditions	10003
prescribed in divisions (B) (1) to (4) of this section applies is	10004
the superintendent or treasurer of a school district or	10005
educational service center, the president of the board of	10006
education of the school district or of the governing board of	10007
the educational service center shall make the report required	10008
under this section.	10009
(2) If the employee to whom any of the conditions	10010
prescribed in divisions (B) (1) to (4) of this section applies is	10011
the chief administrator of a chartered nonpublic school, the	10012
president or chairperson of the governing authority of the	10013
chartered nonpublic school shall make the report required under	10014
this section.	10015
(D) If a report is required under this section, the	10016
superintendent, chief administrator, president, or chairperson	10017
shall submit to the superintendent of public instruction the	10018
name and social security number of the employee about whom the	10019
information is required and a factual statement regarding any of	10020
the conditions prescribed in divisions (B) (1) to (4) of this	10021
section that applies to the employee.	10022
(E) A determination made by the board of education,	10023
governing board, chief administrator, or governing authority as	10024
described in division (B) (2) of this section or a termination,	10025
nonrenewal, resignation, or other separation described in	10026
divisions (B) (2) to (4) of this section does not create a	10027
presumption of the commission or lack of the commission by the	10028
employee of an act unbecoming to the teaching profession or an	10029
offense described in division (B) (2) or (C) of section 3319.31	10030

~~or division (B) (1) of section 3319.39 of the Revised Code.~~ 10031

(F) No individual required to submit a report under 10032
division (B) of this section shall knowingly fail to comply with 10033
that division. 10034

(G) An individual who provides information to the 10035
superintendent of public instruction in accordance with this 10036
section in good faith shall be immune from any civil liability 10037
that otherwise might be incurred or imposed for injury, death, 10038
or loss to person or property as a result of the provision of 10039
that information. 10040

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 10041
(b) of section 109.57 of the Revised Code, the appointing or 10042
hiring officer of the board of education of a school district, 10043
the governing board of an educational service center, or of a 10044
chartered nonpublic school shall request the superintendent of 10045
the bureau of criminal identification and investigation to 10046
conduct a criminal records check with respect to any applicant 10047
who has applied to the school district, educational service 10048
center, or school for employment in any position. The appointing 10049
or hiring officer shall request that the superintendent include 10050
information from the federal bureau of investigation in the 10051
criminal records check, unless all of the following apply to the 10052
applicant: 10053

(a) The applicant is applying to be an instructor of adult 10054
education. 10055

(b) The duties of the position for which the applicant is 10056
applying do not involve routine interaction with a child or 10057
regular responsibility for the care, custody, or control of a 10058
child or, if the duties do involve such interaction or 10059

responsibility, during any period of time in which the 10060
applicant, if hired, has such interaction or responsibility, 10061
another employee of the school district, educational service 10062
center, or chartered nonpublic school will be present in the 10063
same room with the child or, if outdoors, will be within a 10064
thirty-yard radius of the child or have visual contact with the 10065
child. 10066

(c) The applicant presents proof that the applicant has 10067
been a resident of this state for the five-year period 10068
immediately prior to the date upon which the criminal records 10069
check is requested or provides evidence that within that five- 10070
year period the superintendent has requested information about 10071
the applicant from the federal bureau of investigation in a 10072
criminal records check. 10073

(2) A person required by division (A) (1) of this section 10074
to request a criminal records check shall provide to each 10075
applicant a copy of the form prescribed pursuant to division (C) 10076
(1) of section 109.572 of the Revised Code, provide to each 10077
applicant a standard impression sheet to obtain fingerprint 10078
impressions prescribed pursuant to division (C) (2) of section 10079
109.572 of the Revised Code, obtain the completed form and 10080
impression sheet from each applicant, and forward the completed 10081
form and impression sheet to the superintendent of the bureau of 10082
criminal identification and investigation at the time the person 10083
requests a criminal records check pursuant to division (A) (1) of 10084
this section. 10085

(3) An applicant who receives pursuant to division (A) (2) 10086
of this section a copy of the form prescribed pursuant to 10087
division (C) (1) of section 109.572 of the Revised Code and a 10088
copy of an impression sheet prescribed pursuant to division (C) 10089

(2) of that section and who is requested to complete the form 10090
and provide a set of fingerprint impressions shall complete the 10091
form or provide all the information necessary to complete the 10092
form and shall provide the impression sheet with the impressions 10093
of the applicant's fingerprints. If an applicant, upon request, 10094
fails to provide the information necessary to complete the form 10095
or fails to provide impressions of the applicant's fingerprints, 10096
the board of education of a school district, governing board of 10097
an educational service center, or governing authority of a 10098
chartered nonpublic school shall not employ that applicant for 10099
any position. 10100

(4) Notwithstanding any provision of this section to the 10101
contrary, an applicant who meets the conditions prescribed in 10102
divisions (A) (1) (a) and (b) of this section and who, within the 10103
two-year period prior to the date of application, was the 10104
subject of a criminal records check under this section prior to 10105
being hired for short-term employment with the school district, 10106
educational service center, or chartered nonpublic school to 10107
which application is being made shall not be required to undergo 10108
a criminal records check prior to the applicant's rehiring by 10109
that district, service center, or school. 10110

(B) (1) Except as provided in rules adopted by the 10111
department of education in accordance with division (E) of this 10112
section and as provided in division (B) (3) of this section, no 10113
board of education of a school district, no governing board of 10114
an educational service center, and no governing authority of a 10115
chartered nonpublic school shall employ a person if the person 10116
previously has been convicted of or pleaded guilty to any of the 10117
following: 10118

(a) A violation of section 2903.01, 2903.02, 2903.03, 10119

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 10120
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 10121
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 10122
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 10123
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 10124
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 10125
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 10126
section 2905.04 of the Revised Code as it existed prior to July 10127
1, 1996, a violation of section 2919.23 of the Revised Code that 10128
would have been a violation of section 2905.04 of the Revised 10129
Code as it existed prior to July 1, 1996, had the violation been 10130
committed prior to that date, a violation of section 2925.11 of 10131
the Revised Code that is not a minor drug possession offense, or 10132
felonious sexual penetration in violation of former section 10133
2907.12 of the Revised Code; 10134

(b) A violation of an existing or former law of this 10135
state, another state, or the United States that is substantially 10136
equivalent to any of the offenses or violations described in 10137
division (B) (1) (a) of this section. 10138

(2) A board, governing board of an educational service 10139
center, or a governing authority of a chartered nonpublic school 10140
may employ an applicant conditionally until the criminal records 10141
check required by this section is completed and the board or 10142
governing authority receives the results of the criminal records 10143
check. If the results of the criminal records check indicate 10144
that, pursuant to division (B) (1) of this section, the applicant 10145
does not qualify for employment, the board or governing 10146
authority shall release the applicant from employment. 10147

(3) No board and no governing authority of a chartered 10148
nonpublic school shall employ a teacher who previously has been 10149

convicted of ~~or pleaded guilty to any of the offenses listed in~~ 10150
~~section a disqualifying offense, as specified under sections~~ 10151
9.79 and 3319.31 of the Revised Code. 10152

(C) (1) Each board and each governing authority of a 10153
chartered nonpublic school shall pay to the bureau of criminal 10154
identification and investigation the fee prescribed pursuant to 10155
division (C) (3) of section 109.572 of the Revised Code for each 10156
criminal records check conducted in accordance with that section 10157
upon the request pursuant to division (A) (1) of this section of 10158
the appointing or hiring officer of the board or governing 10159
authority. 10160

(2) A board and the governing authority of a chartered 10161
nonpublic school may charge an applicant a fee for the costs it 10162
incurs in obtaining a criminal records check under this section. 10163
A fee charged under this division shall not exceed the amount of 10164
fees the board or governing authority pays under division (C) (1) 10165
of this section. If a fee is charged under this division, the 10166
board or governing authority shall notify the applicant at the 10167
time of the applicant's initial application for employment of 10168
the amount of the fee and that, unless the fee is paid, the 10169
board or governing authority will not consider the applicant for 10170
employment. 10171

(D) The report of any criminal records check conducted by 10172
the bureau of criminal identification and investigation in 10173
accordance with section 109.572 of the Revised Code and pursuant 10174
to a request under division (A) (1) of this section is not a 10175
public record for the purposes of section 149.43 of the Revised 10176
Code and shall not be made available to any person other than 10177
the applicant who is the subject of the criminal records check 10178
or the applicant's representative, the board or governing 10179

authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

(E) The department of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B) (1) or (3) of this section but who meets standards in regard to rehabilitation set by the department.

The department shall amend rule 3301-83-23 of the Ohio Administrative Code that took effect August 27, 2009, and that specifies the offenses that disqualify a person for employment as a school bus or school van driver and establishes rehabilitation standards for school bus and school van drivers.

(F) Any person required by division (A) (1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, of the requirement to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for the school district, educational service center, or school for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a

board of education, governing board of an educational service 10209
center, or a chartered nonpublic school, except that "applicant" 10210
does not include a person already employed by a board or 10211
chartered nonpublic school who is under consideration for a 10212
different position with such board or school. 10213

(2) "Teacher" means a person holding an educator license 10214
or permit issued under section 3319.22 or 3319.301 of the 10215
Revised Code and teachers in a chartered nonpublic school. 10216

(3) "Criminal records check" has the same meaning as in 10217
section 109.572 of the Revised Code. 10218

(4) "Minor drug possession offense" has the same meaning 10219
as in section 2925.01 of the Revised Code. 10220

(H) If the board of education of a local school district 10221
adopts a resolution requesting the assistance of the educational 10222
service center in which the local district has territory in 10223
conducting criminal records checks of substitute teachers and 10224
substitutes for other district employees under this section, the 10225
appointing or hiring officer of such educational service center 10226
shall serve for purposes of this section as the appointing or 10227
hiring officer of the local board in the case of hiring 10228
substitute teachers and other substitute employees for the local 10229
district. 10230

Sec. 3319.40. (A) As used in this section, "license" has 10231
the same meaning as in section 3319.31 of the Revised Code. 10232

(B) If a person who is employed by a school district or 10233
chartered nonpublic school is ~~arrested, summoned, or indicted~~ 10234
~~for an alleged violation convicted of an a disqualifying offense~~ 10235
~~listed in adopted under~~ division (C) of section 3319.31 of the 10236
Revised Code, if the person holds a license, or an offense 10237

listed in division (B) (1) of section 3319.39 of the Revised Code, if the person does not hold a license, the superintendent of the district or the chief administrative officer of the chartered nonpublic school shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person. If the person who is ~~arrested, summoned, or indicted for an alleged violation~~ convicted of an a disqualifying offense listed in adopted under division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is a person whose duties are assigned by the district treasurer under division (B) of section 3313.31 of the Revised Code, the treasurer shall suspend the person from all duties that require the care, custody, or control of a child. If the person who is ~~arrested, summoned, or indicted for an alleged violation~~ convicted of an a disqualifying offense listed in adopted under division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is the superintendent or treasurer of the district, the district board shall suspend the superintendent or treasurer from all duties that require the care, custody, or control of a child. If the person who is ~~arrested, summoned, or indicted for an alleged violation~~ convicted of an a disqualifying offense listed in adopted under division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is the chief administrative officer of the chartered nonpublic school, the governing authority of the chartered nonpublic school shall suspend the chief administrative officer from all duties that require the care, custody, or control of a child.

(C) When a person who holds a license is suspended in accordance with this section, the superintendent, treasurer, board of education, chief administrative officer, or governing

authority that imposed the suspension promptly shall report the 10269
person's suspension to the department of education. The report 10270
shall include the offense for which the person was ~~arrested,~~ 10271
~~summoned, or indicted~~ convicted. 10272

Sec. 3319.52. (A) As used in this section: 10273

(1) ~~"Intervention in lieu of conviction" means~~ 10274
~~intervention in lieu of conviction under section 2951.041 of the~~ 10275
~~Revised Code.~~ 10276

~~(2)~~ "License" has the same meaning as in section 3319.31 10277
of the Revised Code. 10278

~~(3) "Pre-trial diversion program" means a pre-trial~~ 10279
~~diversion program under section 2935.36 of the Revised Code or a~~ 10280
~~similar diversion program under rules of a court.~~ 10281

~~(4)~~ (2) "Prosecutor" has the same meaning as in section 10282
2935.01 of the Revised Code. 10283

(B) If there is ~~any judicial finding of guilt or any~~ 10284
~~conviction or a judicial finding of eligibility for intervention~~ 10285
~~in lieu of conviction against a license holder, or if a license~~ 10286
~~holder agrees to participate in a pre-trial diversion program,~~ 10287
~~for any of the offenses listed in division (B) (2) or (C) of~~ 10288
~~section of a disqualifying offense, as specified under sections~~ 10289
9.79 and 3319.31 of the Revised Code, the prosecutor in the 10290
case, on forms that the state board of education shall prescribe 10291
and furnish, promptly shall notify the board and, if known, any 10292
school district or chartered nonpublic school employing the 10293
license holder of the license holder's name and residence 10294
address, and the fact that the license holder ~~pleaded guilty to,~~ 10295
was convicted of, ~~has been found eligible for intervention in~~ 10296
~~lieu of conviction for, or has agreed to a diversion program for~~ 10297

the offense. 10298

Sec. 3326.081. (A) As used in this section, "license" has 10299
the same meaning as in section 3319.31 of the Revised Code. 10300

(B) If a person who is employed by a science, technology, 10301
engineering, and mathematics school established under this 10302
chapter is ~~arrested, summoned, or indicted for an alleged-~~ 10303
~~violation convicted of an a disqualifying offense listed in-~~ 10304
~~adopted under~~ division (C) of section 3319.31 of the Revised 10305
Code, if the person holds a license, or an offense listed in 10306
division (B) (1) of section 3319.39 of the Revised Code, if the 10307
person does not hold a license, the chief administrative officer 10308
of the school shall suspend that person from all duties that 10309
require the care, custody, or control of a child ~~during the~~ 10310
~~pendency of the criminal action against the person.~~ If the 10311
person who is ~~arrested, summoned, or indicted for an alleged-~~ 10312
~~violation convicted of an a disqualifying offense listed in-~~ 10313
~~under~~ division (C) of section 3319.31 or division (B) (1) of 10314
section 3319.39 of the Revised Code is the chief administrative 10315
officer of the school, the governing body of the school shall 10316
suspend the chief administrative officer from all duties that 10317
require the care, custody, or control of a child. 10318

(C) When a person who holds a license is suspended in 10319
accordance with this section, the chief administrative officer 10320
or governing body that imposed the suspension promptly shall 10321
report the person's suspension to the department of education. 10322
The report shall include the offense for which the person was 10323
~~arrested, summoned, or indicted~~ convicted. 10324

Sec. 3326.24. (A) As used in this section: 10325

(1) "Conduct unbecoming to the teaching profession" shall 10326

be as described in rules adopted by the state board of
education.

~~(2) "Intervention in lieu of conviction" means
intervention in lieu of conviction under section 2951.041 of the
Revised Code.~~

~~(3) "License" has the same meaning as in section 3319.31
of the Revised Code.~~

~~(4) "Pre-trial diversion program" means a pre-trial
diversion program under section 2935.36 of the Revised Code or a
similar diversion program under rules of a court.~~

(B) The chief administrative officer of each science,
technology, engineering, and mathematics school, or the
president or chairperson of the governing body of the school, if
division (C) of this section applies, shall promptly submit to
the superintendent of public instruction the information
prescribed in division (D) of this section when any of the
following conditions applies to an employee of the school who
holds a license issued by the state board of education:

(1) The chief administrative officer, president, or
chairperson knows that the employee ~~has pleaded guilty to, has
been found guilty by a jury or court of, has been convicted of, or
has been found to be eligible for intervention in lieu of
conviction for, or has agreed to participate in a pre-trial
diversion program for an a disqualifying offense described in
adopted under division (B) (2) or (C) of section 3319.31 or
division (B) (1) of section 3319.39 of the Revised Code.~~

(2) The governing body of the school has initiated
termination or nonrenewal proceedings against, has terminated,
or has not renewed the contract of the employee because the

governing body has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession ~~or an offense described in division (B) (2) or (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code.~~

(3) The employee has resigned under threat of termination or nonrenewal as described in division (B) (2) of this section.

(4) The employee has resigned because of or in the course of an investigation by the governing body regarding whether the employee has committed an act that is unbecoming to the teaching profession ~~or an offense described in division (B) (2) or (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code.~~

(C) If the employee to whom any of the conditions prescribed in divisions (B) (1) to (4) of this section applies is the chief administrative officer of a science, technology, engineering, or mathematics school, the president or chairperson of the governing body of the school shall make the report required under this section.

(D) If a report is required under this section, the chief administrative officer, president, or chairperson shall submit to the superintendent of public instruction the name and social security number of the employee about whom the information is required and a factual statement regarding any of the conditions prescribed in divisions (B) (1) to (4) of this section that applies to the employee.

(E) A determination made by the governing body as described in division (B) (2) of this section or a termination, nonrenewal, resignation, or other separation described in

divisions (B) (2) to (4) of this section does not create a 10385
presumption of the commission or lack of the commission by the 10386
employee of an act unbecoming to the teaching profession ~~or an~~ 10387
~~offense described in division (B) (2) or (C) of section 3319.31~~ 10388
~~or division (B) (1) of section 3319.39 of the Revised Code.~~ 10389

(F) No individual required to submit a report under 10390
division (B) of this section shall knowingly fail to comply with 10391
that division. 10392

(G) An individual who provides information to the 10393
superintendent of public instruction in accordance with this 10394
section in good faith shall be immune from any civil liability 10395
that otherwise might be incurred or imposed for injury, death, 10396
or loss to person or property as a result of the provision of 10397
that information. 10398

Sec. 3327.10. (A) No person shall be employed as driver of 10399
a school bus or motor van, owned and operated by any school 10400
district or educational service center or privately owned and 10401
operated under contract with any school district or service 10402
center in this state, who has not received a certificate from 10403
either the educational service center governing board that has 10404
entered into an agreement with the school district under section 10405
3313.843 or 3313.845 of the Revised Code or the superintendent 10406
of the school district, certifying that such person is at least 10407
eighteen years of age ~~and is of good moral character~~ and is 10408
qualified physically and otherwise for such position. The 10409
service center governing board or the superintendent, as the 10410
case may be, shall provide for an annual physical examination 10411
that conforms with rules adopted by the state board of education 10412
of each driver to ascertain the driver's physical fitness for 10413
such employment. Any certificate may be revoked by the authority 10414

granting the same on proof that the holder has been guilty of 10415
failing to comply with division (D) (1) of this section, or upon 10416
a conviction ~~or a guilty plea for a violation~~ of a disqualifying 10417
offense, as specified under section 9.79 of the Revised Code, or 10418
any other action, that results in a loss or suspension of 10419
driving rights. Failure to comply with such division may be 10420
cause for disciplinary action or termination of employment under 10421
division (C) of section 3319.081, or section 124.34 of the 10422
Revised Code. 10423

(B) No person shall be employed as driver of a school bus 10424
or motor van not subject to the rules of the department of 10425
education pursuant to division (A) of this section who has not 10426
received a certificate from the school administrator or 10427
contractor certifying that such person is at least eighteen 10428
years of age, ~~is of good moral character,~~ and is qualified 10429
physically and otherwise for such position. Each driver shall 10430
have an annual physical examination which conforms to the state 10431
highway patrol rules, ascertaining the driver's physical fitness 10432
for such employment. The examination shall be performed by one 10433
of the following: 10434

(1) A person licensed under Chapter 4731. of the Revised 10435
Code or by another state to practice medicine and surgery or 10436
osteopathic medicine and surgery; 10437

(2) A physician assistant; 10438

(3) A certified nurse practitioner; 10439

(4) A clinical nurse specialist; 10440

(5) A certified nurse-midwife. 10441

Any written documentation of the physical examination 10442
shall be completed by the individual who performed the 10443

examination. 10444

Any certificate may be revoked by the authority granting 10445
the same on proof that the holder has been guilty of failing to 10446
comply with division (D)(2) of this section. 10447

(C) Any person who drives a school bus or motor van must 10448
give satisfactory and sufficient bond except a driver who is an 10449
employee of a school district and who drives a bus or motor van 10450
owned by the school district. 10451

(D) No person employed as driver of a school bus or motor 10452
van under this section who is convicted of a traffic violation 10453
or who has had the person's commercial driver's license 10454
suspended shall drive a school bus or motor van until the person 10455
has filed a written notice of the conviction or suspension, as 10456
follows: 10457

(1) If the person is employed under division (A) of this 10458
section, the person shall file the notice with the 10459
superintendent, or a person designated by the superintendent, of 10460
the school district for which the person drives a school bus or 10461
motor van as an employee or drives a privately owned and 10462
operated school bus or motor van under contract. 10463

(2) If employed under division (B) of this section, the 10464
person shall file the notice with the employing school 10465
administrator or contractor, or a person designated by the 10466
administrator or contractor. 10467

(E) In addition to resulting in possible revocation of a 10468
certificate as authorized by divisions (A) and (B) of this 10469
section, violation of division (D) of this section is a minor 10470
misdemeanor. 10471

(F) (1) Not later than thirty days after June 30, 2007, 10472

each owner of a school bus or motor van shall obtain the 10473
complete driving record for each person who is currently 10474
employed or otherwise authorized to drive the school bus or 10475
motor van. An owner of a school bus or motor van shall not 10476
permit a person to operate the school bus or motor van for the 10477
first time before the owner has obtained the person's complete 10478
driving record. Thereafter, the owner of a school bus or motor 10479
van shall obtain the person's driving record not less frequently 10480
than semiannually if the person remains employed or otherwise 10481
authorized to drive the school bus or motor van. An owner of a 10482
school bus or motor van shall not permit a person to resume 10483
operating a school bus or motor van, after an interruption of 10484
one year or longer, before the owner has obtained the person's 10485
complete driving record. 10486

~~(2) The owner of a school bus or motor van shall not 10487
permit a person to operate the school bus or motor van for ten 10488
years after the date on which the person pleads guilty to or is 10489
convicted of a violation of section 4511.19 of the Revised Code 10490
or a substantially equivalent municipal ordinance. 10491~~

~~(3) An owner of a school bus or motor van shall not permit 10492
any person to operate such a vehicle unless the person meets all 10493
other requirements contained in rules adopted by the state board 10494
of education prescribing qualifications of drivers of school 10495
buses and other student transportation. 10496~~

(G) No superintendent of a school district, educational 10497
service center, community school, or public or private employer 10498
shall permit the operation of a vehicle used for pupil 10499
transportation within this state by an individual unless both of 10500
the following apply: 10501

(1) Information pertaining to that driver has been 10502

submitted to the department of education, pursuant to procedures 10503
adopted by that department. Information to be reported shall 10504
include the name of the employer or school district, name of the 10505
driver, driver license number, date of birth, date of hire, 10506
status of physical evaluation, and status of training. 10507

(2) The most recent criminal records check required by 10508
division ~~(J)~~ (I) of this section has been completed and received 10509
by the superintendent or public or private employer. 10510

(H) A person, school district, educational service center, 10511
community school, nonpublic school, or other public or nonpublic 10512
entity that owns a school bus or motor van, or that contracts 10513
with another entity to operate a school bus or motor van, may 10514
impose more stringent restrictions on drivers than those 10515
prescribed in this section, in any other section of the Revised 10516
Code, and in rules adopted by the state board. 10517

~~(I) For qualified drivers who, on July 1, 2007, are~~ 10518
~~employed by the owner of a school bus or motor van to drive the~~ 10519
~~school bus or motor van, any instance in which the driver was~~ 10520
~~convicted of or pleaded guilty to a violation of section 4511.19~~ 10521
~~of the Revised Code or a substantially equivalent municipal~~ 10522
~~ordinance prior to two years prior to July 1, 2007, shall not be~~ 10523
~~considered a disqualifying event with respect to division (F) of~~ 10524
~~this section.~~ 10525

~~(J)~~ (1) This division applies to persons hired by a school 10526
district, educational service center, community school, 10527
chartered nonpublic school, or science, technology, engineering, 10528
and mathematics school established under Chapter 3326. of the 10529
Revised Code to operate a vehicle used for pupil transportation. 10530

For each person to whom this division applies who is hired 10531

on or after November 14, 2007, the employer shall request a 10532
criminal records check in accordance with section 3319.39 of the 10533
Revised Code and every six years thereafter. For each person to 10534
whom this division applies who is hired prior to that date, the 10535
employer shall request a criminal records check by a date 10536
prescribed by the department of education and every six years 10537
thereafter. 10538

(2) This division applies to persons hired by a public or 10539
private employer not described in division ~~(J)~~(I)(1) of this 10540
section to operate a vehicle used for pupil transportation. 10541

For each person to whom this division applies who is hired 10542
on or after November 14, 2007, the employer shall request a 10543
criminal records check prior to the person's hiring and every 10544
six years thereafter. For each person to whom this division 10545
applies who is hired prior to that date, the employer shall 10546
request a criminal records check by a date prescribed by the 10547
department and every six years thereafter. 10548

(3) Each request for a criminal records check under 10549
division ~~(J)~~(I) of this section shall be made to the 10550
superintendent of the bureau of criminal identification and 10551
investigation in the manner prescribed in section 3319.39 of the 10552
Revised Code, except that if both of the following conditions 10553
apply to the person subject to the records check, the employer 10554
shall request the superintendent only to obtain any criminal 10555
records that the federal bureau of investigation has on the 10556
person: 10557

(a) The employer previously requested the superintendent 10558
to determine whether the bureau of criminal identification and 10559
investigation has any information, gathered pursuant to division 10560
(A) of section 109.57 of the Revised Code, on the person in 10561

conjunction with a criminal records check requested under 10562
section 3319.39 of the Revised Code or under division ~~(J)~~(I) of 10563
this section. 10564

(b) The person presents proof that the person has been a 10565
resident of this state for the five-year period immediately 10566
prior to the date upon which the person becomes subject to a 10567
criminal records check under this section. 10568

Upon receipt of a request, the superintendent shall 10569
conduct the criminal records check in accordance with section 10570
109.572 of the Revised Code as if the request had been made 10571
under section 3319.39 of the Revised Code. However, as specified 10572
in division (B) (2) of section 109.572 of the Revised Code, if 10573
the employer requests the superintendent only to obtain any 10574
criminal records that the federal bureau of investigation has on 10575
the person for whom the request is made, the superintendent 10576
shall not conduct the review prescribed by division (B) (1) of 10577
that section. 10578

~~(K)~~(J)(1) Until the effective date of the amendments to 10579
rule 3301-83-23 of the Ohio Administrative Code required by the 10580
second paragraph of division (E) of section 3319.39 of the 10581
Revised Code, any person who is the subject of a criminal 10582
records check under division ~~(J)~~(I) of this section and has 10583
been convicted of ~~or pleaded guilty to any offense described in~~ 10584
~~division (B) (1) of section 3319.39 of the Revised Code a~~ 10585
disqualifying offense, as specified under section 9.79 of the 10586
Revised Code, shall not be hired or shall be released from 10587
employment, as applicable, unless the person meets the 10588
rehabilitation standards prescribed for nonlicensed school 10589
personnel by rule 3301-20-03 of the Ohio Administrative Code. 10590

(2) Beginning on the effective date of the amendments to 10591

rule 3301-83-23 of the Ohio Administrative Code required by the 10592
second paragraph of division (E) of section 3319.39 of the 10593
Revised Code, any person who is the subject of a criminal 10594
records check under division ~~(J)~~ (I) of this section and has 10595
been convicted of ~~or pleaded guilty to~~ any offense that, under 10596
the rule, disqualifies a person for employment to operate a 10597
vehicle used for pupil transportation shall not be hired or 10598
shall be released from employment, as applicable, unless the 10599
person meets the rehabilitation standards prescribed by the 10600
rule. 10601

Sec. 3328.18. (A) As used in this section, "license" has 10602
the same meaning as in section 3319.31 of the Revised Code. 10603

(B) If a person who is employed by a college-preparatory 10604
boarding school established under this chapter or its operator 10605
is ~~arrested, summoned, or indicted for an alleged violation of~~ 10606
~~an~~ convicted of a disqualifying offense listed in adopted under 10607
division (C) of section 3319.31 of the Revised Code, if the 10608
person holds a license, or an offense listed in division (B)(1) 10609
of section 3319.39 of the Revised Code, if the person does not 10610
hold a license, the chief administrator of the school in which 10611
that person works shall suspend that person from all duties that 10612
require the care, custody, or control of a child ~~during the~~ 10613
~~pendency of the criminal action against the person.~~ If the 10614
person who is ~~arrested, summoned, or indicted~~ convicted for an 10615
~~alleged violation of an~~ a disqualifying offense listed in 10616
adopted under division (C) of section 3319.31 or division (B)(1) 10617
of section 3319.39 of the Revised Code is the chief 10618
administrator of the school, the board of trustees of the school 10619
shall suspend the chief administrator from all duties that 10620
require the care, custody, or control of a child. 10621

(C) When a person who holds a license is suspended in accordance with this section, the chief administrator or board that imposed the suspension promptly shall report the person's suspension to the department of education. The report shall include the offense for which the person was ~~arrested, summoned, or indicted~~ convicted.

Sec. 3328.19. (A) As used in this section:

(1) "Conduct unbecoming to the teaching profession" shall be as described in rules adopted by the state board of education.

~~(2) "Intervention in lieu of conviction" means intervention in lieu of conviction under section 2951.041 of the Revised Code.~~

~~(3) "License" has the same meaning as in section 3319.31 of the Revised Code.~~

~~(4) "Pre-trial diversion program" means a pre-trial diversion program under section 2935.36 of the Revised Code or a similar diversion program under rules of a court.~~

(B) The chief administrator of each college-preparatory boarding school established under this chapter, or the president or chairperson of the board of trustees of the school if division (C) of this section applies, shall promptly submit to the superintendent of public instruction the information prescribed in division (D) of this section when any of the following conditions applies to a person employed to work in the school who holds a license issued by the state board of education:

(1) The chief administrator, or president or chairperson, knows that the employee ~~has pleaded guilty to, has been found~~

~~guilty by a jury or court of, has been convicted of, has been~~ 10651
~~found to be eligible for intervention in lieu of conviction for,~~ 10652
~~or has agreed to participate in a pre-trial diversion program~~ 10653
~~for an a disqualifying offense described in adopted under~~ 10654
division (B) (2) or (C) of section 3319.31 or division (B) (1) of 10655
section 3319.39 of the Revised Code. 10656

(2) The board of trustees of the school, or the operator, 10657
has initiated termination or nonrenewal proceedings against, has 10658
terminated, or has not renewed the contract of the employee 10659
because the board or operator has reasonably determined that the 10660
employee has committed an act that is unbecoming to the teaching 10661
profession ~~or an offense described in division (B) (2) or (C) of~~ 10662
~~section 3319.31 or division (B) (1) of section 3319.39 of the~~ 10663
~~Revised Code.~~ 10664

(3) The employee has resigned under threat of termination 10665
or nonrenewal as described in division (B) (2) of this section. 10666

(4) The employee has resigned because of or in the course 10667
of an investigation by the board or operator regarding whether 10668
the employee has committed an act that is unbecoming to the 10669
teaching profession ~~or an offense described in division (B) (2)~~ 10670
~~or (C) of section 3319.31 or division (B) (1) of section 3319.39~~ 10671
~~of the Revised Code.~~ 10672

(C) If the employee to whom any of the conditions 10673
prescribed in divisions (B) (1) to (4) of this section applies is 10674
the chief administrator of the school, the president or 10675
chairperson of the board of trustees of the school shall make 10676
the report required under this section. 10677

(D) If a report is required under this section, the chief 10678
administrator, or president or chairperson, shall submit to the 10679

superintendent of public instruction the name and social 10680
security number of the employee about whom the information is 10681
required and a factual statement regarding any of the conditions 10682
prescribed in divisions (B) (1) to (4) of this section that apply 10683
to the employee. 10684

(E) A determination made by the board or operator as 10685
described in division (B) (2) of this section or a termination, 10686
nonrenewal, resignation, or other separation described in 10687
divisions (B) (2) to (4) of this section does not create a 10688
presumption of the commission or lack of the commission by the 10689
employee of an act unbecoming to the teaching profession ~~or an~~ 10690
~~offense described in division (B) (2) or (C) of section 3319.31~~ 10691
~~or division (B) (1) of section 3319.39 of the Revised Code.~~ 10692

(F) No individual required to submit a report under 10693
division (B) of this section shall knowingly fail to comply with 10694
that division. 10695

(G) An individual who provides information to the 10696
superintendent of public instruction in accordance with this 10697
section in good faith shall be immune from any civil liability 10698
that otherwise might be incurred or imposed for injury, death, 10699
or loss to person or property as a result of the provision of 10700
that information. 10701

Sec. 3332.05. (A) The state board of career colleges and 10702
schools shall issue a certificate of registration to an 10703
applicant ~~of good reputation~~ seeking to offer one or more 10704
programs upon receipt of the fee established in accordance with 10705
section 3332.07 of the Revised Code and upon determining the 10706
applicant has the facilities, resources, and faculty to provide 10707
students with the kind of instruction that it proposes to offer 10708
and meets the minimum standards of the board. A certificate of 10709

registration shall be granted or denied within one hundred 10710
twenty days of the receipt of the application therefor by the 10711
board. A person shall obtain a separate certificate for each 10712
location at which the person offers programs. The first 10713
certificate of registration issued on or after June 29, 1999, 10714
for each new location is valid for one year, unless earlier 10715
revoked for cause by the board under section 3332.09 of the 10716
Revised Code. Any other certificate of registration is valid for 10717
two years, unless earlier revoked for cause by the board under 10718
that section. 10719

(B) The board shall issue program authorization for an 10720
associate degree, certificate, or diploma program to an 10721
applicant holding a certificate of registration issued pursuant 10722
to division (A) of this section upon receipt of the fee 10723
established in accordance with section 3332.07 of the Revised 10724
Code and upon determining the applicant has the facilities, 10725
resources, and faculty to provide students the kind of program 10726
it proposes to offer and meets the minimum standards of the 10727
state board. 10728

Any program authorization issued by the board under this 10729
division is valid only for the specified program at the location 10730
for which it is issued and does not cover any other program 10731
offered at the school or at other schools operated by the owner. 10732
Program authorization is valid for the period of time specified 10733
by the board, unless earlier suspended or revoked for cause by 10734
the board under section 3332.09 of the Revised Code. 10735

(C) (1) The state board shall accept and review 10736
applications for program authorization for baccalaureate, 10737
master's, and doctoral degree programs only from the following: 10738

(a) Any school holding a certificate of registration 10739

issued by the board that has held such certificate for the ten 10740
previous consecutive years; 10741

(b) Any school holding a certificate of registration 10742
issued by the board that also holds an equivalent certificate 10743
issued by another state and has held the equivalent certificate 10744
for the ten previous consecutive years. 10745

(2) After review the board shall refer any application it 10746
finds valid to the Ohio board of regents for approval. The board 10747
of regents shall review, and approve or disapprove, such degree 10748
programs and if so approved, issue certificates of authorization 10749
to such schools to offer such degree programs pursuant to 10750
Chapter 1713. of the Revised Code. The board of regents shall 10751
notify the state board of career colleges and schools of each 10752
school registered with the state board that receives a 10753
certificate of authorization and the approval to offer any 10754
degree program. Upon receipt of such notification and the fee 10755
established in accordance with section 3332.07 of the Revised 10756
Code, the state board shall review, and may issue program 10757
authorization to offer, such a degree program. Any program 10758
authorization issued by the board under this division is valid 10759
only for the specified program at the location for which it is 10760
issued and does not cover any other program offered at the 10761
school or at other schools operated by the owner. Program 10762
authorization is valid for the period of time specified by the 10763
board, unless earlier suspended or revoked for cause by the 10764
board under section 3332.09 of the Revised Code. The state board 10765
shall not issue such program authorization unless the degree 10766
program has been approved by the board of regents. 10767

(D) The board may cause an investigation to be made into 10768
the correctness of the information submitted in any application 10769

received under this section. If the board believes that false, 10770
misleading, or incomplete information has been submitted to it 10771
in connection with any application, the board shall conduct a 10772
hearing on the matter pursuant to Chapter 119. of the Revised 10773
Code, and may withhold a certificate of registration or program 10774
authorization upon finding that the applicant has failed to meet 10775
the standards for such certificate or program authorization or 10776
has submitted false, misleading, or incomplete information to 10777
the board. Application for a certificate of registration or 10778
program authorization shall be made in writing to the board on 10779
forms furnished by the board. A certificate of registration or 10780
program authorization is not transferable and shall be 10781
prominently displayed on the premises of an institution. 10782

The board shall assign registration numbers to all schools 10783
registered with it. Schools shall display their registration 10784
numbers on all school publications and on all advertisements 10785
bearing the name of the school. 10786

Notwithstanding the requirements of this section for 10787
issuance of certificates of registration and program 10788
authorization, the board may, in accordance with rules adopted 10789
by it, grant certificates of registration and program 10790
authorization to schools, colleges, institutes, or universities 10791
that have been approved by the state department of education 10792
pursuant to the "Act of March 3, 1966," 80 Stat. 20, 38 U.S.C.A. 10793
1771. 10794

Sec. 3332.09. The state board of career colleges and 10795
schools may limit, suspend, revoke, or refuse to issue or renew 10796
a certificate of registration or program authorization or may 10797
impose a penalty pursuant to section 3332.091 of the Revised 10798
Code for any one or combination of the following causes: 10799

- (A) Violation of any provision of sections 3332.01 to 10800
3332.09 of the Revised Code, the board's minimum standards, or 10801
any rule made by the board; 10802
- (B) Furnishing of false, misleading, deceptive, altered, 10803
or incomplete information or documents to the board; 10804
- (C) The signing of an application or the holding of a 10805
certificate of registration by a person who has ~~pleaded guilty~~ 10806
~~or has been found guilty of a felony or has pleaded guilty or~~ 10807
~~been found guilty of a crime involving moral turpitude~~ been 10808
convicted of a disqualifying offense, as specified under section 10809
9.79 of the Revised Code; 10810
- (D) The signing of an application or the holding of a 10811
certificate of registration by a person who is addicted to the 10812
use of any controlled substance, or who is found to be mentally 10813
incompetent; 10814
- (E) Violation of any commitment made in an application for 10815
a certificate of registration or program authorization; 10816
- (F) Presenting to prospective students, either at the time 10817
of solicitation or enrollment, or through advertising, mail 10818
circulars, or phone solicitation, misleading, deceptive, false, 10819
or fraudulent information relating to any program, employment 10820
opportunity, or opportunities for enrollment in accredited 10821
institutions of higher education after entering or completing 10822
programs offered by the holder of a certificate of registration; 10823
- (G) Failure to provide or maintain premises or equipment 10824
for offering programs in a safe and sanitary condition; 10825
- (H) Refusal by an agent to display the agent's permit upon 10826
demand of a prospective student or other interested person; 10827

(I) Failure to maintain financial resources adequate for 10828
the satisfactory conduct of programs as presented in the plan of 10829
operation or to retain a sufficient number and qualified staff 10830
of instruction, except that nothing in this chapter requires an 10831
instructor to be licensed by the state board of education or to 10832
hold any type of post-high school degree; 10833

(J) Offering training or programs other than those 10834
presented in the application, except that schools may offer 10835
special courses adapted to the needs of individual students when 10836
the special courses are in the subject field specified in the 10837
application; 10838

(K) Discrimination in the acceptance of students upon the 10839
basis of race, color, religion, sex, or national origin; 10840

(L) Accepting the services of an agent not holding a valid 10841
permit issued under section 3332.10 or 3332.11 of the Revised 10842
Code; 10843

(M) The use of monetary or other valuable consideration by 10844
the school's agents or representatives to induce prospective 10845
students to enroll in the school, or the practice of awarding 10846
monetary or other valuable considerations without board approval 10847
to students in exchange for procuring the enrollment of others; 10848

(N) Failure to provide at the request of the board, any 10849
information, records, or files pertaining to the operation of 10850
the school or recruitment and enrollment of students. 10851

If the board modifies or adopts additional minimum 10852
standards or rules pursuant to section 3332.031 of the Revised 10853
Code, all schools and agents shall have sixty days from the 10854
effective date of the modifications or additional standards or 10855
rules to comply with such modifications or additions. 10856

Sec. 3332.11. Any agent's permit applied for pursuant to 10857
section 3332.10 of the Revised Code shall be granted or denied 10858
within thirty days of the receipt of the application by the 10859
state board of career colleges and schools. If the board has not 10860
completed its determination with respect to the issuance of a 10861
permit within such thirty-day period, it shall issue a temporary 10862
permit to the applicant, which permit is sufficient to meet the 10863
requirements of section 3332.10 of the Revised Code until such 10864
time as such determination is made. 10865

~~No permit shall be issued to any person found by the board 10866
not to be of good moral character. 10867~~

Sec. 3332.12. Any agent's permit issued may be suspended 10868
or revoked by the state board of career colleges and schools if 10869
the holder of the permit solicits or enrolls students through 10870
fraud, deception, or misrepresentation, or upon a finding that 10871
the permit holder has violated any provision enumerated in 10872
division (A), (B), (F), (H), (J), (K), or (M) of section 3332.09 10873
of the Revised Code, ~~or upon finding that the permit holder is 10874
not of good moral character. 10875~~

Upon receipt of any written complaint from any person, the 10876
board shall conduct a preliminary investigation. If after such 10877
investigation or if as a result of any investigation conducted 10878
under division (A) or (D) of section 3332.091 of the Revised 10879
Code, the board determines it is probable violations were 10880
committed, the board shall hold informal conferences in the same 10881
manner as provided in section 3332.091 of the Revised Code with 10882
an agent believed to be in violation of one or more of the above 10883
conditions. If after sixty days these conferences fail to 10884
eliminate the agent's objectionable practices or procedures, the 10885
board shall issue a formal complaint to the agent and the school 10886

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. 3345.04. (A) As used in this section, ~~"felony" has the same meaning as in~~ "disqualifying offense" means a disqualifying offense under section 109.511-9.79 of the Revised Code with respect to a person who has been awarded a certificate attesting to the satisfactory completion of a peace officer basic training program under section 109.77 of the Revised Code.

(B) Subject to division (C) of this section, the board of trustees of a state university, the board of trustees of the northeast Ohio medical university, the board of trustees of a state community college, and the board of trustees of a technical college or community college district operating a technical or a community college may designate one or more employees of the institution, as a state university law enforcement officer, in accordance with section 109.77 of the

Revised Code, and, as state university law enforcement officers, 10917
those employees shall take an oath of office, wear the badge of 10918
office, serve as peace officers for the college or university, 10919
and give bond to the state for the proper and faithful discharge 10920
of their duties in the amount that the board of trustees 10921
requires. 10922

(C) (1) The board of trustees of an institution listed in 10923
division (B) of this section shall not designate an employee of 10924
the institution as a state university law enforcement officer 10925
pursuant to that division on a permanent basis, on a temporary 10926
basis, for a probationary term, or on other than a permanent 10927
basis if the employee previously has been convicted of ~~or has~~ 10928
pleaded guilty to a felony a disqualifying offense. 10929

(2) (a) The board of trustees shall terminate the 10930
employment as a state university law enforcement officer of an 10931
employee designated as a state university law enforcement 10932
officer under division (B) of this section if that employee does 10933
either of the following: 10934

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 10935

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 10936
a disqualifying offense pursuant to a negotiated plea agreement 10937
as provided in division (D) of section 2929.43 of the Revised 10938
Code in which the employee agrees to surrender the certificate 10939
awarded to the employee under section 109.77 of the Revised 10940
Code. 10941

(b) The board of trustees shall suspend from employment as 10942
a state university law enforcement officer an employee 10943
designated as a state university law enforcement officer under 10944
division (B) of this section if that employee is convicted, 10945

after trial, of a ~~felony disqualifying offense~~. If the state 10946
university law enforcement officer files an appeal from that 10947
conviction and the conviction is upheld by the highest court to 10948
which the appeal is taken or if the state university law 10949
enforcement officer does not file a timely appeal, the board of 10950
trustees shall terminate the employment of that state university 10951
law enforcement officer. If the state university law enforcement 10952
officer files an appeal that results in that officer's acquittal 10953
of the ~~felony disqualifying offense~~ or conviction of a 10954
~~misdemeanor~~ an offense other than a disqualifying offense, or in 10955
the dismissal of the ~~felony charge of the disqualifying offense~~ 10956
against that officer, the board of trustees shall reinstate that 10957
state university law enforcement officer. A state university law 10958
enforcement officer who is reinstated under division (C) (2) (b) 10959
of this section shall not receive any back pay unless that 10960
officer's conviction of the ~~felony disqualifying offense~~ was 10961
reversed on appeal, or the ~~felony charge of the disqualifying~~ 10962
offense was dismissed, because the court found insufficient 10963
evidence to convict the officer of the ~~felony disqualifying~~ 10964
offense. 10965

(3) Division (C) of this section does not apply regarding 10966
an offense that was committed prior to January 1, 1997. 10967

(4) The suspension from employment, or the termination of 10968
the employment, of a state university law enforcement officer 10969
under division (C) (2) of this section shall be in accordance 10970
with Chapter 119. of the Revised Code. 10971

Sec. 3710.06. (A) Within fifteen business days after 10972
receiving an application, the director of environmental 10973
protection shall acknowledge receipt of the application and 10974
notify the applicant of any deficiency in the application. 10975

Within sixty calendar days after receiving a completed 10976
application, including all additional information requested by 10977
the director, the director shall issue a license or certificate 10978
or deny the application. The director shall issue only one 10979
license or certificate that is in effect at one time to a 10980
business entity and its principal officers and a public entity 10981
and its principal officers. 10982

(B) (1) The director shall deny an application if it 10983
determines that the applicant has not demonstrated the ability 10984
to comply fully with all applicable federal and state 10985
requirements and all requirements, procedures, and standards 10986
established by the director in this chapter, Chapter 3704. of 10987
the Revised Code, or rules adopted under those chapters, as 10988
those chapters and rules pertain to asbestos. 10989

(2) The director shall deny any application for an 10990
asbestos hazard abatement contractor's license if the applicant 10991
or an officer or employee of the applicant has been convicted of 10992
~~a felony under any state or federal law designed to protect the~~ 10993
~~environment~~ disqualifying offense, as specified under section 10994
9.79 of the Revised Code. 10995

(3) The director shall send all denials of an application 10996
by certified mail to the applicant. If the director receives a 10997
timely request for a hearing from the applicant on the proposed 10998
denial of an application, the director shall hold a hearing in 10999
accordance with Chapter 119. of the Revised Code, as provided in 11000
division (A) of section 3710.13 of the Revised Code. 11001

(C) In an emergency that results from a sudden, unexpected 11002
event that is not a planned asbestos hazard abatement project, 11003
the director may waive the requirements for a license or 11004
certificate. For the purposes of this division, "emergency" 11005

includes operations necessitated by nonroutine failures of 11006
equipment or by actions of fire and emergency medical personnel 11007
pursuant to duties within their official capacities. Any person 11008
who performs an asbestos hazard abatement activity under 11009
emergency conditions shall notify the director within three days 11010
after performance thereof. 11011

(D) Each license or certificate issued under this chapter 11012
expires one year after the date of issue, but each licensee or 11013
certificate holder may apply to the environmental protection 11014
agency for the extension of the holder's license or certificate 11015
under the standard renewal procedures of Chapter 4745. of the 11016
Revised Code. 11017

To qualify for renewal of a license or certificate issued 11018
under this chapter, each licensee or certificate holder shall 11019
send the appropriate renewal fee set forth in division (D) of 11020
section 3710.05 of the Revised Code or as adopted by rule by the 11021
director pursuant to division (A) (4) of section 3710.02 of the 11022
Revised Code. 11023

Certificate holders also shall successfully complete an 11024
annual renewal course approved by the agency pursuant to section 11025
3710.10 of the Revised Code. 11026

(E) The director may charge a fee in addition to those 11027
specified in division (D) of section 3710.05 of the Revised Code 11028
or in rules adopted by the director pursuant to division (A) (4) 11029
of section 3710.02 of the Revised Code if the licensee or 11030
certificate holder applies for renewal after the expiration 11031
thereof or requests a reissuance of any license or certificate, 11032
provided that no such fee shall exceed the original fees by more 11033
than fifty per cent. 11034

Sec. 3719.121. (A) Except as otherwise provided in section 11035
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 11036
Revised Code, the license, certificate, or registration of any 11037
dentist, chiropractor, physician, podiatrist, registered nurse, 11038
advanced practice registered nurse, licensed practical nurse, 11039
physician assistant, pharmacist, pharmacy intern, pharmacy 11040
technician trainee, registered pharmacy technician, certified 11041
pharmacy technician, optometrist, or veterinarian who is or 11042
becomes addicted to the use of controlled substances shall be 11043
suspended by the board that authorized the person's license, 11044
certificate, or registration until the person offers 11045
satisfactory proof to the board that the person no longer is 11046
addicted to the use of controlled substances. 11047

(B) If the board under which a person has been issued a 11048
license, certificate, or evidence of registration determines 11049
that there is clear and convincing evidence that continuation of 11050
the person's professional practice or method of administering, 11051
prescribing, preparing, distributing, dispensing, or personally 11052
furnishing controlled substances or other dangerous drugs 11053
presents a danger of immediate and serious harm to others, the 11054
board may suspend the person's license, certificate, or 11055
registration without a hearing. Except as otherwise provided in 11056
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, and 11057
4734.36 of the Revised Code, the board shall follow the 11058
procedure for suspension without a prior hearing in section 11059
119.07 of the Revised Code. The suspension shall remain in 11060
effect, unless removed by the board, until the board's final 11061
adjudication order becomes effective, except that if the board 11062
does not issue its final adjudication order within ninety days 11063
after the hearing, the suspension shall be void on the ninety- 11064
first day after the hearing. 11065

~~(C) On receiving notification pursuant to section 2929.42 or 3719.12 of the Revised Code, the board under which a person has been issued a license, certificate, or evidence of registration immediately shall suspend the license, certificate, or registration of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense; a finding by a court of the person's eligibility for intervention in lieu of conviction; a plea of guilty to, or a finding by a jury or court of the person's guilt of, or the person's conviction of an offense in another jurisdiction that is essentially the same as a felony drug abuse offense; or a finding by a court of the person's eligibility for treatment or intervention in lieu of conviction in another jurisdiction. The board shall notify the holder of the license, certificate, or registration of the suspension, which shall remain in effect until the board holds an adjudicatory hearing under Chapter 119. of the Revised Code.~~

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 specified under section 9.79 of the Revised Code;

(B) The applicant is not violating any of the rules

adopted by the director of health or any order issued by the 11096
director; 11097

(C) The applicant has not had a license to operate the 11098
home revoked pursuant to section 3721.03 of the Revised Code 11099
because of any act or omission that jeopardized a resident's 11100
health, welfare, or safety nor has the applicant had a long- 11101
standing pattern of violations of this chapter or rules adopted 11102
under it that caused physical, emotional, mental, or 11103
psychosocial harm to one or more residents. 11104

(D) The buildings in which the home is housed have been 11105
approved by the state fire marshal or a township, municipal, or 11106
other legally constituted fire department approved by the 11107
marshal. In the approval of a home such agencies shall apply 11108
standards prescribed by the board of building standards, and by 11109
the state fire marshal, and by section 3721.071 of the Revised 11110
Code. 11111

(E) The applicant, if it is an individual, or the 11112
principal participants, if it is an association or a 11113
corporation, is or are suitable financially ~~and morally~~ to 11114
operate a home; 11115

(F) The applicant is equipped to furnish humane, kind, and 11116
adequate treatment and care; 11117

(G) The home does not maintain or contain: 11118

(1) Facilities for the performance of major surgical 11119
procedures; 11120

(2) Facilities for providing therapeutic radiation; 11121

(3) An emergency ward; 11122

(4) A clinical laboratory unless it is under the 11123

supervision of a clinical pathologist who is a licensed 11124
physician in this state; 11125

(5) Facilities for radiological examinations unless such 11126
examinations are performed only by a person licensed to practice 11127
medicine, surgery, or dentistry in this state. 11128

(H) The home does not accept or treat outpatients, except 11129
upon the written orders of a physician licensed in this state, 11130
maternity cases, boarding children, and does not house transient 11131
guests, other than participants in an adult day-care program, 11132
for twenty-four hours or less; 11133

(I) The home is in compliance with sections 3721.28 and 11134
3721.29 of the Revised Code. 11135

When the director issues a license, the license shall 11136
remain in effect until revoked by the director or voided at the 11137
request of the applicant; provided, there shall be an annual 11138
renewal fee payable during the month of January of each calendar 11139
year. Any licensed home that does not pay its renewal fee in 11140
January shall pay, beginning the first day of February, a late 11141
fee of one hundred dollars for each week or part thereof that 11142
the renewal fee is not paid. If either the renewal fee or the 11143
late fee is not paid by the fifteenth day of February, the 11144
director may, in accordance with Chapter 119. of the Revised 11145
Code, revoke the home's license. 11146

If, under division (B) (5) of section 3721.03 of the 11147
Revised Code, the license of a person has been revoked or the 11148
license of a county home or district home to operate as a 11149
residential care facility has been revoked, the director of 11150
health shall not issue a license to the person or home at any 11151
time. A person whose license is revoked, and a county home or 11152

district home that has its license as a residential care 11153
facility revoked other than under division (B) (5) of section 11154
3721.03 of the Revised Code, for any reason other than 11155
nonpayment of the license renewal fee or late fees shall not be 11156
issued a new license under this chapter until a period of one 11157
year following the date of revocation has elapsed. 11158

Any applicant who is denied a license may appeal in 11159
accordance with Chapter 119. of the Revised Code. 11160

Sec. 3734.02. (A) The director of environmental 11161
protection, in accordance with Chapter 119. of the Revised Code, 11162
shall adopt and may amend, suspend, or rescind rules having 11163
uniform application throughout the state governing solid waste 11164
facilities and the inspections of and issuance of permits and 11165
licenses for all solid waste facilities in order to ensure that 11166
the facilities will be located, maintained, and operated, and 11167
will undergo closure and post-closure care, in a sanitary manner 11168
so as not to create a nuisance, cause or contribute to water 11169
pollution, create a health hazard, or violate 40 C.F.R. 257.3-2 11170
or 40 C.F.R. 257.3-8, as amended. The rules may include, without 11171
limitation, financial assurance requirements for closure and 11172
post-closure care and corrective action and requirements for 11173
taking corrective action in the event of the surface or 11174
subsurface discharge or migration of explosive gases or leachate 11175
from a solid waste facility, or of ground water contamination 11176
resulting from the transfer or disposal of solid wastes at a 11177
facility, beyond the boundaries of any area within a facility 11178
that is operating or is undergoing closure or post-closure care 11179
where solid wastes were disposed of or are being disposed of. 11180
The rules shall not concern or relate to personnel policies, 11181
salaries, wages, fringe benefits, or other conditions of 11182
employment of employees of persons owning or operating solid 11183

waste facilities. The director, in accordance with Chapter 119. 11184
of the Revised Code, shall adopt and may amend, suspend, or 11185
rescind rules governing the issuance, modification, revocation, 11186
suspension, or denial of variances from the director's solid 11187
waste rules, including, without limitation, rules adopted under 11188
this chapter governing the management of scrap tires. 11189

Variances shall be issued, modified, revoked, suspended, 11190
or rescinded in accordance with this division, rules adopted 11191
under it, and Chapter 3745. of the Revised Code. The director 11192
may order the person to whom a variance is issued to take such 11193
action within such time as the director may determine to be 11194
appropriate and reasonable to prevent the creation of a nuisance 11195
or a hazard to the public health or safety or the environment. 11196
Applications for variances shall contain such detail plans, 11197
specifications, and information regarding objectives, 11198
procedures, controls, and other pertinent data as the director 11199
may require. The director shall grant a variance only if the 11200
applicant demonstrates to the director's satisfaction that 11201
construction and operation of the solid waste facility in the 11202
manner allowed by the variance and any terms or conditions 11203
imposed as part of the variance will not create a nuisance or a 11204
hazard to the public health or safety or the environment. In 11205
granting any variance, the director shall state the specific 11206
provision or provisions whose terms are to be varied and also 11207
shall state specific terms or conditions imposed upon the 11208
applicant in place of the provision or provisions. 11209

The director may hold a public hearing on an application 11210
for a variance or renewal of a variance at a location in the 11211
county where the operations that are the subject of the 11212
application for the variance are conducted. The director shall 11213
give not less than twenty days' notice of the hearing to the 11214

applicant by certified mail or by another type of mail 11215
accompanied by a receipt and shall publish at least one notice 11216
of the hearing in a newspaper with general circulation in the 11217
county where the hearing is to be held. The director shall make 11218
available for public inspection at the principal office of the 11219
environmental protection agency a current list of pending 11220
applications for variances and a current schedule of pending 11221
variance hearings. The director shall make a complete 11222
stenographic record of testimony and other evidence submitted at 11223
the hearing. 11224

Within ten days after the hearing, the director shall make 11225
a written determination to issue, renew, or deny the variance 11226
and shall enter the determination and the basis for it into the 11227
record of the hearing. The director shall issue, renew, or deny 11228
an application for a variance or renewal of a variance within 11229
six months of the date upon which the director receives a 11230
complete application with all pertinent information and data 11231
required. No variance shall be issued, revoked, modified, or 11232
denied until the director has considered the relative interests 11233
of the applicant, other persons and property affected by the 11234
variance, and the general public. Any variance granted under 11235
this division shall be for a period specified by the director 11236
and may be renewed from time to time on such terms and for such 11237
periods as the director determines to be appropriate. No 11238
application shall be denied and no variance shall be revoked or 11239
modified without a written order stating the findings upon which 11240
the denial, revocation, or modification is based. A copy of the 11241
order shall be sent to the applicant or variance holder by 11242
certified mail or by another type of mail accompanied by a 11243
receipt. 11244

(B) The director shall prescribe and furnish the forms 11245

necessary to administer and enforce this chapter. The director 11246
may cooperate with and enter into agreements with other state, 11247
local, or federal agencies to carry out the purposes of this 11248
chapter. The director may exercise all incidental powers 11249
necessary to carry out the purposes of this chapter. 11250

(C) Except as provided in this division and divisions (N) 11251
(2) and (3) of this section, no person shall establish a new 11252
solid waste facility or infectious waste treatment facility, or 11253
modify an existing solid waste facility or infectious waste 11254
treatment facility, without submitting an application for a 11255
permit with accompanying detail plans, specifications, and 11256
information regarding the facility and method of operation and 11257
receiving a permit issued by the director, except that no permit 11258
shall be required under this division to install or operate a 11259
solid waste facility for sewage sludge treatment or disposal 11260
when the treatment or disposal is authorized by a current permit 11261
issued under Chapter 3704. or 6111. of the Revised Code. 11262

No person shall continue to operate a solid waste facility 11263
for which the director has disapproved plans and specifications 11264
required to be filed by an order issued under division (A) (3) of 11265
section 3734.05 of the Revised Code, after the date prescribed 11266
for commencement of closure of the facility in the order issued 11267
under division (A) (4) of that section denying the permit 11268
application or approval. 11269

On and after the effective date of the rules adopted under 11270
division (A) of this section and division (D) of section 3734.12 11271
of the Revised Code governing solid waste transfer facilities, 11272
no person shall establish a new, or modify an existing, solid 11273
waste transfer facility without first submitting an application 11274
for a permit with accompanying engineering detail plans, 11275

specifications, and information regarding the facility and its 11276
method of operation to the director and receiving a permit 11277
issued by the director. 11278

No person shall establish a new compost facility or 11279
continue to operate an existing compost facility that accepts 11280
exclusively source separated yard wastes without submitting a 11281
completed registration for the facility to the director in 11282
accordance with rules adopted under divisions (A) and (N) (3) of 11283
this section. 11284

This division does not apply to a generator of infectious 11285
wastes that does any of the following: 11286

(1) Treats, by methods, techniques, and practices 11287
established by rules adopted under division (B) (2) (a) of section 11288
3734.021 of the Revised Code, any of the following: 11289

(a) Infectious wastes that are generated on any premises 11290
that are owned or operated by the generator; 11291

(b) Infectious wastes that are generated by a generator 11292
who has staff privileges at a hospital as defined in section 11293
3727.01 of the Revised Code; 11294

(c) Infectious wastes that are generated in providing care 11295
to a patient by an emergency medical services organization as 11296
defined in section 4765.01 of the Revised Code. 11297

(2) Holds a license or renewal of a license to operate a 11298
crematory facility issued under Chapter 4717. and a permit 11299
issued under Chapter 3704. of the Revised Code; 11300

(3) Treats or disposes of dead animals or parts thereof, 11301
or the blood of animals, and is subject to any of the following: 11302

(a) Inspection under the "Federal Meat Inspection Act," 81 11303

Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 11304

(b) Chapter 918. of the Revised Code; 11305

(c) Chapter 953. of the Revised Code. 11306

(D) Neither this chapter nor any rules adopted under it 11307
apply to single-family residential premises; to infectious 11308
wastes generated by individuals for purposes of their own care 11309
or treatment; to the temporary storage of solid wastes, other 11310
than scrap tires, prior to their collection for disposal; to the 11311
storage of one hundred or fewer scrap tires unless they are 11312
stored in such a manner that, in the judgment of the director or 11313
the board of health of the health district in which the scrap 11314
tires are stored, the storage causes a nuisance, a hazard to 11315
public health or safety, or a fire hazard; or to the collection 11316
of solid wastes, other than scrap tires, by a political 11317
subdivision or, subject to section 9.78 of the Revised Code, by 11318
a person holding a franchise or license from a political 11319
subdivision of the state; to composting, as defined in section 11320
1511.01 of the Revised Code, conducted in accordance with 11321
section 1511.022 of the Revised Code; or to any person who is 11322
licensed to transport raw rendering material to a compost 11323
facility pursuant to section 953.23 of the Revised Code. 11324

(E) (1) As used in this division: 11325

(a) "On-site facility" means a facility that stores, 11326
treats, or disposes of hazardous waste that is generated on the 11327
premises of the facility. 11328

(b) "Off-site facility" means a facility that stores, 11329
treats, or disposes of hazardous waste that is generated off the 11330
premises of the facility and includes such a facility that is 11331
also an on-site facility. 11332

- (c) "Satellite facility" means any of the following: 11333
- (i) An on-site facility that also receives hazardous waste 11334
from other premises owned by the same person who generates the 11335
waste on the facility premises; 11336
 - (ii) An off-site facility operated so that all of the 11337
hazardous waste it receives is generated on one or more premises 11338
owned by the person who owns the facility; 11339
 - (iii) An on-site facility that also receives hazardous 11340
waste that is transported uninterruptedly and directly to the 11341
facility through a pipeline from a generator who is not the 11342
owner of the facility. 11343
- (2) Except as provided in division (E) (3) of this section, 11344
no person shall establish or operate a hazardous waste facility, 11345
or use a solid waste facility for the storage, treatment, or 11346
disposal of any hazardous waste, without a hazardous waste 11347
facility installation and operation permit issued in accordance 11348
with section 3734.05 of the Revised Code and subject to the 11349
payment of an application fee not to exceed one thousand five 11350
hundred dollars, payable upon application for a hazardous waste 11351
facility installation and operation permit and upon application 11352
for a renewal permit issued under division (H) of section 11353
3734.05 of the Revised Code, to be credited to the hazardous 11354
waste facility management fund created in section 3734.18 of the 11355
Revised Code. The term of a hazardous waste facility 11356
installation and operation permit shall not exceed ten years. 11357
- In addition to the application fee, there is hereby levied 11358
an annual permit fee to be paid by the permit holder upon the 11359
anniversaries of the date of issuance of the hazardous waste 11360
facility installation and operation permit and of any subsequent 11361

renewal permits and to be credited to the hazardous waste 11362
 facility management fund. Annual permit fees totaling forty 11363
 thousand dollars or more for any one facility may be paid on a 11364
 quarterly basis with the first quarterly payment each year being 11365
 due on the anniversary of the date of issuance of the hazardous 11366
 waste facility installation and operation permit and of any 11367
 subsequent renewal permits. The annual permit fee shall be 11368
 determined for each permit holder by the director in accordance 11369
 with the following schedule: 11370

TYPE OF BASIC 11371

MANAGEMENT UNIT	TYPE OF FACILITY	FEE	
			11372

Storage facility using: 11373

Containers	On-site, off-site, and		11374
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	satellite	\$500	11375
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Tanks	On-site, off-site, and		11376
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	satellite	500	11377
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Waste pile	On-site, off-site, and		11378
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	satellite	3,000	11379
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Surface impoundment	On-site and satellite	8,000	11380
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	Off-site	10,000	11381
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Disposal facility using: 11382

Deep well injection	On-site and satellite	15,000	11383
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	Off-site	25,000	11384
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Landfill	On-site and satellite	25,000	11385
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	Off-site	40,000	11386
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Land application	On-site and satellite	2,500	11387
	Off-site	5,000	11388
Surface impoundment	On-site and satellite	10,000	11389
	Off-site	20,000	11390
Treatment facility using:			11391
Tanks	On-site, off-site, and		11392
	satellite	700	11393
Surface impoundment	On-site and satellite	8,000	11394
	Off-site	10,000	11395
Incinerator	On-site and satellite	5,000	11396
	Off-site	10,000	11397
Other forms			11398
of treatment	On-site, off-site, and		11399
	satellite	1,000	11400

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or

disposal or for individual units that are used for both storage 11412
and treatment. A facility using more than one method of storage, 11413
treatment, or disposal shall pay the permit fee indicated by the 11414
schedule for each such method. 11415

The director shall not require the payment of that portion 11416
of an annual permit fee of any permit holder that would apply to 11417
a hazardous waste management unit for which a permit has been 11418
issued, but for which construction has not yet commenced. Once 11419
construction has commenced, the director shall require the 11420
payment of a part of the appropriate fee indicated by the 11421
schedule that bears the same relationship to the total fee that 11422
the number of days remaining until the next anniversary date at 11423
which payment of the annual permit fee is due bears to three 11424
hundred sixty-five. 11425

The director, by rules adopted in accordance with Chapters 11426
119. and 3745. of the Revised Code, shall prescribe procedures 11427
for collecting the annual permit fee established by this 11428
division and may prescribe other requirements necessary to carry 11429
out this division. 11430

(3) The prohibition against establishing or operating a 11431
hazardous waste facility without a hazardous waste facility 11432
installation and operation permit does not apply to either of 11433
the following: 11434

(a) A facility that is operating in accordance with a 11435
permit renewal issued under division (H) of section 3734.05 of 11436
the Revised Code, a revision issued under division (I) of that 11437
section as it existed prior to August 20, 1996, or a 11438
modification issued by the director under division (I) of that 11439
section on and after August 20, 1996; 11440

(b) Except as provided in division (J) of section 3734.05 11441
of the Revised Code, a facility that will operate or is 11442
operating in accordance with a permit by rule, or that is not 11443
subject to permit requirements, under rules adopted by the 11444
director. In accordance with Chapter 119. of the Revised Code, 11445
the director shall adopt, and subsequently may amend, suspend, 11446
or rescind, rules for the purposes of division (E) (3) (b) of this 11447
section. Any rules so adopted shall be consistent with and 11448
equivalent to regulations pertaining to interim status adopted 11449
under the "Resource Conservation and Recovery Act of 1976," 90 11450
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 11451
provided in this chapter. 11452

If a modification is requested or proposed for a facility 11453
described in division (E) (3) (a) or (b) of this section, division 11454
(I) (7) of section 3734.05 of the Revised Code applies. 11455

(F) No person shall store, treat, or dispose of hazardous 11456
waste identified or listed under this chapter and rules adopted 11457
under it, regardless of whether generated on or off the premises 11458
where the waste is stored, treated, or disposed of, or transport 11459
or cause to be transported any hazardous waste identified or 11460
listed under this chapter and rules adopted under it to any 11461
other premises, except at or to any of the following: 11462

(1) A hazardous waste facility operating under a permit 11463
issued in accordance with this chapter; 11464

(2) A facility in another state operating under a license 11465
or permit issued in accordance with the "Resource Conservation 11466
and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 11467
amended; 11468

(3) A facility in another nation operating in accordance 11469

with the laws of that nation; 11470

(4) A facility holding a permit issued pursuant to Title I 11471
of the "Marine Protection, Research, and Sanctuaries Act of 11472
1972," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended; 11473

(5) A hazardous waste facility as described in division 11474
(E) (3) (a) or (b) of this section. 11475

(G) The director, by order, may exempt any person 11476
generating, collecting, storing, treating, disposing of, or 11477
transporting solid wastes, infectious wastes, or hazardous 11478
waste, or processing solid wastes that consist of scrap tires, 11479
in such quantities or under such circumstances that, in the 11480
determination of the director, are unlikely to adversely affect 11481
the public health or safety or the environment from any 11482
requirement to obtain a registration certificate, permit, or 11483
license or comply with the manifest system or other requirements 11484
of this chapter. Such an exemption shall be consistent with and 11485
equivalent to any regulations adopted by the administrator of 11486
the United States environmental protection agency under the 11487
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 11488
42 U.S.C.A. 6921, as amended, except as otherwise provided in 11489
this chapter. 11490

(H) No person shall engage in filling, grading, 11491
excavating, building, drilling, or mining on land where a 11492
hazardous waste facility, or a solid waste facility, was 11493
operated without prior authorization from the director, who 11494
shall establish the procedure for granting such authorization by 11495
rules adopted in accordance with Chapter 119. of the Revised 11496
Code. 11497

A public utility that has main or distribution lines above 11498

or below the land surface located on an easement or right-of-way 11499
across land where a solid waste facility was operated may engage 11500
in any such activity within the easement or right-of-way without 11501
prior authorization from the director for purposes of performing 11502
emergency repair or emergency replacement of its lines; of the 11503
poles, towers, foundations, or other structures supporting or 11504
sustaining any such lines; or of the appurtenances to those 11505
structures, necessary to restore or maintain existing public 11506
utility service. A public utility may enter upon any such 11507
easement or right-of-way without prior authorization from the 11508
director for purposes of performing necessary or routine 11509
maintenance of those portions of its existing lines; of the 11510
existing poles, towers, foundations, or other structures 11511
sustaining or supporting its lines; or of the appurtenances to 11512
any such supporting or sustaining structure, located on or above 11513
the land surface on any such easement or right-of-way. Within 11514
twenty-four hours after commencing any such emergency repair, 11515
replacement, or maintenance work, the public utility shall 11516
notify the director or the director's authorized representative 11517
of those activities and shall provide such information regarding 11518
those activities as the director or the director's 11519
representative may request. Upon completion of the emergency 11520
repair, replacement, or maintenance activities, the public 11521
utility shall restore any land of the solid waste facility 11522
disturbed by those activities to the condition existing prior to 11523
the commencement of those activities. 11524

(I) No owner or operator of a hazardous waste facility, in 11525
the operation of the facility, shall cause, permit, or allow the 11526
emission therefrom of any particulate matter, dust, fumes, gas, 11527
mist, smoke, vapor, or odorous substance that, in the opinion of 11528
the director, unreasonably interferes with the comfortable 11529

enjoyment of life or property by persons living or working in 11530
the vicinity of the facility, or that is injurious to public 11531
health. Any such action is hereby declared to be a public 11532
nuisance. 11533

(J) Notwithstanding any other provision of this chapter, 11534
in the event the director finds an imminent and substantial 11535
danger to public health or safety or the environment that 11536
creates an emergency situation requiring the immediate 11537
treatment, storage, or disposal of hazardous waste, the director 11538
may issue a temporary emergency permit to allow the treatment, 11539
storage, or disposal of the hazardous waste at a facility that 11540
is not otherwise authorized by a hazardous waste facility 11541
installation and operation permit to treat, store, or dispose of 11542
the waste. The emergency permit shall not exceed ninety days in 11543
duration and shall not be renewed. The director shall adopt, and 11544
may amend, suspend, or rescind, rules in accordance with Chapter 11545
119. of the Revised Code governing the issuance, modification, 11546
revocation, and denial of emergency permits. 11547

(K) Except for infectious wastes generated by a person who 11548
produces fewer than fifty pounds of infectious wastes at a 11549
premises during any one month, no owner or operator of a 11550
sanitary landfill shall knowingly accept for disposal, or 11551
dispose of, any infectious wastes that have not been treated to 11552
render them noninfectious. 11553

(L) The director, in accordance with Chapter 119. of the 11554
Revised Code, shall adopt, and may amend, suspend, or rescind, 11555
rules having uniform application throughout the state 11556
establishing a training and certification program that shall be 11557
required for employees of boards of health who are responsible 11558
for enforcing the solid waste and infectious waste provisions of 11559

this chapter and rules adopted under them and for persons who 11560
are responsible for the operation of solid waste facilities or 11561
infectious waste treatment facilities. The rules shall provide 11562
all of the following, without limitation: 11563

(1) The program shall be administered by the director and 11564
shall consist of a course on new solid waste and infectious 11565
waste technologies, enforcement procedures, and rules; 11566

(2) The course shall be offered on an annual basis; 11567

(3) Those persons who are required to take the course 11568
under division (L) of this section shall do so triennially; 11569

(4) Persons who successfully complete the course shall be 11570
certified by the director; 11571

(5) Certification shall be required for all employees of 11572
boards of health who are responsible for enforcing the solid 11573
waste or infectious waste provisions of this chapter and rules 11574
adopted under them and for all persons who are responsible for 11575
the operation of solid waste facilities or infectious waste 11576
treatment facilities; 11577

(6) (a) All employees of a board of health who, on the 11578
effective date of the rules adopted under this division, are 11579
responsible for enforcing the solid waste or infectious waste 11580
provisions of this chapter and the rules adopted under them 11581
shall complete the course and be certified by the director not 11582
later than January 1, 1995; 11583

(b) All employees of a board of health who, after the 11584
effective date of the rules adopted under division (L) of this 11585
section, become responsible for enforcing the solid waste or 11586
infectious waste provisions of this chapter and rules adopted 11587
under them and who do not hold a current and valid certification 11588

from the director at that time shall complete the course and be 11589
certified by the director within two years after becoming 11590
responsible for performing those activities. 11591

No person shall fail to obtain the certification required 11592
under this division. 11593

(M) The director shall not issue a permit under section 11594
3734.05 of the Revised Code to establish a solid waste facility, 11595
or to modify a solid waste facility operating on December 21, 11596
1988, in a manner that expands the disposal capacity or 11597
geographic area covered by the facility, that is or is to be 11598
located within the boundaries of a state park established or 11599
dedicated under Chapter 1546. of the Revised Code, a state park 11600
purchase area established under section 1546.06 of the Revised 11601
Code, any unit of the national park system, or any property that 11602
lies within the boundaries of a national park or recreation 11603
area, but that has not been acquired or is not administered by 11604
the secretary of the United States department of the interior, 11605
located in this state, or any candidate area located in this 11606
state and identified for potential inclusion in the national 11607
park system in the edition of the "national park system plan" 11608
submitted under paragraph (b) of section 8 of "The Act of August 11609
18, 1970," 84 Stat. 825, 16U.S.C.A. 1a-5, as amended, current 11610
at the time of filing of the application for the permit, unless 11611
the facility or proposed facility is or is to be used 11612
exclusively for the disposal of solid wastes generated within 11613
the park or recreation area and the director determines that the 11614
facility or proposed facility will not degrade any of the 11615
natural or cultural resources of the park or recreation area. 11616
The director shall not issue a variance under division (A) of 11617
this section and rules adopted under it, or issue an exemption 11618
order under division (G) of this section, that would authorize 11619

any such establishment or expansion of a solid waste facility 11620
within the boundaries of any such park or recreation area, state 11621
park purchase area, or candidate area, other than a solid waste 11622
facility exclusively for the disposal of solid wastes generated 11623
within the park or recreation area when the director determines 11624
that the facility will not degrade any of the natural or 11625
cultural resources of the park or recreation area. 11626

(N) (1) The rules adopted under division (A) of this 11627
section, other than those governing variances, do not apply to 11628
scrap tire collection, storage, monocell, monofill, and recovery 11629
facilities. Those facilities are subject to and governed by 11630
rules adopted under sections 3734.70 to 3734.73 of the Revised 11631
Code, as applicable. 11632

(2) Division (C) of this section does not apply to scrap 11633
tire collection, storage, monocell, monofill, and recovery 11634
facilities. The establishment and modification of those 11635
facilities are subject to sections 3734.75 to 3734.78 and 11636
section 3734.81 of the Revised Code, as applicable. 11637

(3) The director may adopt, amend, suspend, or rescind 11638
rules under division (A) of this section creating an alternative 11639
system for authorizing the establishment, operation, or 11640
modification of a solid waste compost facility in lieu of the 11641
requirement that a person seeking to establish, operate, or 11642
modify a solid waste compost facility apply for and receive a 11643
permit under division (C) of this section and section 3734.05 of 11644
the Revised Code and a license under division (A) (1) of that 11645
section. The rules may include requirements governing, without 11646
limitation, the classification of solid waste compost 11647
facilities, the submittal of operating records for solid waste 11648
compost facilities, and the creation of a registration or 11649

notification system in lieu of the issuance of permits and 11650
licenses for solid waste compost facilities. The rules shall 11651
specify the applicability of divisions (A) (1) and (2) (a) of 11652
section 3734.05 of the Revised Code to a solid waste compost 11653
facility. 11654

(O) (1) As used in this division, "secondary aluminum 11655
waste" means waste material or byproducts, when disposed of, 11656
containing aluminum generated from secondary aluminum smelting 11657
operations and consisting of dross, salt cake, baghouse dust 11658
associated with aluminum recycling furnace operations, or dry- 11659
milled wastes. 11660

(2) The owner or operator of a sanitary landfill shall not 11661
dispose of municipal solid waste that has been commingled with 11662
secondary aluminum waste. 11663

(3) The owner or operator of a sanitary landfill may 11664
dispose of secondary aluminum waste, but only in a monocell or 11665
monofill that has been permitted for that purpose in accordance 11666
with this chapter and rules adopted under it. 11667

(P) (1) As used in divisions (P) and (Q) of this section: 11668

(a) "Natural background" means two picocuries per gram or 11669
the actual number of picocuries per gram as measured at an 11670
individual solid waste facility, subject to verification by the 11671
director of health. 11672

(b) "Drilling operation" includes a production operation 11673
as defined in section 1509.01 of the Revised Code. 11674

(2) The owner or operator of a solid waste facility shall 11675
not accept for transfer or disposal technologically enhanced 11676
naturally occurring radioactive material if that material 11677
contains or is contaminated with radium-226, radium-228, or any 11678

combination of radium-226 and radium-228 at concentrations equal 11679
to or greater than five picocuries per gram above natural 11680
background. 11681

(3) The owner or operator of a solid waste facility may 11682
receive and process for purposes other than transfer or disposal 11683
technologically enhanced naturally occurring radioactive 11684
material that contains or is contaminated with radium-226, 11685
radium-228, or any combination of radium-226 and radium-228 at 11686
concentrations equal to or greater than five picocuries per gram 11687
above natural background, provided that the owner or operator 11688
has obtained and maintains all other necessary authorizations, 11689
including any authorization required by rules adopted by the 11690
director of health under section 3748.04 of the Revised Code. 11691

(4) The director of environmental protection may adopt 11692
rules in accordance with Chapter 119. of the Revised Code 11693
governing the receipt, acceptance, processing, handling, 11694
management, and disposal by solid waste facilities of material 11695
that contains or is contaminated with radioactive material, 11696
including, without limitation, technologically enhanced 11697
naturally occurring radioactive material that contains or is 11698
contaminated with radium-226, radium-228, or any combination of 11699
radium-226 and radium-228 at concentrations less than five 11700
picocuries per gram above natural background. Rules adopted by 11701
the director may include at a minimum both of the following: 11702

(a) Requirements in accordance with which the owner or 11703
operator of a solid waste facility must monitor leachate and 11704
ground water for radium-226, radium-228, and other 11705
radionuclides; 11706

(b) Requirements in accordance with which the owner or 11707
operator of a solid waste facility must develop procedures to 11708

ensure that technologically enhanced naturally occurring 11709
radioactive material accepted at the facility neither contains 11710
nor is contaminated with radium-226, radium-228, or any 11711
combination of radium-226 and radium-228 at concentrations equal 11712
to or greater than five picocuries per gram above natural 11713
background. 11714

(Q) Notwithstanding any other provision of this section, 11715
the owner or operator of a solid waste facility shall not 11716
receive, accept, process, handle, manage, or dispose of 11717
technologically enhanced naturally occurring radioactive 11718
material associated with drilling operations without first 11719
obtaining representative analytical results to determine 11720
compliance with divisions (P) (2) and (3) of this section and 11721
rules adopted under it. 11722

Sec. 3734.42. (A) (1) Every applicant for a permit shall 11723
file a disclosure statement, on a form developed by the attorney 11724
general, with the director of environmental protection and the 11725
attorney general at the same time the applicant files an 11726
application for the permit with the director. 11727

(2) Any individual required to be listed in the disclosure 11728
statement shall be fingerprinted for identification and 11729
investigation purposes in accordance with procedures established 11730
by the attorney general. An individual required to be 11731
fingerprinted under this section shall not be required to be 11732
fingerprinted more than once under this section. 11733

(3) The attorney general, within one hundred eighty days 11734
after receipt of the disclosure statement from an applicant for 11735
a permit, shall prepare and transmit to the director an 11736
investigative report on the applicant, based in part upon the 11737
disclosure statement, except that this deadline may be extended 11738

for a reasonable period of time, for good cause, by the director 11739
or the attorney general. In preparing this report, the attorney 11740
general may request and receive criminal history information 11741
from the federal bureau of investigation and any other law 11742
enforcement agency or organization. The attorney general may 11743
provide such confidentiality regarding the information received 11744
from a law enforcement agency as may be imposed by that agency 11745
as a condition for providing that information to the attorney 11746
general. 11747

(4) The review of the application by the director shall 11748
include a review of the disclosure statement and investigative 11749
report. 11750

(B) All applicants and permittees shall provide any 11751
assistance or information requested by the director or the 11752
attorney general and shall cooperate in any inquiry or 11753
investigation conducted by the attorney general and any inquiry, 11754
investigation, or hearing conducted by the director. If, upon 11755
issuance of a formal request to answer any inquiry or produce 11756
information, evidence, or testimony, any applicant or permittee, 11757
any officer, director, or partner of any business concern, or 11758
any key employee of the applicant or permittee refuses to 11759
comply, the permit of the applicant or permittee may be denied 11760
or revoked by the director. 11761

(C) The attorney general may charge and collect such fees 11762
from applicants and permittees as are necessary to cover the 11763
costs of administering and enforcing the investigative 11764
procedures authorized in sections 3734.41 to 3734.47 of the 11765
Revised Code. The attorney general shall transmit moneys 11766
collected under this division to the treasurer of state to be 11767
credited to the solid and hazardous waste background 11768

investigations fund, which is hereby created in the state 11769
treasury. Moneys in the fund shall be used solely for paying the 11770
attorney general's costs of administering and enforcing the 11771
investigative procedures authorized in sections 3734.41 to 11772
3734.47 of the Revised Code. 11773

(D) An appropriate applicant, a permittee, or a 11774
prospective owner shall submit to the attorney general, on a 11775
form provided by the attorney general, the following information 11776
within the periods specified: 11777

(1) Information required to be included in the disclosure 11778
statement for any new officer, director, partner, or key 11779
employee, to be submitted within ninety days from the addition 11780
of the officer, director, partner, or key employee; 11781

(2) Information required to be included in a disclosure 11782
statement regarding the addition of any new business concern to 11783
be submitted within ninety days from the addition of the new 11784
business concern. 11785

(E) (1) The attorney general shall enter in the database 11786
established under section 109.5721 of the Revised Code the name, 11787
the fingerprints, and other relevant information concerning each 11788
officer, director, partner, or key employee of an applicant, 11789
permittee, or prospective owner. 11790

(2) For purposes of section 109.5721 of the Revised Code, 11791
annually on a date assigned by the attorney general, an 11792
applicant, permittee, or prospective owner shall provide the 11793
attorney general with a list of both of the following: 11794

(a) Each officer, director, partner, or key employee of 11795
the applicant, permittee, or prospective owner and the person's 11796
address and social security number; 11797

(b) Any officer, director, partner, or key employee of the 11798
applicant, permittee, or prospective owner who has left a 11799
position previously held with the applicant, permittee, or 11800
prospective owner during the previous one-year period and the 11801
person's social security number. 11802

(3) Annually, the attorney general shall update the 11803
database established under section 109.5721 of the Revised Code 11804
to reflect the information provided by an applicant, permittee, 11805
or prospective owner under divisions (E) (2) (a) and (b) of this 11806
section. 11807

(4) Notwithstanding division (C) of this section, the 11808
attorney general shall charge and collect fees from an 11809
applicant, permittee, or prospective owner that is required to 11810
submit information under this division in accordance with rules 11811
adopted under section 109.5721 of the Revised Code. The fees 11812
shall not exceed fees that are charged to any other person who 11813
is charged fees for purposes of the database established under 11814
that section and who is not an officer, director, partner, or 11815
key employee of an applicant, permittee, or prospective owner 11816
under this section. 11817

(F) (1) Every five years, the attorney general shall 11818
request from the federal bureau of investigation any information 11819
regarding a criminal conviction with respect to each officer, 11820
director, partner, or key employee of an applicant, permittee, 11821
or prospective owner. The attorney general may take any actions 11822
necessary for purposes of this division, including, as 11823
necessary, requesting the submission of any necessary documents 11824
authorizing the release of information. 11825

(2) Every five years, an applicant, permittee, or 11826
prospective owner shall submit an affidavit listing all of the 11827

following regarding a business concern required to be listed in 11828
the applicant's, permittee's, or prospective owner's disclosure 11829
statement: 11830

(a) Any administrative enforcement order issued to the 11831
business concern in connection with any violation of any federal 11832
or state environmental protection laws, rules, or regulations 11833
during the previous five-year period; 11834

(b) Any civil action in which the business concern was 11835
determined to be liable or was the subject of injunctive relief 11836
or another type of civil relief in connection with any violation 11837
of any federal or state environmental protection laws, rules, or 11838
regulations during the previous five-year period; 11839

(c) Any criminal conviction for a violation of any federal 11840
or state environmental protection laws, rules, or regulations 11841
that has been committed knowingly or recklessly by the business 11842
concern during the previous five-year period. 11843

(G) With respect to an applicant, permittee, or 11844
prospective owner, the attorney general shall notify the 11845
director of environmental protection of any crime ascertained 11846
under division (E) or (F) of this section that is a 11847
disqualifying crime under ~~section~~ sections 9.79 and 3734.44 of 11848
the Revised Code. The attorney general shall provide the 11849
notification not later than thirty days after the crime was 11850
ascertained. 11851

(H) The failure to provide information under this section 11852
may constitute the basis for the revocation of a permit or 11853
license, the denial of a permit or license application, the 11854
denial of a renewal of a permit or license, or the disapproval 11855
of a change in ownership as described in division (I) of this 11856

section. Prior to a denial, revocation, or disapproval, the 11857
director shall notify the applicant, permittee, or prospective 11858
owner of the director's intention to do so. The director shall 11859
give the applicant, permittee, or prospective owner fourteen 11860
days from the date of the notice to explain why the information 11861
was not provided. The director shall consider the explanation 11862
when determining whether to revoke the permit or license, deny 11863
the permit or license application or renewal, or disapprove the 11864
change in ownership. 11865

Nothing in this section affects the rights of the director 11866
or the attorney general granted under sections 3734.40 to 11867
3734.47 of the Revised Code to request information from a person 11868
at any other time. 11869

(I) (1) Whenever there is a change in ownership of any 11870
operating off-site solid waste facility, any operating off-site 11871
infectious waste facility, or any operating off-site hazardous 11872
waste facility, the prospective owner shall file a disclosure 11873
statement with the attorney general and the director at least 11874
one hundred eighty days prior to the proposed change in 11875
ownership. In addition, whenever there is a change in ownership 11876
of any operating on-site solid waste facility, any operating on- 11877
site infectious waste facility, or any operating on-site 11878
hazardous waste facility and the prospective owner intends to 11879
operate the facility as an off-site facility by accepting wastes 11880
other than wastes generated by the facility owner, the 11881
prospective owner shall file a disclosure statement with the 11882
attorney general and the director. The prospective owner shall 11883
file the disclosure statement at least one hundred eighty days 11884
prior to the proposed change in ownership. 11885

Upon receipt of the disclosure statement, the attorney 11886

general shall prepare an investigative report and transmit it to 11887
the director. The director shall review the disclosure statement 11888
and investigative report to determine whether the statement or 11889
report contains information that if submitted with a permit 11890
application would require a denial of the permit pursuant to 11891
section 3734.44 of the Revised Code. If the director determines 11892
that the statement or report contains such information, the 11893
director shall disapprove the change in ownership. 11894

(2) If the parties to a change in ownership decide to 11895
proceed with the change prior to the action of the director on 11896
the disclosure statement and investigative report, the parties 11897
shall include in all contracts or other documents reflecting the 11898
change in ownership language expressly making the change in 11899
ownership subject to the approval of the director and expressly 11900
negating the change if it is disapproved by the director 11901
pursuant to division (I) (1) of this section. 11902

(3) As used in this section, "change in ownership" 11903
includes a change of the individuals or entities who own a solid 11904
waste facility, infectious waste facility, or hazardous waste 11905
facility. "Change in ownership" does not include a legal change 11906
in a business concern's name when its ownership otherwise 11907
remains the same. "Change in ownership" also does not include a 11908
personal name change of officers, directors, partners, or key 11909
employees contained in a disclosure statement. 11910

Sec. 3734.44. Notwithstanding the provisions of any law to 11911
the contrary, no permit or license shall be issued or renewed by 11912
the director of environmental protection or a board of health: 11913

(A) Unless the director or the board of health finds that 11914
the applicant, in any prior performance record in the 11915
transportation, transfer, treatment, storage, or disposal of 11916

solid wastes, infectious wastes, or hazardous waste, has 11917
exhibited sufficient reliability, expertise, and competency to 11918
operate the solid waste, infectious waste, or hazardous waste 11919
facility, given the potential for harm to human health and the 11920
environment that could result from the irresponsible operation 11921
of the facility, or, if no prior record exists, that the 11922
applicant is likely to exhibit that reliability, expertise, and 11923
competence; 11924

(B) If any individual or business concern required to be 11925
listed in the disclosure statement or shown to have a beneficial 11926
interest in the business of the applicant or the permittee, 11927
other than an equity interest or debt liability, by the 11928
investigation thereof, has been convicted of ~~any of the~~ 11929
~~following crimes~~ a disqualifying offense, as specified under 11930
section 9.79 of the Revised Code, under the laws of this state 11931
or equivalent laws of any other jurisdiction. 11932

- ~~(1) Murder;~~ 11933
- ~~(2) Kidnapping;~~ 11934
- ~~(3) Gambling;~~ 11935
- ~~(4) Robbery;~~ 11936
- ~~(5) Bribery;~~ 11937
- ~~(6) Extortion;~~ 11938
- ~~(7) Criminal usury;~~ 11939
- ~~(8) Arson;~~ 11940
- ~~(9) Burglary;~~ 11941
- ~~(10) Theft and related crimes;~~ 11942
- ~~(11) Forgery and fraudulent practices;~~ 11943

(12) Fraud in the offering, sale, or purchase of securities;	11944
	11945
(13) Alteration of motor vehicle identification numbers;	11946
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	11947
	11948
(15) Unlawful possession or use of destructive devices or explosives;	11949
	11950
(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;	11951
	11952
	11953
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	11957
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	11958
	11959
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	11960
	11961
(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;	11962
	11963
	11964
	11965
(20) A violation of any provision of Chapter 2909. of the Revised Code;	11966
	11967
(21) Any offense specified in Chapter 2921. of the Revised Code.	11968
	11969
(C) Notwithstanding division (B) of this section, no	11970

applicant shall be denied the issuance or renewal of a permit or 11971
license on the basis of a conviction of a disqualifying offense, 11972
as specified under section 9.79 of the Revised Code, of any 11973
individual or business concern required to be listed in the 11974
disclosure statement or shown to have a beneficial interest in 11975
the business of the applicant or the permittee, other than an 11976
equity interest or debt liability, ~~by the investigation thereof~~ 11977
~~for any of the offenses enumerated in that division as~~ 11978
~~disqualification criteria~~ if that applicant has affirmatively 11979
demonstrated rehabilitation of the individual or business 11980
concern by a preponderance of the evidence. ~~If any such~~ 11981
~~individual was convicted of any of the offenses so enumerated~~ 11982
~~that are felonies, a permit shall be denied unless five years~~ 11983
~~have elapsed since the individual was fully discharged from~~ 11984
~~imprisonment and parole for the offense, from a community~~ 11985
~~control sanction imposed under section 2929.15 of the Revised~~ 11986
~~Code, from a post-release control sanction imposed under section~~ 11987
~~2967.28 of the Revised Code for the offense, or imprisonment,~~ 11988
~~probation, and parole for an offense that was committed prior to~~ 11989
~~July 1, 1996.~~ In determining whether an applicant has 11990
affirmatively demonstrated rehabilitation, the director or the 11991
board of health shall request a recommendation on the matter 11992
from the attorney general and shall consider and base the 11993
determination on the following factors: 11994

(1) The nature and responsibilities of the position a 11995
convicted individual would hold; 11996

(2) The nature and seriousness of the offense; 11997

(3) The circumstances under which the offense occurred; 11998

(4) The date of the offense; 11999

(5) The age of the individual when the offense was committed;	12000 12001
(6) Whether the offense was an isolated or repeated incident;	12002 12003
(7) Any social conditions that may have contributed to the offense;	12004 12005
(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	12006 12007 12008 12009 12010 12011
(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with applicable environmental laws and standards or instituting an antitrust compliance auditing program to help ensure full compliance with applicable antitrust laws. The business concern shall prove by a preponderance of the evidence that the management controls are effective in preventing the violations that are the subject of concern.	12012 12013 12014 12015 12016 12017 12018 12019 12020 12021 12022 12023 12024 12025 12026 12027
(D) Unless the director or the board of health finds that	12028

the applicant has a history of compliance with environmental 12029
laws in this state and other jurisdictions and is presently in 12030
substantial compliance with, or on a legally enforceable 12031
schedule that will result in compliance with, environmental laws 12032
in this state and other jurisdictions; 12033

(E) With respect to the approval of a permit, if the 12034
director determines that current prosecutions or pending charges 12035
in any jurisdiction for any of the offenses enumerated in 12036
division (B) of this section against any individual or business 12037
concern required to be listed in the disclosure statement or 12038
shown by the investigation to have a beneficial interest in the 12039
business of the applicant other than an equity interest or debt 12040
liability are of such magnitude that they prevent making the 12041
finding required under division (A) of this section, provided 12042
that at the request of the applicant or the individual or 12043
business concern charged, the director shall defer decision upon 12044
the application during the pendency of the charge. 12045

Sec. 3734.83. (A) Except as provided in division (D) of 12046
this section, no person shall transport scrap tires anywhere in 12047
this state unless the business or governmental entity that 12048
employs the person first registers with and obtains a 12049
registration certificate from the director of environmental 12050
protection. No more than one registration certificate shall be 12051
required of any single business or governmental entity. An 12052
applicant shall file an application with the director in such 12053
form as the director prescribes. The application shall contain 12054
such information as the director prescribes, including at least 12055
the name and address of the principal office of the applicant in 12056
this state, provided that the information shall not include the 12057
license plate number or vehicle identification number of any 12058
motor vehicle used by the applicant to transport scrap tires. 12059

Each application for a registration certificate shall be 12060
accompanied by a registration fee of not more than three hundred 12061
dollars as established by rules adopted by the director in 12062
accordance with Chapter 119. of the Revised Code, except that a 12063
motor vehicle salvage dealer licensed under Chapter 4738. of the 12064
Revised Code shall be issued a registration certificate or 12065
renewal of a registration certificate under this section without 12066
the payment of any registration fee if the salvage dealer 12067
transports only scrap tires obtained as a direct consequence of 12068
receiving motor vehicles for salvage and transports the tires 12069
only on motor vehicles owned or leased by ~~him~~ the salvage 12070
dealer. 12071

A registration certificate issued under this section is 12072
valid for one year from its effective date and may be renewed 12073
annually for a term of one year by submission to the director of 12074
a renewal application on a form prescribed by the director and 12075
payment of the registration fee established in rules adopted 12076
under this section. The registration and renewal fees shall be 12077
credited to the scrap tire management fund created in section 12078
3734.82 of the Revised Code. 12079

A transporter registered under this division shall 12080
maintain a copy of the registration certificate in each motor 12081
vehicle used by the registrant to transport scrap tires. 12082

(B) The director may issue an order in accordance with 12083
Chapter 119. of the Revised Code denying, suspending, or 12084
revoking the registration certificate of a person who is 12085
registered under this section and who has violated, or whose 12086
employee has violated, any of the scrap tire provisions of this 12087
chapter or a rule adopted under them while transporting scrap 12088
tires. A transporter whose registration certificate has been 12089

denied, suspended, or revoked shall immediately notify each of 12090
~~his~~ the transporter's customers of that fact by certified mail. 12091

(C) Except as provided in division (D) of this section, no 12092
person who possesses scrap tires shall cause them to be 12093
transported by any person who is not registered as a transporter 12094
under this section. 12095

(D) Divisions (A) and (C) of this section do not apply to 12096
any person who transports ten or fewer scrap tires in a single 12097
load; to any person who transports scrap tires for ~~his~~ the 12098
person's own use in agriculture or in producing or processing 12099
aggregates; to any political subdivision engaging in the 12100
collection of solid wastes other than scrap tires, or, subject 12101
to section 9.78 of the Revised Code, to any person engaging in 12102
the collection of such solid wastes under a license or franchise 12103
from a political subdivision, when ten or fewer scrap tires are 12104
transported with any single load of other types of solid wastes; 12105
or to any person who is engaged primarily in the retail sale of 12106
tires for farm machinery, construction equipment, commercial 12107
cars, commercial tractors, motor buses, or semitrailers and who 12108
transports twenty-five or fewer whole scrap tires in a single 12109
load and not more than two hundred fifty scrap tires in a 12110
calendar year, all of which tires either are or were used 12111
primarily as tires for farm machinery, construction equipment, 12112
commercial cars, commercial tractors, motor buses, or 12113
semitrailers. 12114

(E) A transporter of scrap tires is liable for the safe 12115
delivery of any scrap tires from the time ~~he~~ the transporter 12116
obtains them until ~~he~~ the transporter delivers them to a scrap 12117
tire collection, storage, monocell, monofill, or recovery 12118
facility licensed under section 3734.81 of the Revised Code; 12119

delivers them to a solid waste incineration or energy recovery 12120
facility subject to regulation under this chapter; delivers them 12121
to a premises where they will be beneficially used; delivers 12122
them to another transporter registered under this section; or 12123
transports them out of the state. A generator of scrap tires who 12124
has complied with division (C) of this section is not liable 12125
under statute or common law in ~~his~~ the capacity as the generator 12126
of the scrap tires for the actions or omissions of any 12127
transporter registered under this section or any scrap tire 12128
collection, storage, monocell, monofill, or recovery facility 12129
licensed under section 3734.81 of the Revised Code, or any solid 12130
waste incineration or energy recovery facility subject to 12131
regulation under this chapter, with respect to the scrap tires 12132
transported by the registered transporter and is not liable in 12133
~~his~~ the capacity as the generator of the scrap tires for 12134
violations of any scrap tire provision of this chapter or rules 12135
adopted under those provisions governing scrap tire collection, 12136
storage, monocell, monofill, or recovery facilities and the 12137
transportation of scrap tires, or any other provision of this 12138
chapter and rules adopted under it governing solid waste 12139
incineration and energy recovery facilities, with respect to the 12140
scrap tires handled by any such licensed facility or transported 12141
by the registered transporter. 12142

This division does not apply to a person who transports 12143
ten or fewer scrap tires in a single load or who transports any 12144
number of scrap tires for ~~his~~ the person's own use in 12145
agriculture or in producing or processing aggregates. 12146

(F) A generator of scrap tires who, in good faith and 12147
prior to the time when transporters of scrap tires are required 12148
to be registered pursuant to rules adopted under section 3734.74 12149
of the Revised Code, caused scrap tires generated by ~~him~~ the 12150

generator to be transported by another is not liable under 12151
statute or common law in ~~his~~ the capacity as the generator of 12152
the scrap tires for the actions or omissions of the transporter, 12153
or of any other person to whom the transporter delivered the 12154
scrap tires, with respect to the scrap tires transported by the 12155
transporter. 12156

Sec. 3735.311. (A) As used in this section, "~~felony~~" has 12157
~~the same meaning as in~~ "disqualifying offense" means a 12158
disqualifying offense under section 109.511-9.79 of the Revised 12159
Code with respect to a person who has been awarded a certificate 12160
attesting to the satisfactory completion of a peace officer 12161
basic training program under section 109.77 of the Revised Code. 12162

(B) (1) A metropolitan housing authority shall not employ a 12163
person as a member of the police force of the metropolitan 12164
housing authority on a permanent basis, on a temporary basis, 12165
for a probationary term, or on other than a permanent basis if 12166
the person previously has been convicted of ~~or has pleaded~~ 12167
~~guilty to a felony~~ disqualifying offense. 12168

(2) (a) A metropolitan housing authority shall terminate 12169
the employment of a member of the police force of the 12170
metropolitan housing authority who does either of the following: 12171

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 12172

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 12173
a disqualifying offense pursuant to a negotiated plea agreement 12174
as provided in division (D) of section 2929.43 of the Revised 12175
Code in which the member of the police force agrees to surrender 12176
the certificate awarded to that member under section 109.77 of 12177
the Revised Code. 12178

(b) A metropolitan housing authority shall suspend from 12179

employment a member of the police force of the metropolitan 12180
housing authority who is convicted, after trial, of a ~~felony~~ 12181
disqualifying offense. If the member of the police force files 12182
an appeal from that conviction and the conviction is upheld by 12183
the highest court to which the appeal is taken or if the member 12184
of the police force does not file a timely appeal, the 12185
metropolitan housing authority shall terminate the employment of 12186
that member of the police force. If the member of the police 12187
force files an appeal that results in that member's acquittal of 12188
the ~~felony disqualifying offense~~ or conviction of a ~~misdemeanor~~ 12189
an offense other than a disqualifying offense, or in the 12190
dismissal of the ~~felony charge of the disqualifying offense~~ 12191
against that member, the metropolitan housing authority shall 12192
reinstate that member of the police force. A member of the 12193
police force who is reinstated under division (B)(2)(b) of this 12194
section shall not receive any back pay unless that member's 12195
conviction of the ~~felony disqualifying offense~~ was reversed on 12196
appeal, or the ~~felony charge of the disqualifying offense~~ was 12197
dismissed, because the court found insufficient evidence to 12198
convict the member of the police force of the ~~felony~~ 12199
disqualifying offense. 12200

(3) Division (B) of this section does not apply regarding 12201
an offense that was committed prior to January 1, 1997. 12202

(4) The suspension from employment, or the termination of 12203
the employment, of a member of the police force of a 12204
metropolitan housing authority under division (B)(2) of this 12205
section shall be in accordance with Chapter 119. of the Revised 12206
Code. 12207

Sec. 3743.03. (A) If a person submits an application for 12208
licensure as a manufacturer of fireworks, together with the 12209

license fee, fingerprints, and proof of the insurance coverage, 12210
as required by section 3743.02 of the Revised Code, the fire 12211
marshal shall review the application and accompanying matter, 12212
request the criminal records check described in division (E) of 12213
this section, inspect the premises of the fireworks plant 12214
described in the application, and determine whether the 12215
applicant will be issued the license. In determining whether to 12216
issue the license, the state fire marshal shall consider the 12217
results of the criminal records check and the inspection, and 12218
the information set forth in the application, and shall decide 12219
whether the applicant and the fireworks plant described in the 12220
application conform to sections 3743.02 to 3743.08 of the 12221
Revised Code and the rules adopted by the state fire marshal 12222
pursuant to section 3743.05 of the Revised Code, and are in full 12223
compliance with Chapters 3781. and 3791. of the Revised Code, 12224
and any applicable building or zoning regulations. 12225

(B) Subject to section 3743.70 of the Revised Code, the 12226
state fire marshal shall issue a license in accordance with 12227
Chapter 119. of the Revised Code to an applicant for licensure 12228
as a manufacturer of fireworks only if the applicant and the 12229
fireworks plant described in the application conform to sections 12230
3743.02 to 3743.08 of the Revised Code and the rules adopted by 12231
the fire marshal pursuant to section 3743.05 of the Revised 12232
Code, only if the fireworks plant described in the application 12233
complies with the Ohio building code adopted under Chapter 3781. 12234
of the Revised Code, if that fireworks plant was constructed 12235
after May 30, 1986, and only if the fire marshal is satisfied 12236
that the application and accompanying matter are complete and in 12237
conformity with section 3743.02 of the Revised Code. The 12238
requirements of this chapter and of the rules adopted under this 12239
chapter as applicable to the structure of a building do not 12240

apply to a building in a fireworks plant if the building was 12241
inspected and approved by the department of industrial relations 12242
or by any building department certified pursuant to division (E) 12243
of section 3781.10 of the Revised Code prior to May 30, 1986. 12244

(C) Each license issued pursuant to this section shall 12245
contain a distinct number assigned to the licensed manufacturer 12246
and, if the licensed manufacturer will engage in the processing 12247
of fireworks as any part of its manufacturing of fireworks at 12248
the fireworks plants, a notation indicating that fact. The state 12249
fire marshal shall maintain a list of all licensed manufacturers 12250
of fireworks. In the list next to each manufacturer's name, the 12251
fire marshal shall insert the period of licensure, the license 12252
number of the manufacturer, and, if applicable, a notation that 12253
the manufacturer will engage in the processing of fireworks as 12254
part of its manufacturing of fireworks. 12255

(D) The holder of a license issued pursuant to this 12256
section may request the state fire marshal to cancel that 12257
license and issue in its place a license to sell fireworks at 12258
wholesale under section 3743.16 of the Revised Code. Upon 12259
receipt of such a request, the state fire marshal shall cancel 12260
the license issued under this section and issue a license under 12261
section 3743.16 of the Revised Code if the applicant meets the 12262
requirements of that section. 12263

(E) Upon receipt of an application and the required 12264
accompanying matter under section 3743.02 of the Revised Code, 12265
the state fire marshal shall forward to the superintendent of 12266
the bureau of criminal identification and investigation a 12267
request that the bureau conduct an investigation of the 12268
applicant and, if applicable, additional individuals who hold, 12269
own, or control a five per cent or greater beneficial or equity 12270

interest in the applicant, to determine whether the applicant or 12271
the additional associated individuals have been convicted of ~~ex-~~ 12272
~~pled guilty to a felony~~ a disqualifying offense, as specified 12273
under section 9.79 of the Revised Code, under the laws of this 12274
state, another state, or the United States. 12275

If the applicant for initial licensure has resided in this 12276
state for less than five continuous years immediately prior to 12277
the date the applicant submits an initial application, the 12278
superintendent also shall request that the federal bureau of 12279
investigation conduct an investigation of the applicant and, if 12280
applicable, additional individuals who hold, own, or control a 12281
five per cent or greater beneficial or equity interest in the 12282
applicant, to determine whether the applicant or the additional 12283
associated individuals have been convicted of ~~ex-pled guilty to-~~ 12284
~~a felony~~ a disqualifying offense, as specified under section 12285
9.79 of the Revised Code, under the laws of this state, another 12286
state, or the United States. 12287

The superintendent shall forward the results of an 12288
investigation conducted pursuant to this division to the state 12289
fire marshal and may charge a reasonable fee for providing the 12290
results. The state fire marshal shall assess any fee charged by 12291
the superintendent for the results to the applicant. 12292

Sec. 3743.04. (A) The license of a manufacturer of 12293
fireworks is effective for one year beginning on the first day 12294
of December. The state fire marshal shall issue or renew a 12295
license only on that date and at no other time. If a 12296
manufacturer of fireworks wishes to continue manufacturing 12297
fireworks at the designated fireworks plant after its then 12298
effective license expires, it shall apply no later than the 12299
first day of October for a new license pursuant to section 12300

3743.02 of the Revised Code. The state fire marshal shall send a written notice of the expiration of its license to a licensed manufacturer at least three months before the expiration date.

(B) If, during the effective period of its licensure, a licensed manufacturer of fireworks wishes to construct, locate, or relocate any buildings or other structures on the premises of its fireworks plant, to make any structural change or renovation in any building or other structure on the premises of its fireworks plant, or to change the nature of its manufacturing of fireworks so as to include the processing of fireworks, the manufacturer shall notify the state fire marshal in writing. The state fire marshal may require a licensed manufacturer also to submit documentation, including, but not limited to, plans covering the proposed construction, location, relocation, structural change or renovation, or change in manufacturing of fireworks, if the state fire marshal determines the documentation is necessary for evaluation purposes in light of the proposed construction, location, relocation, structural change or renovation, or change in manufacturing of fireworks.

Upon receipt of the notification and additional documentation required by the state fire marshal, the state fire marshal shall inspect the premises of the fireworks plant to determine if the proposed construction, location, relocation, structural change or renovation, or change in manufacturing of fireworks conforms to sections 3743.02 to 3743.08 of the Revised Code and the rules adopted by the state fire marshal pursuant to section 3743.05 of the Revised Code. The state fire marshal shall issue a written authorization to the manufacturer for the construction, location, relocation, structural change or renovation, or change in manufacturing of fireworks if the state fire marshal determines, upon the inspection and a review of

submitted documentation, that the construction, location, 12332
relocation, structural change or renovation, or change in 12333
manufacturing of fireworks conforms to those sections and rules. 12334
Upon authorizing a change in manufacturing of fireworks to 12335
include the processing of fireworks, the state fire marshal 12336
shall make notations on the manufacturer's license and in the 12337
list of licensed manufacturers in accordance with section 12338
3743.03 of the Revised Code. 12339

On or before June 1, 1998, a licensed manufacturer shall 12340
install, in every licensed building in which fireworks are 12341
manufactured, stored, or displayed and to which the public has 12342
access, interlinked fire detection, smoke exhaust, and smoke 12343
evacuation systems that are approved by the superintendent of 12344
industrial compliance, and shall comply with floor plans showing 12345
occupancy load limits and internal circulation and egress 12346
patterns that are approved by the state fire marshal and 12347
superintendent, and that are submitted under seal as required by 12348
section 3791.04 of the Revised Code. Notwithstanding section 12349
3743.59 of the Revised Code, the construction and safety 12350
requirements established in this division are not subject to any 12351
variance, waiver, or exclusion. 12352

(C) The license of a manufacturer of fireworks authorizes 12353
the manufacturer to engage only in the following activities: 12354

(1) The manufacturing of fireworks on the premises of the 12355
fireworks plant as described in the application for licensure or 12356
in the notification submitted under division (B) of this 12357
section, except that a licensed manufacturer shall not engage in 12358
the processing of fireworks unless authorized to do so by its 12359
license. 12360

(2) To possess for sale at wholesale and sell at wholesale 12361

the fireworks manufactured by the manufacturer, to persons who 12362
are licensed wholesalers of fireworks, to out-of-state residents 12363
in accordance with section 3743.44 of the Revised Code, to 12364
residents of this state in accordance with section 3743.45 of 12365
the Revised Code, or to persons located in another state 12366
provided the fireworks are shipped directly out of this state to 12367
them by the manufacturer. A person who is licensed as a 12368
manufacturer of fireworks on June 14, 1988, also may possess for 12369
sale and sell pursuant to division (C) (2) of this section 12370
fireworks other than those the person manufactures. The 12371
possession for sale shall be on the premises of the fireworks 12372
plant described in the application for licensure or in the 12373
notification submitted under division (B) of this section, and 12374
the sale shall be from the inside of a licensed building and 12375
from no other structure or device outside a licensed building. 12376
At no time shall a licensed manufacturer sell any class of 12377
fireworks outside a licensed building. 12378

(3) Possess for sale at retail and sell at retail the 12379
fireworks manufactured by the manufacturer, other than 1.4G 12380
fireworks as designated by the state fire marshal in rules 12381
adopted pursuant to division (A) of section 3743.05 of the 12382
Revised Code, to licensed exhibitors in accordance with sections 12383
3743.50 to 3743.55 of the Revised Code, and possess for sale at 12384
retail and sell at retail the fireworks manufactured by the 12385
manufacturer, including 1.4G fireworks, to out-of-state 12386
residents in accordance with section 3743.44 of the Revised 12387
Code, to residents of this state in accordance with section 12388
3743.45 of the Revised Code, or to persons located in another 12389
state provided the fireworks are shipped directly out of this 12390
state to them by the manufacturer. A person who is licensed as a 12391
manufacturer of fireworks on June 14, 1988, may also possess for 12392

sale and sell pursuant to division (C) (3) of this section 12393
fireworks other than those the person manufactures. The 12394
possession for sale shall be on the premises of the fireworks 12395
plant described in the application for licensure or in the 12396
notification submitted under division (B) of this section, and 12397
the sale shall be from the inside of a licensed building and 12398
from no other structure or device outside a licensed building. 12399
At no time shall a licensed manufacturer sell any class of 12400
fireworks outside a licensed building. 12401

A licensed manufacturer of fireworks shall sell under 12402
division (C) of this section only fireworks that meet the 12403
standards set by the consumer product safety commission or by 12404
the American fireworks standard laboratories or that have 12405
received an EX number from the United States department of 12406
transportation. 12407

(D) The license of a manufacturer of fireworks shall be 12408
protected under glass and posted in a conspicuous place on the 12409
premises of the fireworks plant. Except as otherwise provided in 12410
this division, the license is not transferable or assignable. A 12411
license may be transferred to another person for the same 12412
fireworks plant for which the license was issued if the assets 12413
of the plant are transferred to that person by inheritance or by 12414
a sale approved by the state fire marshal. The license is 12415
subject to revocation in accordance with section 3743.08 of the 12416
Revised Code. 12417

(E) The state fire marshal shall not place the license of 12418
a manufacturer of fireworks in a temporarily inactive status 12419
while the holder of the license is attempting to qualify to 12420
retain the license. 12421

(F) Each licensed manufacturer of fireworks that possesses 12422

fireworks for sale and sells fireworks under division (C) of 12423
section 3743.04 of the Revised Code, or a designee of the 12424
manufacturer, whose identity is provided to the state fire 12425
marshal by the manufacturer, annually shall attend a continuing 12426
education program. The state fire marshal shall develop the 12427
program and the state fire marshal or a person or public agency 12428
approved by the state fire marshal shall conduct it. A licensed 12429
manufacturer or the manufacturer's designee who attends a 12430
program as required under this division, within one year after 12431
attending the program, shall conduct in-service training as 12432
approved by the state fire marshal for other employees of the 12433
licensed manufacturer regarding the information obtained in the 12434
program. A licensed manufacturer shall provide the state fire 12435
marshal with notice of the date, time, and place of all in- 12436
service training. For any program conducted under this division, 12437
the state fire marshal shall, in accordance with rules adopted 12438
by the state fire marshal under Chapter 119. of the Revised 12439
Code, establish the subjects to be taught, the length of 12440
classes, the standards for approval, and time periods for 12441
notification by the licensee to the state fire marshal of any 12442
in-service training. 12443

(G) A licensed manufacturer shall maintain comprehensive 12444
general liability insurance coverage in the amount and type 12445
specified under division (B) (2) of section 3743.02 of the 12446
Revised Code at all times. Each policy of insurance required 12447
under this division shall contain a provision requiring the 12448
insurer to give not less than fifteen days' prior written notice 12449
to the state fire marshal before termination, lapse, or 12450
cancellation of the policy, or any change in the policy that 12451
reduces the coverage below the minimum required under this 12452
division. Prior to canceling or reducing the amount of coverage 12453

of any comprehensive general liability insurance coverage 12454
required under this division, a licensed manufacturer shall 12455
secure supplemental insurance in an amount and type that 12456
satisfies the requirements of this division so that no lapse in 12457
coverage occurs at any time. A licensed manufacturer who secures 12458
supplemental insurance shall file evidence of the supplemental 12459
insurance with the state fire marshal prior to canceling or 12460
reducing the amount of coverage of any comprehensive general 12461
liability insurance coverage required under this division. 12462

(H) The state fire marshal shall adopt rules for the 12463
expansion or contraction of a licensed premises and for approval 12464
of such expansions or contractions. The boundaries of a licensed 12465
premises, including any geographic expansion or contraction of 12466
those boundaries, shall be approved by the state fire marshal in 12467
accordance with rules the state fire marshal adopts. If the 12468
licensed premises consists of more than one parcel of real 12469
estate, those parcels shall be contiguous unless an exception is 12470
allowed pursuant to division (I) of this section. 12471

(I) (1) A licensed manufacturer may expand its licensed 12472
premises within this state to include not more than two storage 12473
locations that are located upon one or more real estate parcels 12474
that are noncontiguous to the licensed premises as that licensed 12475
premises exists on the date a licensee submits an application as 12476
described below, if all of the following apply: 12477

(a) The licensee submits an application to the state fire 12478
marshal and an application fee of one hundred dollars per 12479
storage location for which the licensee is requesting approval. 12480

(b) The identity of the holder of the license remains the 12481
same at the storage location. 12482

(c) The storage location has received a valid certificate 12483
of zoning compliance as applicable and a valid certificate of 12484
occupancy for each building or structure at the storage location 12485
issued by the authority having jurisdiction to issue the 12486
certificate for the storage location, and those certificates 12487
permit the distribution and storage of fireworks regulated under 12488
this chapter at the storage location and in the buildings or 12489
structures. The storage location shall be in compliance with all 12490
other applicable federal, state, and local laws and regulations. 12491

(d) Every building or structure located upon the storage 12492
location is separated from occupied residential and 12493
nonresidential buildings or structures, railroads, highways, or 12494
any other buildings or structures on the licensed premises in 12495
accordance with the distances specified in the rules adopted by 12496
the state fire marshal pursuant to section 3743.05 of the 12497
Revised Code. 12498

(e) Neither the licensee nor any person holding, owning, 12499
or controlling a five per cent or greater beneficial or equity 12500
interest in the licensee has been convicted of ~~or pleaded guilty~~ 12501
~~to a felony a disqualifying offense, as specified under section~~ 12502
9.79 of the Revised Code, under the laws of this state, any 12503
other state, or the United States, after ~~September 29, 2005~~ the 12504
effective date of this amendment. 12505

(f) The state fire marshal approves the application for 12506
expansion. 12507

(2) The state fire marshal shall approve an application 12508
for expansion requested under division (I)(1) of this section if 12509
the state fire marshal receives the application fee and proof 12510
that the requirements of divisions (I)(1)(b) to (e) of this 12511
section are satisfied. The storage location shall be considered 12512

part of the original licensed premises and shall use the same 12513
distinct number assigned to the original licensed premises with 12514
any additional designations as the state fire marshal deems 12515
necessary in accordance with section 3743.03 of the Revised 12516
Code. 12517

(J) (1) A licensee who obtains approval for the use of a 12518
storage location in accordance with division (I) of this section 12519
shall use the storage location exclusively for the following 12520
activities, in accordance with division (C) of this section: 12521

(a) The packaging, assembling, or storing of fireworks, 12522
which shall only occur in buildings or structures approved for 12523
such hazardous uses by the building code official having 12524
jurisdiction for the storage location or, for 1.4G fireworks, in 12525
containers or trailers approved for such hazardous uses by the 12526
state fire marshal if such containers or trailers are not 12527
subject to regulation by the building code adopted in accordance 12528
with Chapter 3781. of the Revised Code. All such storage shall 12529
be in accordance with the rules adopted by the state fire 12530
marshal under division (G) of section 3743.05 of the Revised 12531
Code for the packaging, assembling, and storage of fireworks. 12532

(b) Distributing fireworks to other parcels of real estate 12533
located on the manufacturer's licensed premises, to licensed 12534
wholesalers or other licensed manufacturers in this state or to 12535
similarly licensed persons located in another state or country; 12536

(c) Distributing fireworks to a licensed exhibitor of 12537
fireworks pursuant to a properly issued permit in accordance 12538
with section 3743.54 of the Revised Code. 12539

(2) A licensed manufacturer shall not engage in any sales 12540
activity, including the retail sale of fireworks otherwise 12541

permitted under division (C) (2) or (C) (3) of this section, or 12542
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 12543
the storage location approved under this section. 12544

(3) A storage location may not be relocated for a minimum 12545
period of five years after the storage location is approved by 12546
the state fire marshal in accordance with division (I) of this 12547
section. 12548

(K) The licensee shall prohibit public access to the 12549
storage location. The state fire marshal shall adopt rules to 12550
describe the acceptable measures a manufacturer shall use to 12551
prohibit access to the storage site. 12552

Sec. 3743.16. (A) If a person submits an application for 12553
licensure as a wholesaler of fireworks, together with the 12554
license fee, fingerprints, and proof of the insurance coverage, 12555
as required by section 3743.15 of the Revised Code, the state 12556
fire marshal shall review the application and accompanying 12557
matter, request the criminal records check described in division 12558
(D) of this section, inspect the premises on which the fireworks 12559
would be sold, and determine whether the applicant will be 12560
issued the license. In determining whether to issue the license, 12561
the state fire marshal shall consider the results of the 12562
criminal records check and the inspection, and the information 12563
set forth in the application, and shall decide whether the 12564
applicant and the premises on which the fireworks will be sold 12565
conform to sections 3743.15 to 3743.21 of the Revised Code and 12566
the rules adopted by the state fire marshal pursuant to section 12567
3743.18 of the Revised Code, and are in full compliance with 12568
Chapters 3781. and 3791. of the Revised Code, and any applicable 12569
building or zoning regulations. 12570

(B) Subject to section 3743.70 of the Revised Code, the 12571

state fire marshal shall issue a license in accordance with 12572
Chapter 119. of the Revised Code to the applicant for licensure 12573
as a wholesaler of fireworks only if the applicant and the 12574
premises on which the fireworks will be sold conform to sections 12575
3743.15 to 3743.21 of the Revised Code and the rules adopted by 12576
the state fire marshal pursuant to section 3743.18 of the 12577
Revised Code, only if the premises on which the fireworks will 12578
be sold complies with the Ohio building code adopted under 12579
Chapter 3781. of the Revised Code, if that premises was 12580
constructed after May 30, 1986, and only if the state fire 12581
marshal is satisfied that the application and accompanying 12582
matter are complete and in conformity with section 3743.15 of 12583
the Revised Code. The requirements of this chapter and of the 12584
rules adopted under this chapter as applicable to the structure 12585
of a building do not apply to a building used by a wholesaler if 12586
the building was inspected and approved by the department of 12587
industrial relations or by any building department certified 12588
pursuant to division (E) of section 3781.10 of the Revised Code 12589
prior to May 30, 1986. 12590

(C) Each license issued pursuant to this section shall 12591
contain a distinct number assigned to the particular wholesaler. 12592
The state fire marshal shall maintain a list of all licensed 12593
wholesalers of fireworks. In this list next to each wholesaler's 12594
name, the state fire marshal shall insert the period of 12595
licensure and the license number of the particular wholesaler. 12596

(D) Upon receipt of an application and the required 12597
accompanying matter under section 3743.15 of the Revised Code, 12598
the state fire marshal shall forward to the superintendent of 12599
the bureau of criminal identification and investigation a 12600
request that the bureau conduct an investigation of the 12601
applicant and, if applicable, additional individuals who hold, 12602

own, or control a five per cent or greater beneficial or equity 12603
interest in the applicant, to determine whether the applicant or 12604
the additional associated individuals have been convicted of ~~or~~ 12605
~~pled guilty to a felony~~ a disqualifying offense, as specified 12606
under section 9.79 of the Revised Code, under the laws of this 12607
state, another state, or the United States. 12608

If the applicant for initial licensure has resided in this 12609
state for less than five continuous years immediately prior to 12610
the date the applicant submits an initial application, the 12611
superintendent also shall request that the federal bureau of 12612
investigation conduct an investigation of the applicant and, if 12613
applicable, additional individuals who hold, own, or control a 12614
five per cent or greater beneficial or equity interest in the 12615
applicant, to determine whether the applicant or the additional 12616
associated individuals have been convicted of ~~or pled guilty to~~ 12617
~~a felony~~ a disqualifying offense, as specified under section 12618
9.79 of the Revised Code, under the laws of this state, another 12619
state, or the United States. 12620

The superintendent shall forward the results of an 12621
investigation conducted pursuant to this division to the state 12622
fire marshal and may charge a reasonable fee for providing the 12623
results. The state fire marshal shall assess any fee charged by 12624
the superintendent for the results to the applicant. 12625

Sec. 3743.17. (A) The license of a wholesaler of fireworks 12626
is effective for one year beginning on the first day of 12627
December. The state fire marshal shall issue or renew a license 12628
only on that date and at no other time. If a wholesaler of 12629
fireworks wishes to continue engaging in the wholesale sale of 12630
fireworks at the particular location after its then effective 12631
license expires, it shall apply not later than the first day of 12632

October for a new license pursuant to section 3743.15 of the Revised Code. The state fire marshal shall send a written notice of the expiration of its license to a licensed wholesaler at least three months before the expiration date.

(B) If, during the effective period of its licensure, a licensed wholesaler of fireworks wishes to perform any construction, or make any structural change or renovation, on the premises on which the fireworks are sold, the wholesaler shall notify the state fire marshal in writing. The fire marshal may require a licensed wholesaler also to submit documentation, including, but not limited to, plans covering the proposed construction or structural change or renovation, if the state fire marshal determines the documentation is necessary for evaluation purposes in light of the proposed construction or structural change or renovation.

Upon receipt of the notification and additional documentation required by the fire marshal, the state fire marshal shall inspect the premises on which the fireworks are sold to determine if the proposed construction or structural change or renovation conforms to sections 3743.15 to 3743.21 of the Revised Code and the rules adopted by the state fire marshal pursuant to section 3743.18 of the Revised Code. The state fire marshal shall issue a written authorization to the wholesaler for the construction or structural change or renovation if the state fire marshal determines, upon the inspection and a review of submitted documentation, that the construction or structural change or renovation conforms to those sections and rules.

(C) The license of a wholesaler of fireworks authorizes the wholesaler to engage only in the following activities:

(1) Possess for sale at wholesale and sell at wholesale

fireworks to persons who are licensed wholesalers of fireworks, 12663
to out-of-state residents in accordance with section 3743.44 of 12664
the Revised Code, to residents of this state in accordance with 12665
section 3743.45 of the Revised Code, or to persons located in 12666
another state provided the fireworks are shipped directly out of 12667
this state to them by the wholesaler. The possession for sale 12668
shall be at the location described in the application for 12669
licensure or in the notification submitted under division (B) of 12670
this section, and the sale shall be from the inside of a 12671
licensed building and from no structure or device outside a 12672
licensed building. At no time shall a licensed wholesaler sell 12673
any class of fireworks outside a licensed building. 12674

(2) Possess for sale at retail and sell at retail 12675
fireworks, other than 1.4G fireworks as designated by the fire 12676
marshal in rules adopted pursuant to division (A) of section 12677
3743.05 of the Revised Code, to licensed exhibitors in 12678
accordance with sections 3743.50 to 3743.55 of the Revised Code, 12679
and possess for sale at retail and sell at retail fireworks, 12680
including 1.4G fireworks, to out-of-state residents in 12681
accordance with section 3743.44 of the Revised Code, to 12682
residents of this state in accordance with section 3743.45 of 12683
the Revised Code, or to persons located in another state 12684
provided the fireworks are shipped directly out of this state to 12685
them by the wholesaler. The possession for sale shall be at the 12686
location described in the application for licensure or in the 12687
notification submitted under division (B) of this section, and 12688
the sale shall be from the inside of the licensed building and 12689
from no other structure or device outside this licensed 12690
building. At no time shall a licensed wholesaler sell any class 12691
of fireworks outside a licensed building. 12692

A licensed wholesaler of fireworks shall sell under 12693

division (C) of this section only fireworks that meet the 12694
standards set by the consumer product safety commission or by 12695
the American fireworks standard laboratories or that have 12696
received an EX number from the United States department of 12697
transportation. 12698

(D) The license of a wholesaler of fireworks shall be 12699
protected under glass and posted in a conspicuous place at the 12700
location described in the application for licensure or in the 12701
notification submitted under division (B) of this section. 12702
Except as otherwise provided in this section, the license is not 12703
transferable or assignable. A license may be transferred to 12704
another person for the same location for which the license was 12705
issued if the assets of the wholesaler are transferred to that 12706
person by inheritance or by a sale approved by the state fire 12707
marshal. The license is subject to revocation in accordance with 12708
section 3743.21 of the Revised Code. 12709

(E) The state fire marshal shall adopt rules for the 12710
expansion or contraction of a licensed premises and for the 12711
approval of an expansion or contraction. The boundaries of a 12712
licensed premises, including any geographic expansion or 12713
contraction of those boundaries, shall be approved by the fire 12714
marshal in accordance with rules the state fire marshal adopts. 12715
If the licensed premises of a licensed wholesaler from which the 12716
wholesaler operates consists of more than one parcel of real 12717
estate, those parcels must be contiguous, unless an exception is 12718
allowed pursuant to division (G) of this section. 12719

(F) (1) Upon application by a licensed wholesaler of 12720
fireworks, a wholesaler license may be transferred from one 12721
geographic location to another within the same municipal 12722
corporation or within the unincorporated area of the same 12723

township, but only if all of the following apply: 12724

(a) The identity of the holder of the license remains the 12725
same in the new location. 12726

(b) The former location is closed prior to the opening of 12727
the new location and no fireworks business of any kind is 12728
conducted at the former location after the transfer of the 12729
license. 12730

(c) The new location has received a local certificate of 12731
zoning compliance and a local certificate of occupancy, and 12732
otherwise is in compliance with all local building regulations. 12733

(d) Every building or structure at the new location is 12734
separated from occupied residential and nonresidential buildings 12735
or structures, railroads, highways, or any other buildings or 12736
structures located on the licensed premises in accordance with 12737
the distances specified in the rules adopted by the state fire 12738
marshal pursuant to section 3743.18 of the Revised Code. If the 12739
licensee fails to comply with the requirements of division (F) 12740
(1)(d) of this section by the licensee's own act, the license at 12741
the new location is forfeited. 12742

(e) Neither the licensee nor any person holding, owning, 12743
or controlling a five per cent or greater beneficial or equity 12744
interest in the licensee has been convicted of ~~or has pleaded~~ 12745
~~guilty to a felony~~ a disqualifying offense, as specified under 12746
section 9.79 of the Revised Code, under the laws of this state, 12747
any other state, or the United States after ~~June 30, 1997~~ the 12748
effective date of this amendment. 12749

(f) The state fire marshal approves the request for the 12750
transfer. 12751

(2) The new location shall comply with the requirements 12752

specified in divisions (C) (1) and (2) of section 3743.25 of the Revised Code whether or not the fireworks showroom at the new location is constructed, expanded, or first begins operating on and after June 30, 1997.

(G) (1) A licensed wholesaler may expand its licensed premises within this state to include not more than two storage locations that are located upon one or more real estate parcels that are noncontiguous to the licensed premises as that licensed premises exists on the date a licensee submits an application as described below, if all of the following apply:

(a) The licensee submits an application to the state fire marshal requesting the expansion and an application fee of one hundred dollars per storage location for which the licensee is requesting approval.

(b) The identity of the holder of the license remains the same at the storage location.

(c) The storage location has received a valid certificate of zoning compliance, as applicable, and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this chapter at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations.

(d) Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, and any other buildings or structures on the licensed premises in

accordance with the distances specified in the rules adopted by 12782
the fire marshal pursuant to section 3743.18 of the Revised 12783
Code. 12784

(e) Neither the licensee nor any person holding, owning, 12785
or controlling a five per cent or greater beneficial or equity 12786
interest in the licensee has been convicted of ~~or pleaded guilty~~ 12787
~~to a felony a disqualifying offense, as specified under section~~ 12788
9.79 of the Revised Code, under the laws of this state, any 12789
other state, or the United States, after ~~September 29, 2005~~ the 12790
effective date of this amendment. 12791

(f) The state fire marshal approves the application for 12792
expansion. 12793

(2) The state fire marshal shall approve an application 12794
for expansion requested under division (G)(1) of this section if 12795
the state fire marshal receives the application fee and proof 12796
that the requirements of divisions (G)(1)(b) to (e) of this 12797
section are satisfied. The storage location shall be considered 12798
part of the original licensed premises and shall use the same 12799
distinct number assigned to the original licensed premises with 12800
any additional designations as the state fire marshal deems 12801
necessary in accordance with section 3743.16 of the Revised 12802
Code. 12803

(H) (1) A licensee who obtains approval for use of a 12804
storage location in accordance with division (G) of this section 12805
shall use the site exclusively for the following activities, in 12806
accordance with division (C)(1) of this section: 12807

(a) Packaging, assembling, or storing fireworks, which 12808
shall occur only in buildings or structures approved for such 12809
hazardous uses by the building code official having jurisdiction 12810

for the storage location or, for 1.4G fireworks, in containers 12811
or trailers approved for such hazardous uses by the fire marshal 12812
if such containers or trailers are not subject to regulation by 12813
the building code adopted in accordance with Chapter 3781. of 12814
the Revised Code. All such storage shall be in accordance with 12815
the rules adopted by the state fire marshal under division (B) 12816
(4) of section 3743.18 of the Revised Code for the packaging, 12817
assembling, and storage of fireworks. 12818

(b) Distributing fireworks to other parcels of real estate 12819
located on the wholesaler's licensed premises, to licensed 12820
manufacturers or other licensed wholesalers in this state or to 12821
similarly licensed persons located in another state or country; 12822

(c) Distributing fireworks to a licensed exhibitor of 12823
fireworks pursuant to a properly issued permit in accordance 12824
with section 3743.54 of the Revised Code. 12825

(2) A licensed wholesaler shall not engage in any sales 12826
activity, including the retail sale of fireworks otherwise 12827
permitted under division (C) (2) of this section or pursuant to 12828
section 3743.44 or 3743.45 of the Revised Code, at a storage 12829
location approved under this section. 12830

(3) A storage location may not be relocated for a minimum 12831
period of five years after the storage location is approved by 12832
the state fire marshal in accordance with division (G) of this 12833
section. 12834

(I) A licensee shall prohibit public access to all storage 12835
locations it uses. The state fire marshal shall adopt rules 12836
establishing acceptable measures a wholesaler shall use to 12837
prohibit access to storage sites. 12838

(J) The state fire marshal shall not place the license of 12839

a wholesaler of fireworks in temporarily inactive status while 12840
the holder of the license is attempting to qualify to retain the 12841
license. 12842

(K) Each licensed wholesaler of fireworks or a designee of 12843
the wholesaler, whose identity is provided to the state fire 12844
marshal by the wholesaler, annually shall attend a continuing 12845
education program. The state fire marshal shall develop the 12846
program and the fire marshal or a person or public agency 12847
approved by the fire marshal shall conduct it. A licensed 12848
wholesaler or the wholesaler's designee who attends a program as 12849
required under this division, within one year after attending 12850
the program, shall conduct in-service training as approved by 12851
the state fire marshal for other employees of the licensed 12852
wholesaler regarding the information obtained in the program. A 12853
licensed wholesaler shall provide the state fire marshal with 12854
notice of the date, time, and place of all in-service training. 12855
For any program conducted under this division, the state fire 12856
marshal shall, in accordance with rules adopted by the fire 12857
marshal under Chapter 119. of the Revised Code, establish the 12858
subjects to be taught, the length of classes, the standards for 12859
approval, and time periods for notification by the licensee to 12860
the state fire marshal of any in-service training. 12861

(L) A licensed wholesaler shall maintain comprehensive 12862
general liability insurance coverage in the amount and type 12863
specified under division (B) (2) of section 3743.15 of the 12864
Revised Code at all times. Each policy of insurance required 12865
under this division shall contain a provision requiring the 12866
insurer to give not less than fifteen days' prior written notice 12867
to the state fire marshal before termination, lapse, or 12868
cancellation of the policy, or any change in the policy that 12869
reduces the coverage below the minimum required under this 12870

division. Prior to canceling or reducing the amount of coverage 12871
of any comprehensive general liability insurance coverage 12872
required under this division, a licensed wholesaler shall secure 12873
supplemental insurance in an amount and type that satisfies the 12874
requirements of this division so that no lapse in coverage 12875
occurs at any time. A licensed wholesaler who secures 12876
supplemental insurance shall file evidence of the supplemental 12877
insurance with the state fire marshal prior to canceling or 12878
reducing the amount of coverage of any comprehensive general 12879
liability insurance coverage required under this division. 12880

Sec. 3743.70. The state fire marshal shall not issue an 12881
initial or a renewal of a license, permit, or registration under 12882
this chapter on or after June 30, 1997, if the applicant for the 12883
license or permit, or any individual holding, owning, or 12884
controlling a five per cent or greater beneficial or equity 12885
interest in the applicant for the license or permit, has been 12886
convicted of ~~or pleaded guilty to a felony~~ a disqualifying 12887
offense, as specified under section 9.79 of the Revised Code, 12888
under the laws of this state, another state, or the United 12889
States. The state fire marshal shall revoke or deny renewal of a 12890
license or permit first issued under this chapter on or after 12891
~~June 30, 1997~~ the effective date of this amendment, if the 12892
holder of the license or permit, or any individual holding, 12893
owning, or controlling a five per cent or greater beneficial or 12894
equity interest in the holder of the license or permit, is 12895
convicted of ~~or pleads guilty to a felony~~ a disqualifying 12896
offense, as specified under section 9.79 of the Revised Code, 12897
under the laws of this state, another state, or the United 12898
States. 12899

The state fire marshal may adopt rules under Chapter 119. 12900
of the Revised Code specifying the method to be used by the 12901

applicants subject to this section to provide the fingerprint or 12902
similar identifying information, fees to be assessed by the 12903
state fire marshal to conduct such background checks, and the 12904
procedures to be used by the state fire marshal to verify 12905
compliance with this section. Such rules may include provisions 12906
establishing rules for conducting background checks and 12907
prohibiting licensure, permitting or registration under this 12908
chapter for persons convicted of a ~~felony-disqualifying offense,~~ 12909
as specified under section 9.79 of the Revised Code, or similar 12910
offense in another country, the frequency that license renewal 12911
applicants must update background check information filed by the 12912
applicant with previous license applications, provisions 12913
describing alternative forms of background check information 12914
that may be accepted by the state fire marshal to verify 12915
compliance with this section, and provisions that permit the 12916
state fire marshal to waive the applicability of this section if 12917
the applicant produces verified documentation that demonstrates 12918
that this state, another state, the United States, or another 12919
country has determined that applicant is appropriate for 12920
licensure, permitting, or registration under this chapter. 12921

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 12922
section 3743.60 or division (H) of section 3743.64 of the 12923
Revised Code is guilty of a felony of the third degree. 12924

(B) Whoever violates division (C) or (D) of section 12925
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 12926
division (A) or (B) of section 3743.64 of the Revised Code is 12927
guilty of a felony of the fourth degree. 12928

(C) Whoever violates division (E), (F), (G), (H), (I), or 12929
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 12930
of section 3743.61, section 3743.63, division (D), (E), (F), or 12931

(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 12932
section 3743.65, or section 3743.66 of the Revised Code is 12933
guilty of a misdemeanor of the first degree. If the offender 12934
previously has been convicted of or pleaded guilty to a 12935
violation of division (I) of section 3743.60 or 3743.61 of the 12936
Revised Code, a violation of either of these divisions is a 12937
felony of the fifth degree. 12938

(D) Whoever violates division (C) of section 3743.64 of 12939
the Revised Code is guilty of a misdemeanor of the first degree. 12940
In addition to any other penalties that may be imposed on a 12941
licensed exhibitor of fireworks under this division and unless 12942
the third sentence of this division applies, the person's 12943
license as an exhibitor of fireworks or as an assistant 12944
exhibitor of fireworks shall be suspended, ~~and the person is~~ 12945
~~ineligible to apply for either type of license, for a period of~~ 12946
~~five years~~. If the violation of division (C) of section 3743.64 12947
of the Revised Code results in serious physical harm to persons 12948
or serious physical harm to property, the person's license as an 12949
exhibitor of fireworks or as an assistant exhibitor of fireworks 12950
shall be revoked, ~~and that person is ineligible to apply for a~~ 12951
~~license as or to be licensed as an exhibitor of fireworks or as~~ 12952
~~an assistant exhibitor of fireworks in this state.~~ 12953

(E) Whoever violates division (F) of section 3743.65 of 12954
the Revised Code is guilty of a felony of the fifth degree. 12955

Sec. 3770.05. (A) As used in this section, "person" means 12956
any individual, association, corporation, limited liability 12957
company, partnership, club, trust, estate, society, receiver, 12958
trustee, person acting in a fiduciary or representative 12959
capacity, instrumentality of the state or any of its political 12960
subdivisions, or any other business entity or combination of 12961

individuals meeting the requirements set forth in this section 12962
or established by rule or order of the state lottery commission. 12963

(B) The director of the state lottery commission may 12964
license any person as a lottery sales agent. 12965

Before issuing any license to a lottery sales agent, the 12966
director shall consider all of the following: 12967

(1) The financial responsibility and security of the 12968
applicant and the applicant's business or activity; 12969

(2) The accessibility of the applicant's place of business 12970
or activity to the public; 12971

(3) The sufficiency of existing licensed agents to serve 12972
the public interest; 12973

(4) The volume of expected sales by the applicant; 12974

(5) Any other factors pertaining to the public interest, 12975
convenience, or trust. 12976

(C) Except as otherwise provided in division (F) of this 12977
section, the director of the state lottery commission may refuse 12978
to grant, or may suspend or revoke, a license if the applicant 12979
or licensee: 12980

(1) Has been convicted of a ~~felony or has been convicted~~ 12981
~~of a crime involving moral turpitude;~~ 12982

~~(2) Has been convicted of an offense that involves illegal~~ 12983
~~gambling~~ disqualifying offense, as specified under section 9.79 12984
of the Revised Code; 12985

~~(3)~~ (2) Has been found guilty of fraud or 12986
misrepresentation in any connection; 12987

~~(4)~~ (3) Has been found to have violated any rule or order 12988

of the commission, ~~or~~ 12989

~~(5) Has been convicted of illegal trafficking in~~ 12990
~~supplemental nutrition assistance program benefits.~~ 12991

(D) Except as otherwise provided in division (F) of this 12992
section, the director of the state lottery commission may refuse 12993
to grant, or may suspend or revoke, a license if the applicant 12994
or licensee is a corporation or other business entity, and any 12995
of the following applies: 12996

(1) Any of the directors, officers, managers, or 12997
controlling shareholders has been found guilty of any of the 12998
activities specified in ~~divisions~~ division (C) ~~(1) to (5)~~ of this 12999
section; 13000

(2) It appears to the director of the state lottery 13001
commission that, due to the experience, ~~character,~~ or general 13002
fitness of any director, officer, manager, or controlling 13003
shareholder, the granting of a license as a lottery sales agent 13004
would be inconsistent with the public interest, convenience, or 13005
trust; 13006

(3) The corporation or other business entity is not the 13007
owner or lessee of the business at which it would conduct a 13008
lottery sales agency pursuant to the license applied for; 13009

(4) Any person, firm, association, or corporation other 13010
than the applicant or licensee shares or will share in the 13011
profits of the applicant or licensee, other than receiving 13012
dividends or distributions as a shareholder, or participates or 13013
will participate in the management of the affairs of the 13014
applicant or licensee. 13015

~~(E) (1) The director of the state lottery commission shall~~ 13016
~~refuse to grant a license to an applicant for a lottery sales~~ 13017

~~agent license and shall revoke a lottery sales agent license if~~ 13018
~~the applicant or licensee is or has been convicted of a~~ 13019
~~violation of division (A) or (C) (1) of section 2913.46 of the~~ 13020
~~Revised Code.~~ 13021

~~(2) The director shall refuse to grant a license to an~~ 13022
~~applicant for a lottery sales agent license that is a~~ 13023
~~corporation and shall revoke the lottery sales agent license of~~ 13024
~~a corporation if the corporation is or has been convicted of a~~ 13025
~~violation of division (A) or (C) (1) of section 2913.46 of the~~ 13026
~~Revised Code.~~ 13027

~~(F)~~ The director of the state lottery commission shall 13028
request the bureau of criminal identification and investigation, 13029
the department of public safety, or any other state, local, or 13030
federal agency to supply the director with the criminal records 13031
of any applicant for a lottery sales agent license, and may 13032
periodically request the criminal records of any person to whom 13033
a lottery sales agent license has been issued. At or prior to 13034
the time of making such a request, the director shall require an 13035
applicant or licensee to obtain fingerprint impressions on 13036
fingerprint cards prescribed by the superintendent of the bureau 13037
of criminal identification and investigation at a qualified law 13038
enforcement agency, and the director shall cause those 13039
fingerprint cards to be forwarded to the bureau of criminal 13040
identification and investigation, to the federal bureau of 13041
investigation, or to both bureaus. The commission shall assume 13042
the cost of obtaining the fingerprint cards. 13043

The director shall pay to each agency supplying criminal 13044
records for each investigation a reasonable fee, as determined 13045
by the agency. 13046

The commission may adopt uniform rules specifying time 13047

periods after which the persons described in divisions (C) ~~(1) to~~ 13048
~~(5)~~ and (D) (1) to (4) of this section may be issued a license 13049
and establishing requirements for those persons to seek a court 13050
order to have records sealed in accordance with law. 13051

~~(G)~~ (F) (1) Each applicant for a lottery sales agent license 13052
shall do both of the following: 13053

(a) Pay fees to the state lottery commission, if required 13054
by rule adopted by the director under Chapter 119. of the 13055
Revised Code and the controlling board approves the fees; 13056

(b) Prior to approval of the application, obtain a surety 13057
bond in an amount the director determines by rule adopted under 13058
Chapter 119. of the Revised Code or, alternatively, with the 13059
director's approval, deposit the same amount into a dedicated 13060
account for the benefit of the state lottery. The director also 13061
may approve the obtaining of a surety bond to cover part of the 13062
amount required, together with a dedicated account deposit to 13063
cover the remainder of the amount required. The director also 13064
may establish an alternative program or policy, with the 13065
approval of the commission by rule adopted under Chapter 119. of 13066
the Revised Code, that otherwise ensures the lottery's financial 13067
interests are adequately protected. If such an alternative 13068
program or policy is established, an applicant or lottery sales 13069
agent, subject to the director's approval, may be permitted to 13070
participate in the program or proceed under that policy in lieu 13071
of providing a surety bond or dedicated amount. 13072

A surety bond may be with any company that complies with 13073
the bonding and surety laws of this state and the requirements 13074
established by rules of the commission pursuant to this chapter. 13075
A dedicated account deposit shall be conducted in accordance 13076
with policies and procedures the director establishes. 13077

A surety bond, dedicated account, other established program or policy, or any combination of these resources, as applicable, may be used to pay for the lottery sales agent's failure to make prompt and accurate payments for lottery ticket sales, for missing or stolen lottery tickets, for damage to equipment or materials issued to the lottery sales agent, or to pay for expenses the commission incurs in connection with the lottery sales agent's license.

(2) A lottery sales agent license is effective for at least one year, but not more than three years.

A licensed lottery sales agent, on or before the date established by the director, shall renew the agent's license and provide at that time evidence to the director that the surety bond, dedicated account deposit, or both, required under division ~~(G)~~(F)(1) (b) of this section has been renewed or is active, whichever applies.

Before the commission renews a lottery sales agent license, the lottery sales agent shall submit a renewal fee to the commission, if one is required by rule adopted by the director under Chapter 119. of the Revised Code and the controlling board approves the renewal fee. The renewal fee shall not exceed the actual cost of administering the license renewal and processing changes reflected in the renewal application. The renewal of the license is effective for at least one year, but not more than three years.

(3) A lottery sales agent license shall be complete, accurate, and current at all times during the term of the license. Any changes to an original license application or a renewal application may subject the applicant or lottery sales agent, as applicable, to paying an administrative fee that shall

be in an amount that the director determines by rule adopted 13108
under Chapter 119. of the Revised Code, and that the controlling 13109
board approves, and that shall not exceed the actual cost of 13110
administering and processing the changes to an application. 13111

(4) The relationship between the commission and a lottery 13112
sales agent is one of trust. A lottery sales agent collects 13113
funds on behalf of the commission through the sale of lottery 13114
tickets for which the agent receives a compensation. 13115

~~(H)~~ (G) Pending a final resolution of any question arising 13116
under this section, the director of the state lottery commission 13117
may issue a temporary lottery sales agent license, subject to 13118
the terms and conditions the director considers appropriate. 13119

~~(I)~~ (H) If a lottery sales agent's rental payments for the 13120
lottery sales agent's premises are determined, in whole or in 13121
part, by the amount of retail sales the lottery sales agent 13122
makes, and if the rental agreement does not expressly provide 13123
that the amount of those retail sales includes the amounts the 13124
lottery sales agent receives from lottery ticket sales, only the 13125
amounts the lottery sales agent receives as compensation from 13126
the state lottery commission for selling lottery tickets shall 13127
be considered to be amounts the lottery sales agent receives 13128
from the retail sales the lottery sales agent makes, for the 13129
purpose of computing the lottery sales agent's rental payments. 13130

Sec. 3770.073. (A) If a person is entitled to a lottery 13131
prize award and is indebted to the state for the payment of any 13132
tax, workers' compensation premium, unemployment contribution, 13133
payment in lieu of unemployment contribution, certified claim 13134
under section 131.02 or 131.021 of the Revised Code, or is 13135
indebted to a political subdivision that has a certified claim 13136
under section 131.02 of the Revised Code, lottery sales receipts 13137

held in trust on behalf of the state lottery commission as 13138
described in division ~~(G)~~(F) (4) of section 3770.05 of the 13139
Revised Code, or charge, penalty, or interest arising from these 13140
debts and if the amount of the prize money or the cost of goods 13141
or services awarded as a lottery prize award is five thousand 13142
dollars or more, the director of the state lottery commission, 13143
or the director's designee, shall do either of the following: 13144

(1) If the prize award will be paid in a lump sum, deduct 13145
from the prize award and pay to the attorney general an amount 13146
in satisfaction of the debt and pay any remainder to that 13147
person. If the amount of the prize award is less than the amount 13148
of the debt, the entire amount of the prize award shall be 13149
deducted and paid in partial satisfaction of the debt. 13150

(2) If the prize award will be paid in annual 13151
installments, on the date the initial installment payment is 13152
due, deduct from that installment and pay to the attorney 13153
general an amount in satisfaction of the debt and, if necessary 13154
to collect the full amount of the debt, do the same for any 13155
subsequent annual installments, at the time the installments 13156
become due and owing to the person, until the debt is fully 13157
satisfied. 13158

(B) If a person entitled to a lottery prize award owes 13159
more than one debt, any debt owed to the state shall be 13160
satisfied first, subject to both section 5739.33 and division 13161
(G) of section 5747.07 of the Revised Code having first 13162
priority, and subject to division (C) of this section. 13163

(C) Any debt owed under section 3770.071 of the Revised 13164
Code shall be satisfied with first priority over debts owed 13165
under this section. 13166

(D) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3772.04. (A) (1) If the commission concludes that a license required by this chapter should be limited, conditioned, restricted, suspended, revoked, denied, or not renewed, the commission may, and if so requested by a licensee or applicant, shall, conduct a hearing in an adjudication under Chapter 119. of the Revised Code. After notice and opportunity for a hearing, the commission may limit, condition, restrict, suspend, revoke, deny, or not renew a license under rules adopted by the commission. The commission may reopen a licensing adjudication at any time.

(2) The commission shall appoint a hearing examiner to conduct the hearing in the adjudication. A party to the adjudication may file written objections to the hearing examiner's report and recommendations not later than the thirtieth day after they are served upon the party or the party's attorney or other representative of record. The commission shall not take up the hearing examiner's report and recommendations earlier than the thirtieth day after the hearing examiner's report and recommendations were submitted to the commission.

(3) If the commission finds that a person fails or has failed to meet any requirement under this chapter or a rule adopted thereunder, or violates or has violated this chapter or a rule adopted thereunder, the commission may issue an order:

(a) Limiting, conditioning, restricting, suspending, revoking, denying, or not renewing, a license issued under this chapter;

(b) Requiring a casino facility to exclude a licensee from 13196
the casino facility or requiring a casino facility not to pay to 13197
the licensee any remuneration for services or any share of 13198
profits, income, or accruals on the licensee's investment in the 13199
casino facility; or 13200

(c) Fining a licensee or other person according to the 13201
penalties adopted by the commission. 13202

(4) An order may be judicially reviewed under section 13203
119.12 of the Revised Code. 13204

(B) Without in any manner limiting the authority of the 13205
commission to impose the level and type of discipline the 13206
commission considers appropriate, the commission may take into 13207
consideration the following: 13208

(1) If the licensee knew or reasonably should have known 13209
that the action complained of was a violation of any law, rule, 13210
or condition on the licensee's license; 13211

(2) If the licensee has previously been disciplined by the 13212
commission; 13213

(3) If the licensee has previously been subject to 13214
discipline by the commission concerning the violation of any 13215
law, rule, or condition of the licensee's license; 13216

(4) If the licensee reasonably relied upon professional 13217
advice from a lawyer, doctor, accountant, or other recognized 13218
professional that was relevant to the action resulting in the 13219
violation; 13220

(5) If the licensee or the licensee's employer had a 13221
reasonably constituted and functioning compliance program; 13222

(6) If the imposition of a condition requiring the 13223

licensee to establish and implement a written self-enforcement 13224
and compliance program would assist in ensuring the licensee's 13225
future compliance with all statutes, rules, and conditions of 13226
the license; 13227

(7) If the licensee realized a pecuniary gain from the 13228
violation; 13229

(8) If the amount of any fine or other penalty imposed 13230
would result in disgorgement of any gains unlawfully realized by 13231
the licensee; 13232

(9) If the violation was caused by an officer or employee 13233
of the licensee, the level of authority of the individual who 13234
caused the violation; 13235

(10) If the individual who caused the violation acted 13236
within the scope of the individual's authority as granted by the 13237
licensee; 13238

(11) The adequacy of any training programs offered by the 13239
licensee or the licensee's employer that were relevant to the 13240
activity that resulted in the violation; 13241

(12) If the licensee's action substantially deviated from 13242
industry standards and customs; 13243

(13) The extent to which the licensee cooperated with the 13244
commission during the investigation of the violation; 13245

(14) If the licensee has initiated remedial measures to 13246
prevent similar violations; 13247

(15) The magnitude of penalties imposed on other licensees 13248
for similar violations; 13249

(16) The proportionality of the penalty in relation to the 13250

misconduct;	13251
(17) The extent to which the amount of any fine imposed	13252
would punish the licensee for the conduct and deter future	13253
violations;	13254
(18) Any mitigating factors offered by the licensee; and	13255
(19) Any other factors the commission considers relevant.	13256
(C) For the purpose of conducting any study or	13257
investigation, the commission may direct that public hearings be	13258
held at a time and place, prescribed by the commission, in	13259
accordance with section 121.22 of the Revised Code. The	13260
commission shall give notice of all public hearings in such	13261
manner as will give actual notice to all interested parties.	13262
(D) (1) For the purpose of conducting the hearing in an	13263
adjudication under division (A) of this section, or in the	13264
discharge of any duties imposed by this chapter, the commission	13265
may require that testimony be given under oath and administer	13266
such oath, issue subpoenas compelling the attendance of	13267
witnesses and the production of any papers, books, and accounts,	13268
directed to the sheriffs of the counties where such witnesses or	13269
papers, books, and accounts are found and cause the deposition	13270
of any witness. The subpoenas shall be served and returned in	13271
the same manner as subpoenas in criminal cases are served and	13272
returned. The fees of sheriffs shall be the same as those	13273
allowed by the court of common pleas in criminal cases.	13274
(2) In the event of the refusal of any person without good	13275
cause to comply with the terms of a subpoena issued by the	13276
commission or refusal to testify on matters about which the	13277
person may lawfully be questioned, the prosecuting attorney of	13278
the county in which such person resides, upon the petition of	13279

the commission, may bring a proceeding for contempt against such 13280
person in the court of common pleas of that county. 13281

(3) Witnesses shall be paid the fees and mileage provided 13282
for in section 119.094 of the Revised Code. 13283

(4) All fees and mileage expenses incurred at the request 13284
of a party shall be paid in advance by the party. 13285

(E) When conducting a public hearing, the commission shall 13286
not limit the number of speakers who may testify. However, the 13287
commission may set reasonable time limits on the length of an 13288
individual's testimony or the total amount of time allotted to 13289
proponents and opponents of an issue before the commission. 13290

(F) The commission may rely, in whole or in part, upon 13291
investigations, conclusions, or findings of other casino gaming 13292
commissions or other government regulatory bodies in connection 13293
with licensing, investigations, or other matters relating to an 13294
applicant or licensee under this chapter. 13295

(G) Notwithstanding anything to the contrary in this 13296
chapter, and except with respect to a casino operator, 13297
management company, or holding company, the executive director 13298
may issue an emergency order for the suspension, limitation, or 13299
conditioning of any license, registration, approval, or 13300
certificate issued, approved, granted, or otherwise authorized 13301
by the commission under Chapter 3772. of the Revised Code or the 13302
rules adopted thereunder, requiring the inclusion of persons on 13303
the commission's exclusion list provided for under section 13304
3772.031 of the Revised Code and the rules adopted thereunder, 13305
and requiring a casino facility not to pay a licensee, 13306
registrant, or approved or certified person any remuneration for 13307
services or any share of profits, income, or accruals on that 13308

person's investment in the casino facility. 13309

(1) An emergency order may be issued when the executive 13310
director finds ~~either of the following:~~ 13311

~~(a) A licensee, registrant, or approved or certified-~~ 13312
~~person has been charged with a violation of any of the criminal-~~ 13313
~~laws of this state, another state, or the federal government,~~ 13314

~~(b) Such~~ such an action is necessary to prevent a 13315
violation of this chapter or a rule adopted thereunder. 13316

(2) An emergency order issued under division (G) of this 13317
section shall state the reasons for the commission's action, 13318
cite the law or rule directly involved, and state that the party 13319
will be afforded a hearing if the party requests it within 13320
thirty days after the time of mailing or personal delivery of 13321
the order. 13322

(3) (a) Not later than the next business day after the 13323
issuance of the emergency order, the order shall be sent by 13324
registered or certified mail, return receipt requested, to the 13325
party at the party's last known mailing address appearing in the 13326
commission's records or personally delivered at any time to the 13327
party by an employee or agent of the commission. 13328

(b) A copy of the order shall be mailed to the attorney or 13329
other representative of record representing the party. 13330

(c) If the order sent by registered or certified mail is 13331
returned because the party fails to claim the order, the 13332
commission shall send the order by ordinary mail to the party at 13333
the party's last known address and shall obtain a certificate of 13334
mailing. Service by ordinary mail is complete when the 13335
certificate of mailing is obtained unless the order is returned 13336
showing failure of delivery. 13337

(d) If the order sent by registered, certified, or ordinary mail is returned for failure of delivery, the commission shall either make personal delivery of the order by an employee or agent of the commission or cause a summary of the substantive provisions of the order to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located.

(i) Failure of delivery occurs only when a mailed order is returned by the postal authorities marked undeliverable, address or addressee unknown, or forwarding address unknown or expired.

(ii) When service is completed by publication, a proof of publication affidavit, with the first publication of the summary set forth in the affidavit, shall be mailed by ordinary mail to the party at the party's last known address and the order shall be deemed received as of the date of the last publication.

(e) Refusal of delivery of the order sent by mail or personally delivered to the party is not failure of delivery and service is deemed to be complete.

(4) The emergency order shall be effective immediately upon service of the order on the party. The emergency order shall remain effective until further order of the executive director or the commission.

(5) The commission may, and if so requested by the person affected by the emergency order shall, promptly conduct a hearing in an adjudication under Chapter 119. of the Revised Code.

Sec. 3772.07. The following appointing or licensing authorities shall obtain a criminal records check of the person

who is to be appointed or licensed: 13367

(A) The governor, before appointing an individual as a 13368
member of the commission; 13369

(B) The commission, before appointing an individual as 13370
executive director or a gaming agent; 13371

(C) The commission, before issuing a license for a key 13372
employee or casino gaming employee, and before issuing a license 13373
for each investor, except an institutional investor, for a 13374
casino operator, management company, holding company, or gaming- 13375
related vendor; 13376

(D) The executive director, before appointing an 13377
individual as a professional, technical, or clerical employee of 13378
the commission. 13379

Thereafter, such an appointing or licensing authority 13380
shall obtain a criminal records check of the same individual at 13381
three-year intervals. 13382

The appointing or licensing authority shall make available 13383
to each person of whom a criminal records check is required a 13384
copy of the form and the standard fingerprint impression sheet 13385
prescribed under divisions (C) (1) and (2) of section 109.572 of 13386
the Revised Code. The person shall complete the form and 13387
impression sheet and return them as directed by the appointing 13388
or licensing authority. If a person fails to complete and return 13389
the form and impression sheet within a reasonable time, the 13390
person is ineligible to be appointed or licensed or to continue 13391
in the appointment or licensure. 13392

The appointing or licensing authority shall cause the 13393
completed form and impression sheet to be forwarded to the 13394
superintendent of the bureau of criminal identification and 13395

investigation. The appointing or licensing authority shall 13396
request the superintendent also to obtain information from the 13397
federal bureau of investigation, including fingerprint-based 13398
checks of the national crime information databases, and from 13399
other states and the federal government under the national crime 13400
prevention and privacy compact as part of the criminal records 13401
check. 13402

For all criminal records checks conducted under this 13403
section, the applicant for a casino operator, management 13404
company, holding company, gaming-related vendor, key employee, 13405
or casino gaming employee license shall pay the fee charged by 13406
the bureau of criminal identification and investigation or by a 13407
vendor approved by the bureau to conduct a criminal records 13408
check based on the applicant's fingerprints in accordance with 13409
division (A) (15) of section 109.572 of the Revised Code. If the 13410
applicant for a key employee or casino gaming employee license 13411
is applying at the request of a casino operator, management 13412
company, holding company, or gaming-related vendor, the casino 13413
operator, management company, holding company, or gaming-related 13414
vendor shall pay the fee charged for all criminal records checks 13415
conducted under this section. 13416

The appointing or licensing authority shall review the 13417
results of a criminal records check. An appointee for a 13418
commission member shall forward the results of the criminal 13419
records check to the president of the senate before the senate 13420
advises and consents to the appointment of the commission 13421
member. The appointing ~~or licensing~~ authority shall not appoint 13422
~~or license~~ or retain the appointment ~~or licensure~~ of a person a 13423
criminal records check discloses has been convicted of or has 13424
pleaded guilty or no contest to a ~~disqualifying offense. A~~ 13425
~~"disqualifying offense"~~ means any gambling offense, any theft 13426

offense, any offense having an element of fraud or 13427
misrepresentation, any offense having an element of moral 13428
turpitude, and any felony not otherwise included in the 13429
foregoing list, except as otherwise provided in section 3772.10 13430
of the Revised Code. The licensing authority shall not license a 13431
person if a criminal records check discloses that the person has 13432
been convicted of a disqualifying offense, as specified under 13433
section 9.79 of the Revised Code. 13434

The report of a criminal records check is not a public 13435
record that is open to public inspection and copying. The 13436
commission shall not make the report available to any person 13437
other than the person who was the subject of the criminal 13438
records check; an appointing or licensing authority; a member, 13439
the executive director, or an employee of the commission; or any 13440
court or agency, including a hearing examiner, in a judicial or 13441
administrative proceeding relating to the person's employment or 13442
application for a license under this chapter. 13443

Sec. 3772.10. (A) In determining whether to grant or 13444
maintain the privilege of a casino operator, management company, 13445
holding company, key employee, casino gaming employee, or 13446
gaming-related vendor license, the Ohio casino control 13447
commission shall consider all of the following, as applicable: 13448

(1) The reputation, experience, and financial integrity of 13449
the applicant, its holding company, if applicable, and any other 13450
person that directly or indirectly controls the applicant; 13451

(2) The financial ability of the applicant to purchase and 13452
maintain adequate liability and casualty insurance and to 13453
provide an adequate surety bond; 13454

(3) The past and present compliance of the applicant and 13455

its affiliates or affiliated companies with casino-related 13456
licensing requirements in this state or any other jurisdiction, 13457
including whether the applicant has a history of noncompliance 13458
with the casino licensing requirements of any jurisdiction; 13459

(4) If the applicant has been ~~indicted, convicted, pleaded~~ 13460
~~guilty or no contest, or forfeited bail concerning any criminal~~ 13461
~~offense under the laws of any jurisdiction, either felony or~~ 13462
~~misdemeanor, not including traffic violations of a disqualifying~~ 13463
~~offense, as specified under section 9.79 of the Revised Code;~~ 13464

(5) If the applicant has filed, or had filed against it a 13465
proceeding for bankruptcy or has ever been involved in any 13466
formal process to adjust, defer, suspend, or otherwise work out 13467
the payment of any debt; 13468

(6) If the applicant has been served with a complaint or 13469
other notice filed with any public body regarding a payment of 13470
any tax required under federal, state, or local law that has 13471
been delinquent for one or more years; 13472

(7) If the applicant is or has been a defendant in 13473
litigation involving its business practices; 13474

(8) If awarding a license would undermine the public's 13475
confidence in the casino gaming industry in this state; 13476

(9) If the applicant meets other standards for the 13477
issuance of a license that the commission adopts by rule, which 13478
shall not be arbitrary, capricious, or contradictory to the 13479
expressed provisions of this chapter. 13480

(B) All applicants for a license under this chapter shall 13481
establish their suitability for a license by clear and 13482
convincing evidence. If the commission determines that a person 13483
is eligible under this chapter to be issued a license as a 13484

casino operator, management company, holding company, key 13485
employee, casino gaming employee, or gaming-related vendor, the 13486
commission shall issue such license for not more than three 13487
years, as determined by commission rule, if all other 13488
requirements of this chapter have been satisfied. 13489

(C) The commission shall not issue a casino operator, 13490
management company, holding company, key employee, casino gaming 13491
employee, or gaming-related vendor license under this chapter to 13492
an applicant if: 13493

(1) The applicant has been convicted of a disqualifying 13494
offense, as ~~defined in~~ specified under section 3772.07-9.79 of 13495
the Revised Code. 13496

(2) The applicant has submitted an application for license 13497
under this chapter that contains false information. 13498

(3) The applicant is a commission member. 13499

(4) The applicant owns an ownership interest that is 13500
unlawful under this chapter, unless waived by the commission. 13501

(5) The applicant violates specific rules adopted by the 13502
commission related to denial of licensure. 13503

(6) The applicant is a member of or employed by a gaming 13504
regulatory body of a governmental unit in this state, another 13505
state, or the federal government, or is an employee of a 13506
governmental unit of this state and in that capacity has 13507
significant influence or control, as determined by the 13508
commission, over the ability of a casino operator, management 13509
company, holding company, institutional investor, or gaming- 13510
related vendor to conduct business in this state. This division 13511
does not prohibit a casino operator or management company from 13512
hiring special duty law enforcement officers if the officers are 13513

not specifically involved in gaming-related regulatory 13514
functions. 13515

(7) The commission otherwise determines the applicant is 13516
ineligible for the license. 13517

(D) (1) The commission shall investigate the qualifications 13518
of each applicant under this chapter before any license is 13519
issued and before any finding with regard to acts or 13520
transactions for which commission approval is required is made. 13521
The commission shall continue to observe the conduct of all 13522
licensees and all other persons having a material involvement 13523
directly or indirectly with a casino operator, management 13524
company, or holding company to ensure that licenses are not 13525
issued to or held by, or that there is not any material 13526
involvement with a casino operator, management company, or 13527
holding company by, an unqualified, disqualified, or unsuitable 13528
person or a person whose operations are conducted in an 13529
unsuitable manner or in unsuitable or prohibited places or 13530
locations. 13531

(2) The executive director may recommend to the commission 13532
that it deny any application, or limit, condition, or restrict, 13533
or suspend or revoke, any license or finding, or impose any fine 13534
upon any licensee or other person according to this chapter and 13535
the rules adopted thereunder. 13536

(3) A license issued under this chapter is a revocable 13537
privilege. No licensee has a vested right in or under any 13538
license issued under this chapter. The initial determination of 13539
the commission to deny, or to limit, condition, or restrict, a 13540
license may be appealed under section 2505.03 of the Revised 13541
Code. 13542

(E) (1) An institutional investor may be found to be 13543
suitable or qualified by the commission under this chapter and 13544
the rules adopted under this chapter. An institutional investor 13545
shall be presumed suitable or qualified upon submitting 13546
documentation sufficient to establish qualifications as an 13547
institutional investor and upon certifying all of the following: 13548

(a) The institutional investor owns, holds, or controls 13549
securities issued by a licensee or holding, intermediate, or 13550
parent company of a licensee or in the ordinary course of 13551
business for investment purposes only. 13552

(b) The institutional investor does not exercise influence 13553
over the affairs of the issuer of such securities nor over any 13554
licensed subsidiary of the issuer of such securities. 13555

(c) The institutional investor does not intend to exercise 13556
influence over the affairs of the issuer of such securities, nor 13557
over any licensed subsidiary of the issuer of such securities, 13558
in the future, and that it agrees to notify the commission in 13559
writing within thirty days if such intent changes. 13560

(2) The exercise of voting privileges with regard to 13561
securities shall not be deemed to constitute the exercise of 13562
influence over the affairs of a licensee. 13563

(3) The commission shall rescind the presumption of 13564
suitability for an institutional investor at any time if the 13565
institutional investor exercises or intends to exercise 13566
influence or control over the affairs of the licensee. 13567

(4) This division shall not be construed to preclude the 13568
commission from requesting information from or investigating the 13569
suitability or qualifications of an institutional investor if: 13570

(a) The commission becomes aware of facts or information 13571

that may result in the institutional investor being found 13572
unsuitable or disqualified; or 13573

(b) The commission has any other reason to seek 13574
information from the investor to determine whether it qualifies 13575
as an institutional investor. 13576

(5) If the commission finds an institutional investor to 13577
be unsuitable or unqualified, the commission shall so notify the 13578
investor and the casino operator, holding company, management 13579
company, or gaming-related vendor licensee in which the investor 13580
invested. The commission shall allow the investor and the 13581
licensee a reasonable amount of time, as specified by the 13582
commission on a case-by-case basis, to cure the conditions that 13583
caused the commission to find the investor unsuitable or 13584
unqualified. If during the specified period of time the investor 13585
or the licensee does not or cannot cure the conditions that 13586
caused the commission to find the investor unsuitable or 13587
unqualified, the commission may allow the investor or licensee 13588
more time to cure the conditions or the commission may begin 13589
proceedings to deny, suspend, or revoke the license of the 13590
casino operator, holding company, management company, or gaming- 13591
related vendor in which the investor invested or to deny any of 13592
the same the renewal of any such license. 13593

(6) A private licensee or holding company shall provide 13594
the same information to the commission as a public company would 13595
provide in a form 13d or form 13g filing to the securities and 13596
exchange commission. 13597

(F) Information provided on the application shall be used 13598
as a basis for a thorough background investigation of each 13599
applicant. A false or incomplete application is cause for denial 13600
of a license by the commission. All applicants and licensees 13601

shall consent to inspections, searches, and seizures and to the disclosure to the commission and its agents of confidential records, including tax records, held by any federal, state, or local agency, credit bureau, or financial institution and to provide handwriting exemplars, photographs, fingerprints, and information as authorized in this chapter and in rules adopted by the commission.

(G) The commission shall provide a written statement to each applicant for a license under this chapter who is denied the license that describes the reason or reasons for which the applicant was denied the license.

(H) Not later than January 31 in each calendar year, the commission shall provide to the general assembly and the governor a report that, for each type of license issued under this chapter, specifies the number of applications made in the preceding calendar year for each type of such license, the number of applications denied in the preceding calendar year for each type of such license, and the reasons for those denials. The information regarding the reasons for the denials shall specify each reason that resulted in, or that was a factor resulting in, denial for each type of license issued under this chapter and, for each of those reasons, the total number of denials for each such type that involved that reason.

Sec. 3772.16. (A) Any information concerning the following submitted, collected, or gathered as part of an application to the commission for a license under this chapter is confidential and not subject to disclosure by any state agency or political subdivision as a record under section 149.43 of the Revised Code:

(1) A minor child of an applicant;

(2) The social security number, passport number, or federal tax identification number of an applicant or the spouse of an applicant;	13632 13633 13634
(3) The home address and telephone number of an applicant or the spouse or dependent of an applicant;	13635 13636
(4) An applicant's birth certificate;	13637
(5) The driver's license number of an applicant or the applicant's spouse;	13638 13639
(6) The name or address of a previous spouse of the applicant;	13640 13641
(7) The date of birth of the applicant and the spouse of an applicant;	13642 13643
(8) The place of birth of the applicant and the spouse of an applicant;	13644 13645
(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;	13646 13647 13648 13649
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;	13650 13651
(11) The electronic mail address of the spouse or family member of the applicant;	13652 13653
(12) Any trade secret, medical records, and patents or exclusive licenses;	13654 13655
(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security	13656 13657 13658

and surveillance plans, equipment and usage protocols, and theft 13659
and fraud prevention plans and countermeasures; 13660

(14) Information provided in a multijurisdictional 13661
personal history disclosure form, including the Ohio supplement, 13662
exhibits, attachments, and updates. 13663

(B) Notwithstanding any other law, upon written request 13664
from a person, the commission shall provide the following 13665
information to the person except as provided in this chapter: 13666

(1) The information provided under this chapter concerning 13667
a licensee or an applicant; 13668

(2) The amount of the wagering tax and admission tax paid 13669
daily to the state by a licensed applicant or an operating 13670
agent; and 13671

(3) A copy of a letter providing the reasons for the 13672
denial of an applicant's license or an operating agent's 13673
contract and a copy of a letter providing the reasons for the 13674
commission's refusal to allow an applicant to withdraw the 13675
applicant's application, but with confidential information 13676
redacted if that information is the reason for the denial or 13677
refusal to withdraw. 13678

(C) The individual's name, the individual's place of 13679
employment, the individual's job title, and the individual's 13680
gaming experience that is provided for an individual who holds, 13681
held, or has applied for a license under this chapter is not 13682
confidential. The reason for denial or revocation of a license 13683
or for disciplinary action against the individual and 13684
information submitted by the individual for a ~~felony~~ 13685
disqualifying offense waiver request is not confidential. The 13686
cover sheet completed by an applicant for a key employee license 13687

under section 3772.13 of the Revised Code is not confidential. 13688

(D) An individual who holds, held, or has applied for a 13689
license under this chapter may waive the confidentiality 13690
requirements of division (A) of this section. 13691

(E) Confidential information received by the commission 13692
from another jurisdiction relating to a person who holds, held, 13693
or has applied for a license under this chapter is confidential 13694
and not subject to disclosure as a public record under section 13695
149.43 of the Revised Code. The commission may share the 13696
information referenced in this division with, or disclose the 13697
information to, the inspector general, any appropriate 13698
prosecuting authority, any law enforcement agency, or any other 13699
appropriate governmental or licensing agency, if the agency that 13700
receives the information complies with the same requirements 13701
regarding confidentiality as those with which the commission 13702
must comply. 13703

Sec. 3772.99. (A) The commission shall levy and collect 13704
penalties for noncriminal violations of this chapter. 13705
Noncriminal violations include using the term "casino" in any 13706
advertisement in regard to a facility operating video lottery 13707
terminals, as defined in section 3770.21 of the Revised Code, in 13708
this state. Moneys collected from such penalty levies shall be 13709
credited to the general revenue fund. 13710

(B) If a licensed casino operator, management company, 13711
holding company, gaming-related vendor, or key employee violates 13712
this chapter or engages in a fraudulent act, the commission may 13713
suspend or revoke the license and may do either or both of the 13714
following: 13715

(1) Suspend, revoke, or restrict the casino gaming 13716

operations of a casino operator; 13717

(2) Require the removal of a management company, key 13718
employee, or discontinuance of services from a gaming-related 13719
vendor. 13720

(C) The commission shall impose civil penalties against a 13721
person who violates this chapter under the penalties adopted by 13722
commission rule. 13723

(D) A person who purposely or knowingly does any of the 13724
following commits a misdemeanor of the first degree on the first 13725
offense and a felony of the fifth degree for a subsequent 13726
offense: 13727

(1) Makes a false statement on an application submitted 13728
under this chapter; 13729

(2) Permits a person less than twenty-one years of age to 13730
make a wager at a casino facility; 13731

(3) Aids, induces, or causes a person less than twenty-one 13732
years of age who is not an employee of the casino gaming 13733
operation to enter or attempt to enter a casino facility; 13734

(4) Enters or attempts to enter a casino facility while 13735
under twenty-one years of age, unless the person enters a 13736
designated area as described in section 3772.24 of the Revised 13737
Code; 13738

(5) Is a casino operator or employee and participates in 13739
casino gaming at the casino facility at which the casino 13740
operator or employee has an interest or is employed or at an 13741
affiliated casino facility in this state other than as part of 13742
operation or employment. 13743

(E) A person who purposely or knowingly does any of the 13744

following commits a felony of the fifth degree on a first 13745
offense and a felony of the fourth degree for a subsequent 13746
offense. ~~If the person is a licensee under this chapter, the~~ 13747
~~commission shall revoke the person's license after the first~~ 13748
~~offense.~~ 13749

(1) Uses or possesses with the intent to use a device to 13750
assist in projecting the outcome of the casino game, keeping 13751
track of the cards played, analyzing the probability of the 13752
occurrence of an event relating to the casino game, or analyzing 13753
the strategy for playing or betting to be used in the casino 13754
game, except as permitted by the commission; 13755

(2) Cheats at a casino game; 13756

(3) Manufactures, sells, or distributes any cards, chips, 13757
dice, game, or device that is intended to be used to violate 13758
this chapter; 13759

(4) Alters or misrepresents the outcome of a casino game 13760
on which wagers have been made after the outcome is made sure 13761
but before the outcome is revealed to the players; 13762

(5) Places, increases, or decreases a wager on the outcome 13763
of a casino game after acquiring knowledge that is not available 13764
to all players and concerns the outcome of the casino game that 13765
is the subject of the wager; 13766

(6) Aids a person in acquiring the knowledge described in 13767
division (E) (5) of this section for the purpose of placing, 13768
increasing, or decreasing a wager contingent on the outcome of a 13769
casino game; 13770

(7) Claims, collects, takes, or attempts to claim, 13771
collect, or take money or anything of value in or from a casino 13772
game with the intent to defraud or without having made a wager 13773

contingent on winning a casino game; 13774

(8) Claims, collects, or takes an amount of money or thing 13775
of value of greater value than the amount won in a casino game; 13776

(9) Uses or possesses counterfeit chips, tokens, or 13777
cashless wagering instruments in or for use in a casino game; 13778

(10) Possesses a key or device designed for opening, 13779
entering, or affecting the operation of a casino game, drop box, 13780
or an electronic or a mechanical device connected with the 13781
casino game or removing coins, tokens, chips, or other contents 13782
of a casino game. This division does not apply to a casino 13783
operator, management company, or gaming-related vendor or their 13784
agents and employees in the course of agency or employment. 13785

(11) Possesses materials used to manufacture a device 13786
intended to be used in a manner that violates this chapter; 13787

(12) Operates a casino gaming operation in which wagering 13788
is conducted or is to be conducted in a manner other than the 13789
manner required under this chapter or a skill-based amusement 13790
machine operation in a manner other than the manner required 13791
under Chapter 2915. of the Revised Code. 13792

(F) The possession of more than one of the devices 13793
described in division (E) (9), (10), or (11) of this section 13794
creates a rebuttable presumption that the possessor intended to 13795
use the devices for cheating. 13796

(G) A person who purposely or knowingly does any of the 13797
following commits a felony of the third degree. ~~If the person is~~ 13798
~~a licensee under this chapter, the commission shall revoke the~~ 13799
~~person's license after the first offense.~~ A public servant or 13800
party official who is convicted under this division is forever 13801
disqualified from holding any public office, employment, or 13802

position of trust in this state. 13803

(1) Offers, promises, or gives anything of value or 13804
benefit to a person who is connected with the casino operator, 13805
management company, holding company, or gaming-related vendor, 13806
including their officers and employees, under an agreement to 13807
influence or with the intent to influence the actions of the 13808
person to whom the offer, promise, or gift was made in order to 13809
affect or attempt to affect the outcome of a casino game or an 13810
official action of a commission member, agent, or employee; 13811

(2) Solicits, accepts, or receives a promise of anything 13812
of value or benefit while the person is connected with a casino, 13813
including an officer or employee of a casino operator, 13814
management company, or gaming-related vendor, under an agreement 13815
to influence or with the intent to influence the actions of the 13816
person to affect or attempt to affect the outcome of a casino 13817
game or an official action of a commission member, agent, or 13818
employee. 13819

(H) A person who knowingly or intentionally does any of 13820
the following while participating in casino gaming or otherwise 13821
transacting with a casino facility as permitted by Chapter 3772. 13822
of the Revised Code commits a felony of the fifth degree on a 13823
first offense and a felony of the fourth degree for a subsequent 13824
offense: 13825

(1) Causes or attempts to cause a casino facility to fail 13826
to file a report required under 31 U.S.C. 5313(a) or 5325 or any 13827
regulation prescribed thereunder or section 1315.53 of the 13828
Revised Code, or to fail to file a report or maintain a record 13829
required by an order issued under section 21 of the "Federal 13830
Deposit Insurance Act" or section 123 of Pub. L. No. 91-508; 13831

(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction.

(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

(J) As used in division (H) of this section:

(1) To be "complicit" means to engage in any conduct of a type described in divisions (A) (1) to (4) of section 2923.03 of the Revised Code.

(2) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code.

(K) Premises used or occupied in violation of division (E) (12) of this section constitute a nuisance subject to abatement under Chapter 3767. of the Revised Code.

Sec. 3773.42. Upon the proper filing of an application for a referee's, judge's, matchmaker's, timekeeper's, manager's, trainer's, contestant's, or second's license and payment of the applicable application fee, the Ohio athletic commission shall

issue the license to the applicant if it determines that the 13861
applicant ~~is of good moral character,~~ is not likely to engage in 13862
acts detrimental to the fair and honest conduct of public boxing 13863
matches, mixed martial arts events, or any other unarmed combat 13864
sports regulated by the commission, and is qualified to hold 13865
such a license by reason of the applicant's knowledge and 13866
experience. 13867

A person shall not be determined to possess the knowledge 13868
and experience necessary to qualify that person to hold a 13869
referee's license unless all of the following conditions are 13870
met: 13871

(A) The person has completed such referee training 13872
requirements as the commission prescribes by rule. 13873

(B) The person possesses such experience requirements as 13874
the commission prescribes by rule. 13875

The commission shall issue a referee's license to each 13876
person who meets the requirements of divisions (A) and (B) of 13877
this section. 13878

If upon the proper filing of an application for a 13879
contestant's license the commission determines that the 13880
applicant ~~is of good moral character,~~ is not likely to engage in 13881
acts detrimental to the conduct of public boxing matches, mixed 13882
martial arts events, or any other unarmed combat sports 13883
regulated by the commission, and possesses sufficient knowledge 13884
and experience, the commission shall issue the license to the 13885
applicant. 13886

Each license issued pursuant to this section shall bear 13887
the correct name, or assumed name, if any, of the licensee, the 13888
address of the licensee, the date of issue, and a number 13889

designated by the commission. 13890

A license issued pursuant to this section shall expire 13891
twelve months after its date of issue unless renewed. Upon 13892
application for renewal and payment of the renewal fee 13893
prescribed in section 3773.43 of the Revised Code, the 13894
commission shall renew the license unless it denies the 13895
application for one or more reasons stated in section 3123.47 or 13896
3773.53 of the Revised Code. 13897

Sec. 3773.53. The Ohio athletic commission may revoke, 13898
suspend, or refuse to renew any license issued under sections 13899
3773.31 to 3773.57 of the Revised Code if the licensee: 13900

(A) Has committed an act detrimental to any sport 13901
regulated by this chapter or to the public interest, 13902
convenience, or necessity; 13903

(B) Is associating or consorting with any person who has 13904
been convicted of a crime involving the sports regulated by the 13905
commission, including a conviction under ~~sections~~ section 13906
2913.02, 2915.05, or 2921.02 of the Revised Code; 13907

(C) Is or has been consorting with bookmakers or gamblers, 13908
or has engaged in similar pursuits; 13909

(D) Is financially irresponsible; 13910

(E) Has been found guilty of any fraud or 13911
misrepresentation in connection with any sport regulated by this 13912
chapter; 13913

(F) Has violated any law with respect to any sport 13914
regulated by this chapter or any rule or order of the 13915
commission; 13916

(G) Has been convicted of ~~or pleaded guilty to a violation~~ 13917

~~of sections 2913.02, 2915.05, or 2921.02 of the Revised Code, a~~ 13918
disqualifying offense, as specified under section 9.79 of the 13919
Revised Code; 13920

(H) Has engaged in any other activity that the commission 13921
determines is detrimental to any sport regulated by this 13922
chapter. 13923

The commission, in addition to any other action it may 13924
take under this chapter, may impose a fine in an amount to be 13925
determined by rule of the commission adopted under Chapter 119. 13926
of the Revised Code against any person licensed under sections 13927
3773.31 to 3773.57 of the Revised Code for a violation of any of 13928
these sections or a violation of any rule or order of the 13929
commission. The amount of fines collected shall be deposited 13930
into the general revenue fund. 13931

Sec. 3781.102. (A) Any county or municipal building 13932
department certified pursuant to division (E) of section 3781.10 13933
of the Revised Code as of September 14, 1970, and that, as of 13934
that date, was inspecting single-family, two-family, and three- 13935
family residences, and any township building department 13936
certified pursuant to division (E) of section 3781.10 of the 13937
Revised Code, is hereby declared to be certified to inspect 13938
single-family, two-family, and three-family residences 13939
containing industrialized units, and shall inspect the buildings 13940
or classes of buildings subject to division (E) of section 13941
3781.10 of the Revised Code. 13942

(B) ~~Each~~ Subject to section 9.78 of the Revised Code, a 13943
board of county commissioners may adopt, by resolution, rules 13944
establishing standards and providing for the licensing of 13945
electrical and heating, ventilating, and air conditioning 13946
contractors who are not required to hold a valid and unexpired 13947

license pursuant to Chapter 4740. of the Revised Code. 13948

Rules adopted by a board of county commissioners pursuant 13949
to this division may be enforced within the unincorporated areas 13950
of the county and within any municipal corporation where the 13951
legislative authority of the municipal corporation has 13952
contracted with the board for the enforcement of the county 13953
rules within the municipal corporation pursuant to section 13954
307.15 of the Revised Code. The rules shall not conflict with 13955
rules adopted by the board of building standards pursuant to 13956
section 3781.10 of the Revised Code or by the department of 13957
commerce pursuant to Chapter 3703. of the Revised Code. This 13958
division does not impair or restrict the power of municipal 13959
corporations under Section 3 of Article XVIII, Ohio 13960
Constitution, to adopt rules concerning the erection, 13961
construction, repair, alteration, and maintenance of buildings 13962
and structures or of establishing standards and providing for 13963
the licensing of specialty contractors pursuant to section 13964
715.27 of the Revised Code. 13965

~~A-Subject to section 9.78 of the Revised Code, a board of~~ 13966
~~county commissioners, pursuant to this division, may require all~~ 13967
~~electrical contractors and heating, ventilating, and air~~ 13968
~~conditioning contractors, other than those who hold a valid and~~ 13969
~~unexpired license issued pursuant to Chapter 4740. of the~~ 13970
~~Revised Code, to successfully complete an examination, test, or~~ 13971
~~demonstration of technical skills, and may impose a fee and~~ 13972
~~additional requirements for a license to engage in their~~ 13973
~~respective occupations within the jurisdiction of the board's~~ 13974
~~rules under this division.~~ 13975

~~(C) No board of county commissioners shall require any~~ 13976
~~specialty contractor who holds a valid and unexpired license~~ 13977

~~issued pursuant to Chapter 4740. of the Revised Code to~~ 13978
~~successfully complete an examination, test, or demonstration of~~ 13979
~~technical skills in order to engage in the type of contracting~~ 13980
~~for which the license is held, within the unincorporated areas~~ 13981
~~of the county and within any municipal corporation whose~~ 13982
~~legislative authority has contracted with the board for the~~ 13983
~~enforcement of county regulations within the municipal~~ 13984
~~corporation, pursuant to section 307.15 of the Revised Code.~~ 13985

~~(D) A board may impose a fee for registration of a~~ 13986
~~specialty contractor who holds a valid and unexpired license~~ 13987
~~issued pursuant to Chapter 4740. of the Revised Code before that~~ 13988
~~specialty contractor may engage in the type of contracting for~~ 13989
~~which the license is held within the unincorporated areas of the~~ 13990
~~county and within any municipal corporation whose legislative~~ 13991
~~authority has contracted with the board for the enforcement of~~ 13992
~~county regulations within the municipal corporation, pursuant to~~ 13993
~~section 307.15 of the Revised Code, provided that the fee is the~~ 13994
~~same for all specialty contractors who wish to engage in that~~ 13995
~~type of contracting. If a board imposes such a fee, the board~~ 13996
~~immediately shall permit a specialty contractor who presents~~ 13997
~~proof of holding a valid and unexpired license and pays the~~ 13998
~~required fee to engage in the type of contracting for which the~~ 13999
~~license is held within the unincorporated areas of the county~~ 14000
~~and within any municipal corporation whose legislative authority~~ 14001
~~has contracted with the board for the enforcement of county~~ 14002
~~regulations within the municipal corporation, pursuant to~~ 14003
~~section 307.15 of the Revised Code.~~ 14004

~~(E) The political subdivision associated with each~~ 14005
~~municipal, township, and county building department the board of~~ 14006
~~building standards certifies pursuant to division (E) of section~~ 14007
~~3781.10 of the Revised Code may prescribe fees to be paid by~~ 14008

persons, political subdivisions, or any department, agency, 14009
board, commission, or institution of the state, for the 14010
acceptance and approval of plans and specifications, and for the 14011
making of inspections, pursuant to sections 3781.03 and 3791.04 14012
of the Revised Code. 14013

~~(F)~~(D) Each political subdivision that prescribes fees 14014
pursuant to division ~~(E)~~(C) of this section shall collect, on 14015
behalf of the board of building standards, fees equal to the 14016
following: 14017

(1) Three per cent of the fees the political subdivision 14018
collects in connection with nonresidential buildings; 14019

(2) One per cent of the fees the political subdivision 14020
collects in connection with residential buildings. 14021

~~(G)~~(E) (1) The board shall adopt rules, in accordance with 14022
Chapter 119. of the Revised Code, specifying the manner in which 14023
the fee assessed pursuant to division ~~(F)~~(D) of this section 14024
shall be collected and remitted monthly to the board. The board 14025
shall pay the fees into the state treasury to the credit of the 14026
industrial compliance operating fund created in section 121.084 14027
of the Revised Code. 14028

(2) All money credited to the industrial compliance 14029
operating fund under this division shall be used exclusively for 14030
the following: 14031

(a) Operating costs of the board; 14032

(b) Providing services, including educational programs, 14033
for the building departments that are certified by the board 14034
pursuant to division (E) of section 3781.10 of the Revised Code; 14035

(c) Paying the expenses of the residential construction 14036

advisory committee, including the expenses of committee members 14037
as provided in section 4740.14 of the Revised Code. 14038

~~(H)~~ (F) A board of county commissioners that adopts rules 14039
providing for the licensing of electrical and heating, 14040
ventilating, and air conditioning contractors, pursuant to 14041
division (B) of this section, ~~may~~ shall accept, for purposes of 14042
satisfying the requirements of rules adopted under that 14043
division, a valid and unexpired license issued pursuant to 14044
Chapter 4740. of the Revised Code that is held by an electrical 14045
or heating, ventilating, and air conditioning contractor, for 14046
the construction, replacement, maintenance, or repair of one- 14047
family, two-family, or three-family dwelling houses or accessory 14048
structures incidental to those dwelling houses. 14049

~~(I)~~ (G) A board of county commissioners shall not register 14050
a specialty contractor who is required to hold a license under 14051
Chapter 4740. of the Revised Code but does not hold a valid 14052
license issued under that chapter. 14053

~~(J)~~ (H) As used in this section, "specialty contractor" 14054
means a heating, ventilating, and air conditioning contractor, 14055
refrigeration contractor, electrical contractor, plumbing 14056
contractor, or hydronics contractor, as those contractors are 14057
described in Chapter 4740. of the Revised Code. 14058

Sec. 3783.03. (A) The board of building standards shall 14059
issue a certificate of competency as an electrical safety 14060
inspector to any person ~~whom it determines to be of good moral~~ 14061
~~character and~~ who successfully passes an examination pursuant to 14062
division (B) of this section, ~~7~~ or who qualifies for renewal 14063
pursuant to section 3783.04 of the Revised Code. Each 14064
certificate of competency issued by the board shall be signed by 14065
the ~~chairman~~ chairperson and the secretary of the board, ~~7~~ and 14066

shall show on its face the dates of issuance and expiration. 14067

(B) The board shall administer an examination to an 14068
applicant for a certificate of competency as an electrical 14069
safety inspector if such applicant has paid an application fee, 14070
as prescribed by the board, and meets any of the following 14071
qualifications: 14072

(1) Has been a ~~journeyman~~ journeyperson electrician or 14073
equivalent for four years, two years of which were as an 14074
electrician foreman, and has had two years experience as a 14075
building inspector trainee of electrical systems; 14076

(2) Has been a ~~journeyman~~ journeyperson electrician or 14077
equivalent for four years and has had three years experience as 14078
a building inspector trainee of electrical systems; 14079

(3) Has had four years experience as a building inspector 14080
trainee of electrical systems; 14081

(4) Had been a ~~journeyman~~ journeyperson electrician or 14082
equivalent for six years; 14083

(5) Is a graduate electrical engineer and registered by 14084
the state of Ohio. 14085

An applicant who fails two examinations shall not be 14086
eligible to take another examination until ~~he~~ the applicant has 14087
successfully completed a training program approved by the board 14088
pursuant to division (C) of this section. A new application fee 14089
shall be required for each examination given an applicant. 14090

(C) No training program for electrical safety inspectors 14091
shall be offered in this state unless approved by the board of 14092
building standards. The board may issue an electrical safety 14093
inspector trainee certificate to any person enrolled in an 14094

approved training program. A person possessing a trainee certificate may work under the supervision of an electrical safety inspector and such experience shall be considered equivalent to that of a building inspector trainee of electrical systems in satisfying the requirement under division (B) of this section.

(D) The board may deny a certificate to an applicant who commits an act that would constitute grounds for disciplinary action under Chapter 3783. of the Revised Code if committed by an electrical safety inspector.

(E) The board shall keep a record of the names, addresses, and such other information as it requires, of each electrical safety inspector and each electrical safety inspector trainee and a record of its proceedings under Chapter 3783. of the Revised Code.

Sec. 3796.03. (A) (1) Except as provided in division (A) (2) of this section, not later than one year after ~~the effective date of this section~~ September 8, 2016, the department of commerce shall adopt rules establishing standards and procedures for the medical marijuana control program.

(2) The department shall adopt rules establishing standards and procedures for the licensure of cultivators not later than two hundred forty days after ~~the effective date of this section~~ September 8, 2016.

(3) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The rules shall do all of the following:

(1) Establish application procedures and fees for licenses it issues under this chapter;

- (2) Specify all of the following: 14124
- (a) The conditions that must be met to be eligible for licensure; 14125
14126
- (b) Subject to division (B) (2) (c) of this section, the criminal offenses for which an applicant will be disqualified from licensure pursuant to section 9.79 of the Revised Code; 14127
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14129
- (c) Which of the criminal offenses specified pursuant to division (B) (2) (b) of this section will not disqualify an applicant from licensure if the applicant was convicted of ~~or pleaded guilty to~~ the offense more than five years before the date the application for licensure is filed. 14130
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- (3) Establish, in accordance with section 3796.05 of the Revised Code, the number of cultivator licenses that will be permitted at any one time; 14135
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- (4) Establish a license renewal schedule, renewal procedures, and renewal fees; 14138
14139
- (5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder; 14140
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- (6) Establish standards under which a license suspension may be lifted; 14144
14145
- (7) Specify if a cultivator, processor, or laboratory 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 cultivator, processor, or laboratory, may remain in operation or shall relocate or have its license revoked by the board; 14146
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(8) Specify both of the following:	14152
(a) Subject to division (B) (8) (b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;	14153 14154 14155
(b) Which of the criminal offenses specified pursuant to division (B) (8) (a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.	14156 14157 14158 14159 14160
(9) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of medical marijuana by a laboratory licensed under this chapter.	14161 14162 14163
(C) In addition to the rules described in division (B) of this section, the department may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter.	14164 14165 14166 14167
(D) When adopting rules under this section, the department shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana.	14168 14169 14170 14171
Sec. 3796.04. (A) (1) Not later than one year after the effective date of this section <u>September 8, 2016</u> , the board of pharmacy shall adopt rules establishing standards and procedures for the medical marijuana control program.	14172 14173 14174 14175
(2) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.	14176 14177
(B) The rules shall do all of the following:	14178
(1) Establish application procedures and fees for licenses	14179

and registrations it issues under this chapter;	14180
(2) Specify all of the following:	14181
(a) The conditions that must be met to be eligible for licensure;	14182 14183
(b) Subject to division (B) (2) (c) of this section, pursuant to <u>section 9.79 of the Revised Code</u> the criminal offenses for which an applicant will be disqualified from licensure;	14184 14185 14186 14187
(c) Which of the criminal offenses specified pursuant to division (B) (2) (b) of this section will not disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed.	14188 14189 14190 14191 14192
(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of retail dispensary licenses that will be permitted at any one time;	14193 14194 14195
(4) Establish a license or registration renewal schedule, renewal procedures, and renewal fees;	14196 14197
(5) Specify reasons for which a license or registration may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder;	14198 14199 14200 14201
(6) Establish standards under which a license or registration suspension may be lifted;	14202 14203
(7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration;	14204 14205 14206

- (8) Establish training requirements for employees of retail dispensaries; 14207
14208
- (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; 14209
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- (10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 14215
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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; 14218
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14220
- (12) Establish procedures for the issuance of patient or caregiver identification cards; 14221
14222
- (13) Specify the forms of or methods of using medical marijuana that are attractive to children; 14223
14224
- (14) Specify both of the following: 14225
- (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; 14226
14227
14228
- (b) Which of the criminal offenses specified pursuant to division (B) (14) (a) of this section will not disqualify a person from employment with a license holder if the person was convicted of ~~or pleaded guilty to~~ the offense more than five years before the date the employment begins. 14229
14230
14231
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14233
- (15) Establish a program to assist patients who are 14234

veterans or indigent in obtaining medical marijuana in 14235
accordance with this chapter. 14236

(C) In addition to the rules described in division (B) of 14237
this section, the board may adopt any other rules it considers 14238
necessary for the program's administration and the 14239
implementation and enforcement of this chapter. 14240

(D) When adopting rules under this section, the board 14241
shall consider standards and procedures that have been found to 14242
be best practices relative to the use and regulation of medical 14243
marijuana. 14244

Sec. 3796.09. (A) An entity that seeks to cultivate or 14245
process medical marijuana or to conduct laboratory testing of 14246
medical marijuana shall file an application for licensure with 14247
the department of commerce. The entity shall file an application 14248
for each location from which it seeks to operate. Each 14249
application shall be submitted in accordance with rules adopted 14250
under section 3796.03 of the Revised Code. 14251

(B) The department shall issue a license to an applicant 14252
if all of the following conditions are met: 14253

(1) The report of the criminal records check conducted 14254
pursuant to section 3796.12 of the Revised Code with respect to 14255
the application demonstrates the following: 14256

(a) Subject to division (B) (1) (b) of this section that the 14257
person subject to the criminal records check requirement has not 14258
been convicted of ~~or pleaded guilty to~~ any of the disqualifying 14259
offenses specified in rules adopted under section 9.79 and 14260
division (B) (2) (b) of section 3796.03 of the Revised Code; 14261

(b) That the disqualifying offense the person was 14262
convicted of ~~or pleaded guilty to~~ is one of the offenses 14263

specified in rules adopted under division (B) (2) (c) of section 14264
3796.03 of the Revised Code and the person was convicted of ~~or~~ 14265
~~pleaded guilty to~~ the offense more than five years before the 14266
date the application for licensure is filed. 14267

(2) The applicant demonstrates that it does not have an 14268
ownership or investment interest in or compensation arrangement 14269
with any of the following: 14270

(a) A laboratory licensed under this chapter; 14271

(b) An applicant for a license to conduct laboratory 14272
testing. 14273

(3) The applicant demonstrates that it does not share any 14274
corporate officers or employees with any of the following: 14275

(a) A laboratory licensed under this chapter; 14276

(b) An applicant for a license to conduct laboratory 14277
testing. 14278

(4) The applicant demonstrates that it will not be located 14279
within five hundred feet of a school, church, public library, 14280
public playground, or public park. 14281

(5) The information provided to the department pursuant to 14282
section 3796.11 of the Revised Code demonstrates that the 14283
applicant is in compliance with the applicable tax laws of this 14284
state. 14285

(6) The applicant meets all other licensure eligibility 14286
conditions established in rules adopted under section 3796.03 of 14287
the Revised Code. 14288

(C) The department shall issue not less than fifteen per 14289
cent of cultivator, processor, or laboratory licenses to 14290

entities that are owned and controlled by United States citizens 14291
who are residents of this state and are members of one of the 14292
following economically disadvantaged groups: Blacks or African 14293
Americans, American Indians, Hispanics or Latinos, and Asians. 14294
If no applications or an insufficient number of applications are 14295
submitted by such entities that meet the conditions set forth in 14296
division (B) of this section, the licenses shall be issued 14297
according to usual procedures. 14298

As used in this division, "owned and controlled" means 14299
that at least fifty-one per cent of the business, including 14300
corporate stock if a corporation, is owned by persons who belong 14301
to one or more of the groups set forth in this division, and 14302
that those owners have control over the management and day-to- 14303
day operations of the business and an interest in the capital, 14304
assets, and profits and losses of the business proportionate to 14305
their percentage of ownership. 14306

(D) A license expires according to the renewal schedule 14307
established in rules adopted under section 3796.03 of the 14308
Revised Code and may be renewed in accordance with the 14309
procedures established in those rules. 14310

Sec. 3796.10. (A) An entity that seeks to dispense at 14311
retail medical marijuana shall file an application for licensure 14312
with the state board of pharmacy. The entity shall file an 14313
application for each location from which it seeks to operate. 14314
Each application shall be submitted in accordance with rules 14315
adopted under section 3796.04 of the Revised Code. 14316

(B) The board shall issue a license to an applicant if all 14317
of the following conditions are met: 14318

(1) The report of the criminal records check conducted 14319

pursuant to section 3796.12 of the Revised Code with respect to 14320
the application demonstrates the following: 14321

(a) Subject to division (B) (1) (b) of this section, that 14322
the person subject to the criminal records check requirement has 14323
not been convicted of ~~or pleaded guilty to~~ any of the 14324
disqualifying offenses specified in rules adopted under section 14325
9.79 and division (B) (2) (b) of section 3796.04 of the Revised 14326
Code; 14327

(b) That the disqualifying offense the person was 14328
convicted of ~~or pleaded guilty to~~ is one of the offenses 14329
specified in rules adopted under division (B) (2) (c) of section 14330
3796.04 of the Revised Code and the person was convicted of ~~or~~ 14331
~~pleaded guilty to~~ the offense more than five years before the 14332
date the application for licensure is filed. 14333

(2) The applicant demonstrates that it does not have an 14334
ownership or investment interest in or compensation arrangement 14335
with any of the following: 14336

(a) A laboratory licensed under this chapter; 14337

(b) An applicant for a license to conduct laboratory 14338
testing. 14339

(3) The applicant demonstrates that it does not share any 14340
corporate officers or employees with any of the following: 14341

(a) A laboratory licensed under this chapter; 14342

(b) An applicant for a license to conduct laboratory 14343
testing. 14344

(4) The applicant demonstrates that it will not be located 14345
within five hundred feet of a school, church, public library, 14346
public playground, or public park. 14347

(5) The information provided to the board pursuant to 14348
section 3796.11 of the Revised Code demonstrates that the 14349
applicant is in compliance with the applicable tax laws of this 14350
state. 14351

(6) The applicant meets all other licensure eligibility 14352
conditions established in rules adopted under section 3796.04 of 14353
the Revised Code. 14354

(C) The board shall issue not less than fifteen per cent 14355
of retail dispensary licenses to entities that are owned and 14356
controlled by United States citizens who are residents of this 14357
state and are members of one of the following economically 14358
disadvantaged groups: Blacks or African Americans, American 14359
Indians, Hispanics or Latinos, and Asians. If no applications or 14360
an insufficient number of applications are submitted by such 14361
entities that meet the conditions set forth in division (B) of 14362
this section, the licenses shall be issued according to usual 14363
procedures. 14364

As used in this division, "owned and controlled" means 14365
that at least fifty-one per cent of the business, including 14366
corporate stock if a corporation, is owned by persons who belong 14367
to one or more of the groups set forth in this division, and 14368
that those owners have control over the management and day-to- 14369
day operations of the business and an interest in the capital, 14370
assets, and profits and losses of the business proportionate to 14371
their percentage of ownership. 14372

(D) A license expires according to the renewal schedule 14373
established in rules adopted under section 3796.04 of the 14374
Revised Code and may be renewed in accordance with the 14375
procedures established in those rules. 14376

Sec. 3796.13. (A) Each person seeking employment with an 14377
entity licensed under this chapter shall comply with sections 14378
4776.01 to 4776.04 of the Revised Code. Except as provided in 14379
division (B) of this section, such an entity shall not employ 14380
the person unless the person complies with those sections and 14381
the report of the resulting criminal records check demonstrates 14382
that the person has not been convicted of ~~or pleaded guilty to~~ 14383
the following: 14384

(1) Any of the disqualifying offenses specified in rules 14385
adopted under division (B) (8) (a) of section 3796.03 of the 14386
Revised Code if the person is seeking employment with an entity 14387
licensed by the department of commerce under this chapter; 14388

(2) Any of the disqualifying offenses specified in rules 14389
adopted under division (B) (14) (a) of section 3796.04 of the 14390
Revised Code if the person is seeking employment with an entity 14391
licensed by the state board of pharmacy under this chapter. 14392

(B) An entity is not prohibited by division (A) of this 14393
section from employing a person if the following applies: 14394

(1) In the case of a person seeking employment with an 14395
entity licensed by the department of commerce under this 14396
chapter, the disqualifying offense the person was convicted of 14397
~~or pleaded guilty to~~ is one of the offenses specified in rules 14398
adopted under division (B) (8) (b) of section 3796.03 of the 14399
Revised Code and the person was convicted of ~~or pleaded guilty~~ 14400
~~to~~ the offense more than five years before the date the 14401
employment begins. 14402

(2) In the case of a person seeking employment with an 14403
entity licensed by the state board of pharmacy under this 14404
chapter, the disqualifying offense the person was convicted of 14405

~~or pleaded guilty to~~ is one of the offenses specified in rules 14406
adopted under division (B) (14) (b) of section 3796.04 of the 14407
Revised Code and the person was convicted of ~~or pleaded guilty~~ 14408
~~to~~ the offense more than five years before the date the 14409
employment begins. 14410

Sec. 3905.06. (A) (1) The superintendent of insurance shall 14411
issue a resident insurance agent license to an individual 14412
applicant whose home state is Ohio upon submission of a 14413
completed application and payment of any applicable fee required 14414
under this chapter, if the superintendent finds all of the 14415
following: 14416

(a) The applicant is at least eighteen years of age. 14417

(b) The applicant has not committed any act that is a 14418
ground for the denial, suspension, or revocation of a license 14419
under section 3905.14 of the Revised Code. 14420

(c) If required under section 3905.04 of the Revised Code, 14421
the applicant has completed a program of insurance education for 14422
each line of authority for which the applicant has applied. 14423

(d) If required under section 3905.04 of the Revised Code, 14424
the applicant has passed an examination for each line of 14425
authority for which the applicant has applied. 14426

(e) Any applicant applying for variable life-variable 14427
annuity line of authority is registered with the financial 14428
industry regulatory authority (FINRA) as a registered 14429
representative after having passed at least one of the following 14430
examinations administered by the FINRA: the series 6 14431
examination, the series 7 examination, the series 63 14432
examination, the series 66 examination, or any other FINRA 14433
examination approved by the superintendent. 14434

(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 14464
license line of authority satisfies the requirements of division 14465
(C) (1) of section 3905.063 of the Revised Code. 14466

(e) The applicant has submitted any other documents 14467
requested by the superintendent. 14468

(B) An insurance agent license issued pursuant to division 14469
(A) of this section shall state the licensee's name, the license 14470
number, the date of issuance, the date the license expires, the 14471
line or lines of authority for which the licensee is qualified, 14472
and any other information the superintendent deems necessary. 14473

A licensee may be qualified for any of the following lines 14474
of authority: 14475

(1) Life, which is insurance coverage on human lives, 14476
including benefits of endowment and annuities, and may include 14477
benefits in the event of death or dismemberment by accident and 14478
benefits for disability income; 14479

(2) Accident and health, which is insurance coverage for 14480
sickness, bodily injury, or accidental death, and may include 14481
benefits for disability income; 14482

(3) Property, which is insurance coverage for the direct 14483
or consequential loss or damage to property of any kind; 14484

(4) Casualty, which is insurance coverage against legal 14485
liability, including coverage for death, injury, or disability 14486
or damage to real or personal property; 14487

(5) Personal lines, which is property and casualty 14488
insurance coverage sold to individuals and families for 14489
noncommercial purposes; 14490

(6) Variable life and variable annuity products, which is 14491

insurance coverage provided under variable life insurance	14492
contracts and variable annuities;	14493
(7) Credit, which is limited line credit insurance;	14494
(8) Title, which is insurance coverage against loss or	14495
damage suffered by reason of liens against, encumbrances upon,	14496
defects in, or the unmarketability of, real property;	14497
(9) Surety bail bond, which is the authority set forth in	14498
sections 3905.83 to 3905.95 of the Revised Code;	14499
(10) Portable electronics insurance, which is a limited	14500
line described in section 3905.062 of the Revised Code;	14501
(11) Self-service storage insurance, which is a limited	14502
line described in section 3905.063 of the Revised Code;	14503
(12) Any other line of authority designated by the	14504
superintendent.	14505
(C) (1) An individual seeking to renew a resident insurance	14506
agent license shall apply biennially for a renewal of the	14507
license on or before the last day of the licensee's birth month.	14508
A business entity seeking to renew a resident insurance agent	14509
license shall apply biennially for a renewal of the license on	14510
or before the date determined by the superintendent. The	14511
superintendent shall send a renewal notice to all licensees at	14512
least one month prior to the renewal date.	14513
Applications shall be submitted to the superintendent on	14514
forms prescribed by the superintendent. Each application shall	14515
be accompanied by a biennial renewal fee. The superintendent	14516
also may require an applicant to submit any document reasonably	14517
necessary to verify the information contained in the renewal	14518
application.	14519

(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.

(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.

(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.

(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 this chapter.

(F) A license that is suspended for nonrenewal that is not

reinstated pursuant to division (E) of this section 14550
automatically is canceled unless the superintendent is 14551
investigating any allegations of wrongdoing by the agent or has 14552
initiated proceedings under Chapter 119. of the Revised Code. In 14553
that case, the license automatically is canceled after the 14554
completion of the investigation or proceedings unless the 14555
superintendent revokes the license. 14556

(G) An individual licensed as a resident insurance agent 14557
who is unable to comply with the license renewal procedures 14558
established under this section and who is unable to engage in 14559
the business of insurance due to military service, a long-term 14560
medical disability, or some other extenuating circumstance may 14561
request an extension of the renewal date of the individual's 14562
license. To be eligible for such an extension, the individual 14563
shall submit a written request with supporting documentation to 14564
the superintendent. At the superintendent's discretion, the 14565
superintendent may not consider a written request made after the 14566
renewal date of the license. 14567

Sec. 3905.062. (A) As used in this section: 14568

(1) "Customer" means a person who purchases portable 14569
electronics or services. 14570

(2) "Enrolled customer" means a customer who elects 14571
coverage under a portable electronics insurance policy issued to 14572
a vendor of portable electronics by an insurer. 14573

(3) "Endorsee" means an employee or authorized 14574
representative of a vendor authorized to sell or offer portable 14575
electronics insurance. 14576

(4) "Location" means any physical location in this state 14577
or any web site, call center site, or similar location directed 14578

to residents of this state. 14579

(5) "Portable electronics" means a personal, self- 14580
contained, battery-operated electronic communication, viewing, 14581
listening, recording, gaming, computing, or global positioning 14582
device that is easily carried by an individual, including a 14583
cellular or satellite telephone; pager; personal global 14584
positioning satellite unit; portable computer; portable audio 14585
listening, video viewing or recording device; digital camera; 14586
video camcorder; portable gaming system; docking station; 14587
automatic answering device; and any other similar device, and 14588
any accessory related to the use of the device. 14589

(6) "Portable electronics insurance" means insurance 14590
providing coverage for the repair or replacement of portable 14591
electronics, which may be offered on a month-to-month or other 14592
periodic basis as a group or master commercial inland marine 14593
policy issued to a vendor by an insurer, and may cover portable 14594
electronics against loss, theft, inoperability due to mechanical 14595
failure, malfunction, damage, or other applicable perils. 14596
"Portable electronics insurance" does not mean any of the 14597
following: 14598

(a) A consumer goods service contract governed by section 14599
3905.423 of the Revised Code; 14600

(b) A policy of insurance covering a seller's or a 14601
manufacturer's obligations under a warranty; 14602

(c) A homeowner's, renter's, private passenger automobile, 14603
commercial multi-peril, or similar insurance policy. 14604

(7) "Portable electronics transaction" means the sale or 14605
lease of portable electronics by a vendor to a customer or the 14606
sale of a service related to the use of portable electronics by 14607

a vendor to a customer. 14608

(8) "Supervising entity" means an insurer or a business 14609
entity licensed as an insurance agent under section 3905.06 of 14610
the Revised Code that is appointed by an insurer to supervise 14611
the administration of a portable electronics insurance program. 14612

(9) "Vendor" means a person in the business of engaging in 14613
portable electronics transactions directly or indirectly. 14614

(B) (1) Except as provided in division (B) (2) of this 14615
section, no vendor or vendor's employee shall offer, sell, 14616
solicit, or place portable electronics insurance unless the 14617
vendor is licensed under section 3905.06 or 3905.07 of the 14618
Revised Code with a portable electronics insurance line of 14619
authority. 14620

(2) Any vendor offering or selling portable electronics 14621
insurance on or before ~~the effective date of this section~~ March 14622
22, 2012, that wishes to continue offering or selling that 14623
insurance shall apply for a license within ninety days after the 14624
superintendent of insurance makes the application available. 14625

(C) (1) The superintendent shall issue a resident business 14626
entity license to a vendor under section 3905.06 of the Revised 14627
Code if the vendor satisfies the requirements of sections 14628
3905.05 and 3905.06 of the Revised Code, except that the 14629
application for a portable electronics insurance license shall 14630
satisfy the following additional requirements: 14631

(a) The application shall include the location of the 14632
vendor's home office. 14633

(b) If the application requires the vendor to designate an 14634
individual or entity as a responsible insurance agent, that 14635
agent shall not be required to be an employee of the applicant 14636

and may be the supervising entity or an individual agent who is 14637
an employee of the supervising entity. 14638

(c) If the vendor derives less than fifty per cent of the 14639
vendor's revenue from the sale of portable electronics 14640
insurance, the application for a portable electronics insurance 14641
license may require the vendor to provide the name, residence 14642
address, and other information required by the superintendent 14643
for one employee or officer of the vendor who is designated by 14644
the vendor as the person responsible for the vendor's compliance 14645
with the requirements of this chapter. 14646

(d) If the vendor derives fifty per cent or more of the 14647
vendor's revenue from the sale of portable electronics 14648
insurance, the application may require the information listed 14649
under division (C) (1) (c) of this section for all owners with at 14650
least ten per cent interest or voting interest, partners, 14651
officers, and directors of the vendor, or members or managers of 14652
a vendor that is a limited liability company. 14653

(2) The superintendent shall issue a nonresident business 14654
entity license to a vendor if the vendor satisfies the 14655
requirements of section 3905.07 of the Revised Code. However, if 14656
the nonresident vendor's home state does not issue a limited 14657
lines license for portable electronics insurance, the 14658
nonresident vendor may apply for a resident license under 14659
section 3905.06 of the Revised Code in the same manner and with 14660
the same rights and privileges as if the vendor were a resident 14661
of this state. 14662

(D) The holder of a limited lines license may not sell, 14663
solicit, or negotiate insurance on behalf of any insurer unless 14664
appointed to represent that insurer under section 3905.20 of the 14665
Revised Code. 14666

(E) Division (B) ~~(34)~~ (33) of section 3905.14 of the Revised Code shall not apply to portable electronics vendors or the vendors' endorsees.

(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.

(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.

(3) No endorsee shall do any of the following:

(a) Advertise, represent, or otherwise represent the endorsee's self as an insurance agent licensed under section 3905.06 of the Revised Code;

(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;

(c) Make any statement or engage in any conduct, express or implied, that would lead a customer to believe any of the following:

(i) That the insurance policies offered by the endorsee provide coverage not already provided by a customer's homeowner's insurance policy, renter's insurance policy, or by another source of coverage;

(ii) That the purchase by the customer of portable electronics insurance is required in order to purchase or lease portable electronics or services from the portable electronics vendor;

(iii) That the portable electronics vendor or its endorsees are qualified to evaluate the adequacy of the customer's existing insurance coverage.

(G) Each vendor, or the supervising entity to that vendor, shall provide a training and education program for all endorsees who sell or offer portable electronics insurance. The program may be provided as a web-based training module or in any other electronic or recorded video form. The training and education program shall meet all of the following minimum standards:

(1) The training shall be delivered to each endorsee of each vendor who sells or offers portable electronics insurance and the endorsee shall complete the training;

(2) If the training is conducted in an electronic form, the supervising entity shall implement a supplemental education program regarding portable electronics insurance that is conducted and overseen by employees of the supervising entity who are licensed as insurance agents under section 3905.06 of the Revised Code;

(3) The training and education program shall include basic information about portable electronics insurance and information concerning all of the following prohibited actions of endorsees:

(a) No endorsee shall advertise, represent, or otherwise represent the endorsee's self as a licensed insurance agent.

(b) No endorsee shall offer, sell, or solicit the purchase of portable electronics insurance except in conjunction with and

incidental to the sale or lease of portable electronics. 14725

(c) No endorsee shall make any statement or engage in any 14726
conduct, express or implied, that would lead a customer to 14727
believe any of the following: 14728

(i) That the insurance policies offered by the endorsee 14729
provide coverage not already provided by a customer's 14730
homeowner's insurance policy, renter's insurance policy, or by 14731
another source of coverage; 14732

(ii) That the purchase by the customer of portable 14733
electronics insurance is required in order to purchase or lease 14734
portable electronics or services from the portable electronics 14735
vendor; 14736

(iii) That the portable electronics vendor or its 14737
endorsees are qualified to evaluate the adequacy of the 14738
customer's existing insurance coverage. 14739

(H) A supervising entity appointed to supervise the 14740
administration of a portable electronics insurance program under 14741
division (F) (2) of this section shall maintain a registry of 14742
locations supervised by that entity that are authorized to sell 14743
or solicit portable electronics insurance in this state. The 14744
supervising entity shall make the registry available to the 14745
superintendent upon request by the superintendent if the 14746
superintendent provides ten days' notice to the vendor or 14747
supervising entity. 14748

(I) At every location where a vendor offers portable 14749
electronics insurance to customers, the vendor shall provide 14750
brochures or other written materials to prospective customers 14751
that include all of the following: 14752

(1) A summary of the material terms of the insurance 14753

coverage, including all of the following:	14754
(a) The identity of the insurer;	14755
(b) The identity of the supervising entity;	14756
(c) The amount of any applicable deductible and how it is to be paid;	14757 14758
(d) Benefits of the coverage;	14759
(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.	14760 14761 14762 14763
(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;	14764 14765 14766 14767
(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;	14768 14769 14770 14771
(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;	14772 14773 14774
(5) A disclosure that neither the endorsee nor the vendor is qualified to evaluate the adequacy of the customer's existing insurance coverage;	14775 14776 14777
(6) A disclosure that the customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and receive a refund of any applicable premium.	14778 14779 14780

(J) (1) The charges for portable electronics insurance may 14781
be billed and collected by the vendor of portable electronics, 14782
and the vendor may receive compensation for performing billing 14783
and collection services, if either of the following conditions 14784
are met: 14785

(a) If the charge to the customer for coverage is not 14786
included in the cost associated with the purchase or lease of 14787
portable electronics or related services, the charge for 14788
coverage is separately itemized on the customer's bill. 14789

(b) If the charge to the customer for coverage is included 14790
in the cost associated with the purchase or lease of portable 14791
electronics or related services, the vendor clearly and 14792
conspicuously discloses to the customer that the charge for 14793
portable electronics insurance coverage is included with the 14794
charge for portable electronics or related services. 14795

(2) All funds received by a vendor from a customer for the 14796
sale of portable electronics insurance shall be considered funds 14797
held in trust by the vendor in a fiduciary capacity for the 14798
benefit of the insurer. Vendors that bill and collect such 14799
charges are not required to maintain those funds in a segregated 14800
account if the vendor is authorized by the insurer to hold those 14801
funds in an alternate manner and the vendor remits the amount of 14802
the charges to the supervising entity within sixty days after 14803
receiving the charges. 14804

(K) (1) Except as otherwise provided in divisions (K) (2) 14805
and (3) of this section, an insurer may terminate or otherwise 14806
change the terms and conditions of a policy of portable 14807
electronics insurance only upon providing the vendor 14808
policyholder and enrolled customers with at least sixty days' 14809
prior notice. If the insurer changes the terms and conditions, 14810

the insurer shall promptly provide the vendor policyholder with 14811
a revised policy or endorsement and each enrolled customer with 14812
a revised certificate, endorsement, updated brochure, or other 14813
evidence indicating that a change in the terms and conditions 14814
has occurred and a summary of material changes. 14815

(2) An insurer may terminate an enrolled customer's 14816
enrollment under a portable electronics insurance policy upon 14817
fifteen days' prior notice for discovery of fraud or material 14818
misrepresentation in obtaining coverage or in the presentation 14819
of a claim under the policy. 14820

(3) An insurer may immediately terminate an enrolled 14821
customer's enrollment under a portable electronics insurance 14822
policy for any of the following reasons: 14823

(a) The enrolled customer fails to pay the required 14824
premium; 14825

(b) The enrolled customer ceases to have an active service 14826
plan, if applicable, with the vendor of portable electronics; 14827

(c) The enrolled customer exhausts the aggregate limit of 14828
liability, if any, under the terms of the portable electronics 14829
insurance policy and the insurer sends notice of termination to 14830
the customer within thirty calendar days after exhaustion of the 14831
limit. However, if the insurer does not send the notice within 14832
the thirty-day time frame, enrollment shall continue 14833
notwithstanding the aggregate limit of liability until the 14834
insurer sends notice of termination to the enrolled customer. 14835

(4) If a portable electronics insurance policy is 14836
terminated by a vendor policyholder, the vendor policyholder 14837
shall provide notice to each enrolled customer advising the 14838
customer of the termination of the policy and the effective date 14839

of the termination. The written notice shall be mailed or 14840
delivered to the customer at least thirty days prior to the 14841
termination. 14842

(5) Notice required pursuant to this section shall be 14843
provided in writing, either via mail or by electronic means. 14844

(a) If notice is provided via mail, it shall be mailed or 14845
delivered to the vendor at the vendor's mailing address and to 14846
all affected enrolled customers at the last known mailing 14847
addresses of those customers on file with the insurer. The 14848
insurer or vendor of portable electronics shall maintain proof 14849
of mailing in a form authorized or accepted by the United States 14850
postal service or other commercial mail delivery service. 14851

(b) If notice is provided electronically, it shall be 14852
transmitted via facsimile or electronic mail to the vendor at 14853
the vendor's facsimile number or electronic mail address and to 14854
all affected enrolled customers at the last known facsimile 14855
numbers or electronic mail addresses of those customers on file 14856
with the insurer. The insurer or vendor shall maintain proof 14857
that the notice was sent. 14858

(L) An enrolled customer may cancel the enrolled 14859
customer's coverage under a portable electronics insurance 14860
policy at any time. Upon cancellation, the insurer shall refund 14861
any applicable unearned premium. 14862

(M) A license issued pursuant to this section shall 14863
authorize the vendor and its endorsees to engage only in those 14864
activities that are expressly permitted by this section. 14865

(N) (1) If a vendor or a vendor's endorsee violates any 14866
provision of this section, the superintendent may revoke or 14867
suspend the license issued or impose any other sanctions 14868

provided under section 3905.14 of the Revised Code. 14869

(2) If any provision of this section is violated by a 14870
vendor or a vendor's endorsee at a particular location, the 14871
superintendent may issue a cease and desist order to a 14872
particular location, or take any other administrative action 14873
authorized in section 3901.22 and division (D) of section 14874
3905.14 of the Revised Code. 14875

(3) If any person violates division (B) or (F) (3) of this 14876
section, the superintendent may issue a cease and desist order 14877
in addition to taking any other administrative action provided 14878
for in sections 3901.22 and division (D) of section 3905.14 of 14879
the Revised Code. 14880

(4) If the superintendent determines that a violation of 14881
this section or section 3905.14 of the Revised Code has 14882
occurred, the superintendent may assess a civil penalty in 14883
amount not exceeding twenty-five thousand dollars per violation 14884
and an administrative fee to cover the expenses incurred by the 14885
department in the administrative action, including costs 14886
incurred in the investigation and hearing process. 14887

(0) The superintendent may adopt rules implementing this 14888
section. 14889

Sec. 3905.063. (A) As used in this section: 14890

(1) "Customer" means a person who obtains the use of 14891
storage space from a self-service storage facility under the 14892
terms of a self-storage rental agreement. 14893

(2) "Endorsee" means an employee or authorized 14894
representative of a self-service storage facility authorized to 14895
sell or offer self-service storage insurance. 14896

- (3) "Enrolled customer" means a customer who elects coverage under a self-service storage insurance policy issued to a self-service storage facility by an insurer or a policy issued directly to a customer from an insurer. 14897
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- (4) "Location" means any physical location in this state or any web site, call center site, or similar location directed to residents of this state. 14901
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- (5) "Owner" means the owner, operator, property management company, lessor, or sublessor of a self-service storage facility. "Owner" does not mean an occupant. 14904
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- (6) "Personal property" means moveable property not affixed to land, and includes goods, merchandise, furniture, and household items. 14907
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14909
- (7)(a) "Self-service storage insurance" means insurance providing coverage for the loss of, or damage to, tangible personal property that is contained in storage space or in transit during a self-service storage rental agreement period, which may be offered on a month-to-month or other periodic basis under an individual policy, or as a group, commercial, or master policy issued to a self-service storage facility to provide insurance for the self-service storage facility's customers. 14910
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- (b) "Self-service storage insurance" does not mean any of the following: 14918
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- (i) A consumer goods service contract governed by section 3905.423 of the Revised Code; 14920
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- (ii) A policy of insurance covering a seller's or a manufacturer's obligations under a warranty; 14922
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- (iii) A homeowner's, renter's, private passenger 14924

automobile, or similar insurance policy. 14925

(8) "Self-service storage rental agreement" means a 14926
written agreement containing the terms and conditions governing 14927
the use of storage space provided by a self-service storage 14928
facility. 14929

(9) "Supervising entity" means an insurer or a business 14930
entity licensed as an insurance agent under section 3905.06 or 14931
3905.07 of the Revised Code that is appointed by an insurer to 14932
supervise the administration of self-service storage insurance. 14933

(B) (1) Except as provided in division (B) (2) of this 14934
section, no self-service storage facility or self-service 14935
storage facility's endorsee shall offer, sell, solicit, or place 14936
self-service storage insurance unless the self-service storage 14937
facility is licensed under section 3905.06 or 3905.07 of the 14938
Revised Code with a self-service storage insurance line of 14939
authority and the offer, sale, solicitation, or placement is 14940
incidental to the lease of self-service storage. 14941

(2) Any self-service storage facility offering or selling 14942
self-service storage insurance on or before ~~the effective date~~ 14943
~~of this section~~ March 23, 2015, that wishes to continue offering 14944
or selling that insurance shall apply for a license within 14945
ninety days after the superintendent of insurance makes the 14946
application available. 14947

(C) (1) The superintendent shall issue a resident insurance 14948
license to a self-service storage facility under section 3905.06 14949
of the Revised Code if the self-service storage facility 14950
satisfies the requirements of sections 3905.05 and 3905.06 of 14951
the Revised Code, except that the application for a self-service 14952
storage insurance license shall satisfy the following additional 14953

requirements: 14954

(a) The application shall include the location, including 14955
the address for each location, of the self-service storage 14956
facility's home office and any location at which the facility 14957
engages in self-service storage transactions. 14958

(b) If the application requires the self-service storage 14959
facility to designate an individual or entity as a responsible 14960
insurance agent, that agent shall not be required to be an 14961
employee of the applicant and may be an individual agent who is 14962
an employee of the supervising entity. 14963

(c) If the self-service storage facility derives less than 14964
fifty per cent of the self-service storage facility's revenue 14965
from the sale of self-service storage insurance, the application 14966
for a self-service storage insurance license may require the 14967
self-service storage facility to provide the name, residence 14968
address, and other information required by the superintendent 14969
for one employee or officer of the self-service storage facility 14970
who is designated by the self-service storage facility as the 14971
person responsible for the self-service storage facility's 14972
compliance with the requirements of this chapter. 14973

(d) If the self-service storage facility derives fifty per 14974
cent or more of the self-service storage facility's revenue from 14975
the sale of self-service storage insurance, the application may 14976
require the information listed under division (C) (1) (c) of this 14977
section for all owners with at least ten per cent interest or 14978
voting interest, partners, officers, and directors of the self- 14979
service storage facility, or members or managers of a self- 14980
service storage facility that is a limited liability company. 14981

(2) The superintendent shall issue a nonresident insurance 14982

agent license to a self-service storage facility if the self- 14983
service storage facility satisfies the requirements of section 14984
3905.07 of the Revised Code. However, if the nonresident self- 14985
service storage facility's home state does not issue a limited 14986
lines license for self-service storage insurance, the 14987
nonresident self-service storage facility may apply for a 14988
resident license under sections 3905.05 and 3905.06 of the 14989
Revised Code in the same manner and with the same rights and 14990
privileges as if the self-service storage facility were a 14991
resident of this state. 14992

(D) The holder of a limited lines license may not sell, 14993
solicit, or negotiate insurance on behalf of any insurer unless 14994
appointed to represent that insurer under section 3905.20 of the 14995
Revised Code. 14996

(E) Division (B) ~~(34)~~ (33) of section 3905.14 of the 14997
Revised Code shall not apply to the self-service storage 14998
facility or the self-service storage facility's endorsees. 14999

(F) If insurance is required as a condition of a self- 15000
service storage rental agreement, the requirement may be 15001
satisfied by the customer's purchase of self-service storage 15002
insurance that is sold, solicited, or negotiated by the self- 15003
service storage facility or presentation to the self-service 15004
storage facility of evidence of other applicable insurance 15005
coverage. 15006

Evidence of applicable insurance coverage includes a 15007
representation by a licensed Ohio insurance agent that the 15008
customer satisfies the requirements of this division. 15009

(G) (1) A self-service storage facility may authorize any 15010
endorsee of the self-service storage facility to sell or offer 15011

self-service storage insurance to a customer at any location at 15012
which the self-service storage facility engages in self-service 15013
storage transactions. 15014

(2) An endorsee is not required to be licensed as an 15015
insurance agent under this chapter if the self-service storage 15016
facility is licensed under this section and the insurer issuing 15017
the self-service storage insurance either directly supervises or 15018
appoints a supervising entity to supervise the administration of 15019
the self-service storage insurance including development of a 15020
training program for endorsees in accordance with division (H) 15021
of this section. 15022

(3) No endorsee shall do any of the following: 15023

(a) Advertise, represent, or otherwise represent the 15024
endorsee's self as an insurance agent licensed under section 15025
3905.06 or 3905.07 of the Revised Code; 15026

(b) Offer, sell, or solicit the purchase of self-service 15027
storage insurance except in conjunction with and incidental to 15028
the sale or lease of self-service storage; 15029

(c) Make any statement or engage in any conduct, express 15030
or implied, that would lead a customer to believe either of the 15031
following: 15032

(i) That, if insurance is required as a condition of a 15033
self-service storage rental agreement, the purchase by the 15034
customer of self-service storage insurance offered by the self- 15035
service storage facility is the only method by which that 15036
condition may be met; 15037

(ii) That the self-service storage facility or its 15038
endorsees are qualified to evaluate the adequacy of the 15039
customer's existing insurance coverage. 15040

(4) An endorsee shall disclose that self-service storage insurance may duplicate coverage already provided under a customer's homeowner's insurance policy, renter's insurance policy, or other coverage.

(H) Each self-service storage facility, or the supervising entity to that self-service storage facility, shall provide a training and education program for all endorsees who sell or offer self-service storage insurance. The program may be provided as a web-based training module or in any other electronic or recorded video form. The training and education program shall meet all of the following minimum standards:

(1) The training shall be delivered to each endorsee of each self-service storage facility who sells or offers self-service storage insurance and the endorsee shall complete the training.

(2) If the training is conducted in an electronic form, the supervising entity shall implement a supplemental education program regarding self-service storage insurance that is conducted and overseen by employees of the supervising entity who are licensed as insurance agents under section 3905.06 or 3905.07 of the Revised Code.

(3) The training and education program shall include basic information about self-service storage insurance and information concerning all of the following prohibited actions of endorsees:

(a) No endorsee shall advertise, represent, or otherwise represent the endorsee's self as a licensed insurance agent.

(b) No endorsee shall offer, sell, or solicit the purchase of self-service storage insurance except in conjunction with and incidental to the rental of a storage space by the self-service

storage facility. 15070

(c) No endorsee shall make any statement or engage in any 15071
conduct, express or implied, that would lead a customer to 15072
believe any of the following: 15073

(i) That the insurance policies offered by the endorsee 15074
provide coverage not already provided by a customer's 15075
homeowner's insurance policy, renter's insurance policy, or by 15076
another source of coverage; 15077

(ii) That, if insurance is required as a condition of a 15078
self-service storage rental agreement, the purchase by the 15079
customer of self-service storage insurance offered by the self- 15080
service storage facility is the only method by which that 15081
condition may be met; 15082

(iii) That the self-service storage facility or its 15083
endorseses are qualified to evaluate the adequacy of the 15084
customer's existing insurance coverage. 15085

(I) A supervising entity appointed to supervise the 15086
administration of self-service storage insurance under division 15087
(G) (2) of this section shall maintain a registry of locations 15088
supervised by that entity that are authorized to sell or solicit 15089
self-service storage insurance in this state and the endorseses 15090
at each location. The supervising entity shall make the registry 15091
available to the superintendent upon request. 15092

(J) (1) At every location where a self-service storage 15093
facility offers self-service storage insurance to customers, the 15094
self-service storage facility shall provide brochures or other 15095
written materials to prospective customers that include all of 15096
the following: 15097

(a) A summary of the material terms of the insurance 15098

coverage, including all of the following:	15099
(i) The identity of the insurer;	15100
(ii) The identity of the supervising entity;	15101
(iii) The amount of any applicable deductible and how it is to be paid;	15102 15103
(iv) Benefits of the coverage;	15104
(v) Key terms and conditions of coverage.	15105
(b) A summary of the process for filing a claim;	15106
(c) A disclosure that self-service storage 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;	15107 15108 15109 15110
(d) A disclosure that, if insurance is required as a condition of a self-service storage rental agreement, the requirement may be satisfied by either of the following:	15111 15112 15113
(i) The customer's purchase of self-service storage insurance that is sold, solicited, or negotiated by the self- service storage facility;	15114 15115 15116
(ii) The customer's presentation to the self-service storage facility of evidence of other applicable insurance coverage such as a representation by a licensed Ohio insurance agent that the customer satisfies the coverage requirement;	15117 15118 15119 15120
(e) A disclosure that neither the endorsee nor the self- service storage facility is qualified to evaluate the adequacy of the customer's existing insurance coverage;	15121 15122 15123
(f) A disclosure that the customer may cancel enrollment for coverage under a self-service storage insurance policy at	15124 15125

any time and receive a refund of any applicable premium. 15126

(2) A self-service storage facility shall provide to every 15127
customer who purchases self-service storage insurance a 15128
certificate that is evidence of the coverage. 15129

(K) (1) The charges for self-service storage insurance may 15130
be billed and collected by the self-service storage facility, 15131
and the self-service storage facility may receive compensation 15132
for performing billing and collection services, if either of the 15133
following conditions are met: 15134

(a) If the charge to the customer for coverage is not 15135
included in the cost associated with the purchase or lease of 15136
self-service storage or related services, the charge for 15137
coverage is separately itemized on the customer's bill. 15138

(b) If the charge to the customer for coverage is included 15139
in the cost associated with the lease of self-service storage, 15140
the self-service storage facility clearly and conspicuously 15141
discloses to the customer that the charge for self-service 15142
storage insurance coverage is included with the lease for self- 15143
service storage. 15144

(2) All funds received by a self-service storage facility 15145
from a customer for the sale of self-service storage insurance 15146
shall be considered funds held in trust by the self-service 15147
storage facility in a fiduciary capacity for the benefit of the 15148
insurer. Self-service storage facilities that bill and collect 15149
such charges are not required to maintain those funds in a 15150
segregated account if the self-service storage facility is 15151
authorized by the insurer to hold those funds in an alternate 15152
manner and the self-service storage facility remits the amount 15153
of the charges to the supervising entity within sixty days after 15154

receiving the charges. 15155

(L) (1) Except as otherwise provided in divisions (L) (2) 15156
and (3) of this section, an insurer may terminate or otherwise 15157
change the terms and conditions of a policy of self-service 15158
storage insurance only upon providing the self-service storage 15159
facility policyholder and enrolled customers with at least sixty 15160
days' prior notice. If the insurer changes the terms and 15161
conditions, the insurer shall promptly provide the self-service 15162
storage facility policyholder with a revised policy or 15163
endorsement and each enrolled customer with a revised 15164
certificate, endorsement, updated brochure, or other evidence 15165
indicating that a change in the terms and conditions has 15166
occurred and a summary of material changes. 15167

(2) An insurer may terminate an enrolled customer's 15168
enrollment under a self-service storage insurance policy upon 15169
fifteen days' prior notice for discovery of fraud or material 15170
misrepresentation in obtaining coverage or in the presentation 15171
of a claim under the policy. 15172

(3) An insurer may immediately terminate an enrolled 15173
customer's enrollment under a self-service storage insurance 15174
policy for any of the following reasons: 15175

(a) The enrolled customer fails to pay the required 15176
premium; 15177

(b) The enrolled customer ceases to have an active lease 15178
at the self-service storage facility; 15179

(c) The enrolled customer exhausts the aggregate limit of 15180
liability, if any, under the terms of the self-service storage 15181
insurance policy and the insurer sends notice of termination to 15182
the customer within thirty calendar days after exhaustion of the 15183

limit. However, if the insurer does not send the notice within 15184
the thirty-day time frame, enrollment shall continue 15185
notwithstanding the aggregate limit of liability until the 15186
insurer sends notice of termination to the enrolled customer. 15187

(4) If a self-service storage insurance policy is 15188
terminated by a self-service storage facility policyholder, the 15189
self-service storage facility policyholder shall provide notice 15190
to each enrolled customer advising the customer of the 15191
termination of the policy and the effective date of the 15192
termination. The written notice shall be sent by mail, 15193
electronic mail, or delivery to the customer at least thirty 15194
days prior to the termination. 15195

(5) Notice required pursuant to this section may be sent 15196
by any of the following methods: 15197

(a) Electronically, in accordance with section 3901.41 of 15198
the Revised Code; 15199

(b) Via ordinary, registered, or certified mail, return 15200
receipt requested and postage prepaid; 15201

(c) By overnight delivery using a nationally recognized 15202
carrier. 15203

(M) An enrolled customer may cancel the enrolled 15204
customer's coverage under a self-service storage insurance 15205
policy at any time. Upon cancellation, the insurer shall refund 15206
any applicable unearned premium. 15207

(N) A license issued pursuant to this section shall 15208
authorize the self-service storage facility and its endorsees to 15209
engage only in those activities that are expressly permitted by 15210
this section. 15211

(O) (1) If a self-service storage facility or a self-service storage facility's endorsee violates any provision of this section, the superintendent may revoke or suspend the license issued or impose any other sanctions provided under section 3905.14 of the Revised Code.

(2) If any provision of this section is violated by a self-service storage facility, a self-service storage facility's endorsee at a particular location, a supervising entity, or an agent, the facility, endorsee, supervising entity, or agent is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code.

(3) If the superintendent determines that a violation of this section or section 3905.14 of the Revised Code has occurred, the superintendent may assess a civil penalty in an amount not exceeding twenty-five thousand dollars per violation and an administrative fee to cover the expenses incurred by the department in the administrative action, including costs incurred in the investigation and hearing process.

(P) (1) Notwithstanding any other provision of law, if a self-service storage facility's insurance-related activities, and those of its endorsees, employees, and authorized representatives, are limited to offering and disseminating self-service storage insurance on behalf of and under the direction of a limited lines self-service storage insurance agent that meets the requirements of this section, the facility is authorized to offer and disseminate insurance and receive related compensation for these services if the self-service storage facility is registered by the limited lines self-service storage insurance agent as described in division (I) of this

section. Any compensation paid to a self-service storage 15242
facility's endorsee, employee, or authorized representative for 15243
the services described in this section shall be incidental to 15244
the endorsee's, employee's, or authorized representative's 15245
overall compensation and not based primarily on the number of 15246
customers who purchase self-service storage insurance coverage. 15247

(2) Nothing in this section shall be construed to prohibit 15248
payment of compensation to a self-service storage facility or 15249
its employees, endorsees, or authorized representatives for 15250
activities under the limited lines self-service storage 15251
insurance agent's license that are incidental to the overall 15252
compensation of the self-service storage facility or the 15253
employees, endorsees, or authorized representatives of the 15254
facility. 15255

(3) All costs paid or charged to a consumer for the 15256
purchase of self-service storage insurance or related services, 15257
including compensation to the self-service storage facility, 15258
shall be separately itemized on the customer's bill. 15259

(Q) The superintendent may adopt rules implementing this 15260
section. 15261

Sec. 3905.07. (A) The superintendent of insurance shall 15262
issue a nonresident insurance agent license to an applicant that 15263
is a nonresident person upon payment of all applicable fees 15264
required under this chapter if the superintendent finds all of 15265
the following: 15266

(1) The applicant is currently licensed as a resident and 15267
is in good standing in the applicant's home state. 15268

(2) The applicant is licensed in the applicant's home 15269
state for the lines of authority requested in this state. 15270

(3) The applicant has submitted or has had transmitted to the superintendent the application for licensure that the applicant submitted to the applicant's home state or a completed applicable uniform application.

(4) 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.

(5) The applicant ~~is of good reputation and character,~~ is honest and trustworthy, and is otherwise suitable to be licensed.

(6) The applicant's home state issues nonresident insurance agent licenses to residents of this state on the same basis as set forth in division (A) of this section.

(7) If the applicant is a business entity, the applicant has designated an insurance agent licensed as an agent in this state to be responsible for the applicant's compliance with the insurance laws of this state.

(8) The applicant has submitted any other documents requested by the superintendent.

(B) To determine an applicant's licensure and standing status in another state, the superintendent may utilize the producer database maintained by the NAIC or its affiliates or subsidiaries. If that information is not available on the producer database, the superintendent may require a certification letter from the applicant's home state.

(C)(1) An individual seeking to renew a nonresident insurance agent license shall apply biennially for a renewal of the license on or before the last day of the licensee's birth month. A business entity seeking to renew a nonresident

insurance agent license shall apply biennially for a renewal of 15300
the license on or before the date determined by the 15301
superintendent. 15302

Applications shall be submitted to the superintendent on 15303
forms prescribed by the superintendent. Each application shall 15304
be accompanied by a biennial renewal fee. The superintendent 15305
also may require an applicant to submit any document reasonably 15306
necessary to verify the information contained in the renewal 15307
application. 15308

(2) To be eligible for renewal, an applicant shall 15309
maintain a resident license in the applicant's home state for 15310
the lines of authority held in this state. 15311

(3) If an applicant submits a completed renewal 15312
application, qualifies for renewal pursuant to divisions (C)(1) 15313
and (2) of this section, and has not committed any act that is a 15314
ground for the refusal to issue, suspension of, or revocation of 15315
a license under section 3905.14 of the Revised Code, the 15316
superintendent shall renew the applicant's nonresident insurance 15317
agent license. 15318

(D) If an individual or business entity does not apply for 15319
the renewal of the individual or business entity's license on or 15320
before the license renewal date specified in division (C)(1) of 15321
this section, the individual or business entity may submit a 15322
late renewal application along with all applicable fees required 15323
under this chapter prior to the first day of the second month 15324
following the license renewal date. 15325

(E) A license issued under this section that is not 15326
renewed on or before its renewal date pursuant to division (C) 15327
of this section or its late renewal date pursuant to division 15328

(D) of this section automatically is suspended for nonrenewal on 15329
the first day of the second month following the renewal date. If 15330
a license is suspended for nonrenewal pursuant to this division, 15331
the individual or business entity is eligible to apply for a 15332
reinstatement of the license within the twelve-month period 15333
following the date by which the license should have been renewed 15334
by complying with the reinstatement procedure established by the 15335
superintendent and paying all applicable fees required under 15336
this chapter. 15337

(F) A license that is suspended for nonrenewal that is not 15338
reinstated pursuant to division (E) of this section 15339
automatically is canceled unless the superintendent is 15340
investigating any allegations of wrongdoing by the agent or has 15341
initiated proceedings under Chapter 119. of the Revised Code. In 15342
that case, the license automatically is canceled after the 15343
completion of the investigation or proceedings unless the 15344
superintendent revokes the license. 15345

(G) An individual licensed as a nonresident insurance 15346
agent who is unable to comply with the license renewal 15347
procedures established under this section and who is unable to 15348
engage in the business of insurance due to military service, a 15349
long-term medical disability, or some other extenuating 15350
circumstance may request an extension of the renewal date of the 15351
individual's license. To be eligible for such an extension, the 15352
individual shall submit a written request with supporting 15353
documentation to the superintendent. At the superintendent's 15354
discretion, the superintendent may not consider a written 15355
request made after the renewal date of the license. 15356

(H) Notwithstanding any other provision of this chapter, a 15357
nonresident person licensed as a surplus lines producer in the 15358

applicant's home state shall receive a nonresident surplus lines 15359
broker license pursuant to division (A) of this section. Nothing 15360
in this section otherwise affects or supersedes any provision of 15361
sections 3905.30 to 3905.37 of the Revised Code. 15362

Sec. 3905.14. (A) As used in sections 3905.14 to 3905.16 15363
of the Revised Code: 15364

(1) "Insurance agent" includes a limited lines insurance 15365
agent, surety bail bond agent, and surplus line broker. 15366

(2) "Refusal to issue or renew" means the decision of the 15367
superintendent of insurance not to process either the initial 15368
application for a license as an agent or the renewal of such a 15369
license. 15370

(3) "Revocation" means the permanent termination of all 15371
authority to hold any license as an agent in this state. 15372

(4) "Surrender for cause" means the voluntary termination 15373
of all authority to hold any license as an agent in this state, 15374
in lieu of a revocation or suspension order. 15375

(5) "Suspension" means the termination of all authority to 15376
hold any license as an agent in this state, for either a 15377
specified period of time or an indefinite period of time and 15378
under any terms or conditions determined by the superintendent. 15379

(B) The superintendent may suspend, revoke, or refuse to 15380
issue or renew any license of an insurance agent, assess a civil 15381
penalty, or impose any other sanction or sanctions authorized 15382
under this chapter, for one or more of the following reasons: 15383

(1) Providing incorrect, misleading, incomplete, or 15384
materially untrue information in a license or appointment 15385
application; 15386

- (2) Violating or failing to comply with any insurance law, rule, subpoena, consent agreement, or order of the superintendent or of the insurance authority of another state; 15387
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- (3) Obtaining, maintaining, or attempting to obtain or maintain a license through misrepresentation or fraud; 15390
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- (4) Improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business; 15392
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- (5) Intentionally misrepresenting the terms, benefits, value, cost, or effective dates of any actual or proposed insurance contract or application for insurance; 15395
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- ~~(6) Having been convicted of or pleaded guilty or no contest to a felony regardless of whether a judgment of conviction has been entered by the court;~~ 15398
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- ~~(7) Having been convicted of or pleaded guilty or no contest to a misdemeanor that involves the misuse or theft of money or property belonging to another, fraud, forgery, dishonest acts, or breach of a fiduciary duty, that is based on any act or omission relating to the business of insurance, securities, or financial services, or that involves moral turpitude regardless of whether a judgment has been entered by the court a disqualifying offense, as specified under section 9.79 of the Revised Code;~~ 15401
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- ~~(8)~~ (7) Having admitted to committing, or having been found to have committed, any insurance unfair trade act or practice or insurance fraud; 15410
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- ~~(9)~~ (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility, in the conduct of business in this 15413
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state or elsewhere; 15416

~~(10)~~ (9) Having an insurance agent license, or its 15417
equivalent, denied, suspended, or revoked in any other state, 15418
province, district, or territory; 15419

~~(11)~~ (10) Forging or causing the forgery of an application 15420
for insurance or any document related to or used in an insurance 15421
transaction; 15422

~~(12)~~ (11) Improperly using notes, any other reference 15423
material, equipment, or devices of any kind to complete an 15424
examination for an insurance agent license; 15425

~~(13)~~ (12) Knowingly accepting insurance business from an 15426
individual who is not licensed; 15427

~~(14)~~ (13) Failing to comply with any official invoice, 15428
notice, assessment, or order directing payment of federal, 15429
state, or local income tax, state or local sales tax, or 15430
workers' compensation premiums; 15431

~~(15)~~ (14) Failing to timely submit an application for 15432
insurance. For purposes of division (B) ~~(15)~~ (14) of this 15433
section, a submission is considered timely if it occurs within 15434
the time period expressly provided for by the insurer, or within 15435
seven days after the insurance agent accepts a premium or an 15436
order to bind coverage from a policyholder or applicant for 15437
insurance, whichever is later. 15438

~~(16)~~ (15) Failing to disclose to an applicant for 15439
insurance or policyholder upon accepting a premium or an order 15440
to bind coverage from the applicant or policyholder, that the 15441
person has not been appointed by the insurer; 15442

~~(17)~~ (16) Having any professional license or financial 15443

industry regulatory authority registration suspended or revoked 15444
or having been barred from participation in any industry; 15445

~~(18)~~ (17) Having been subject to a cease and desist order 15446
or permanent injunction related to mishandling of funds or 15447
breach of fiduciary responsibilities or for unlicensed or 15448
unregistered activities; 15449

~~(19)~~ (18) Causing or permitting a policyholder or 15450
applicant for insurance to designate the insurance agent or the 15451
insurance agent's spouse, parent, child, or sibling as the 15452
beneficiary of a policy or annuity sold by the insurance agent 15453
or of a policy or annuity for which the agent, at any time, was 15454
designated as the agent of record, unless the insurance agent or 15455
a relative of the insurance agent is the insured or applicant; 15456

~~(20)~~ (19) Causing or permitting a policyholder or 15457
applicant for insurance to designate the insurance agent or the 15458
insurance agent's spouse, parent, child, or sibling as the owner 15459
or beneficiary of a trust funded, in whole or in part, by a 15460
policy or annuity sold by the insurance agent or by a policy or 15461
annuity for which the agent, at any time, was designated as the 15462
agent of record, unless the insurance agent or a relative of the 15463
insurance agent is the insured or applicant; 15464

~~(21)~~ (20) Failing to provide a written response to the 15465
department of insurance within twenty-one calendar days after 15466
receipt of any written inquiry from the department, unless a 15467
reasonable extension of time has been requested of, and granted 15468
by, the superintendent or the superintendent's designee; 15469

~~(22)~~ (21) Failing to appear to answer questions before the 15470
superintendent after being notified in writing by the 15471
superintendent of a scheduled interview, unless a reasonable 15472

extension of time has been requested of, and granted by, the 15473
superintendent or the superintendent's designee; 15474

~~(23)~~ (22) Transferring or placing insurance with an 15475
insurer other than the insurer expressly chosen by the applicant 15476
for insurance or policyholder without the consent of the 15477
applicant or policyholder or absent extenuating circumstances; 15478

~~(24)~~ (23) Failing to inform a policyholder or applicant 15479
for insurance of the identity of the insurer or insurers, or the 15480
identity of any other insurance agent or licensee known to be 15481
involved in procuring, placing, or continuing the insurance for 15482
the policyholder or applicant, upon the binding of the coverage; 15483

~~(25)~~ (24) In the case of an agent that is a business 15484
entity, failing to report an individual licensee's violation to 15485
the department when the violation was known or should have been 15486
known by one or more of the partners, officers, managers, or 15487
members of the business entity; 15488

~~(26)~~ (25) Submitting or using a document in the conduct of 15489
the business of insurance when the person knew or should have 15490
known that the document contained a writing that was forged as 15491
defined in section 2913.01 of the Revised Code; 15492

~~(27)~~ (26) Misrepresenting the person's qualifications, 15493
status or relationship to another person, agency, or entity, or 15494
using in any way a professional designation that has not been 15495
conferred upon the person by the appropriate accrediting 15496
organization; 15497

~~(28)~~ (27) Obtaining a premium loan or policy surrender or 15498
causing a premium loan or policy surrender to be made to or in 15499
the name of an insured or policyholder without that person's 15500
knowledge and written authorization; 15501

~~(29)~~(28) Using paper, software, or any other materials of 15502
or provided by an insurer after the insurer has terminated the 15503
authority of the licensee, if the use of such materials would 15504
cause a reasonable person to believe that the licensee was 15505
acting on behalf of or otherwise representing the insurer; 15506

~~(30)~~(29) Soliciting, procuring an application for, or 15507
placing, either directly or indirectly, any insurance policy 15508
when the person is not authorized under this chapter to engage 15509
in such activity; 15510

~~(31)~~(30) Soliciting, selling, or negotiating any product 15511
or service that offers benefits similar to insurance but is not 15512
regulated by the superintendent, without fully disclosing, 15513
orally and in writing, to the prospective purchaser that the 15514
product or service is not insurance and is not regulated by the 15515
superintendent; 15516

~~(32)~~(31) Failing to fulfill a refund obligation to a 15517
policyholder or applicant in a timely manner. For purposes of 15518
division (B) ~~(32)~~(31) of this section, a rebuttable presumption 15519
exists that a refund obligation is not fulfilled in a timely 15520
manner unless it is fulfilled within one of the following time 15521
periods: 15522

(a) Thirty days after the date the policyholder, 15523
applicant, or insurer takes or requests action resulting in a 15524
refund; 15525

(b) Thirty days after the date of the insurer's refund 15526
check, if the agent is expected to issue a portion of the total 15527
refund; 15528

(c) Forty-five days after the date of the agent's 15529
statement of account on which the refund first appears. 15530

The presumption may be rebutted by proof that the 15531
policyholder or applicant consented to the delay or agreed to 15532
permit the agent to apply the refund to amounts due for other 15533
coverages. 15534

~~(33)~~ (32) With respect to a surety bail bond agent 15535
license, rebating or offering to rebate, or unlawfully dividing 15536
or offering to divide, any commission, premium, or fee; 15537

~~(34)~~ (33) Using a license for the principal purpose of 15538
procuring, receiving, or forwarding applications for insurance 15539
of any kind, other than life, or soliciting, placing, or 15540
effecting such insurance directly or indirectly upon or in 15541
connection with the property of the licensee or that of 15542
relatives, employers, employees, or that for which they or the 15543
licensee is an agent, custodian, vendor, bailee, trustee, or 15544
payee; 15545

~~(35)~~ (34) In the case of an insurance agent that is a 15546
business entity, using a life license for the principal purpose 15547
of soliciting or placing insurance on the lives of the business 15548
entity's officers, employees, or shareholders, or on the lives 15549
of relatives of such officers, employees, or shareholders, or on 15550
the lives of persons for whom they, their relatives, or the 15551
business entity is agent, custodian, vendor, bailee, trustee, or 15552
payee; 15553

~~(36)~~ (35) Offering, selling, soliciting, or negotiating 15554
policies, contracts, agreements, or applications for insurance, 15555
or annuities providing fixed, variable, or fixed and variable 15556
benefits, or contractual payments, for or on behalf of any 15557
insurer or multiple employer welfare arrangement not authorized 15558
to transact business in this state, or for or on behalf of any 15559
spurious, fictitious, nonexistent, dissolved, inactive, 15560

liquidated or liquidating, or bankrupt insurer or multiple employer welfare arrangement; 15561
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~~(37)~~ (36) In the case of a resident business entity, 15563
failing to be qualified to do business in this state under Title 15564
XVII of the Revised Code, failing to be in good standing with 15565
the secretary of state, or failing to maintain a valid 15566
appointment of statutory agent with the secretary of state; 15567

~~(38)~~ (37) In the case of a nonresident agent, failing to 15568
maintain licensure as an insurance agent in the agent's home 15569
state for the lines of authority held in this state; 15570

~~(39)~~ (38) Knowingly aiding and abetting another person or 15571
entity in the violation of any insurance law of this state or 15572
the rules adopted under it. 15573

(C) Before denying, revoking, suspending, or refusing to 15574
issue any license or imposing any penalty under this section, 15575
the superintendent shall provide the licensee or applicant with 15576
notice and an opportunity for hearing as provided in Chapter 15577
119. of the Revised Code, except as follows: 15578

(1) (a) Any notice of opportunity for hearing, the hearing 15579
officer's findings and recommendations, or the superintendent's 15580
order shall be served by certified mail at the last known 15581
address of the licensee or applicant. Service shall be evidenced 15582
by return receipt signed by any person. 15583

For purposes of this section, the "last known address" is 15584
the residential address of a licensee or applicant, or the 15585
principal-place-of-business address of a business entity, that 15586
is contained in the licensing records of the department. 15587

(b) If the certified mail envelope is returned with an 15588
endorsement showing that service was refused, or that the 15589

envelope was unclaimed, the notice and all subsequent notices 15590
required by Chapter 119. of the Revised Code may be served by 15591
ordinary mail to the last known address of the licensee or 15592
applicant. The mailing shall be evidenced by a certificate of 15593
mailing. Service is deemed complete as of the date of such 15594
certificate provided that the ordinary mail envelope is not 15595
returned by the postal authorities with an endorsement showing 15596
failure of delivery. The time period in which to request a 15597
hearing, as provided in Chapter 119. of the Revised Code, begins 15598
to run on the date of mailing. 15599

(c) If service by ordinary mail fails, the superintendent 15600
may cause a summary of the substantive provisions of the notice 15601
to be published once a week for three consecutive weeks in a 15602
newspaper of general circulation in the county where the last 15603
known place of residence or business of the party is located. 15604
The notice is considered served on the date of the third 15605
publication. 15606

(d) Any notice required to be served under Chapter 119. of 15607
the Revised Code shall also be served upon the party's attorney 15608
by ordinary mail if the attorney has entered an appearance in 15609
the matter. 15610

(e) The superintendent may, at any time, perfect service 15611
on a party by personal delivery of the notice by an employee of 15612
the department. 15613

(f) Notices regarding the scheduling of hearings and all 15614
other matters not described in division (C) (1) (a) of this 15615
section shall be sent by ordinary mail to the party and to the 15616
party's attorney. 15617

(2) Any subpoena for the appearance of a witness or the 15618

production of documents or other evidence at a hearing, or for 15619
the purpose of taking testimony for use at a hearing, shall be 15620
served by certified mail, return receipt requested, by an 15621
attorney or by an employee of the department designated by the 15622
superintendent. Such subpoenas shall be enforced in the manner 15623
provided in section 119.09 of the Revised Code. Nothing in this 15624
section shall be construed as limiting the superintendent's 15625
other statutory powers to issue subpoenas. 15626

(D) If the superintendent determines that a violation 15627
described in this section has occurred, the superintendent may 15628
take one or more of the following actions: 15629

(1) Assess a civil penalty in an amount not exceeding 15630
twenty-five thousand dollars per violation; 15631

(2) Assess administrative costs to cover the expenses 15632
incurred by the department in the administrative action, 15633
including costs incurred in the investigation and hearing 15634
processes. Any costs collected shall be paid into the state 15635
treasury to the credit of the department of insurance operating 15636
fund created in section 3901.021 of the Revised Code. 15637

(3) Suspend all of the person's licenses for all lines of 15638
insurance for either a specified period of time or an indefinite 15639
period of time and under such terms and conditions as the 15640
superintendent may determine; 15641

(4) Permanently revoke all of the person's licenses for 15642
all lines of insurance; 15643

(5) Refuse to issue a license; 15644

(6) Refuse to renew a license; 15645

(7) Prohibit the person from being employed in any 15646

capacity in the business of insurance and from having any 15647
financial interest in any insurance agency, company, surety bail 15648
bond business, or third-party administrator in this state. The 15649
superintendent may, in the superintendent's discretion, 15650
determine the nature, conditions, and duration of such 15651
restrictions. 15652

(8) Order corrective actions in lieu of or in addition to 15653
the other penalties listed in division (D) of this section. Such 15654
an order may provide for the suspension of civil penalties, 15655
license revocation, license suspension, or refusal to issue or 15656
renew a license if the licensee complies with the terms and 15657
conditions of the corrective action order. 15658

(9) Accept a surrender for cause offered by the licensee, 15659
which shall be for at least five years and shall prohibit the 15660
licensee from seeking any license authorized under this chapter 15661
during that time period. A surrender for cause shall be in lieu 15662
of revocation or suspension and may include a corrective action 15663
order as provided in division (D) (8) of this section. 15664

(E) The superintendent may consider the following factors 15665
in denying a license, imposing suspensions, revocations, fines, 15666
or other penalties, and issuing orders under this section: 15667

(1) Whether the person acted in good faith; 15668

(2) Whether the person made restitution for any pecuniary 15669
losses suffered by other persons as a result of the person's 15670
actions; 15671

(3) The actual harm or potential for harm to others; 15672

(4) The degree of trust placed in the person by, and the 15673
vulnerability of, persons who were or could have been adversely 15674
affected by the person's actions; 15675

- (5) Whether the person was the subject of any previous administrative actions by the superintendent; 15676
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- (6) The number of individuals adversely affected by the person's acts or omissions; 15678
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- (7) Whether the person voluntarily reported the violation, and the extent of the person's cooperation and acceptance of responsibility; 15680
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- (8) Whether the person obstructed or impeded, or attempted to obstruct or impede, the superintendent's investigation; 15683
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- (9) The person's efforts to conceal the misconduct; 15685
- (10) Remedial efforts to prevent future violations; 15686
- (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; 15687
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- (12) Such other factors as the superintendent determines to be appropriate under the circumstances. 15693
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- (F) (1) A violation described in division (B) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), ~~(14)~~ (15), (16), (17), (18), (19), ~~(20)~~ (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), and (35), ~~and~~ ~~(36)~~ of this section is a class A offense for which the superintendent may impose any penalty set forth in division (D) of this section. 15695
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- (2) A violation described in division (B) ~~(15)~~ (14) or ~~(21)~~ (20) of this section, or a failure to comply with section 15702
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3905.061, 3905.071, or 3905.22 of the Revised Code, is a class B offense for which the superintendent may impose any penalty set forth in division (D) (1), (2), (8), or (9) of this section. 15704
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(3) If the superintendent determines that a violation described in division (B) ~~(36)~~ (35) of this section has occurred, the superintendent shall impose a minimum of a two-year suspension on all of the person's licenses for all lines of insurance. 15707
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(G) If a violation described in this section has caused, is causing, or is about to cause substantial and material harm, the superintendent may issue an order requiring that person to cease and desist from engaging in the violation. Notice of the order shall be mailed by certified mail, return receipt requested, or served in any other manner provided for in this section, immediately after its issuance to the person subject to the order and to all persons known to be involved in the violation. The superintendent may thereafter publicize or otherwise make known to all interested parties that the order has been issued. 15712
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The notice shall specify the particular act, omission, 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. 15723
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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 15729
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after objections are submitted to the hearing officer's report 15734
and recommendation, issue a final order either confirming or 15735
revoking the cease-and-desist order. The final order may be 15736
appealed as provided under section 119.12 of the Revised Code. 15737

The remedy under this division is cumulative and 15738
concurrent with the other remedies available under this section. 15739

(H) If the superintendent has reasonable cause to believe 15740
that an order issued under this section has been violated in 15741
whole or in part, the superintendent may request the attorney 15742
general to commence and prosecute any appropriate action or 15743
proceeding in the name of the state against such person. 15744

The court may, in an action brought pursuant to this 15745
division, impose any of the following: 15746

(1) For each violation, a civil penalty of not more than 15747
twenty-five thousand dollars; 15748

(2) Injunctive relief; 15749

(3) Restitution; 15750

(4) Any other appropriate relief. 15751

(I) With respect to a surety bail bond agent license: 15752

(1) Upon the suspension or revocation of a license, or the 15753
eligibility of a surety bail bond agent to hold a license, the 15754
superintendent likewise may suspend or revoke the license or 15755
eligibility of any surety bail bond agent who is employed by or 15756
associated with that agent and who knowingly was a party to the 15757
act that resulted in the suspension or revocation. 15758

(2) The superintendent may revoke a license as a surety 15759
bail bond agent if the licensee is adjudged bankrupt. 15760

(J) Nothing in this section shall be construed to create 15761
or imply a private cause of action against an agent or insurer. 15762

Sec. 3905.15. (A) Upon written application of a person 15763
whose license was denied, suspended, revoked, or surrendered for 15764
cause under section 3905.14 of the Revised Code, the 15765
superintendent of insurance shall hold a hearing to determine 15766
whether the administrative action imposing the denial, 15767
suspension, revocation, or surrender should be modified, 15768
provided that all of the following conditions are met: 15769

(1) At least five years have elapsed since the date of the 15770
administrative action sought to be modified; 15771

(2) At least two years have elapsed since any previous 15772
request for a modification was made under this section; 15773

(3) The burden of proof is on the person requesting the 15774
modification. 15775

(B) The modification of an order issued or consent 15776
agreement entered into under section 3905.14 of the Revised Code 15777
is at the discretion of the superintendent. The superintendent 15778
may modify such an order or agreement if the superintendent 15779
finds all of the following: 15780

(1) At least five years have elapsed since the date of the 15781
administrative action; 15782

(2) The person is of good business repute and is suitable 15783
to be an insurance agent; 15784

(3) The person has made restitution for all pecuniary 15785
losses suffered by any person as a result of the conduct that 15786
gave rise to the administrative action; 15787

(4) The person has not been convicted of any ~~felony or of~~ 15788

~~any misdemeanor disqualifying offense~~ described in division (B) 15789
~~(7)~~ (6) of section 3905.14 of the Revised Code unless the 15790
conviction was the subject of a previous administrative action 15791
by the superintendent; 15792

(5) The circumstances surrounding the previous violation 15793
are such that it is unlikely the person would commit such 15794
offenses in the future; 15795

(6) The person's character has been rehabilitated. 15796

(C) The issuance of any license pursuant to a modification 15797
under this section shall be conditioned upon the successful 15798
completion of all prelicensing education and examination 15799
requirements. 15800

Sec. 3905.85. (A) (1) An individual who applies for a 15801
license as a surety bail bond agent shall submit an application 15802
for the license in a manner prescribed by the superintendent of 15803
insurance. The application shall be accompanied by a one_ 15804
hundred_fifty_dollar fee and a statement that gives the 15805
applicant's name, age, residence, present occupation, occupation 15806
for the five years next preceding the date of the application, 15807
and such other information as the superintendent may require. 15808

(2) An applicant for an individual resident license shall 15809
also submit to a criminal records check pursuant to section 15810
3905.051 of the Revised Code. 15811

(B) (1) The superintendent shall issue to an applicant an 15812
individual resident license that states in substance that the 15813
person is authorized to do the business of a surety bail bond 15814
agent, if the superintendent is satisfied that all of the 15815
following apply: 15816

(a) The applicant is eighteen years of age or older. 15817

(b) The applicant's home state is Ohio.	15818
(c) The applicant is a person of high character and integrity.	15819 15820
(d) 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 of the Revised Code.	15821 15822 15823
(e) <u>(d)</u> The applicant is a United States citizen or has provided proof of having legal authorization to work in the United States.	15824 15825 15826
(f) <u>(e)</u> The applicant has successfully completed the educational requirements set forth in section 3905.04 of the Revised Code and passed the examination required by that section.	15827 15828 15829 15830
(2) The superintendent shall issue to an applicant an individual nonresident 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:	15831 15832 15833 15834 15835
(a) The applicant is eighteen years of age or older.	15836
(b) The applicant is currently licensed as a resident in another state and is in good standing in the applicant's home state for surety bail bond or is qualified for the same authority.	15837 15838 15839 15840
(c) The applicant is a person of high character and integrity.	15841 15842
(d) 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 of the Revised Code.	15843 15844 15845

(3) The superintendent shall issue an applicant a resident business entity 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 has submitted an application for the license in a manner prescribed by the superintendent and the one-hundred-fifty-dollar application fee.

(b) The applicant either is domiciled in this state or maintains its principal place of business in this state.

(c) The applicant has designated an individual licensed surety bail bond agent who will be responsible for the applicant's compliance with the insurance laws of this state.

(d) 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 of the Revised Code.

(e) The applicant is authorized to do business in this state by the secretary of state if so required under the applicable provisions of Title XVII of the Revised Code.

(f) The applicant has submitted any other documents requested by the superintendent.

(4) The superintendent shall issue an applicant a nonresident business entity 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 has submitted an application for the license in a manner prescribed by the superintendent and the one-hundred-fifty-dollar application fee.

(b) The applicant is currently licensed and is in good standing in the applicant's home state with surety bail bond authority. 15874
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(c) The applicant has designated an individual licensed surety bail bond agent who will be responsible for the applicant's compliance with the insurance laws of this state. 15877
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(d) 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 of the Revised Code. 15880
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(e) The applicant has submitted any other documents requested by the superintendent. 15883
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(C) A resident and nonresident surety bail bond agent license issued pursuant to this section authorizes the holder, when appointed by an insurer, to execute or countersign bail bonds in connection with judicial proceedings and to receive money or other things of value for those services. However, the holder shall not execute or deliver a bond during the first one hundred eighty days after the license is initially issued. This restriction does not apply with respect to license renewals or any license issued under divisions (B) (3) and (4) of this section. 15885
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(D) The superintendent may refuse to renew a surety bail bond agent's license as provided in division (B) of section 3905.88 of the Revised Code, and may suspend, revoke, or refuse to issue or renew such a license as provided in section 3905.14 of the Revised Code. 15895
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If the superintendent refuses to issue such a license based in whole or in part upon the written response to a criminal records check completed pursuant to division (A) of 15900
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this section, the superintendent shall send a copy of the 15903
response that was transmitted to the superintendent to the 15904
applicant at the applicant's home address upon the applicant's 15905
submission of a written request to the superintendent. 15906

(E) Any person licensed as a surety bail bond agent may 15907
surrender the person's license in accordance with section 15908
3905.16 of the Revised Code. 15909

(F) (1) A person seeking to renew a surety bail bond agent 15910
license shall apply annually for a renewal of the license on or 15911
before the last day of February. Applications shall be submitted 15912
to the superintendent on forms prescribed by the superintendent. 15913
Each application shall be accompanied by a one-hundred-fifty- 15914
dollar renewal fee. 15915

(2) To be eligible for renewal, an individual applicant 15916
shall complete the continuing education requirements pursuant to 15917
section 3905.88 of the Revised Code prior to the renewal date. 15918

(3) If an applicant submits a completed renewal 15919
application, qualifies for renewal pursuant to divisions (F) (1) 15920
and (2) of this section, and has not committed any act that is a 15921
ground for the refusal to issue, suspension of, or revocation of 15922
a license under section 3905.14 or sections 3905.83 to 3905.99 15923
of the Revised Code, the superintendent shall renew the 15924
applicant's surety bail bond insurance agent license. 15925

(4) If an individual or business entity does not apply for 15926
the renewal of the individual or business entity's license on or 15927
before the license renewal date specified in division (F) (1) of 15928
this section, the individual or business entity may submit a 15929
late renewal application along with all applicable fees required 15930
under this chapter prior to the last day of March following the 15931

renewal date. The superintendent shall renew the license of an applicant that submits a late renewal application if the applicant satisfies all of the following conditions:

(a) The applicant submits a completed renewal application.

(b) The applicant pays the one-hundred-fifty-dollar renewal fee.

(c) The applicant pays the late renewal fee established by the superintendent.

(d) The applicant provides proof of compliance with the continuing education requirements pursuant to section 3905.88 of the Revised Code.

(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.

(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.

(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.

(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 15960
investigating any allegations of wrongdoing by the agent or has 15961
initiated proceedings under Chapter 119. of the Revised Code. In 15962
that case, the license automatically is canceled after the 15963
completion of the investigation or proceedings unless the 15964
superintendent revokes the license. 15965

(G) The superintendent may prescribe the forms to be used 15966
as evidence of the issuance of a license under this section. The 15967
superintendent shall require each licensee to acquire, from a 15968
source designated by the superintendent, a wallet identification 15969
card that includes the licensee's photograph and any other 15970
information required by the superintendent. The licensee shall 15971
keep the wallet identification card on the licensee's person 15972
while engaging in the bail bond business. 15973

(H) (1) The superintendent of insurance shall not issue or 15974
renew the license of a business entity organized under the laws 15975
of this or any other state unless the business entity is 15976
qualified to do business in this state under the applicable 15977
provisions of Title XVII of the Revised Code. 15978

(2) The failure of a business entity to be in good 15979
standing with the secretary of state or to maintain a valid 15980
appointment of statutory agent is grounds for suspending, 15981
revoking, or refusing to renew its license. 15982

(3) By applying for a surety bail bond agent license under 15983
this section, an individual or business entity consents to the 15984
jurisdiction of the courts of this state. 15985

(I) A surety bail bond agent licensed pursuant to this 15986
section is an officer of the court. 15987

(J) Any fee collected under this section shall be paid 15988

into the state treasury to the credit of the department of 15989
insurance operating fund created by section 3901.021 of the 15990
Revised Code. 15991

Sec. 3905.851. ~~A~~ Notwithstanding division (B) (1) of 15992
section 9.78 of the Revised Code, a surety bail bond agent 15993
qualified, licensed, and appointed in accordance with sections 15994
3905.83 to 3905.95 of the Revised Code shall not be required to 15995
pay any licensing fee imposed by a political subdivision of this 15996
state to perform any of the functions, duties, or powers 15997
prescribed for surety bail bond agents under those sections. 15998

Sec. 3916.15. (A) The superintendent of insurance may 15999
refuse to issue or may suspend, revoke, or refuse to renew the 16000
license of a viatical settlement provider or viatical settlement 16001
broker, if the superintendent finds that any of the following 16002
apply: 16003

(1) There was a material misrepresentation in the 16004
application for the license. 16005

(2) The applicant or licensee or any officer, partner, 16006
member, key management personnel, or designee of the applicant 16007
or licensee has been convicted of ~~fraudulent or dishonest~~ 16008
~~practices~~ a disqualifying offense, as specified under section 16009
9.79 of the Revised Code, is subject to a final administrative 16010
action in another state, or has been the subject of an 16011
administrative or civil action brought by the department of 16012
commerce, division of securities, ~~or is otherwise shown to be~~ 16013
~~untrustworthy or incompetent.~~ 16014

(3) The licensee is a viatical settlement provider that 16015
demonstrates a pattern of unreasonable payments to viators. 16016

(4) ~~The licensee or any officer, partner, member, key~~ 16017

~~management personnel, or designee of the licensee has been- 16018
convicted of or has pleaded guilty or no contest to a felony or- 16019
to a misdemeanor involving fraud, moral turpitude, dishonesty,- 16020
or breach of trust, regardless of whether a judgment of- 16021
conviction has been entered by the court. 16022~~

~~(5)~~ The licensee is a viatical settlement provider that 16023
has used a viatical settlement contract form that has not been 16024
approved under this chapter. 16025

~~(6)~~ (5) The licensee is a viatical settlement provider 16026
that has failed to honor contractual obligations set out in a 16027
viatical settlement contract. 16028

~~(7)~~ (6) The licensee no longer meets the requirements for 16029
initial licensure. 16030

~~(8)~~ (7) The licensee is a viatical settlement provider 16031
that has assigned, transferred, or pledged a viaticated policy 16032
to a person that the licensee knew or should have known was not 16033
one of the following: 16034

(a) A viatical settlement provider licensed in this state; 16035

(b) A viatical settlement purchaser; 16036

(c) A qualified institutional buyer; 16037

(d) A financing entity; 16038

(e) A special purpose entity; 16039

(f) A related provider trust. 16040

~~(9)~~ (8) The licensee or any officer, partner, member, key 16041
management personnel, or designee of the licensee has violated 16042
any provision of this chapter or any rule adopted under this 16043
chapter. 16044

~~(10)~~ (9) 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.

(B) Before the superintendent refuses to issue a license under this chapter, or suspends, revokes, or refuses to renew the license of a viatical settlement provider or viatical settlement broker, the superintendent shall provide the licensee or applicant with notice and an opportunity for hearing as provided in Chapter 119. of the Revised Code, except as follows:

(1) (a) Any notice of opportunity for hearing, the hearing officer's findings and recommendations, or the superintendent's order shall be served by certified mail at the last known address of the licensee or applicant. Service shall be evidenced by return receipt signed by any person.

For purposes of this section, the "last known address" is the address that appears in the licensing records of the department of insurance.

(b) If the certified mail envelope is returned with an endorsement showing that service was refused, or that the envelope was unclaimed, the notice and all subsequent notices required by Chapter 119. of the Revised Code may be served by ordinary mail to the last known address of the licensee or applicant. The mailing shall be evidenced by a certificate of mailing. Service is deemed complete as of the date of such certificate provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery. The time period in which to request a

hearing, as provided in Chapter 119. of the Revised Code, begins 16075
to run on the date of mailing. 16076

(c) If service by ordinary mail fails, the superintendent 16077
shall cause a summary of the substantive provisions of the 16078
notice to be published once a week for three consecutive weeks 16079
in a newspaper of general circulation in the county where the 16080
last known place of residence or business of the licensee or 16081
applicant is located. The notice is considered served on the 16082
date of the third publication. 16083

(d) Any notice required to be served under Chapter 119. of 16084
the Revised Code shall also be served upon the attorney of the 16085
licensee or applicant by ordinary mail if the attorney has 16086
entered an appearance in the matter. 16087

(e) The superintendent may, at any time, perfect service 16088
on a licensee or applicant by personal delivery of the notice by 16089
an employee of the department. 16090

(f) Notices regarding the scheduling of hearings and all 16091
other matters not described in division (B)(1)(a) of this 16092
section shall be sent by ordinary mail to the licensee or 16093
applicant and to the attorney of the licensee or applicant. 16094

(2) Any subpoena for the appearance of a witness or the 16095
production of documents or other evidence at a hearing, or for 16096
the purpose of taking testimony for use at a hearing, shall be 16097
served by certified mail, return receipt requested, by an 16098
attorney or by an employee of the department designated by the 16099
superintendent. Such subpoenas shall be enforced in the manner 16100
provided in section 119.09 of the Revised Code. Nothing in this 16101
section shall be construed as limiting the superintendent's 16102
other statutory powers to issue subpoenas. 16103

Sec. 3923.233. Notwithstanding any provision of any 16104
certificate furnished by an insurer in connection with or 16105
pursuant to any group sickness and accident insurance policy 16106
delivered, issued, renewed, or used, in or outside this state, 16107
on or after January 1, 1985, and notwithstanding any provision 16108
of any policy of insurance delivered, issued for delivery, 16109
renewed, or used, in or outside this state, on or after January 16110
1, 1985, whenever the policy or certificate is subject to the 16111
jurisdiction of this state and provides for reimbursement for 16112
any service that may be legally performed by an advanced 16113
practice registered nurse who holds a current, valid license 16114
issued under Chapter 4723. of the Revised Code and is designated 16115
as a certified nurse-midwife in accordance with section 4723.42 16116
of the Revised Code, reimbursement under the policy or 16117
certificate shall not be denied to a certified nurse-midwife 16118
performing the service in collaboration with a licensed 16119
physician. The collaborating physician shall be identified on an 16120
insurance claim form. 16121

The cost of collaboration with a certified nurse-midwife 16122
by a licensed physician as required under section 4723.43 of the 16123
Revised Code is a reimbursable expense. 16124

The division of any reimbursement payment for services 16125
performed by a certified nurse-midwife between the certified 16126
nurse-midwife and the certified nurse-midwife's collaborating 16127
physician shall be determined and mutually agreed upon by the 16128
certified nurse-midwife and the physician. The division of fees 16129
shall not be considered a violation of division (B) ~~(17)~~ (12) of 16130
section 4731.22 of the Revised Code. In no case shall the total 16131
fees charged exceed the fee the physician would have charged had 16132
the physician provided the entire service. 16133

Sec. 3923.301. Every person, the state and any of its instrumentalities, any county, township, school district, or other political subdivision and any of its instrumentalities, and any municipal corporation and any of its instrumentalities that provides payment for health care benefits for any of its employees resident in this state, which benefits are not provided by contract with an insurer qualified to provide sickness and accident insurance or a health insuring corporation, and that includes reimbursement for any service that may be legally performed by an advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a certified nurse-midwife in accordance with section 4723.42 of the Revised Code, shall not deny reimbursement to a certified nurse-midwife performing the service if the service is performed in collaboration with a licensed physician. The collaborating physician shall be identified on the claim form.

The cost of collaboration with a certified nurse-midwife by a licensed physician as required under section 4723.43 of the Revised Code is a reimbursable expense.

The division of any reimbursement payment for services performed by a certified nurse-midwife between the certified nurse-midwife and the certified nurse-midwife's collaborating physician shall be determined and mutually agreed upon by the certified nurse-midwife and the physician. The division of fees shall not be considered a violation of division (B) ~~(17)~~ (12) of section 4731.22 of the Revised Code. In no case shall the total fees charged exceed the fee the physician would have charged had the physician provided the entire service.

Sec. 3931.11. Every attorney shall certify to the

superintendent of insurance the names and addresses of the 16164
attorney's traveling full time salaried non-commission 16165
employees, primarily engaged in performing underwriting, loss 16166
prevention engineering and claim services, authorized by the 16167
attorney to solicit powers of attorney or applications for 16168
contracts of indemnity specified in section 3931.01 of the 16169
Revised Code. The authority of such persons shall continue until 16170
the first day of the next April, unless it is cancelled by the 16171
attorney and the certificate of such cancellation is filed with 16172
the superintendent, or unless the license of the attorney or 16173
authority of such person is revoked or suspended by the 16174
superintendent. Expiring certificates of authority of such 16175
persons may be renewed in like manner to continue until the 16176
first day of the next April. The superintendent shall record the 16177
names and addresses of such persons so that their names may 16178
conveniently be inspected and shall thereupon certify and 16179
deliver to the attorney a list of the names of all persons so 16180
recorded. 16181

If the superintendent finds that any such person has 16182
willfully violated, or failed to comply with, sections 3931.01 16183
to 3931.12 of the Revised Code, or has been convicted of a 16184
felony disqualifying offense, as specified under section 9.79 of 16185
the Revised Code, in the United States, or in this or any state, 16186
or has been guilty of any act or acts that if performed by an 16187
agent licensed under Chapter 3905. of the Revised Code would 16188
constitute statutory grounds for the revocation of the agent's 16189
license, the superintendent may refuse or revoke the authority 16190
of the person and cancel the person's name on the 16191
superintendent's records, and the superintendent shall thereupon 16192
notify the person and the attorney of the revocation. Thereafter 16193
the person shall not act as representative of any attorney until 16194

a new certificate of authority by the attorney thereafter 16195
appointing the person is filed with and approved by the 16196
superintendent. 16197

No such person shall act for any attorney in placing 16198
insurance or making such contracts of indemnity, unless the 16199
attorney has the license required by section 3931.10 of the 16200
Revised Code, nor unless the unexpired, unrevoked, and 16201
unsuspended certificate of the person's authority is filed with 16202
the superintendent. Any such person shall be individually liable 16203
on any contract of indemnity made, issued, or accepted through 16204
that person as representing any attorney who is not licensed by 16205
the superintendent to make such contracts of indemnity. 16206

Sec. 3951.04. The superintendent of insurance shall issue 16207
certificates of authority to any person, firm, association, 16208
partnership, or corporation making application therefor who is 16209
trustworthy and competent to act as a public insurance adjuster 16210
in such manner as to safeguard the interest of the public and 16211
who ~~have~~ has complied with the prerequisites herein described. A 16212
certificate of authority issued to a firm, association, 16213
partnership, or corporation shall authorize only the members of 16214
the firm, association, or partnership or the officers and 16215
directors of the corporation, specified in the certificate of 16216
authority to act as a public insurance adjuster. 16217

The superintendent shall not issue any certificate of 16218
authority to any applicant who is convicted of a ~~felony, or any~~ 16219
~~crime or offense involving fraudulent or dishonest practice~~ 16220
disqualifying offense, as specified under section 9.79 of the 16221
Revised Code, or who, within three years preceding the date of 16222
filing such application, has been guilty of any practice which 16223
would be grounds for suspension or revocation of a certificate 16224

of authority as a public insurance adjuster. 16225

Sec. 3959.12. (A) Any license issued under sections 16226
3959.01 to 3959.16 of the Revised Code may be suspended for a 16227
period not to exceed two years, revoked, or not renewed by the 16228
superintendent of insurance after notice to the licensee and 16229
hearing in accordance with Chapter 119. of the Revised Code. The 16230
superintendent may suspend, revoke, or refuse to renew a license 16231
if upon investigation and proof the superintendent finds that 16232
the licensee has done any of the following: 16233

(1) Knowingly violated any provision of sections 3959.01 16234
to 3959.16 of the Revised Code or any rule promulgated by the 16235
superintendent; 16236

(2) Knowingly made a material misstatement in the 16237
application for the license; 16238

(3) Obtained or attempted to obtain a license through 16239
misrepresentation or fraud; 16240

(4) Misappropriated or converted to the licensee's own use 16241
or improperly withheld insurance company premiums or 16242
contributions held in a fiduciary capacity, excluding, however, 16243
any interest earnings received by the administrator as disclosed 16244
in writing by the administrator to the plan sponsor; 16245

(5) In the transaction of business under the license, used 16246
fraudulent, coercive, or dishonest practices; 16247

(6) Failed to appear without reasonable cause or excuse in 16248
response to a subpoena, examination, warrant, or other order 16249
lawfully issued by the superintendent; 16250

(7) Is affiliated with or under the same general 16251
management or interlocking directorate or ownership of another 16252

administrator that transacts business in this state and is not 16253
licensed under sections 3959.01 to 3959.16 of the Revised Code; 16254

(8) Had a license suspended, revoked, or not renewed in 16255
any other state, district, territory, or province on grounds 16256
identical to those stated in sections 3959.01 to 3959.16 of the 16257
Revised Code; 16258

(9) Been convicted of a ~~financially related felony~~ 16259
disqualifying offense, as specified under section 9.79 of the 16260
Revised Code; 16261

(10) Failed to report a ~~felony conviction of a~~ 16262
disqualifying offense, as specified under section 9.79 of the 16263
Revised Code, as required under section 3959.13 of the Revised 16264
Code. 16265

(B) Upon receipt of notice of the order of suspension in 16266
accordance with section 119.07 of the Revised Code, the licensee 16267
shall promptly deliver the license to the superintendent, unless 16268
the order of suspension is appealed under section 119.12 of the 16269
Revised Code. 16270

(C) Any person whose license is revoked or whose 16271
application is denied pursuant to sections 3959.01 to 3959.16 of 16272
the Revised Code is ineligible to apply for an administrators 16273
license for two years. 16274

(D) The superintendent may impose a monetary fine against 16275
a licensee if, upon investigation and after notice and 16276
opportunity for hearing in accordance with Chapter 119. of the 16277
Revised Code, the superintendent finds that the licensee has 16278
done either of the following: 16279

(1) Committed fraud or engaged in any illegal or dishonest 16280
activity in connection with the administration of pharmacy 16281

benefit management services; 16282

(2) Violated any provision of section 3959.111 of the 16283
Revised Code or any rule adopted by the superintendent pursuant 16284
to or to implement that section. 16285

Sec. 3959.13. Any person who, while licensed as an 16286
administrator, is convicted of a ~~felony~~ disqualifying offense as 16287
specified in section 9.79 of the Revised Code, shall report the 16288
conviction to the superintendent of insurance within thirty days 16289
of the entry date of the judgment of conviction. Within that 16290
thirty-day period, the person shall also provide the 16291
superintendent with a copy of the judgment, the commitment order 16292
or the order imposing a community control sanction, and any 16293
other relevant documents. 16294

As used in this section, "community control sanction" has 16295
the same meaning as in section 2929.01 of the Revised Code. 16296

Sec. 3964.03. (A) A captive insurance company shall be 16297
organized under Chapter 1701., 1702., or 1705. of the Revised 16298
Code. 16299

(B) A captive insurance company shall not operate in this 16300
state unless all of the following are met: 16301

(1) The captive insurance company obtains from the 16302
superintendent a license to do the business of captive insurance 16303
in this state. 16304

(2) The captive insurance company's board of directors 16305
holds at least one meeting each year in this state. 16306

(3) The captive insurance company maintains its principal 16307
place of business in this state. 16308

(4) The person managing the captive insurance company is a 16309

resident of this state. 16310

(5) The captive insurance company appoints a registered 16311
agent to accept service of process and act on its behalf in this 16312
state. 16313

(C) Whenever an agent required under division (B) (5) of 16314
this section cannot, with reasonable diligence, be found at the 16315
registered office of the captive insurance company, the 16316
superintendent shall be an agent of such a captive insurance 16317
company upon whom any process, notice, or demand may be served. 16318

(D) A captive insurance company seeking a license to be a 16319
captive insurance company in this state shall file an 16320
application with the superintendent and shall submit all of the 16321
following along with the application: 16322

(1) A certified copy of its articles of incorporation, 16323
bylaws, or other organizational document and code of 16324
regulations; 16325

(2) A statement, made under oath by the president and 16326
secretary, in a form prescribed by the superintendent, showing 16327
the captive insurance company's financial condition; 16328

(3) A statement of the captive insurance company's assets 16329
relative to its risks, detailing the amount of assets and their 16330
liquidity; 16331

(4) An account of the adequacy of the expertise, and 16332
experience, ~~and character~~ of the person or persons who will 16333
manage the captive insurance company; 16334

(5) An account of the loss prevention programs of the 16335
persons that the captive insurance company insures; 16336

(6) Actuarial assumptions and methodologies that will be 16337

utilized in calculating reserves; 16338

(7) Any other information considered necessary by the 16339
superintendent to determine whether the proposed captive 16340
insurance company will be able to meet its obligations. 16341

(E) (1) A special purpose financial captive insurance 16342
company shall follow the national association of insurance 16343
commissioner's accounting practices and procedures manual. 16344

(2) (a) Upon request, the superintendent may allow a 16345
special purpose financial captive insurance company to use a 16346
reserve basis other than that found in the national association 16347
of insurance commissioner's accounting practices and procedures 16348
manual. 16349

(b) The superintendent, in accordance with Chapter 119. of 16350
the Revised Code, shall adopt rules that define acceptable 16351
alternative reserve bases. 16352

(c) Such rules shall be adopted prior to availability for 16353
use of any such alternative reserve basis and shall ensure that 16354
the resulting reserves meet all of the following conditions: 16355

(i) Quantify the benefits and guarantees, and the funding, 16356
associated with the contracts and their risks at a level of 16357
conservatism that reflects conditions that include unfavorable 16358
events that have a reasonable probability of occurring during 16359
the lifetime of the contracts. For policies or contracts with 16360
significant tail risk, reflects conditions appropriately adverse 16361
to quantify the tail risk. 16362

(ii) Incorporate assumptions, risk analysis methods, and 16363
financial models and management techniques that are consistent 16364
with, but not necessarily identical to, those utilized within 16365
the company's overall risk assessment process, while recognizing 16366

potential differences in financial reporting structures and any prescribed assumptions or methods; 16367
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(iii) Provide margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve. 16369
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(d) An alternative basis for calculating a reserve approved by the superintendent shall be treated as a public document after the date the alternative basis for calculating the reserve has been approved, regardless of the application of the uniform trade secrets act set forth in sections 1333.61 to 1333.69 of the Revised Code. 16372
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(3) The special purpose financial captive insurance company shall submit a request for an alternative reserve basis in writing, and affirmed by the company's appointed actuary, that includes, at a minimum, the following information for the superintendent to consider in evaluating the request: 16378
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(a) The reserves based on the national association of insurance commissioner's accounting practices and procedures manual and the reserves based on the proposed alternative method for calculation and the difference between these two calculations; 16383
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(b) A detailed analysis of the proposed alternative method explaining why the use of an alternative basis for calculating the reserve is appropriate; 16388
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(c) All assumptions utilized within the proposed alternative method, together with the source of the assumptions, as well as information, satisfactory to the superintendent, supporting the appropriateness of the assumptions and analysis and identifying the assumptions that result in the greatest 16391
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variability in the reserve and how that analysis was used in 16396
setting those assumptions; 16397

(d) A detailed overview of the corporate governance and 16398
oversight of the actuarial valuation function; 16399

(e) Any other information the superintendent may require 16400
to assess the proposed alternative method for approval or 16401
disapproval. 16402

(4) At the expense of the special purpose financial 16403
captive insurance company, the superintendent may require the 16404
company to secure the affirmation of an independent qualified 16405
actuary in support of any alternative basis for calculating the 16406
reserve that is requested pursuant to this section or to assist 16407
the superintendent in the review of said request. 16408

(5) If the superintendent approves the use of an 16409
alternative basis for calculating a reserve, the special purpose 16410
financial captive insurance company, and the ceding insurer 16411
shall each include a note in its financial statements disclosing 16412
the use of a basis other than the national association of 16413
insurance commissioner's accounting practices and procedures 16414
manual and the difference between the reserve amount determined 16415
under the alternative basis and the reserve amount that would 16416
have been determined had the company utilized the national 16417
association of insurance commissioner's accounting practices and 16418
procedures manual. 16419

(6) (a) The superintendent shall establish an acceptable 16420
total capital and surplus requirement for each insurance company 16421
that will cede risks and obligations to a special purpose 16422
financial captive insurance company. The total capital and 16423
surplus requirement must be met at the time the special purpose 16424

financial captive insurance company applies for a license to do 16425
the business of captive insurance. The total capital and surplus 16426
requirement shall be determined in accordance with a minimum 16427
required total capital and surplus methodology that meets both 16428
of the following requirements: 16429

(i) Is consistent with current risk-based capital 16430
principles; 16431

(ii) Takes into account all material risks and 16432
obligations, as well as the assets, of the insurance company. 16433

(b) An insurance company ceding risks and obligations to a 16434
special purpose financial captive insurance company shall fully 16435
disclose all material risks and obligations, as well as its 16436
assets and all affiliated captive insurance company risks. The 16437
ceding insurance company shall advise the superintendent 16438
whenever there is a material change to such risks, obligations, 16439
or assets. 16440

(F) In determining whether to approve an application for a 16441
license, the superintendent shall consider all of the following: 16442

(1) The ~~character, reputation,~~ financial standing, and 16443
purposes of the incorporators, or other founders, of the captive 16444
insurance company; 16445

(2) The ~~character, reputation,~~ financial responsibility, 16446
experience relating to insurance, and business qualifications of 16447
the officers and directors of the captive insurance company; 16448

(3) The amount of liquidity and assets of the captive 16449
insurance company relative to the risks to be assumed; 16450

(4) The adequacy of the expertise, experience, and 16451
character of the person or persons who will manage the captive 16452

insurance company; 16453

(5) The overall soundness of the plan of operation; 16454

(6) The adequacy of the loss prevention programs of the 16455
persons that the captive insurance company insures. 16456

(G) (1) Each captive insurance company that offers direct 16457
insurance to its parent shall submit to the superintendent for 16458
approval a detailed description of the coverages, deductibles, 16459
coverage limits, proposed rates or rating plans, documentation 16460
from a qualified actuary that demonstrates the actuarial 16461
soundness of the proposed rates or rating plans, and other such 16462
additional information as the superintendent may require. 16463

(2) (a) Any captive insurance company licensed under the 16464
provisions of this chapter that seeks to make any material 16465
change to any item described in division (G) (1) of this section 16466
shall submit to the superintendent for approval a detailed 16467
description of the revision, documentation from a qualified 16468
actuary that demonstrates the actuarial soundness of the revised 16469
rates or rating plans, and other such additional information as 16470
the superintendent may require. 16471

(b) Each filing under division (G) (2) (a) of this section 16472
is deemed approved thirty days after the filing is received by 16473
the superintendent of insurance, unless the filing is 16474
disapproved by the superintendent during that thirty-day period. 16475

(c) If at any time subsequent to the thirty-day review 16476
period the superintendent finds that a filing does not 16477
demonstrate actuarial soundness, the superintendent shall hold a 16478
hearing requiring the captive insurance company to show cause 16479
why an order should not be made by the superintendent to 16480
disapprove the revised rates or rating plans. 16481

(d) If, upon such a hearing, the superintendent finds that the captive insurance company failed to demonstrate the actuarial soundness of the rates or rating plans, the superintendent shall issue an order directing the captive insurance company to cease and desist from using the revised rates or rating plans and to use rates or rating plans as determined appropriate by the superintendent.

(H) Except as otherwise provided in this division, documents and information submitted by a captive insurance company pursuant to this section are not subject to section 149.43 of the Revised Code, and are confidential, and may not be disclosed by the superintendent or any employee of the department of insurance without the written consent of the company.

(1) Such documents and information may be discoverable in a civil action in which the captive insurance company filing the material is a party upon a finding by a court of competent jurisdiction that the information sought is relevant and necessary to the case and the information sought is unavailable from other, nonconfidential sources.

(2) The superintendent may, at the superintendent's sole discretion, share documents required under this section with the chief deputy rehabilitator, the chief deputy liquidator, other deputy rehabilitators and liquidators, and any other person employed by, or acting on behalf of the superintendent pursuant to Chapter 3901. or 3903. of the Revised Code, with other local, state, federal, and international regulatory and law enforcement agencies, with local, state, and federal prosecutors, and with the national association of insurance commissioners and its affiliates and subsidiaries provided that the recipient agrees

to maintain the confidential or privileged status of the 16512
documents and has authority to do so. 16513

(I) (1) Each applicant for a license to do the business of 16514
a captive insurance company in this state shall pay to the 16515
superintendent a nonrefundable fee of five hundred dollars for 16516
processing its application for a license. The superintendent is 16517
authorized to retain legal, financial, and examination services 16518
from outside the department, at the expense of the applicant. 16519
Each captive insurance company shall annually pay a license 16520
renewal fee of five hundred dollars. 16521

(2) The fees collected pursuant to division (I) (1) of this 16522
section shall be deposited into the state treasury to the credit 16523
of the captive insurance regulation and supervision fund created 16524
under section 3964.15 of the Revised Code. 16525

Sec. 4121.443. (A) The bureau of workers' compensation may 16526
summarily suspend the certification of a provider to participate 16527
in the health partnership program created under sections 4121.44 16528
and 4121.441 of the Revised Code without a prior hearing if the 16529
bureau determines any of the following apply to the provider: 16530

(1) The professional license, certification, or 16531
registration held by the provider to practice the provider's 16532
profession has been revoked or suspended for an indefinite 16533
period of time or for a period of more than thirty days, 16534
subsequent to the provider's certification to participate in the 16535
health partnership program. 16536

(2) ~~The provider has been convicted of or has pleaded~~ 16537
~~guilty to a violation of section 2913.48 or sections 2923.31 to~~ 16538
~~2923.36 of the Revised Code or has been convicted of or pleaded~~ 16539
~~guilty to any other criminal offense related to the delivery of~~ 16540

~~or billing for health care services a disqualifying offense, as~~ 16541
~~specified under section 9.79 of the Revised Code.~~ 16542

(3) The bureau determines, by clear and convincing 16543
evidence, that the continued participation by the provider in 16544
the health partnership program presents a danger of immediate 16545
and serious harm to claimants. 16546

(B) The bureau shall issue a written order of summary 16547
suspension by certified mail or in person in accordance with 16548
section 119.07 of the Revised Code. If the provider subject to 16549
the summary suspension requests an adjudicatory hearing by the 16550
bureau, the date set for the hearing shall be not later than 16551
fifteen days, but not earlier than seven days, after the 16552
provider requests the hearing, unless otherwise agreed to by 16553
both the bureau and the provider. 16554

(C) If an order issued pursuant to this section is 16555
appealed, the court may stay execution of the order and fix the 16556
terms of the stay, if the court finds both of the following: 16557

(1) That an unusual hardship to the appellant will result 16558
from execution of the order pending appeal; 16559

(2) That the health, safety, and welfare of the public 16560
will not be threatened by staying execution of the order pending 16561
appeal. 16562

(D) A court or agency order staying the suspension of a 16563
professional license, certification, or registration shall not 16564
affect the ability of the bureau to suspend the certification of 16565
a provider to participate in the health partnership program 16566
under this section. 16567

(E) The summary suspension of a certification of a 16568
provider under this section shall not affect the ability of that 16569

provider to receive payment for services rendered prior to the 16570
effective date of the suspension. 16571

(F) Any summary suspension imposed under this section 16572
shall remain in effect, unless reversed on appeal, until a final 16573
adjudication order issued by the bureau pursuant to this section 16574
and Chapter 119. of the Revised Code takes effect. The bureau 16575
shall issue its final adjudication order within seventy-five 16576
days after completion of its hearing. A failure to issue the 16577
order within the seventy-five-day time period shall result in 16578
dissolution of the summary suspension order but shall not 16579
invalidate any subsequent, final adjudication order. 16580

(G) As used in this section, "provider" does not include a 16581
hospital. 16582

Sec. 4301.25. (A) The liquor control commission may 16583
suspend or revoke any permit issued under this chapter or 16584
Chapter 4303. of the Revised Code for the violation of any of 16585
the applicable restrictions of either chapter or of any lawful 16586
rule of the commission, for other sufficient cause, and for the 16587
following causes: 16588

(1) Conviction of ~~the holder or the holder's agent or~~ 16589
~~employee for violating division (B) of section 2907.39 of the~~ 16590
~~Revised Code or a section of this chapter or Chapter 4303. of~~ 16591
~~the Revised Code or for a felony disqualifying offense as~~ 16592
~~specified under section 9.79 of the Revised Code;~~ 16593

(2) The entry of a judgment pursuant to division (D) or 16594
(E) of section 3767.05 of the Revised Code against a permit 16595
holder or the holder's agent or employee finding the existence 16596
of a nuisance at a liquor permit premises or finding the 16597
existence of a nuisance as a result of the operation of a liquor 16598

permit premises;	16599
(3) Making any false material statement in an application for a permit;	16600 16601
(4) Assigning, transferring, or pledging a permit contrary to the rules of the commission;	16602 16603
(5) Selling or promising to sell beer or intoxicating liquor to a wholesale or retail dealer who is not the holder of a proper permit at the time of the sale or promise;	16604 16605 16606
(6) Failure of the holder of a permit to pay an excise tax together with any penalties imposed by the law relating to that failure and for violation of any rule of the department of taxation in pursuance of the tax and penalties.	16607 16608 16609 16610
(B) The liquor control commission shall revoke a permit issued pursuant to this chapter or Chapter 4303. of the Revised Code upon the conviction of the holder of the permit of a violation of division (C) (1) of section 2913.46 of the Revised Code.	16611 16612 16613 16614 16615
(C) (1) When the commission considers the length of a suspension of a permit, it may consider the volume of the business of the permit holder, so that the length of the suspension is in proportion to the seriousness of the offense and the permit holder's business in order that the suspension serve as a penalty and a deterrent. Evidence as to the volume of business of the permit holder may be offered by the permit holder or subpoenaed by the commission.	16616 16617 16618 16619 16620 16621 16622 16623
(2) When the commission considers the length of a proposed suspension of a permit and the proposed suspension results from an offense that was committed during a compliance check as defined in section 4301.635 of the Revised Code, the commission	16624 16625 16626 16627

may consider whether trickery, deceit, or deception was used in 16628
the conduct of the compliance check. 16629

Sec. 4303.29. (A) No permit, other than an H permit, shall 16630
be issued to a firm or partnership unless all the members of the 16631
firm or partnership are citizens of the United States. No 16632
permit, other than an H permit, shall be issued to an individual 16633
who is not a citizen of the United States. No permit, other than 16634
an E or H permit, shall be issued to any corporation organized 16635
under the laws of any country, territory, or state other than 16636
this state until it has furnished the division of liquor control 16637
with evidence that it has complied with the laws of this state 16638
relating to the transaction of business in this state. 16639

The division may refuse to issue any permit to or refuse 16640
to renew any permit of any person convicted of any ~~felony that~~ 16641
~~is reasonably related to the person's fitness to operate a~~ 16642
~~liquor permit business in this state~~ disqualifying offense, as 16643
specified under section 9.79 of the Revised Code. No holder of a 16644
permit shall sell, assign, transfer, or pledge the permit 16645
without the written consent of the division. 16646

(B) (1) No D-3 permit shall be issued to any club unless 16647
the club has been continuously engaged in the activity specified 16648
in section 4303.15 of the Revised Code, as a qualification for 16649
that class of permit, for two years at the time the permit is 16650
issued. 16651

(2) (a) Subject to division (B) (2) (b) of this section, upon 16652
application by properly qualified persons, one C-1 and C-2 16653
permit shall be issued for each one thousand population or part 16654
of that population, and one D-1 and D-2 permit shall be issued 16655
for each two thousand population or part of that population, in 16656
each municipal corporation and in the unincorporated area of 16657

each township. 16658

Subject to division (B) (2) (b) of this section, not more 16659
than one D-3, D-4, or D-5 permit shall be issued for each two 16660
thousand population or part of that population in any municipal 16661
corporation and in the unincorporated area of any township, 16662
except that, in any city of a population of fifty-five thousand 16663
or more, one D-3 permit may be issued for each fifteen hundred 16664
population or part of that population. 16665

(b) (i) Division (B) (2) (a) of this section does not 16666
prohibit the transfer of location or the transfer of ownership 16667
and location of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a 16668
municipal corporation or the unincorporated area of a township 16669
to an economic development project located in another municipal 16670
corporation or the unincorporated area of another township in 16671
which no additional permits of that class may be issued to the 16672
applicant under division (B) (2) (a) of this section. However, the 16673
transfer may occur only if the applicant notifies the municipal 16674
corporation or township to which the location of the permit will 16675
be transferred regarding the transfer and the municipal 16676
corporation or township acknowledges in writing to the division 16677
of liquor control that the transfer will be to an economic 16678
development project. The municipal corporation or township shall 16679
submit the acknowledgment at the time the application for the 16680
transfer is filed with the division. 16681

The acknowledgment by the municipal corporation or 16682
township does not prohibit it from requesting a hearing under 16683
section 4303.26 of the Revised Code. The applicant is eligible 16684
to apply for and receive the transfer of location of the permit 16685
under division (B) (2) (b) of this section if permits of that 16686
class that may be issued under division (B) (2) (a) of this 16687

section in the applicable municipal corporation or 16688
unincorporated area of the township have already been issued or 16689
if the number of applications filed for permits of that class in 16690
that municipal corporation or the unincorporated area of that 16691
township exceed the number of permits of that class that may be 16692
issued there under division (B) (2) (a) of this section. 16693

A permit transferred under division (B) (2) (b) of this 16694
section may be subsequently transferred to a different owner at 16695
the same location, or to the same owner or a different owner at 16696
a different location in the same municipal corporation or in the 16697
unincorporated area of the same township. 16698

(ii) Factors that may be used to determine the designation 16699
of an economic development project include, but are not limited 16700
to, architectural certification of the plans and the cost of the 16701
project, the number of jobs that will be created by the project, 16702
projected earnings of the project, projected tax revenues for 16703
the political subdivisions in which the project will be located, 16704
and the amount of financial investment in the project. The 16705
superintendent of liquor control shall determine whether the 16706
existing or proposed business that is seeking a permit described 16707
in division (B) (2) (b) of this section qualifies as an economic 16708
development project and, if the superintendent determines that 16709
it so qualifies, shall designate the business as an economic 16710
development project. 16711

(3) Nothing in this section shall be construed to restrict 16712
the issuance of a permit to a municipal corporation for use at a 16713
municipally owned airport at which commercial airline companies 16714
operate regularly scheduled flights on which space is available 16715
to the public. A municipal corporation applying for a permit for 16716
such a municipally owned airport is exempt, in regard to that 16717

application, from all of the following: 16718

(a) The population quota restrictions contained in this 16719
section; 16720

(b) The population quota restrictions contained in any 16721
rule of the liquor control commission; 16722

(c) Section 4303.31 of the Revised Code. 16723

(4) Nothing in this section shall be construed to prohibit 16724
the issuance of a D permit to the board of trustees of a 16725
soldiers' memorial for a premises located at a soldiers' 16726
memorial established pursuant to Chapter 345. of the Revised 16727
Code. An application for a D permit by the board for those 16728
premises is exempt from the population restrictions contained in 16729
this section and from the population quota restrictions 16730
contained in any rule of the liquor control commission. The 16731
location of a D permit issued to the board for those premises 16732
shall not be transferred. A board of trustees of a soldiers' 16733
memorial applying for a D-1, D-2, D-3, D-4, or D-5 permit for 16734
the soldiers' memorial is subject to section 4303.31 of the 16735
Revised Code. 16736

(5) Nothing in this section shall be construed to restrict 16737
the issuance of a permit for a premises located at a golf course 16738
owned by a municipal corporation, township, or county, owned by 16739
a park district created under Chapter 1545. of the Revised Code, 16740
or owned by the state. The location of such a permit issued on 16741
or after September 26, 1984, for a premises located at such a 16742
golf course shall not be transferred. Any application for such a 16743
permit is exempt from all of the following: 16744

(a) The population quota restrictions contained in this 16745
section; 16746

(b) The population quota restrictions contained in any 16747
rule of the liquor control commission; 16748

(c) Section 4303.31 of the Revised Code. 16749

(6) As used in division (B)(6) of this section, "fair" has 16750
the same meaning as in section 991.01 of the Revised Code; 16751
"state fairgrounds" means the property that is held by the state 16752
for the purpose of conducting fairs, expositions, and exhibits 16753
and that is maintained and managed by the Ohio expositions 16754
commission under section 991.03 of the Revised Code; "capitol 16755
square" has the same meaning as in section 105.41 of the Revised 16756
Code; and "Ohio judicial center" means the site of the Ohio 16757
supreme court and its grounds. 16758

Nothing in this section shall be construed to restrict the 16759
issuance of one or more D permits to one or more applicants for 16760
all or a part of the state fairgrounds, capitol square, or the 16761
Ohio judicial center. An application for a D permit for the 16762
state fairgrounds, capitol square, or the Ohio judicial center 16763
is exempt from the population quota restrictions contained in 16764
this section and from the population quota restrictions 16765
contained in any rule of the liquor control commission. The 16766
location of a D permit issued for the state fairgrounds, capitol 16767
square, or the Ohio judicial center shall not be transferred. An 16768
applicant for a D-1, D-2, D-3, or D-5 permit for the state 16769
fairgrounds is not subject to section 4303.31 of the Revised 16770
Code. 16771

Pursuant to section 1711.09 of the Revised Code, the 16772
holder of a D permit issued for the state fairgrounds shall not 16773
deal in spirituous liquor at the state fairgrounds during, or 16774
for one week before or for three days after, any fair held at 16775
the state fairgrounds. 16776

(7) Nothing in this section shall be construed to prohibit the issuance of a D permit for a premises located at a zoological park at which sales have been approved in an election held under former section 4301.356 of the Revised Code. An application for a D permit for such a premises is exempt from the population restrictions contained in this section, from the population quota restrictions contained in any rule of the liquor control commission, and from section 4303.31 of the Revised Code. The location of a D permit issued for a premises at such a zoological park shall not be transferred, and no quota or other restrictions shall be placed on the number of D permits that may be issued for a premises at such a zoological park.

(8) As used in division (B) (8) of this section, "park district" means a park district that is created under Chapter 1545. of the Revised Code consisting of not less than twenty-two thousand acres of land, a portion of which is adjacent to Lake Erie.

Nothing in this section shall be construed to restrict the issuance of a D permit for a premises located in a park district. An application for a D permit for such a premises is exempt from the population quota restrictions contained in this section and in any rule of the liquor control commission. The location of a D permit issued for a premises in a park district shall not be transferred. An applicant for a D-1, D-2, D-3, or D-5 permit for a premises located in a park district is not subject to section 4303.31 of the Revised Code.

(C) (1) No D-3, D-4, D-5, or D-5a permit shall be issued in any election precinct in any municipal corporation or in any election precinct in the unincorporated area of any township, in which at the November, 1933, election a majority of the electors

voting thereon in the municipal corporation or in the 16807
unincorporated area of the township voted against the repeal of 16808
Section 9 of Article XV, Ohio Constitution, unless the sale of 16809
spirituous liquor by the glass is authorized by a majority vote 16810
of the electors voting on the question in the precinct at an 16811
election held pursuant to this section or by a majority vote of 16812
the electors of the precinct voting on question (C) at a special 16813
local option election held in the precinct pursuant to section 16814
4301.35 of the Revised Code. Upon the request of an elector, the 16815
board of elections of the county that encompasses the precinct 16816
shall furnish the elector with a copy of the instructions 16817
prepared by the secretary of state under division (P) of section 16818
3501.05 of the Revised Code and, within fifteen days after the 16819
request, a certificate of the number of signatures required for 16820
a valid petition under this section. 16821

Upon the petition of thirty-five per cent of the total 16822
number of voters voting in any such precinct for the office of 16823
governor at the preceding general election, filed with the board 16824
of elections of the county in which such precinct is located not 16825
later than ninety days before a general election, the board 16826
shall prepare ballots and hold an election at such general 16827
election upon the question of allowing spirituous liquor to be 16828
sold by the glass in such precinct. The ballots shall be 16829
approved in form by the secretary of state. The results of the 16830
election shall be certified by the board to the secretary of 16831
state, who shall certify the results to the division. 16832

(2) No holder of a class D-3 permit issued for a boat or 16833
vessel shall sell spirituous liquor in any precinct, in which 16834
the election provided for in this section may be held, unless 16835
the sale of spirituous liquor by the drink has been authorized 16836
by vote of the electors as provided in this section or in 16837

section 4301.35 of the Revised Code. 16838

(D) Any holder of a C or D permit whose permit premises 16839
were purchased in 1986 or 1987 by the state or any state agency 16840
for highway purposes shall be issued the same permit at another 16841
location notwithstanding any quota restrictions contained in 16842
this chapter or in any rule of the liquor control commission. 16843

Sec. 4303.292. (A) The division of liquor control may 16844
refuse to issue, transfer the ownership of, or renew, and shall 16845
refuse to transfer the location of, any retail permit issued 16846
under this chapter if it finds either of the following: 16847

(1) That the applicant, or any partner, member, officer, 16848
director, or manager of the applicant, or, if the applicant is a 16849
corporation or limited liability company, any shareholder owning 16850
five per cent or more of the applicant's capital stock in the 16851
corporation or any member owning five per cent or more of either 16852
the voting interests or membership interests in the limited 16853
liability company: 16854

(a) ~~Has been convicted at any time of a crime that relates~~ 16855
~~to fitness to operate a liquor establishment of a disqualifying~~ 16856
~~offense, as specified under section 9.79 of the Revised Code;~~ 16857

(b) Has operated liquor permit businesses in a manner that 16858
demonstrates a disregard for the laws, regulations, or local 16859
ordinances of this state or any other state; 16860

(c) Has misrepresented a material fact in applying to the 16861
division for a permit; or 16862

(d) Is in the habit of using alcoholic beverages or 16863
dangerous drugs to excess, or is addicted to the use of 16864
narcotics. 16865

- (2) That the place for which the permit is sought: 16866
- (a) Does not conform to the building, safety, or health 16867
requirements of the governing body of the county or municipal 16868
corporation in which the place is located. As used in division 16869
(A) (2) (a) of this section, "building, safety, or health 16870
requirements" does not include local zoning ordinances. The 16871
validity of local zoning regulations shall not be affected by 16872
this section. 16873
- (b) Is so constructed or arranged that law enforcement 16874
officers and duly authorized agents of the division are 16875
prevented from reasonable access to rooms within which beer or 16876
intoxicating liquor is to be sold or consumed; 16877
- (c) Is so located with respect to the neighborhood that 16878
substantial interference with public decency, sobriety, peace, 16879
or good order would result from the issuance, renewal, transfer 16880
of location, or transfer of ownership of the permit and 16881
operation under it by the applicant; or 16882
- (d) Has been declared a nuisance pursuant to Chapter 3767. 16883
of the Revised Code since the time of the most recent issuance, 16884
renewal, or transfer of ownership or location of the liquor 16885
permit. 16886
- (B) The division of liquor control may refuse to issue or 16887
transfer the ownership of, and shall refuse to transfer the 16888
location of, any retail permit issued under this chapter if it 16889
finds either of the following: 16890
- (1) That the place for which the permit is sought is so 16891
situated with respect to any school, church, library, public 16892
playground, or hospital that the operation of the liquor 16893
establishment will substantially and adversely affect or 16894

interfere with the normal, orderly conduct of the affairs of 16895
those facilities or institutions; 16896

(2) That the number of permits already existent in the 16897
neighborhood is such that the issuance or transfer of location 16898
of a permit would be detrimental to and substantially interfere 16899
with the ~~morals,~~ safety, or welfare of the public. In reaching a 16900
conclusion in this respect, the division shall consider, in 16901
light of the purposes of this chapter and Chapters 4301. and 16902
4399. of the Revised Code, the character and population of the 16903
neighborhood, the number and location of similar permits in the 16904
neighborhood, the number and location of all other permits in 16905
the neighborhood, and the effect the issuance or transfer of 16906
location of a permit would have on the neighborhood. 16907

(C) The division of liquor control shall not transfer the 16908
location or transfer the ownership and location of a permit 16909
under division (B) (2) (b) of section 4303.29 of the Revised Code 16910
unless the permit is transferred to an economic development 16911
project. 16912

(D) The division of liquor control shall refuse to issue, 16913
renew, transfer the ownership of, or transfer the location of a 16914
retail permit under this chapter if the applicant is or has been 16915
convicted of a ~~violation of division (C) (1) of disqualifying~~ 16916
offense, as specified under section 2913.46-9.79 of the Revised 16917
Code. 16918

~~(E) The division of liquor control shall refuse to~~ 16919
~~transfer the ownership of or transfer the location of a retail~~ 16920
~~permit under this chapter while criminal proceedings are pending~~ 16921
~~against the holder of the permit for a violation of division (C)~~ 16922
~~(1) of section 2913.46 of the Revised Code. The department of~~ 16923
~~public safety shall notify the division whenever criminal~~ 16924

~~proceedings have commenced for a violation of division (C) (1) of
section 2913.46 of the Revised Code.~~ 16925
16926

~~(F)~~The division of liquor control shall refuse to issue, 16927
renew, or transfer the ownership or location of a retail permit 16928
under this chapter if the applicant has been found to be 16929
maintaining a nuisance under section 3767.05 of the Revised Code 16930
at the premises for which the issuance, renewal, or transfer of 16931
ownership or location of the retail permit is sought. 16932

Sec. 4501.02. (A) There is hereby created in the 16933
department of public safety a bureau of motor vehicles, which 16934
shall be administered by a registrar of motor vehicles. The 16935
registrar shall be appointed by the director of public safety 16936
and shall serve at the director's pleasure. 16937

The registrar shall administer the laws of the state 16938
relative to the registration of and certificates of title for 16939
motor vehicles, and the licensing of motor vehicle dealers, 16940
motor vehicle leasing dealers, distributors, and salespersons, 16941
and of motor vehicle salvage dealers, salvage motor vehicle 16942
auctions, and salvage motor vehicle pools. The registrar also 16943
shall, in accordance with section 4503.61 of the Revised Code, 16944
take those steps necessary to enter this state into membership 16945
in the international registration plan and carry out the 16946
registrar's other duties under that section. The registrar, with 16947
the approval of the director of public safety, may do all of the 16948
following: 16949

(1) Adopt such forms and rules as are necessary to carry 16950
out all laws the registrar is required to administer; 16951

(2) Appoint such number of assistants, deputies, clerks, 16952
stenographers, and other employees as are necessary to carry out 16953

such laws; 16954

(3) Acquire or lease such facilities as are necessary to 16955
carry out the duties of the registrar's office; 16956

(4) Apply for, allocate, disburse, and account for grants 16957
made available under federal law or from other federal, state, 16958
or private sources; 16959

(5) Establish accounts in a bank or depository and deposit 16960
any funds collected by the registrar in those accounts to the 16961
credit of "state of Ohio, bureau of motor vehicles." Within 16962
three days after the deposit of funds in such an account, the 16963
registrar shall draw on that account in favor of the treasurer 16964
of state. The registrar may reserve funds against the draw to 16965
the treasurer of state to the extent reasonably necessary to 16966
ensure that the deposited items are not dishonored. The 16967
registrar may pay any service charge usually collected by the 16968
bank or depository; 16969

(6) Develop rules that establish disqualifying offenses 16970
for licensure as a motor vehicle salvage dealer pursuant to 16971
sections 9.79, 4738.04, and 4738.07, ~~and 4776.10~~ of the Revised 16972
Code. 16973

The registrar shall give a bond for the faithful 16974
performance of the registrar's duties in such amount and with 16975
such security as the director approves. When in the opinion of 16976
the director it is advisable, any deputy or other employee may 16977
be required to give bond in such amount and with such security 16978
as the director approves. In the discretion of the director, the 16979
bonds authorized to be taken on deputies or other employees may 16980
be individual, schedule, or blanket bonds. 16981

The director of public safety may investigate the 16982

activities of the bureau and have access to its records at any 16983
time, and the registrar shall make a report to the director at 16984
any time upon request. 16985

All laws relating to the licensing of motor vehicle 16986
dealers, motor vehicle leasing dealers, distributors, and 16987
salespersons, and of motor vehicle salvage dealers, salvage 16988
motor vehicle auctions, and salvage motor vehicle pools, 16989
designating and granting power to the registrar shall be 16990
liberally construed to the end that the practice or commission 16991
of fraud in the business of selling motor vehicles and of 16992
disposing of salvage motor vehicles may be prohibited and 16993
prevented. 16994

(B) There is hereby created in the department of public 16995
safety a division of emergency medical services, which shall be 16996
administered by an executive director of emergency medical 16997
services appointed under section 4765.03 of the Revised Code. 16998

Sec. 4508.03. (A) No person shall establish a driver 16999
training school or continue the operation of an existing school 17000
unless the person applies for and obtains from the director of 17001
public safety a license in the manner and form prescribed by the 17002
director. 17003

The director shall adopt rules that establish the 17004
requirements for a school license, including requirements 17005
concerning location, equipment, courses of instruction, 17006
instructors, previous records of the school and instructors, 17007
financial statements, schedule of fees and charges, ~~character~~ 17008
~~and reputation of the operators,~~ insurance in the sum and with 17009
those provisions as the director considers necessary to protect 17010
adequately the interests of the public, and any other matters as 17011
the director may prescribe for the protection of the public. The 17012

rules also shall require financial responsibility information as 17013
part of the driver education curriculum. 17014

(B) Any school that offers a driver training program for 17015
disabled persons shall provide specially trained instructors for 17016
the driver training of such persons. No school shall operate a 17017
driver training program for disabled persons after June 30, 17018
1978, unless it has been licensed for such operation by the 17019
director. No person shall act as a specially trained instructor 17020
in a driver training program for disabled persons operated by a 17021
school after June 30, 1978, unless that person has been licensed 17022
by the director. 17023

(C) The director shall certify instructors to teach driver 17024
training to disabled persons in accordance with training program 17025
requirements established by the department of public safety. 17026

(D) No person shall operate a driver training school 17027
unless the person has a valid license issued by the director 17028
under this section. 17029

(E) Whoever violates division (D) of this section is 17030
guilty of operating a driver training school without a valid 17031
license, a misdemeanor of the second degree. On a second or 17032
subsequent offense within two years after the first offense, the 17033
person is guilty of a misdemeanor of the first degree. 17034

Sec. 4508.04. (A) No person shall act as a driver training 17035
instructor, and no person shall act as a driver training 17036
instructor for disabled persons, unless such person applies for 17037
and obtains from the director of public safety a license in the 17038
manner and form prescribed by the director. The director shall 17039
provide by rule for instructors' license requirements including 17040
~~moral character,~~ physical condition, knowledge of the courses of 17041

instruction, motor vehicle laws and safety principles, previous 17042
personal and employment records, and such other matters as the 17043
director may prescribe for the protection of the public. Driver 17044
training instructors for disabled persons shall meet such 17045
additional requirements and receive such additional classroom 17046
and practical instruction as the director shall prescribe by 17047
rule. 17048

(B) ~~(1)~~ The director shall not issue a license under this 17049
section to a person if, within ten years of the date of 17050
application for the license, the person has ~~pleaded guilty to or~~ 17051
~~been convicted of a felony under the laws of this state or the~~ 17052
~~comparable laws of another jurisdiction.~~ 17053

~~(2) The director shall not issue a license under this~~ 17054
~~section to a person if, within five years of the date of~~ 17055
~~application for the license, the person has pleaded guilty to or~~ 17056
~~been convicted of a misdemeanor of the first or second degree~~ 17057
~~that is reasonably related to the person's fitness to be issued~~ 17058
~~such a license~~ disqualifying offense, as specified under section 17059
9.79 of the Revised Code. 17060

(C) No person shall knowingly make a false statement on a 17061
license application submitted under this section. 17062

(D) Upon successful completion of all requirements for an 17063
initial instructor license, the director shall issue an 17064
applicant a probationary license, which expires one hundred 17065
eighty days from the date of issuance. In order to receive a 17066
driver training instructor license, a person issued a 17067
probationary license shall pass an assessment prescribed in 17068
rules adopted by the director pursuant to section 4508.02 of the 17069
Revised Code. The person shall pass the assessment prior to 17070
expiration of the probationary license. If the person fails to 17071

pass the assessment, or fails to meet any standards required for 17072
a driver training instructor license, the director may extend 17073
the expiration date of the person's probationary license. Upon 17074
successful completion of the assessment and approval of the 17075
director, the director shall issue to the person a driver 17076
training instructor license. 17077

(E) (1) Whoever violates division (A) of this section is 17078
guilty of acting as a driver training instructor without a valid 17079
license, a misdemeanor of the first degree. 17080

(2) Whoever violates division (C) of this section may be 17081
charged with falsification under section 2921.13 of the Revised 17082
Code. 17083

Sec. 4508.06. (A) The director of public safety may refuse 17084
to issue, or may suspend or revoke, a license or may impose a 17085
fine of not more than ten thousand dollars per occurrence in any 17086
case in which the director finds the applicant or licensee has 17087
violated any of the provisions of this chapter, or any of the 17088
rules adopted by the director, or has failed to pay a fine 17089
imposed under this division. No person whose license has been 17090
suspended or revoked under this section shall fail to return the 17091
license to the director. 17092

(B) In addition to the reasons for a suspension under 17093
division (A) of this section, the director may suspend a driver 17094
training instructor license without a prior hearing if the 17095
director believes there exists clear and convincing evidence of 17096
any of the following: 17097

(1) The license holder has engaged in conduct that 17098
presents a clear and present danger to a student or students. 17099

(2) The license holder has engaged in inappropriate 17100

contact with a student. "Inappropriate contact" means any of the following: 17101
17102

(a) Causing or attempting to cause "physical harm," as defined in division (A) (3) of section 2901.01 of the Revised Code; 17103
17104
17105

(b) "Sexual activity," as defined in division (C) of section 2907.01 of the Revised Code; 17106
17107

(c) Engaging in any communication, either directly or through "telecommunication," as defined in division (X) of section 2913.01 of the Revised Code, that is of a sexual nature or intended to abuse, threaten, or harass the student. 17108
17109
17110
17111

(3) The license holder has been convicted of a ~~felony, or a misdemeanor that directly relates to the fitness of that person to provide driving instruction~~ disqualifying offense, as specified under section 9.79 of the Revised Code. 17112
17113
17114
17115

(C) In addition to the reasons for a suspension under division (A) of this section, the director may suspend a driver training school license without a prior hearing if the director believes there exists clear and convincing evidence of any of the following: 17116
17117
17118
17119
17120

(1) There exists a clear and present danger to the health, safety, or welfare of students should the school be permitted to continue operation. 17121
17122
17123

(2) At the time the contract for training was signed, there was no intention to provide training, or no ability to provide training to students. 17124
17125
17126

(3) Any school official knowingly allowed inappropriate contact, as defined in division (B) (2) of this section, between 17127
17128

instructors and students. 17129

(D) Immediately following a decision to impose a 17130
suspension without a prior hearing under division (B) or (C) of 17131
this section, the director, in accordance with section 119.07 of 17132
the Revised Code, shall issue a written order of suspension, 17133
cause it to be delivered to the license holder, and notify the 17134
license holder of the opportunity for a hearing. If timely 17135
requested by the license holder, a hearing shall be conducted in 17136
accordance with Chapter 119. of the Revised Code. 17137

(E) The director shall deposit all fines collected under 17138
division (A) of this section into the state treasury to the 17139
credit of the public safety - highway purposes fund created by 17140
section 4501.06 of the Revised Code. 17141

(F) Whoever fails to return a license that has been 17142
suspended or revoked under division (A), (B), or (C) of this 17143
section is guilty of failing to return a suspended or revoked 17144
license, a minor misdemeanor or, on a second or subsequent 17145
offense within two years after the first offense, a misdemeanor 17146
of the fourth degree. 17147

Sec. 4511.76. (A) The department of public safety, by and 17148
with the advice of the superintendent of public instruction, 17149
shall adopt and enforce rules relating to the construction, 17150
design, and equipment, including lighting equipment required by 17151
section 4511.771 of the Revised Code, of all school buses both 17152
publicly and privately owned and operated in this state. 17153

(B) The department of education, by and with the advice of 17154
the director of public safety, shall adopt and enforce rules 17155
relating to the operation of all vehicles used for pupil 17156
transportation. 17157

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

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

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

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

Sec. 4511.761. (A) The state highway patrol shall inspect

every school bus to ascertain whether its construction, design, 17188
and equipment comply with the regulations adopted pursuant to 17189
section 4511.76 of the Revised Code and all other provisions of 17190
law. 17191

The superintendent of the state highway patrol shall adopt 17192
a distinctive inspection decal not less than twelve inches in 17193
size, and bearing the date of the inspection, which shall be 17194
affixed to the outside surface of each side of each school bus 17195
which upon such inspection is found to comply with the 17196
regulations adopted pursuant to section 4511.76 of the Revised 17197
Code. The appearance of said decal shall be changed from year to 17198
year as to shape and color in order to provide easy visual 17199
inspection. 17200

No person shall operate, nor shall any person being the 17201
owner thereof or having supervisory responsibility therefor 17202
permit the operation of, a school bus within this state unless 17203
there are displayed thereon the decals issued by the state 17204
highway patrol bearing the proper date of inspection for the 17205
calendar year for which the inspection decals were issued. 17206

(B) Except as otherwise provided in this division, whoever 17207
violates this section is guilty of a minor misdemeanor. If the 17208
offender previously has been convicted of or pleaded guilty to 17209
one or more violations of this section or section 4511.63, 17210
4511.76, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 17211
Code or a municipal ordinance that is substantially similar to 17212
any of those sections, whoever violates this section is guilty 17213
of a misdemeanor of the fourth degree. 17214

(C) Whenever a person is found guilty in a court of record 17215
of a violation of this section, the trial judge, in addition to 17216
or independent of all other penalties provided by law, may 17217

suspend for any period of time not exceeding three years, ~~or~~ 17218
~~cancel the license of any person, partnership, association, or~~ 17219
~~corporation, issued under section 4511.763 of the Revised Code.~~ 17220

Sec. 4511.762. (A) Except as provided in division (B) of 17221
this section, no person who is the owner of a bus that 17222
previously was registered as a school bus that is used or is to 17223
be used exclusively for purposes other than the transportation 17224
of children, shall operate the bus or permit it to be operated 17225
within this state unless the bus has been painted a color 17226
different from that prescribed for school buses by section 17227
4511.77 of the Revised Code and painted in such a way that the 17228
words "stop" and "school bus" are obliterated. 17229

(B) Any church bus that previously was registered as a 17230
school bus and is registered under section 4503.07 of the 17231
Revised Code may retain the paint color prescribed for school 17232
buses by section 4511.77 of the Revised Code if the bus complies 17233
with all of the following: 17234

(1) The words "school bus" required by section 4511.77 of 17235
the Revised Code are covered or obliterated and the bus is 17236
marked on the front and rear with the words "church bus" painted 17237
in black lettering not less than ten inches in height; 17238

(2) The automatically extended stop warning sign required 17239
by section 4511.75 of the Revised Code is removed and the word 17240
"stop" required by section 4511.77 of the Revised Code is 17241
covered or obliterated; 17242

(3) The flashing red and amber lights required by section 17243
4511.771 of the Revised Code are covered or removed; 17244

(4) The inspection decal required by section 4511.761 of 17245
the Revised Code is covered or removed; 17246

(5) The identification number assigned under section 17247
4511.764 of the Revised Code and marked in black lettering on 17248
the front and rear of the bus is covered or obliterated. 17249

(C) Except as otherwise provided in this division, whoever 17250
violates this section is guilty of a minor misdemeanor. If the 17251
offender previously has been convicted of or pleaded guilty to 17252
one or more violations of this section or section 4511.63, 17253
4511.76, 4511.761, 4511.764, 4511.77, or 4511.79 of the Revised 17254
Code or a municipal ordinance that is substantially similar to 17255
any of those sections, whoever violates this section is guilty 17256
of a misdemeanor of the fourth degree. 17257

~~(D) Whenever a person is found guilty in a court of record 17258
of a violation of this section, the trial judge, in addition to 17259
or independent of all other penalties provided by law, may 17260
suspend for any period of time not exceeding three years, or 17261
cancel the license of any person, partnership, association, or 17262
corporation, issued under section 4511.763 of the Revised Code. 17263~~

Sec. 4511.77. (A) No person shall operate, nor shall any 17264
person being the owner thereof or having supervisory 17265
responsibility therefor permit the operation of, a school bus 17266
within this state unless it is painted national school bus 17267
yellow and is marked on both front and rear with the words 17268
"school bus" in black lettering not less than eight inches in 17269
height and on the rear of the bus with the word "stop" in black 17270
lettering not less than ten inches in height. 17271

(B) Except as otherwise provided in this division, whoever 17272
violates this section is guilty of a minor misdemeanor. If the 17273
offender previously has been convicted of or pleaded guilty to 17274
one or more violations of this section or section 4511.63, 17275
4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised 17276

Code or a municipal ordinance that is substantially similar to 17277
any of those sections, whoever violates this section is guilty 17278
of a misdemeanor of the fourth degree. 17279

~~(C) Whenever a person is found guilty in a court of record 17280
of a violation of this section, the trial judge, in addition to 17281
or independent of all other penalties provided by law, may 17282
suspend for any period of time not exceeding three years, or 17283
cancel the license of any person, partnership, association, or 17284
corporation, issued under section 4511.763 of the Revised Code. 17285~~

Sec. 4513.34. (A) (1) The director of transportation with 17286
respect to all highways that are a part of the state highway 17287
system and local authorities with respect to highways under 17288
their jurisdiction, upon application in writing, shall issue a 17289
special regional heavy hauling permit authorizing the applicant 17290
to operate or move a vehicle or combination of vehicles as 17291
follows: 17292

(a) At a size or weight of vehicle or load exceeding the 17293
maximum specified in sections 5577.01 to 5577.09 of the Revised 17294
Code, or otherwise not in conformity with sections 4513.01 to 17295
4513.37 of the Revised Code; 17296

(b) Upon any highway under the jurisdiction of the 17297
authority granting the permit except those highways with a 17298
condition insufficient to bear the weight of the vehicle or 17299
combination of vehicles as stated in the application; 17300

(c) For regional trips at distances of one hundred fifty 17301
miles or less from a facility stated on the application as the 17302
applicant's point of origin. 17303

Issuance of a special regional heavy hauling permit is 17304
subject to the payment of a fee established by the director or 17305

local authority in accordance with this section. 17306

(2) In circumstances where a person is not eligible to 17307
receive a permit under division (A) (1) of this section, the 17308
director of transportation with respect to all highways that are 17309
a part of the state highway system and local authorities with 17310
respect to highways under their jurisdiction, upon application 17311
in writing and for good cause shown, may issue a special permit 17312
in writing authorizing the applicant to operate or move a 17313
vehicle or combination of vehicles of a size or weight of 17314
vehicle or load exceeding the maximum specified in sections 17315
5577.01 to 5577.09 of the Revised Code, or otherwise not in 17316
conformity with sections 4513.01 to 4513.37 of the Revised Code, 17317
upon any highway under the jurisdiction of the authority 17318
granting the permit. 17319

(3) For purposes of this section, the director may 17320
designate certain state highways or portions of state highways 17321
as special economic development highways. If an application 17322
submitted to the director under this section involves travel of 17323
a nonconforming vehicle or combination of vehicles upon a 17324
special economic development highway, the director, in 17325
determining whether good cause has been shown that issuance of a 17326
permit is justified, shall consider the effect the travel of the 17327
vehicle or combination of vehicles will have on the economic 17328
development in the area in which the designated highway or 17329
portion of highway is located. 17330

(B) Notwithstanding sections 715.22 and 723.01 of the 17331
Revised Code, the holder of a permit issued by the director 17332
under this section may move the vehicle or combination of 17333
vehicles described in the permit on any highway that is a part 17334
of the state highway system when the movement is partly within 17335

and partly without the corporate limits of a municipal 17336
corporation. No local authority shall require any other permit 17337
or license or charge any license fee or other charge against the 17338
holder of a permit for the movement of a vehicle or combination 17339
of vehicles on any highway that is a part of the state highway 17340
system. The director shall not require the holder of a permit 17341
issued by a local authority to obtain a special permit for the 17342
movement of vehicles or combination of vehicles on highways 17343
within the jurisdiction of the local authority. Permits may be 17344
issued for any period of time not to exceed one year, as the 17345
director in the director's discretion or a local authority in 17346
its discretion determines advisable, or for the duration of any 17347
public construction project. 17348

(C) (1) The application for a permit issued under this 17349
section shall be in the form that the director or local 17350
authority prescribes. The director or local authority may 17351
prescribe a permit fee to be imposed and collected when any 17352
permit described in this section is issued. The permit fee may 17353
be in an amount sufficient to reimburse the director or local 17354
authority for the administrative costs incurred in issuing the 17355
permit, and also to cover the cost of the normal and expected 17356
damage caused to the roadway or a street or highway structure as 17357
the result of the operation of the nonconforming vehicle or 17358
combination of vehicles. The director, in accordance with 17359
Chapter 119. of the Revised Code, shall establish a schedule of 17360
fees for permits issued by the director under this section; 17361
however, the fee to operate a triple trailer unit, at locations 17362
authorized under federal law, shall be one hundred dollars. 17363

(2) For the purposes of this section and of rules adopted 17364
by the director under this section, milk transported in bulk by 17365
vehicle is deemed a nondivisible load. 17366

(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 limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

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

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

refers and shall be open to inspection by any police officer or 17397
authorized agent of any authority granting the permit. No person 17398
shall violate any of the terms of a permit. 17399

(F) The director may debar an applicant from applying for 17400
a permit under this section upon a finding based on a reasonable 17401
belief that the applicant has done any of the following: 17402

(1) Abused the process by repeatedly submitting false 17403
information or false travel plans or by using another company or 17404
individual's name, insurance, or escrow account without proper 17405
authorization; 17406

(2) Failed to comply with or substantially perform under a 17407
previously issued permit according to its terms, conditions, and 17408
specifications within specified time limits; 17409

(3) Failed to cooperate in the application process for the 17410
permit or in any other procedures that are related to the 17411
issuance of the permit by refusing to provide information or 17412
documents required in a permit or by failing to respond to and 17413
correct matters related to the permit; 17414

(4) Accumulated repeated justified complaints regarding 17415
performance under a permit that was previously issued to the 17416
applicant or previously failed to obtain a permit when such a 17417
permit was required; 17418

(5) Attempted to influence a public employee to breach 17419
ethical conduct standards; 17420

(6) Been convicted of a ~~criminal offense related to the~~ 17421
~~application for, or performance under, a permit, including, but~~ 17422
~~not limited to, bribery, falsification, fraud or destruction of~~ 17423
~~records, receiving stolen property, and any other offense that~~ 17424
~~directly reflects on the applicant's integrity or commercial~~ 17425

driver's license disqualifying offense, as specified under	17426
<u>section 9.79 of the Revised Code;</u>	17427
(7) Accumulated repeated convictions under a state or	17428
federal safety law governing commercial motor vehicles or a rule	17429
or regulation adopted under such a law;	17430
(8) Accumulated repeated convictions under a law, rule, or	17431
regulation governing the movement of traffic over the public	17432
streets and highways;	17433
(9) Failed to pay any fees associated with any permitted	17434
operation or move;	17435
(10) Deliberately or willfully submitted false or	17436
misleading information in connection with the application for,	17437
or performance under, a permit issued under this section.	17438
If the applicant is a partnership, association, or	17439
corporation, the director also may debar from consideration for	17440
permits any partner of the partnership, or the officers,	17441
directors, or employees of the association or corporation being	17442
debarred.	17443
The director may adopt rules in accordance with Chapter	17444
119. of the Revised Code governing the debarment of an	17445
applicant.	17446
(G) When the director reasonably believes that grounds for	17447
debarment exist, the director shall send the person that is	17448
subject to debarment a notice of the proposed debarment. A	17449
notice of proposed debarment shall indicate the grounds for the	17450
debarment of the person and the procedure for requesting a	17451
hearing. The notice and hearing shall be in accordance with	17452
Chapter 119. of the Revised Code. If the person does not respond	17453
with a request for a hearing in the manner specified in that	17454

chapter, the director shall issue the debarment decision without 17455
a hearing and shall notify the person of the decision by 17456
certified mail, return receipt requested. The debarment period 17457
may be of any length determined by the director, and the 17458
director may modify or rescind the debarment at any time. During 17459
the period of debarment, the director shall not issue, or 17460
consider issuing, a permit under this section to any 17461
partnership, association, or corporation that is affiliated with 17462
a debarred person. After the debarment period expires, the 17463
person, and any partnership, association, or corporation 17464
affiliated with the person, may reapply for a permit. 17465

(H) (1) No person shall violate the terms of a permit 17466
issued under this section that relate to gross load limits. 17467

(2) No person shall violate the terms of a permit issued 17468
under this section that relate to axle load by more than two 17469
thousand pounds per axle or group of axles. 17470

(3) No person shall violate the terms of a permit issued 17471
under this section that relate to an approved route except upon 17472
order of a law enforcement officer or authorized agent of the 17473
issuing authority. 17474

(I) Whoever violates division (H) of this section shall be 17475
punished as provided in section 4513.99 of the Revised Code. 17476

(J) A permit issued by the department of transportation or 17477
a local authority under this section for the operation of a 17478
vehicle or combination of vehicles is valid for the purposes of 17479
the vehicle operation in accordance with the conditions and 17480
limitations specified on the permit. Such a permit is voidable 17481
by law enforcement only for operation of a vehicle or 17482
combination of vehicles in violation of the weight, dimension, 17483

or route provisions of the permit. However, a permit is not 17484
voidable for operation in violation of a route provision of a 17485
permit if the operation is upon the order of a law enforcement 17486
officer. 17487

Sec. 4517.04. Each person applying for a new motor vehicle 17488
dealer's license shall biennially make out and deliver to the 17489
registrar of motor vehicles, before the first day of April, and 17490
upon a blank to be furnished by the registrar for that purpose, 17491
a separate application for license for each county in which the 17492
business of selling new motor vehicles is to be conducted. The 17493
application shall be in the form prescribed by the registrar, 17494
shall be signed and sworn to by the applicant, and, in addition 17495
to any other information required by the registrar, shall 17496
include the following: 17497

(A) Name of applicant and location of principal place of 17498
business; 17499

(B) Name or style under which business is to be conducted 17500
and, if a corporation, the state of incorporation; 17501

(C) Name and address of each owner or partner and, if a 17502
corporation, the names of the officers and directors; 17503

(D) The county in which the business is to be conducted 17504
and the address of each place of business therein; 17505

(E) A statement of the previous history, record, and 17506
association of the applicant and of each owner, partner, 17507
officer, and director, that shall be sufficient to establish to 17508
the satisfaction of the registrar the reputation in business of 17509
the applicant; 17510

(F) A statement showing whether the applicant has 17511
previously applied for a motor vehicle dealer's license, motor 17512

vehicle leasing dealer's license, distributor's license, motor 17513
vehicle auction owner's license, or motor vehicle salesperson's 17514
license, and the result of the application, and whether the 17515
applicant has ever been the holder of any such license that was 17516
revoked or suspended; 17517

(G) If the applicant is a corporation or partnership, a 17518
statement showing whether any partner, employee, officer, or 17519
director has been refused a motor vehicle dealer's license, 17520
motor vehicle leasing dealer's license, distributor's license, 17521
motor vehicle auction owner's license, or motor vehicle 17522
salesperson's license, or has been the holder of any such 17523
license that was revoked or suspended; 17524

(H) A statement of the makes of new motor vehicles to be 17525
handled. 17526

The statement required by division (E) of this section 17527
shall indicate whether the applicant or, if applicable, any of 17528
the applicant's owners, partners, officers, or directors, 17529
individually, or as owner, partner, officer, or director of a 17530
business entity, has been convicted of, ~~pleaded guilty, or~~ 17531
~~pleaded no contest, in a criminal action, a disqualifying~~ 17532
offense, as specified under section 9.79 of the Revised Code or 17533
had a judgment rendered against the person in a civil action 17534
for, a violation of sections 4549.41 to 4549.46 of the Revised 17535
Code, of any substantively comparable provisions of the law of 17536
any other state, or of subchapter IV of the "Motor Vehicle 17537
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 17538
U.S.C. 1981. 17539

A true copy of the contract, agreement, or understanding 17540
the applicant has entered into or is about to enter into with 17541
the manufacturer or distributor of the new motor vehicles the 17542

applicant will handle shall be filed with the application. If 17543
the contract, agreement, or understanding is not in writing, a 17544
written statement of all the terms thereof shall be filed. Each 17545
such copy or statement shall bear a certificate signed by each 17546
party to the contract, agreement, or understanding, to the 17547
effect that the copy or statement is true and complete and 17548
contains all of the agreements made or about to be made between 17549
the parties. 17550

The application also shall be accompanied by a photograph, 17551
as prescribed by the registrar, of each place of business 17552
operated, or to be operated, by the applicant. 17553

Sec. 4517.09. Each person applying for a salesperson's 17554
license shall biennially make out and deliver to the registrar 17555
of motor vehicles, before the first day of July and upon a blank 17556
to be furnished by the registrar for that purpose, an 17557
application for license. The application shall be in the form 17558
prescribed by the registrar, shall be signed and sworn to by the 17559
applicant, and, in addition to any other information required by 17560
the registrar, shall include the following: 17561

(A) Name and post-office address of the applicant; 17562

(B) Name and post-office address of the motor vehicle 17563
dealer for whom the applicant intends to act as salesperson; 17564

(C) A statement of the applicant's previous history, 17565
record, and association, that shall be sufficient to establish 17566
to the satisfaction of the registrar the applicant's reputation 17567
in business; 17568

(D) A statement as to whether the applicant intends to 17569
engage in any occupation or business other than that of a motor 17570
vehicle salesperson; 17571

(E) A statement as to whether the applicant has ever had 17572
any previous application refused, and whether the applicant has 17573
previously had a license revoked or suspended; 17574

(F) A statement as to whether the applicant was an 17575
employee of or salesperson for a dealer whose license was 17576
suspended or revoked; 17577

(G) A statement of the motor vehicle dealer named therein, 17578
designating the applicant as the dealer's salesperson. 17579

The statement required by division (C) of this section 17580
shall indicate whether the applicant individually, or as an 17581
owner, partner, officer, or director of a business entity, has 17582
been convicted of, ~~or pleaded guilty to, in a criminal action, a~~ 17583
disqualifying offense, as specified under section 9.79 of the 17584
Revised Code, or had a judgment rendered against the applicant 17585
in a civil action for, a violation of sections 4549.41 to 17586
4549.46 of the Revised Code, of any substantively comparable 17587
provisions of the law of any other state, or of subchapter IV of 17588
the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 17589
961 (1972), 15 U.S.C. 1981. 17590

Sec. 4517.10. At the time the registrar of motor vehicles 17591
grants the application of any person for a license as motor 17592
vehicle dealer, motor vehicle leasing dealer, distributor, motor 17593
vehicle auction owner, or motor vehicle salesperson, the 17594
registrar shall issue to the person a license. The registrar 17595
shall prescribe different forms for the licenses of motor 17596
vehicle dealers, motor vehicle leasing dealers, distributors, 17597
motor vehicle auction owners, and motor vehicle salespersons, 17598
and all licenses shall include the name and post-office address 17599
of the person licensed. 17600

The fee for a motor vehicle dealer's license and a motor vehicle leasing dealer's license shall be fifty dollars. In addition to the license fee, the registrar shall collect from each applicant for an initial motor vehicle dealer's license and motor vehicle leasing dealer's license a separate fee in an amount equal to the last assessment required by section 4505.181 of the Revised Code for all motor vehicle dealers and motor vehicle leasing dealers. The registrar shall deposit the separate fee into the state treasury to the credit of the title defect recision fund created in section 1345.52 of the Revised Code. The fee for a salesperson's license shall be ten dollars. The fee for a motor vehicle auction owner's license shall be one hundred dollars for each location. The fee for a distributor's license shall be one hundred dollars for each distributorship. In all cases, the fee shall accompany the application for license.

The registrar may require each applicant for a license issued under this chapter to pay an additional fee, which shall be used by the registrar to pay the costs of obtaining a record of any ~~arrests and~~ convictions of the applicant from the Ohio bureau of identification and investigation. The amount of the fee shall be equal to that paid by the registrar to obtain such record.

If a motor vehicle dealer or a motor vehicle leasing dealer has more than one place of business in the county, the dealer shall make application, in such form as the registrar prescribes, for a certified copy of the license issued to the dealer for each place of business operated. In the event of the loss, mutilation, or destruction of a license issued under sections 4517.01 to 4517.65 of the Revised Code, any licensee may make application to the registrar, in such form as the

registrar prescribes, for a duplicate copy thereof. The fee for 17632
a certified or duplicate copy of a motor vehicle dealer's, motor 17633
vehicle leasing dealer's, distributor's, or auction owner's 17634
license, is two dollars, and the fee for a duplicate copy of a 17635
salesperson's license is one dollar. All fees for such copies 17636
shall accompany the applications. 17637

Beginning on September 16, 2004, all motor vehicle 17638
dealers' licenses, motor vehicle leasing dealers' licenses, 17639
distributors' licenses, auction owners' licenses, and all 17640
salespersons' licenses issued or renewed shall expire biennially 17641
on a day within the two-year cycle that is prescribed by the 17642
registrar, unless sooner suspended or revoked. Before the first 17643
day after the day prescribed by the registrar in the year that 17644
the license expires, each licensed motor vehicle dealer, motor 17645
vehicle leasing dealer, distributor, and auction owner and each 17646
licensed salesperson, in the year in which the license will 17647
expire, shall file an application, in such form as the registrar 17648
prescribes, for the renewal of such license. The fee for 17649
renewing a motor vehicle dealer's license and a motor vehicle 17650
leasing dealer's license shall be fifty dollars. The fee for 17651
renewing a salesperson's license shall be ten dollars. The fee 17652
for renewing a motor vehicle auction owner's license shall be 17653
one hundred dollars for each location. The fee for renewing a 17654
distributor's license shall be one hundred dollars for each 17655
distributorship. In all cases the license renewal fee shall 17656
accompany the renewal application. 17657

Any salesperson's license shall be suspended upon the 17658
termination, suspension, or revocation of the license of the 17659
motor vehicle dealer for whom the salesperson is acting, or upon 17660
the salesperson leaving the service of the motor vehicle dealer; 17661
provided that upon the termination, suspension, or revocation of 17662

the license of the motor vehicle dealer for whom the salesperson 17663
is acting, or upon the salesperson leaving the service of a 17664
licensed motor vehicle dealer, the licensed salesperson, upon 17665
entering the service of any other licensed motor vehicle dealer, 17666
shall make application to the registrar, in such form as the 17667
registrar prescribes, to have the salesperson's license 17668
reinstated, transferred, and registered as a salesperson for the 17669
other dealer. If the information contained in the application is 17670
satisfactory to the registrar, the registrar shall have the 17671
salesperson's license reinstated, transferred, and registered as 17672
a salesperson for the other dealer. The fee for the 17673
reinstatement and transfer of license shall be two dollars. No 17674
license issued to a motor vehicle dealer, motor vehicle leasing 17675
dealer, auction owner, or salesperson, under sections 4517.01 to 17676
4517.65 of the Revised Code shall be transferable to any other 17677
person. 17678

Each motor vehicle dealer, motor vehicle leasing dealer, 17679
distributor, and auction owner shall keep the dealer's or 17680
auction owner's license or a certified copy thereof posted in a 17681
conspicuous place in each place of business. A dealer shall keep 17682
a current list of the dealer's licensed salespersons, showing 17683
the names, addresses, and serial numbers of their licenses and 17684
shall make the list available upon request. Each salesperson 17685
shall keep the salesperson's license or a certified copy thereof 17686
at the salesperson's place of business and shall provide such 17687
license or copy upon demand to any inspector of the bureau of 17688
motor vehicles, state highway patrol trooper, police officer, or 17689
person with whom the salesperson seeks to transact business as a 17690
motor vehicle salesperson. 17691

The notice of refusal to grant a license shall disclose 17692
the reason for refusal. 17693

Sec. 4517.33. The motor vehicle dealers board shall hear 17694
appeals which may be taken from an order of the registrar of 17695
motor vehicles, refusing to issue a license. All appeals from 17696
any order of the registrar refusing to issue any license upon 17697
proper application must be taken within thirty days from the 17698
date of the order, or the order is final and conclusive. All 17699
appeals from orders of the registrar must be by petition in 17700
writing and verified under oath by the applicant whose 17701
application for license has been denied, and must set forth the 17702
reason for the appeal and the reason why, in the petitioner's 17703
opinion, the order of the registrar is not correct. In such 17704
appeals the board may make investigation to determine the 17705
correctness and legality of the order of the registrar. 17706

The board may make rules governing its actions relative to 17707
the suspension and revocation of dealers', motor vehicle leasing 17708
dealers', distributors', auction owners', salespersons', and 17709
construction equipment auction licenses, and may, upon its own 17710
motion, and shall, upon the verified complaint in writing of any 17711
person, investigate the conduct of any licensee under sections 17712
4517.01 to 4517.65 of the Revised Code. The board shall suspend 17713
or revoke or notify the registrar to refuse to renew any 17714
dealer's, motor vehicle leasing dealer's, distributor's, auction 17715
owner's, salesperson's, or construction equipment auction 17716
license, if any ground existed upon which the license might have 17717
been refused, or if a ground exists that would be cause for 17718
refusal to issue a license. 17719

The board may suspend or revoke any license if the 17720
licensee has in any manner violated the rules issued pursuant to 17721
sections 4517.01 to 4517.65 of the Revised Code, or has violated 17722
section 4501.02 of the Revised Code, ~~or has been convicted of~~ 17723
~~committing a felony or violating any law that in any way relates~~ 17724

~~to the selling, taxing, licensing, or regulation of sales of
motor vehicles.~~ 17725
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~~Within ten days after receipt of an abstract from a county
court judge, mayor of a mayor's court, or clerk of a court of
record indicating a violation of division (D) of section
4513.241 of the Revised Code, the board shall determine whether
the person named in the abstract is licensed under this chapter
and, if the person is so licensed, shall further determine
whether the person previously has been convicted of or pleaded
guilty to a violation of that section. If the person previously
has been convicted of or pleaded guilty to a violation of that
section, the board, in accordance with Chapter 119. of the
Revised Code but without a prior hearing, shall suspend the
person's license for a period of not more than one hundred
eighty days.~~ 17727
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Sec. 4701.01. As used in this chapter: 17740

(A) "Practice of public accounting" means performing or 17741
offering to perform any engagement that will result in the 17742
issuance of an attest report and, with respect to a person who 17743
holds a CPA certificate, PA registration, foreign certificate, 17744
or firm registration, any other services involving the use of 17745
accounting or auditing skills as established by rules adopted by 17746
the accountancy board. 17747

(B) "Public accounting firm" means a sole proprietorship, 17748
a partnership, a limited liability company, a professional 17749
association, a corporation-for-profit, or any other business 17750
organization that is engaged in the practice of public 17751
accounting in this state. 17752

(C) "Opinion report" means any opinion on a financial 17753

statement that is expressed in accordance with generally 17754
accepted auditing standards as to the fairness of presentation 17755
of information and that is used for guidance in financial 17756
transactions, for accounting, or for assessing the status or 17757
performance of commercial and noncommercial enterprises, whether 17758
public, private, or governmental. 17759

(D) "Peer review" means a study, appraisal, or review of 17760
one or more aspects of the professional work of a public 17761
accounting firm that meets the standards and requirements set 17762
forth by the accountancy board. 17763

(E) "Review report" means either of the following: 17764

(1) Any review report on a financial statement that is 17765
issued with respect to any of the following: 17766

(a) Interim financial information in accordance with 17767
generally accepted auditing standards; 17768

(b) The financial information of a nonpublic entity in 17769
accordance with statements on standards for accounting and 17770
review services; 17771

(c) The reliability of another party's written assertion 17772
in accordance with statements on standards for attestation 17773
engagements. 17774

(2) Any other review report on a financial statement that 17775
is not described in division (E) (1) of this section and that is 17776
issued in accordance with standards promulgated by the American 17777
institute of certified public accountants. 17778

(F) "Compilation report" means any compilation report on a 17779
financial statement that is issued with respect to financial 17780
information of a nonpublic entity in accordance with statements 17781

on standards for accounting and review services as promulgated 17782
by the American institute of certified public accountants. 17783

(G) "Examination report" means any examination report on a 17784
financial statement that is issued with respect to another 17785
party's written assertion in accordance with statements on 17786
standards for attestation engagements as promulgated by the 17787
American institute of certified public accountants. 17788

(H) "Agreed-upon procedures report" means any report that 17789
is on a financial statement and that is based on agreed-upon 17790
procedures issued with respect to another party's written 17791
assertion in accordance with statements on standards for 17792
attestation engagements as promulgated by the American institute 17793
of certified public accountants. 17794

(I) "Qualified firm" means a sole proprietorship, 17795
partnership, professional association, corporation-for-profit, 17796
limited liability company, or other business organization in 17797
which the individuals who own a majority of the business 17798
organization interests in the business organization and control 17799
the business organization hold an Ohio permit or a foreign 17800
certificate. 17801

(J) "Own" means any direct or indirect ownership of an 17802
equity interest in a public accounting firm or qualified firm. 17803

(K) "Control" or "controlled" means the right to exercise 17804
the majority of the voting equity interests in a public 17805
accounting firm or qualified firm with respect to any matter. 17806

(L) "Equity interest" means any capital interest or profit 17807
interest in a sole proprietorship, partnership, professional 17808
association, corporation-for-profit, limited liability company, 17809
or other business organization. 17810

(M) "Ohio permit" means a permit to practice public accounting issued under division (A) of section 4701.10 of the Revised Code that is not revoked or suspended.

(N) "Ohio registration" means the registration under division (B) of section 4701.10 of the Revised Code of a holder of a CPA certificate or PA registration who is not in the practice of public accounting in this state.

(O) "Firm registration" or "registered firm" means registration as a public accounting firm under section 4701.04 of the Revised Code.

(P) "PA registration" means registration as a public accountant under section 4701.07 of the Revised Code that is not revoked or suspended.

(Q) "CPA certificate" means a certificate issued under section 4701.06 or 4701.061 of the Revised Code that is not revoked or suspended.

(R) "Foreign certificate" means a license, permit, certificate, or registration issued to a certified public accountant under the laws of another state that authorizes the holder to practice public accounting in that state, is valid, is in good standing, and has not expired.

(S) "Attest report" means an opinion report, review report, compilation report, examination report, agreed-upon procedures report, or any similar report prepared in accordance with standards established by the American institute of certified public accountants with respect to a financial statement or other financial information.

(T) "Person" means any individual, corporation-for-profit, business trust, estate, partnership, limited liability company,

professional association, or other business organization. 17840

(U) Technical terms that define specific public accounting 17841
engagements have the same meanings as in the professional 17842
standards promulgated by the American institute of certified 17843
public accountants. 17844

~~(V) (1) "Good moral character" means the combination of 17845
personal traits of honesty, integrity, attention to duty, 17846
forthrightness, and self restraint that enables a person to 17847
discharge the duties of the accounting profession fully and 17848
faithfully. 17849~~

~~(2) A history of dishonest acts or felonious acts or 17850
convictions is sufficient to prove lack of good moral character 17851
if that history demonstrates by a preponderance of the evidence 17852
that the person lacks one or more of the personal traits 17853
referred to in division (V) (1) of this section. A person who has 17854
a felony conviction related to one or more of those personal 17855
traits bears the burden of establishing the person's present 17856
good moral character, including the person's full and complete 17857
rehabilitation subsequent to the conviction. If less than one 17858
year has passed since the completion of the person's sentence on 17859
a felony conviction, including any period under a community 17860
control sanction or post release control, the board may delay 17861
any determination of the person's good moral character until one 17862
year has passed from the time of the completion of that 17863
sentence. 17864~~

~~(3) In determining whether a person who has a felony 17865
conviction has met the person's burden of proof described in 17866
division (V) (2) of this section, the accountancy board may 17867
consider the following factors: 17868~~

- ~~(a) The person's path toward professional licensing following completion of the person's sentence;~~ 17869
17870
- ~~(b) The nature and degree of the person's academic achievements;~~ 17871
17872
- ~~(c) The nature and degree of the person's employment following completion of the person's sentence;~~ 17873
17874
- ~~(d) The person's degree of self-sufficiency following completion of the person's sentence;~~ 17875
17876
- ~~(e) The nature and degree of the person's other responsibilities following completion of the person's sentence;~~ 17877
17878
- ~~(f) The person's conviction for any other criminal offense since completion of the person's sentence for the person's first felony conviction;~~ 17879
17880
17881
- ~~(g) Whether the person's application or presentation contains any inconsistencies or misleading explanations that convince the board that either the person or the person's attorney is trying to keep the board from acquiring a true, though damaging, representation of the person's character;~~ 17882
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17886
- ~~(h) The nature and circumstances of the dishonest acts or felonious acts or convictions of the person;~~ 17887
17888
- ~~(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.~~ 17889
17890
17891
17892
- Sec. 4701.06.** The accountancy board shall grant the 17893
certificate of "certified public accountant" to any person who 17894
satisfies the following requirements: 17895

(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, as defined by board rule.

(2) (a) The experience requirement for candidates meeting the educational requirements set forth in division ~~(D)~~(C) (1) (a) or (b) of this section is one year of experience satisfactory to the board in any of the following:

(i) A public accounting firm;

(ii) Government;	17925
(iii) Business;	17926
(iv) Academia.	17927
(b) Except as provided in division (D) (C)(2)(c) of this section, the experience requirement for any candidate who, on and after January 1, 2000, does not meet the educational requirement set forth in division (D) (C)(1)(b) of this section is four years of experience described in division (D) (C)(2)(a) of this section. The experience requirement for any candidate who, prior to January 1, 2000, does not meet the educational requirement set forth in division (D) (C)(1)(a) of this section is two years of experience described in division (D) (C)(2)(a) of this section.	17928 17929 17930 17931 17932 17933 17934 17935 17936 17937
(c) On and after January 1, 2000, the experience requirement for any candidate who, subsequent to obtaining a baccalaureate or higher degree, other than a baccalaureate or higher degree described in division (D) (C)(1)(b) of this section, successfully completes coursework that meets the educational requirement set forth in division (D) (C)(1)(b) of this section is two years of experience described in division (D) (C)(2)(a) of this section.	17938 17939 17940 17941 17942 17943 17944 17945
(E) (D) The person has passed an examination that is administered in the manner and that covers the subjects that the board prescribes by rule. In adopting the relevant rules, the board shall ensure to the extent possible that the examination, the examination process, and the examination's passing standard are uniform with the examinations, examination processes, and examination passing standards of all other states and may provide for the use of all or parts of the uniform certified	17946 17947 17948 17949 17950 17951 17952 17953

public accountant examination and advisory grading service of 17954
the American institute of certified public accountants. The 17955
board may contract with third parties to perform administrative 17956
services that relate to the examination and that the board 17957
determines are appropriate in order to assist the board in 17958
performing its duties in relation to the examination. 17959

None of the educational requirements specified in division 17960
~~(D)~~(C) of this section apply to a candidate who has a PA 17961
registration, but the experience requirement for the candidate 17962
who does not meet those educational requirements is four years 17963
of the experience described in division ~~(D)~~(C) (2) (a) of this 17964
section. 17965

~~Prior to January 1, 2000, the board shall waive the 17966
educational requirement set forth in division (D) (1) (a) of this 17967
section for any candidate if it finds that the candidate has 17968
attained the equivalent education by attendance at a business 17969
school, by self study, or otherwise, and if it is satisfied from 17970
the results of special examinations that the board gives the 17971
candidate to test the candidate's educational qualifications 17972
that the candidate is as well equipped, educationally, as if the 17973
candidate met the applicable educational requirement specified 17974
in division (D) (1) (a) of this section. 17975~~

~~On and after January 1, 2000, the~~The board shall waive the 17976
educational requirement set forth in division ~~(D)~~(C) (1) (b) of 17977
this section for any candidate if the board finds that the 17978
candidate has obtained from an accredited college or university 17979
approved by the board, either an associate degree or a 17980
baccalaureate degree, other than a baccalaureate degree 17981
described in division ~~(D)~~(C) (1) (b) of this section, with a 17982
concentration in accounting that includes related courses in 17983

other areas of business administration, and if the board is 17984
satisfied from the results of special examinations that the 17985
board gives the candidate to test the candidate's educational 17986
qualification that the candidate is as well equipped, 17987
educationally, as if the candidate met the applicable 17988
educational requirement specified in division ~~(D)~~(C) (1) (b) of 17989
this section. 17990

The board shall provide by rule for the general scope of 17991
any special examinations for a waiver of the educational 17992
requirements under division ~~(D)~~(C) (1) (a) or (b) of this section 17993
and may obtain any advice and assistance that it considers 17994
appropriate to assist it in preparing and grading those special 17995
examinations. The board may use any existing examinations or may 17996
prepare any number of new examinations to assist in determining 17997
the equivalent training of a candidate. The board by rule shall 17998
prescribe any special examinations for a waiver of the 17999
educational requirements under division ~~(D)~~(C) (1) (a) or (b) of 18000
this section and the passing score required for each 18001
examination. 18002

The board shall hold the examination referred to in 18003
division ~~(E)~~(D) of this section and the special examinations 18004
for a waiver of the educational requirements under division ~~(D)~~ 18005
(C) (1) (a) or (b) of this section as often as the board 18006
determines to be desirable, but the examination referred to in 18007
division ~~(E)~~(D) of this section shall be held not less 18008
frequently than once each year. The board by rule may provide 18009
for granting credit to a candidate for satisfactory completion 18010
of an examination that a licensing authority of another state 18011
gave in one or more of the subjects referred to in division ~~(E)~~ 18012
(D) of this section. 18013

A candidate who has met the educational requirements, or
with respect to whom they either do not apply or have been
waived, is eligible to take the examination referred to in
division ~~(E)~~ (D) of this section without waiting until the
candidate meets the experience requirements, provided the
candidate also meets the ~~requirements~~ requirement of ~~divisions~~
division (A) and ~~(C)~~ of this section.

A candidate for the certificate of certified public
accountant who has successfully completed the examination under
division ~~(E)~~ (D) of this section has no status as a certified
public accountant, unless and until the candidate has the
requisite experience and has received a certificate as a
certified public accountant. The board shall determine and
charge a fee for issuing the certificate that is adequate to
cover the expense.

The board by rule may prescribe the terms and conditions
under which a candidate who passes part but not all of the
examination may retake the examination. It also may provide by
rule for a reasonable waiting period for a candidate's
reexamination.

The applicable educational and experience requirements
under division ~~(D)~~ (C) of this section shall be those in effect
on the date on which the candidate first sits for the
examination.

The board shall charge a candidate a reasonable fee, to be
determined by the board, that is adequate to cover all rentals,
compensation for proctors, and other administrative expenses of
the board related to examination or reexamination, including the
expenses of procuring and grading the examination provided for
in division ~~(E)~~ (D) of this section and for any special

examinations for a waiver of the educational requirements under 18044
division ~~(D)~~ (C) (1) (a) or (b) of this section. Fees for 18045
reexamination under division ~~(E)~~ (D) of this section shall be 18046
charged by the board in amounts determined by it. The applicable 18047
fees shall be paid by the candidate at the time the candidate 18048
applies for examination or reexamination. 18049

Any person who has received from the board a certificate 18050
as a certified public accountant and who holds an Ohio permit 18051
shall be styled and known as a "certified public accountant" and 18052
also may use the abbreviation "CPA." The board shall maintain a 18053
list of certified public accountants. Any certified public 18054
accountant also may be known as a "public accountant." 18055

Persons who, on the effective date of an amendment of this 18056
section, held certified public accountant certificates 18057
previously issued under the laws of this state shall not be 18058
required to obtain additional certificates under this section 18059
but shall otherwise be subject to all provisions of this 18060
section, and those previously issued certificates, for all 18061
purposes, shall be considered certificates issued under this 18062
section and subject to its provisions. 18063

The board may waive the examination under division ~~(E)~~ (D) 18064
of this section and, upon payment of a fee determined by it, may 18065
issue a certificate as a "certified public accountant" to any 18066
person who possesses the qualifications specified in divisions 18067
(A), and (B), ~~and~~ ~~(C)~~ of this section and what the board 18068
determines to be substantially the equivalent of the applicable 18069
qualifications under division ~~(D)~~ (C) of this section and who is 18070
the holder of a certificate as a certified public accountant, 18071
then in full force and effect, issued under the laws of any 18072
state, or is the holder of a certificate, license, or degree in 18073

a foreign country that constitutes a recognized qualification 18074
for the practice of public accounting in that country, that is 18075
comparable to that of a certified public accountant of this 18076
state, and that is then in full force and effect. 18077

Sec. 4701.07. The accountancy board shall register as a 18078
public accountant any person who meets all the following 18079
requirements: 18080

(A) The person is a resident of this state or has a place 18081
of business in this state. 18082

(B) The person has attained the age of eighteen years. 18083

(C) ~~The person is of good moral character.~~ 18084

~~(D)~~The person holds a baccalaureate or higher degree 18085
conferred by a college or university recognized by the board, 18086
with a concentration in accounting, or with what the board 18087
determines to be substantially the equivalent of the foregoing; 18088
or with a nonaccounting concentration supplemented by what the 18089
board determines to be substantially the equivalent of an 18090
accounting concentration, including related courses in other 18091
areas of business administration. 18092

The board may waive the educational requirement for any 18093
candidate if it finds that the candidate has attained the 18094
equivalent education by attendance at a business school or two- 18095
year college, by self-study, or otherwise, and if it is 18096
satisfied from the result of a special written examination that 18097
the board gives the candidate to test the candidate's 18098
educational qualifications that the candidate is as well 18099
equipped, educationally, as if the candidate met the applicable 18100
educational requirement specified in this division. The board 18101
may provide by rule for the general scope of these examinations 18102

and may obtain any advice and assistance that it considers 18103
appropriate to assist it in preparing and grading the special 18104
examinations. The board may use any existing examinations or may 18105
prepare any number of new examinations to assist it in 18106
determining the equivalent training of a candidate. The board by 18107
rule may prescribe the special examinations and the passing 18108
score required for each examination. 18109

~~(E)~~ (D) The person has completed two years of public 18110
accounting experience, satisfactory to the board, in any state 18111
in practice as a public accountant or in any state in employment 18112
as a staff accountant by anyone practicing public accounting, or 18113
other experience in private or governmental accounting that, in 18114
the opinion of the board, will be the equivalent of that public 18115
accounting practice, or any combination of those types of 18116
experience, except that the experience requirement is only one 18117
year of the experience described in this division for any 18118
candidate holding a master's degree in accounting or business 18119
administration from a college or university recognized by the 18120
board, if the candidate has satisfactorily completed the number 18121
of credit hours in accounting, business administration, 18122
economics, and any related subjects that the board determines to 18123
be appropriate and if either of the following applies: 18124

(1) The person has passed the uniform national society of 18125
public accountants examination or a comparable examination 18126
approved by the public accountant members of the accountancy 18127
board. 18128

(2) The person has passed the accounting practice and 18129
auditing sections of the uniform CPA examination. 18130

The examination described in division ~~(E)~~ (D) (1) of this 18131
section shall be held by the board and shall take place as often 18132

as the board determines but shall not be held less frequently 18133
than once each year. The board shall charge a candidate an 18134
application fee, to be determined by the board, that is adequate 18135
to cover all rentals, compensation for proctors, and other 18136
expenses of the board related to examination or reexamination 18137
except the expenses of procuring and grading the examination. In 18138
addition, the board shall charge the candidate an examination 18139
fee to be determined by the board, that is adequate to cover the 18140
expense of procuring and grading the examination. Fees for 18141
reexamination under division ~~(E)~~(D) of this section also shall 18142
be charged by the board in amounts determined by it to be 18143
adequate to cover the expenses of procuring and grading the 18144
examinations. The applicable fees shall be paid by the candidate 18145
at the time the candidate applies for examination or 18146
reexamination. 18147

~~(F)~~(E) The person applied, on or before April 16, 1993, 18148
for registration as a public accountant. 18149

The board shall determine and charge a fee for 18150
registration under this section that is adequate to cover the 18151
expense. 18152

The board in each case shall determine whether the 18153
applicant is eligible for registration. Any individual who is so 18154
registered and who holds an Ohio permit shall be styled and 18155
known as a "public accountant" and may use the abbreviation 18156
"PA." 18157

A person who, on the effective date of an amendment of 18158
this section, holds a valid registration as a public accountant 18159
issued under the laws of this state shall not be required to 18160
obtain additional registration under this section but shall 18161
otherwise be subject to all provisions of this section. That 18162

registration, for all purposes, shall be considered a 18163
registration issued under this section and subject to its 18164
provisions. 18165

Sec. 4701.09. The accountancy board may, in its 18166
discretion, upon the payment of a fee not to exceed seventy-five 18167
dollars, permit the registration of any person ~~of good moral~~ 18168
~~character~~ who is the holder of a certificate, license, or degree 18169
in a foreign country constituting a recognized qualification for 18170
the practice of public accounting in such country. A person so 18171
registered shall use only the title under which ~~he~~ the person is 18172
generally known in ~~his~~ the person's own country, followed by the 18173
name of the country from which ~~he~~ the person received ~~his~~ the 18174
person's certificate, license, or degree. 18175

Sec. 4701.16. (A) After notice and hearing as provided in 18176
Chapter 119. of the Revised Code, the accountancy board may 18177
discipline as described in division (B) of this section a person 18178
holding an Ohio permit, an Ohio registration, a firm 18179
registration, a CPA certificate, or a PA registration or any 18180
other person whose activities are regulated by the board for any 18181
one or any combination of the following causes: 18182

(1) Fraud or deceit in obtaining a firm registration or in 18183
obtaining a CPA certificate, a PA registration, an Ohio permit, 18184
or an Ohio registration; 18185

(2) Dishonesty, fraud, or gross negligence in the practice 18186
of public accounting; 18187

(3) Violation of any of the provisions of section 4701.14 18188
of the Revised Code; 18189

(4) Violation of a rule of professional conduct 18190
promulgated by the board under the authority granted by this 18191

chapter;	18192
(5) Conviction of a felony under the laws of any state or	18193
of the United States;	18194
(6) Conviction of any crime, an element of which is	18195
dishonesty or fraud, under the laws of any state or of the	18196
United States <u>disqualifying offense, as specified under section</u>	18197
<u>9.79 of the Revised Code;</u>	18198
(7) <u>(6)</u> Cancellation, revocation, suspension, or refusal	18199
to renew authority to practice as a certified public accountant,	18200
a public accountant, or a public accounting firm by any other	18201
state, for any cause other than failure to pay registration fees	18202
in that other state;	18203
(8) <u>(7)</u> Suspension or revocation of the right to practice	18204
before any state or federal agency;	18205
(9) <u>(8)</u> Failure of a holder of a CPA certificate or PA	18206
registration to obtain an Ohio permit or an Ohio registration,	18207
or the failure of a public accounting firm to obtain a firm	18208
registration;	18209
(10) <u>(9)</u> Conduct discreditable to the public accounting	18210
profession or to the holder of an Ohio permit, Ohio	18211
registration, or foreign certificate;	18212
(11) <u>(10)</u> Failure of a public accounting firm to comply	18213
with section 4701.04 of the Revised Code.	18214
(B) For any of the reasons specified in division (A) of	18215
this section, the board may do any of the following:	18216
(1) Revoke, suspend, or refuse to renew any CPA	18217
certificate or PA registration or any Ohio permit, Ohio	18218
registration, or firm registration;	18219

- (2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm; 18220
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- (3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration; 18223
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18225
- (4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense. 18226
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- (5) In the case of violations of division (A) (2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code; 18231
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- (6) In the case of violations of division (A) (2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards; 18235
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- (7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate. 18243
18244
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18246
- (C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for 18247
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a violation of division (A) (2) or (4) of this section, it may 18249
waive all or any portion of the fine or suspension if the holder 18250
of the CPA certificate, PA registration, or firm registration 18251
complies fully with division (B) (5) or (6) of this section. 18252

Sec. 4701.17. Upon application in writing and after 18253
hearing pursuant to notice, the accountancy board may reissue or 18254
reinstate a certificate to a certified public accountant whose 18255
certificate has been revoked or suspended or reregister anyone 18256
whose registration has been revoked or suspended. 18257

The board may require a reasonable waiting period, 18258
commensurate with the offense, before a certificate holder or 18259
registrant whose certificate or registration has been revoked or 18260
suspended may apply to have the certificate or registration 18261
reissued or reinstated. The board may require compliance with 18262
any or all requirements of section 4701.06 of the Revised Code, 18263
including the taking of any examination described in division 18264
~~(E)~~ (D) of that section as a prerequisite for recertification. 18265
The board may require compliance with any or all of the 18266
requirements of section 4701.07 of the Revised Code, including 18267
the taking of any examination described in division ~~(E)~~ (D) of 18268
that section as a prerequisite for reregistration. 18269

Sec. 4703.07. Unless certified and registered pursuant to 18270
rules adopted under section 4703.08 of the Revised Code, an 18271
applicant for a certificate of qualification to practice 18272
architecture shall: 18273

(A) Be at least eighteen years of age; 18274

(B) ~~Be of good moral character;~~ 18275

~~(C)~~ Submit satisfactory evidence of having obtained a 18276
professional degree in architecture from a school having a 18277

program accredited by the national accrediting board recognized 18278
by the architects board or other equivalent architectural 18279
education as is recognized by the architects board; 18280

~~(D)~~ (C) Complete the requirements for training under an 18281
internship program established or adopted by the architects 18282
board, including, but not limited to, design and construction 18283
documents, construction administration and office management, or 18284
equivalent experience acceptable to the board; 18285

~~(E)~~ (D) Pass an examination as prescribed by the board. 18286

Sec. 4703.10. If the applicant passes the examination 18287
under section 4703.09 of the Revised Code or in lieu of the 18288
examination is, in the opinion of the architects board, eligible 18289
to register as an architect pursuant to rules adopted under 18290
section 4703.08 of the Revised Code, ~~and in addition has proven~~ 18291
~~self to be of good moral character,~~ the applicant is eligible to 18292
receive from the board a certificate of qualification to 18293
practice architecture. The certificate shall be signed by the 18294
president and secretary of the board and shall bear the name of 18295
the successful applicant, the serial number of the certificate, 18296
the seal of the board, and the words, "admitted to practice 18297
architecture in the state of Ohio, the day 18298
of," 18299

If the applicant fails the examination under section 18300
4703.09 of the Revised Code, the board may refuse to issue a 18301
certificate of qualification to practice architecture. 18302

Sec. 4703.15. (A) The architects board may by three 18303
concurring votes deny renewal of, revoke, or suspend any 18304
certificate of qualification to practice architecture, issued or 18305
renewed under sections 4703.10, 4703.13, and 4703.14 of the 18306

Revised Code, or any certificate of authorization, issued or 18307
renewed under sections 4703.13 and 4703.18 of the Revised Code, 18308
if proof satisfactory to the board is presented in any of the 18309
following cases: 18310

(1) In case it is shown that the certificate was obtained 18311
by fraud; 18312

(2) In case the holder of the certificate has been found 18313
guilty by the board or by a court of justice of any fraud or 18314
deceit in the holder's professional practice, or has been 18315
convicted of a ~~felony~~ disqualifying offense, as specified under 18316
section 9.79 of the Revised Code, by a court of justice; 18317

(3) In case the holder has been found guilty by the board 18318
of gross negligence, incompetency, or misconduct in the 18319
performance of the holder's services as an architect or in the 18320
practice of architecture; 18321

(4) In case the holder of the certificate has been found 18322
guilty by the board of signing plans for the construction of a 18323
building as a "registered architect" where the holder is not the 18324
actual architect of such building and where the holder is 18325
without prior written consent of the architect originating the 18326
design or other documents used in the plans; 18327

(5) In case the holder of the certificate has been found 18328
guilty by the board of aiding and abetting another person or 18329
persons not properly registered as required by sections 4703.01 18330
to 4703.19 of the Revised Code, in the performance of activities 18331
that in any manner or extent constitute the practice of 18332
architecture. 18333

(B) In addition to disciplinary action the board may take 18334
against a certificate holder under division (A) of this section 18335

or section 4703.151 of the Revised Code, the board may impose a fine against a certificate holder who obtained a certificate by fraud or who is found guilty of any act specified in divisions (A) (2) to (A) (5) of this section or who violates any rule governing the standards of service, conduct, and practice adopted pursuant to section 4703.02 of the Revised Code. The fine imposed shall be not more than one thousand dollars for each offense but shall not exceed five thousand dollars regardless of the number of offenses the certificate holder has committed between the time the fine is imposed and the time any previous fine was imposed.

(C) If a person fails to request a hearing within thirty days after the date the board, in accordance with section 119.07 of the Revised Code, notifies the person of the board's intent to act against the person under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against a person without holding an adjudication hearing.

Sec. 4703.34. (A) Any individual desiring to be registered as a landscape architect may apply in writing to the Ohio landscape architects board in the manner prescribed by the board.

(B) Except as provided in section 4703.35 of the Revised Code, each application shall include, or be accompanied by, evidence given under oath or affirmation and satisfactory to the board that the applicant possesses the qualifications prescribed by division (C) of this section and also possesses, or is in the process of obtaining, one of the qualifications required by division (D) of this section. Each applicant shall include in the application a request for examination. The board shall

permit an applicant who is in the process of completing the 18366
requirement specified in division (D) of this section to take an 18367
examination, but the board shall not register such an applicant 18368
until the applicant completes the requirement. 18369

(C) Except as provided in section 4703.35 of the Revised 18370
Code, each applicant for registration as a landscape architect 18371
shall pass, to the satisfaction of the board, an examination 18372
conducted under the authority of the board to determine the 18373
fitness of the applicant for registration. The applicant shall 18374
be at least eighteen years of age ~~and of good moral character~~ 18375
and shall have obtained a professional degree in landscape 18376
architecture from a program accredited by the national landscape 18377
architect accrediting board. 18378

(D) In addition to the qualifications required by division 18379
(C) of this section, the applicant shall meet either of the 18380
following requirements: 18381

(1) Has completed three years of practical experience in 18382
the office of and under the direct supervision of a registered 18383
landscape architect who is actively involved in the practice of 18384
landscape architecture, or equivalent experience, as determined 18385
by the board, provided that at least one year of the practical 18386
experience or its equivalent as required by division (D) (1) of 18387
this section shall have been completed by the applicant 18388
subsequent to the completion of the educational requirements 18389
established by division (C) of this section; 18390

(2) Has completed the requirements for training under an 18391
internship program established pursuant to rules adopted by the 18392
board that includes, but is not limited to, training in design 18393
and construction documents and construction administration and 18394
office management, or has equivalent experience that is 18395

acceptable to the board. 18396

Sec. 4705.02. The supreme court, court of appeals, or 18397
court of common pleas may suspend or remove an attorney at law 18398
from office or may give private or public reprimand to ~~him~~ the 18399
attorney as the nature of the offense may warrant, for 18400
misconduct or unprofessional conduct in office ~~involving moral-~~ 18401
~~turpitude,~~ or for conviction of a ~~crime involving moral-~~ 18402
~~turpitude~~ disqualifying offense, as specified under section 9.79 18403
of the Revised Code. Such suspension or removal shall operate as 18404
a suspension or removal in all the courts of the state. The 18405
clerk of court upon such suspension or removal shall send a copy 18406
thereof to the supreme court, the court of appeals, and to the 18407
federal court of the district in which said attorney resided at 18408
the time of trial for such action as is warranted. Judges of 18409
such state courts are required to cause proceedings to be 18410
instituted against an attorney, when it comes to the knowledge 18411
of any judge or when brought to ~~his~~ a judge's knowledge by the 18412
bar association of the county in which such attorney practices 18413
that ~~he~~ the attorney may be guilty of any of the causes for 18414
suspension, removal, or reprimand. 18415

Sec. 4707.02. (A) No person shall act as an auction firm, 18416
auctioneer, apprentice auctioneer, or special auctioneer within 18417
this state without a license issued by the department of 18418
agriculture. No auction shall be conducted in this state except 18419
by an auctioneer licensed by the department. 18420

The department shall not issue or renew a license if the 18421
applicant or licensee has been convicted of a ~~felony or crime-~~ 18422
~~involving fraud or theft in this or another state~~ disqualifying 18423
offense, as specified under section 9.79 of the Revised Code, at 18424
any time during the ten years immediately preceding application 18425

or renewal. 18426

(B) Division (A) of this section does not apply to any of 18427
the following: 18428

(1) Sales at auction that either are required by law to be 18429
at auction, other than sales pursuant to a judicial order or 18430
decree, or are conducted by or under the direction of a public 18431
authority; 18432

(2) The owner of any real or personal property desiring to 18433
sell the property at auction, provided that the property was not 18434
acquired for the purpose of resale; 18435

(3) An auction mediation company; 18436

(4) An auction that is conducted in a course of study for 18437
auctioneers that is approved by the state auctioneers commission 18438
created under section 4707.03 of the Revised Code for purposes 18439
of student training and is supervised by a licensed auctioneer; 18440

(5) (a) An auction that is sponsored by a nonprofit or 18441
charitable organization that is registered in this state under 18442
Chapter 1702. or Chapter 1716. of the Revised Code, 18443
respectively, if the auction only involves the property of the 18444
members of the organization and the auction is part of a fair 18445
that is organized by an agricultural society under Chapter 1711. 18446
of the Revised Code or by the Ohio expositions commission under 18447
Chapter 991. of the Revised Code at which an auctioneer who is 18448
licensed under this chapter physically conducts the auction; 18449

(b) Sales at an auction sponsored by a charitable, 18450
religious, or civic organization that is tax exempt under 18451
subsection 501(c) (3) of the Internal Revenue Code, or by a 18452
public school, chartered nonpublic school, or community school, 18453
if no person in the business of organizing, arranging, or 18454

conducting an auction for compensation and no consignor of 18455
consigned items sold at the auction, except such organization or 18456
school, receives compensation from the proceeds of the auction. 18457
As used in division (B) (5) (b) of this section, "compensation" 18458
means money, a thing of value other than participation in a 18459
charitable event, or a financial benefit. 18460

(c) Sales at an auction sponsored by an organization that 18461
is tax exempt under subsection 501(c) (6) of the Internal Revenue 18462
Code and that is a part of a national, regional, or state 18463
convention or conference that advances or promotes the auction 18464
profession in this state when the property to be sold is donated 18465
to or is the property of the organization and the proceeds 18466
remain within the organization or are donated to a charitable 18467
organization that is tax exempt under subsection 501(c) (3) of 18468
the Internal Revenue Code. 18469

(6) A person licensed as a livestock dealer under Chapter 18470
943. of the Revised Code who exclusively sells livestock and 18471
uses an auctioneer who is licensed under this chapter to conduct 18472
the auction; 18473

(7) A person licensed as a motor vehicle auction owner 18474
under Chapter 4517. of the Revised Code who exclusively sells 18475
motor vehicles to a person licensed under Chapter 4517. of the 18476
Revised Code and who uses an auctioneer who is licensed under 18477
this chapter to conduct the auction; 18478

(8) Sales of real or personal property conducted by means 18479
of the internet, provided that they are not conducted in 18480
conjunction with a live auction; 18481

(9) A bid calling contest that is approved by the 18482
commission and that is conducted for the purposes of the 18483

advancement or promotion of the auction profession in this 18484
state; 18485

(10) An auction at which the champion of a national or 18486
international bid calling contest appears, provided that both of 18487
the following apply: 18488

(a) The champion is not paid a commission. 18489

(b) The auction is conducted under the direct supervision 18490
of an auctioneer licensed under this chapter in order to ensure 18491
that the champion complies with this chapter and rules adopted 18492
under it. 18493

(C) (1) No person shall advertise or hold oneself out as an 18494
auction firm, auctioneer, apprentice auctioneer, or special 18495
auctioneer without a license issued by the department of 18496
agriculture. 18497

(2) Division (C) (1) of this section does not apply to an 18498
individual who is the subject of an advertisement regarding an 18499
auction conducted under division (B) (5) (b) of this section. 18500

Sec. 4707.07. (A) The department of agriculture may grant 18501
~~auctioneers'~~ auctioneer's licenses to those individuals who are 18502
determined to be qualified by the department. Each individual 18503
who applies for an auctioneer's license shall furnish to the 18504
department, on forms provided by the department, satisfactory 18505
proof that the applicant: 18506

(1) ~~Has a good reputation;~~ 18507

~~(2)~~ Is of trustworthy character; 18508

~~(3)~~ (2) Has attained the age of at least eighteen years; 18509

~~(4)~~ (3) Has done one of the following: 18510

- (a) Met the apprenticeship requirements set forth in section 4707.09 of the Revised Code; 18511
18512
- (b) Met the requirements of section 4707.12 of the Revised Code. 18513
18514
- ~~(5)~~ (4) Has a general knowledge of the following: 18515
- (a) The requirements of the Revised Code relative to auctioneers; 18516
18517
- (b) The auction profession; 18518
- (c) The principles involved in conducting an auction; 18519
- (d) Any local and federal laws regarding the profession of auctioneering. 18520
18521
- ~~(6)~~ (5) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable. 18522
18523
18524
- (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. 18525
18526
18527
18528
- (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. 18529
18530
18531
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 18532
18533
18534
18535
18536
18537
18538

third name. 18539

(D) The department, in its discretion, may waive the 18540
schooling and apprenticeship requirements for a resident of this 18541
state, provided that the resident holds a valid ~~auctioneer~~ 18542
auctioneer's license that was issued by a state with which the 18543
department has entered into a reciprocal licensing agreement and 18544
the resident is in good standing with that state. The applicant 18545
shall provide proof that is satisfactory to the department that 18546
the applicant has had two years of experience as an auctioneer 18547
immediately preceding the date of application that includes at a 18548
minimum twelve auctions in which the applicant was a bid caller 18549
in the reciprocal state. 18550

Sec. 4707.072. The department of agriculture may grant 18551
one-auction licenses to any nonresident individual who is 18552
determined to be qualified by the department. Any individual who 18553
applies for a one-auction license shall attest, on forms 18554
provided by the department, and furnish to the department, 18555
satisfactory proof that the license applicant meets the 18556
following requirements: 18557

(A) ~~Has a good reputation;~~ 18558

~~(B)~~ Is of trustworthy character; 18559

~~(C)~~ (B) Has attained the age of at least eighteen years; 18560

~~(D)~~ (C) Has a general knowledge of the requirements of the 18561
Revised Code relative to auctioneers, the auction profession, 18562
and the principles involved in conducting an auction; 18563

~~(E)~~ (D) Has two years of professional auctioneering 18564
experience immediately preceding the date of application that 18565
includes the personal conduct by the applicant of at least 18566
twelve auction sales in any state, or has met the requirements 18567

of section 4707.12 of the Revised Code; 18568

~~(F)~~ (E) Has paid a fee of five hundred dollars; 18569

~~(G)~~ (F) Has not applied for or previously obtained a 18570
license under this section; 18571

~~(H)~~ (G) Has provided proof of financial responsibility in 18572
the form of either an irrevocable letter of credit or a cash 18573
bond or a surety bond in the amount of fifty thousand dollars. 18574
If the applicant gives a surety bond, the bond shall be executed 18575
by a surety company authorized to do business in this state. A 18576
bond shall be made to the department and shall be conditioned 18577
that the applicant shall comply with this chapter and rules 18578
adopted under it, including refraining from conduct described in 18579
section 4707.15 of the Revised Code. All bonds shall be on a 18580
form approved by the director of agriculture. 18581

Sec. 4707.074. (A) A person who is not otherwise licensed 18582
under this chapter and who only provides auction services or 18583
holds the person's self out as providing auction services shall 18584
do so only with a valid auction firm license issued under this 18585
section. This section does not apply to either of the following: 18586

(1) A person licensed as a motor vehicle auction owner 18587
under Chapter 4517. of the Revised Code who exclusively sells 18588
motor vehicles to a person licensed under Chapter 4517. of the 18589
Revised Code and who uses an auctioneer who is licensed under 18590
this chapter to conduct the auction; 18591

(2) A person licensed as a livestock dealer under Chapter 18592
943. of the Revised Code who exclusively sells livestock and 18593
uses an auctioneer who is licensed under this chapter to conduct 18594
the auction. 18595

(B) The department of agriculture may grant an auction 18596

firm license to an auction firm that is determined to be 18597
qualified by the department. Every applicant for an auction firm 18598
license shall furnish to the department, on forms provided by 18599
the department, satisfactory proof that the applicant: 18600

(1) Is in good standing with the secretary of state if the 18601
applicant is a corporation; 18602

~~(2) Is of trustworthy character;~~ 18603

~~(3)~~ Is registered with the secretary of state or a local 18604
authority, as applicable, to do business in this state; 18605

~~(4)~~ (3) Has complied with any other requirement that the 18606
director establishes in rules adopted under section 4707.19 of 18607
the Revised Code; 18608

~~(5)~~ (4) Has a general knowledge of the requirements of the 18609
Revised Code and the general principles regarding auctions, 18610
auctioneering, and auction management; 18611

~~(6)~~ (5) Has provided proof of financial responsibility in 18612
the amount of fifty thousand dollars in the form of a surety 18613
bond, an irrevocable letter of credit, or cashbond; 18614

~~(7)~~ (6) Employs a firm manager as required under division 18615
(D) of this section. 18616

(C) An application submitted under this section for an 18617
auction firm license shall list the names of all of the owners, 18618
directors, partners, or members of the applicant, as applicable. 18619

(D) An auction firm shall designate a firm manager. The 18620
firm manager shall have sufficient authority in the operation of 18621
the auction firm to ensure compliance with this chapter and 18622
rules adopted under it. If the firm manager does not have a 18623
current license issued under section 4707.07 of the Revised 18624

Code, the firm manager shall pass the written examination held 18625
under section 4707.08 of the Revised Code before the department 18626
may issue a license under this section to the auction firm. 18627

(E) (1) An auction firm license issued under this section 18628
immediately shall terminate if any of the following occurs: 18629

(a) The auction firm incorporates. 18630

(b) The auction firm ceases to operate as a corporation. 18631

(c) The auction firm changes ownership. 18632

(d) If the auction firm is a partnership, the firm changes 18633
the number of partners in the partnership or changes the 18634
partners comprising the partnership. 18635

(e) The auction firm changes the firm manager. 18636

(f) The auction firm changes the name under which the firm 18637
conducts business. 18638

(g) The auction firm changes its permanent business 18639
location. 18640

If a license terminates under this division, the licensee 18641
immediately shall cease auction services, notify the department 18642
of the termination, and return the terminated license to the 18643
department. 18644

(2) Not later than ten days prior to the date on which an 18645
auction firm license will terminate pursuant to division (E) (1) 18646
(a), (b), (c), or (d) of this section, the auction firm may 18647
submit an application for a new auction firm license in 18648
accordance with division (B) of this section. If the auction 18649
firm submits the application, returns the terminated license, 18650
and pays a fee in the amount of one hundred dollars, the 18651

department may issue a new license under this section. 18652

(3) If a license terminates pursuant to division (E) (1) 18653
(e), (f), or (g) of this section and the formerly licensed 18654
auction firm notifies the department, returns the terminated 18655
license, and pays a fee in the amount of ten dollars, the 18656
department shall issue a new license under this division. 18657

(F) For purposes of the financial responsibility that is 18658
required under division (B) of this section, if a person 18659
provides a surety bond, the bond shall be executed by a surety 18660
company that is authorized to do business in this state. The 18661
bond shall be made payable to the department and shall include a 18662
condition that requires the applicant to comply with this 18663
chapter and rules adopted under it, including a requirement that 18664
the person refrain from conduct described in section 4707.15 of 18665
the Revised Code. A bond shall be on a form that is approved by 18666
the director. A person who is issued a license under this 18667
section shall maintain the financial responsibility that is 18668
required under division (B) of this section for as long as the 18669
person is licensed. 18670

(G) An auction firm licensed under this section shall not 18671
conduct the bid calling for the sale of real or personal 18672
property at auction. 18673

Sec. 4707.09. The department of agriculture may grant 18674
apprentice auctioneers' licenses to those persons that are 18675
determined to be qualified by the department. Every applicant 18676
for an apprentice auctioneer's license shall pass an examination 18677
relating to the skills, knowledge, and statutes and rules 18678
governing auctioneers. Every applicant for an apprentice 18679
auctioneer's license shall furnish to the department, on forms 18680
provided by the department, satisfactory proof that the 18681

applicant: 18682

(A) ~~Has a good reputation;~~ 18683

~~(B)~~ Is of trustworthy character; 18684

~~(C)~~ (B) Has attained the age of at least eighteen years; 18685

~~(D)~~ (C) Has obtained a written promise of a licensed 18686
auctioneer to sponsor the applicant during the applicant's 18687
apprenticeship; 18688

~~(E)~~ (D) Has satisfied the financial responsibility 18689
requirements established under section 4707.11 of the Revised 18690
Code if applicable; 18691

~~(F)~~ (E) Has successfully completed a course of study in 18692
auctioneering at an institution that is approved by the state 18693
auctioneers commission. 18694

Before an apprentice may take the auctioneer's license 18695
examination, the apprentice shall serve an apprenticeship of at 18696
least twelve months and participate as a bid caller in at least 18697
twelve auction sales under the direct supervision of the 18698
sponsoring licensed auctioneer, which auctions shall be 18699
certified by the licensed auctioneer on the apprentice's 18700
application for an auctioneer's license. No apprentice 18701
auctioneer shall be under the sponsorship of more than one 18702
licensed auctioneer at one time. 18703

If an auctioneer intends to terminate sponsorship of an 18704
apprentice auctioneer, the sponsoring auctioneer shall notify 18705
the apprentice auctioneer of the sponsoring auctioneer's 18706
intention by certified mail, return receipt requested, at least 18707
ten days prior to the effective date of termination and, at the 18708
same time, shall deliver or mail by certified mail to the 18709

department a copy of the termination notice and the license of 18710
the apprentice auctioneer. No apprentice auctioneer shall 18711
perform any acts under authority of the apprentice's license 18712
after the effective date of the termination until the apprentice 18713
receives a new license. No more than one license shall be issued 18714
to any apprentice auctioneer for the same period of time. 18715

No licensed auctioneer shall have under the licensed 18716
auctioneer's sponsorship more than two apprentice auctioneers at 18717
one time. No auctioneer shall sponsor an apprentice auctioneer 18718
if the auctioneer has not been licensed and in good standing for 18719
a period of at least two years immediately before sponsoring the 18720
apprentice auctioneer. A sponsoring auctioneer whose license is 18721
suspended or revoked shall send to the department the apprentice 18722
auctioneer's license not later than fourteen days after the 18723
suspension or revocation. If a sponsoring auctioneer's license 18724
is suspended or revoked, the apprentice auctioneer shall obtain 18725
a written promise of sponsorship from another licensed 18726
auctioneer before performing any acts under the authority of an 18727
apprentice auctioneer's license. The apprentice auctioneer shall 18728
send a copy of the written promise of sponsorship of another 18729
auctioneer to the department. If the department receives a copy 18730
of such a written promise of sponsorship and the apprentice pays 18731
the fee established by the department, the department shall 18732
issue a new license to the apprentice. 18733

An apprentice auctioneer may terminate the apprentice's 18734
sponsorship with an auctioneer by notifying the auctioneer of 18735
the apprentice's intention by certified mail, return receipt 18736
requested, at least ten days prior to the effective date of 18737
termination. At the same time, the apprentice shall deliver or 18738
mail by certified mail to the department a copy of the 18739
termination notice. Upon receiving the termination notice, the 18740

sponsoring auctioneer shall promptly deliver or mail by 18741
certified mail to the department the license of the apprentice 18742
auctioneer. 18743

The termination of a sponsorship, regardless of who 18744
initiates the termination, shall not be cause for an apprentice 18745
auctioneer to lose credit for any certified auctions in which 18746
the apprentice participated as a bid caller or apprenticeship 18747
time the apprentice served under the direct supervision of the 18748
former sponsor. 18749

Sec. 4707.111. The state, through the department of 18750
agriculture and in accordance with this chapter, shall solely 18751
regulate ~~auctioneers,~~ auction firms, and the conduct of auction 18752
sales. 18753

By enactment of this chapter, it is the intent of the 18754
general assembly to preempt municipal corporations and other 18755
political subdivisions from the regulation and licensing of 18756
~~auctioneers,~~ auction firms, and auction sales. 18757

At least twenty-four hours prior to an auction, the person 18758
licensed under this chapter to conduct the auction shall notify, 18759
via telephone, mail, or personal delivery, the chief of police 18760
of the municipal corporation in which the auction site is 18761
located or, if the site is in the unincorporated area of a 18762
county, the county sheriff as to the location and time of the 18763
auction and give to that officer a general description of the 18764
items offered for sale. A licensee who conducts regular auction 18765
sales on a fixed day at the same location is required to provide 18766
such notice to the chief of police or county sheriff only once. 18767
However, the licensee shall notify the chief of police or county 18768
sheriff if the auctions subsequently are discontinued or are 18769
conducted on a different day or at a different location. 18770

Sec. 4707.15. The department of agriculture may deny, 18771
refuse to renew, suspend, or revoke the license of any auction 18772
firm, auctioneer, apprentice auctioneer, or special auctioneer 18773
for any of the following causes: 18774

(A) Obtaining a license through false or fraudulent 18775
representation; 18776

(B) Making any substantial misrepresentation in an 18777
application for a license; 18778

(C) A continued course of misrepresentation or for making 18779
false promises through agents, advertising, or otherwise; 18780

(D) Specifying that an auction is a reserve auction, 18781
absolute auction, or estate auction, but not conducting the 18782
auction as specified; 18783

(E) Failing to account for or remit, within a reasonable 18784
time, any money or property belonging to others that comes into 18785
the licensee's possession, and for commingling funds of others 18786
with the licensee's own, or failing to keep funds of others in 18787
an escrow or trust account, except that in the case of a 18788
transaction involving real estate, such funds shall be 18789
maintained in accordance with division (A) (26) of section 18790
4735.18 of the Revised Code; 18791

(F) Paying valuable consideration to any person who has 18792
violated this chapter; 18793

(G) Conviction in a court of competent jurisdiction of 18794
this state or any other state of a ~~criminal offense involving~~ 18795
~~fraud, forgery, embezzlement, false pretenses, extortion,~~ 18796
~~conspiracy to defraud, or another similar offense or a felony~~ 18797
disqualifying offense, as specified under section 9.79 of the 18798
Revised Code; 18799

(H) Violation of this chapter or rules adopted under it;	18800
(I) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or auction firm;	18801 18802 18803
(J) Any conduct of a person that is licensed under this chapter that demonstrates bad faith, dishonesty, incompetency, or untruthfulness;	18804 18805 18806
(K) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;	18807 18808
(L) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee received the property for auction;	18809 18810 18811 18812
(M) The use of any power of attorney to circumvent this chapter;	18813 18814
(N) Failure to display the sign required under section 4707.22 of the Revised Code and a notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction;	18815 18816 18817 18818
(O) Failure to notify the department of any conviction of a felony or crime involving fraud <u>disqualifying offense, as specified under section 9.79 of the Revised Code,</u> within fifteen days of conviction;	18819 18820 18821 18822
(P) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter;	18823 18824
(Q) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;	18825 18826 18827

(R) The refusal or disapproval by the licensing authority 18828
of another state of an application for a license to engage in 18829
auctioneering; 18830

(S) Failure of a licensee to notify the department of 18831
agriculture within fifteen days of a disciplinary action against 18832
the licensee by another state's applicable governing authority; 18833

(T) Engaging in auctioneering or providing auction 18834
services without a license or during the suspension of a 18835
license; 18836

(U) Attempting to cheat or cheating on an auctioneer 18837
examination or aiding another to cheat on an examination. 18838

Sec. 4707.19. (A) The director of agriculture may adopt 18839
reasonable rules necessary for the implementation of this 18840
chapter in accordance with Chapter 119. of the Revised Code. In 18841
addition, the director shall adopt rules in accordance with 18842
Chapter 119. of the Revised Code that establish the portion of 18843
license fees collected under this chapter that are to be 18844
deposited into the auction recovery fund under section 4707.25 18845
of the Revised Code. 18846

No person shall fail to comply with a rule adopted under 18847
this chapter. 18848

(B) The director shall adopt rules that establish a 18849
schedule of civil penalties for violations of this chapter, 18850
rules adopted under it, or orders issued under it. The rules 18851
shall provide that the civil penalty for the first violation of 18852
this chapter, rule, or order shall not exceed five thousand 18853
dollars and the civil penalty for each subsequent offense shall 18854
not exceed ten thousand dollars. In addition, the director, in 18855
establishing the schedule of civil penalties in the rules, shall 18856

consider past violations of this chapter and rules adopted under 18857
it, the severity of a violation, and the amount of actual or 18858
potential damage to the public or the auction profession. 18859

(C) The department of agriculture may hear testimony in 18860
matters relating to the duties imposed on it, and any person 18861
authorized by the director may administer oaths. The department 18862
may require other proof of the honesty, and truthfulness, ~~and~~ 18863
~~good reputation~~ of any person named in the application for an 18864
auction firm's, auctioneer's, apprentice auctioneer's, or 18865
special auctioneer's license before admitting the applicant to 18866
an examination or issuing a license. 18867

Sec. 4709.07. (A) Each person who desires to obtain an 18868
initial license to practice barbering shall apply to the state 18869
cosmetology and barber board, on forms provided by the board. 18870
The application form shall include the name of the person 18871
applying for the license and evidence that the applicant meets 18872
all of the requirements of division (B) of this section. The 18873
application shall be accompanied by two signed current 18874
photographs of the applicant, in the size determined by the 18875
board, that show only the head and shoulders of the applicant, 18876
and the examination application fee. 18877

(B) In order to take the required barber examination and 18878
to qualify for licensure as a barber, an applicant must 18879
demonstrate that the applicant meets all of the following: 18880

(1) ~~Is of good moral character;~~ 18881

~~(2)~~ Is at least eighteen years of age; 18882

~~(3)~~ (2) Has an eighth grade education or an equivalent 18883
education as determined by the state board of education in the 18884
state where the applicant resides; 18885

~~(4)~~ (3) Has graduated with at least one thousand eight 18886
hundred hours of training from a board-approved barber school or 18887
has graduated with at least one thousand hours of training from 18888
a board-approved barber school in this state and has a current 18889
cosmetology or hair designer license issued pursuant to Chapter 18890
4713. of the Revised Code. No hours of instruction earned by an 18891
applicant five or more years prior to the examination apply to 18892
the hours of study required by this division. 18893

(C) Any applicant who meets all of the requirements of 18894
divisions (A) and (B) of this section may take the barber 18895
examination at the time and place specified by the board. If the 18896
applicant fails to attain at least a seventy-five per cent pass 18897
rate on each part of the examination, the applicant is 18898
ineligible for licensure; however, the applicant may reapply for 18899
examination within ninety days after the date of the release of 18900
the examination scores by paying the required reexamination fee. 18901
An applicant is only required to take that part or parts of the 18902
examination on which the applicant did not receive a score of 18903
seventy-five per cent or higher. If the applicant fails to 18904
reapply for examination within ninety days or fails the second 18905
examination, in order to reapply for examination for licensure 18906
the applicant shall complete an additional course of study of 18907
not less than two hundred hours, in a board-approved barber 18908
school. The board shall provide to an applicant, upon request, a 18909
report which explains the reasons for the applicant's failure to 18910
pass the examination. 18911

(D) The board shall issue a license to practice barbering 18912
to any applicant who, to the satisfaction of the board, meets 18913
the requirements of divisions (A) and (B) of this section, who 18914
passes the required examination, and pays the initial licensure 18915
fee. Every licensed barber shall display the certificate of 18916

licensure in a conspicuous place adjacent to or near the 18917
licensed barber's work chair, along with a signed current 18918
photograph, in the size determined by the board, showing head 18919
and shoulders only. 18920

Sec. 4709.08. Any person who holds a current license or 18921
registration to practice as a barber in any other state or 18922
district of the United States or country whose requirements for 18923
licensure or registration of barbers are substantially 18924
equivalent to the requirements of this chapter and rules adopted 18925
under it and that extends similar reciprocity to persons 18926
licensed as barbers in this state may apply to the state 18927
cosmetology and barber board for a barber license. The board 18928
shall, without examination, unless the board determines to 18929
require an examination, issue a license to practice as a 18930
licensed barber in this state if the person meets the 18931
requirements of this section, is at least eighteen years of age 18932
~~and of good moral character~~, and pays the required fees. The 18933
board may waive any of the requirements of this section. 18934

Sec. 4709.10. (A) Each person who desires to obtain a 18935
license to operate a barber school shall apply to the state 18936
cosmetology and barber board, on forms provided by the board. 18937
The board shall issue a barber school license to a person if the 18938
board determines that the person meets and will comply with all 18939
of the requirements of division (B) of this section and pays the 18940
required licensure and inspection fees. 18941

(B) In order for a person to qualify for a license to 18942
operate a barber school, the barber school to be operated by the 18943
person must meet all of the following requirements: 18944

(1) Have a training facility sufficient to meet the 18945
required educational curriculum established by the board, 18946

including enough space to accommodate all the facilities and equipment required by rule by the board; 18947
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(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board; 18949
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(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board; 18952
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(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board; 18955
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(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond. 18959
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(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required 18974
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- by board rule; 18976
- (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following: 18977
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- (a) Be at least seventeen years of age; 18982
- (b) ~~Be of good moral character;~~ 18983
- ~~(c)~~ Have an eighth grade education, or an equivalent education as determined by the state board of education; 18984
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- ~~(d)~~ (c) Submit two signed current photographs of the applicant, in the size determined by the board. 18986
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- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 18988
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- (9) Operate in a manner which reflects credit upon the barbering profession; 18992
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- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 18994
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- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 18997
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- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on 19001
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forms provided by the board. The board shall only issue a barber
teacher license to a person who meets all of the following
requirements:

(1) Holds a current barber license issued pursuant to this
chapter and has at least eighteen months of work experience in a
licensed barber shop or has been employed as an assistant barber
teacher under the supervision of a licensed barber teacher for
at least one year, unless, for good cause, the board waives this
requirement;

(2) Meets such other requirements as adopted by rule by
the board;

(3) Passes the required examination; and

(4) Pays the required fees. If an applicant fails to pass
the examination, the applicant may reapply for the examination
and licensure no earlier than one year after the failure to pass
and provided that during that period, the applicant remains
employed as an assistant barber teacher.

The board shall only issue an assistant barber teacher
license to a person who holds a current barber license issued
pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an
assistant teacher pursuant to division (C) of this section, may
be employed as an assistant teacher, provided that within five
days after the commencement of the employment the barber school
submits to the board, on forms provided by the board, the
applicant's qualifications.

Sec. 4709.13. (A) The state cosmetology and barber board
may refuse to issue or renew or may suspend or revoke or impose
conditions upon any license issued pursuant to this chapter for

- any one or more of the following causes: 19032
- (1) Advertising by means of knowingly false or deceptive statements; 19033
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- (2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law; 19035
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- (3) ~~Immoral or unprofessional~~ Unprofessional conduct; 19038
- (4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated; 19039
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- (5) Employing any person who does not have a current Ohio license to perform the practice of barbering; 19041
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- (6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively; 19043
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- (7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop; 19049
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- (8) Violating any sanitary rules approved by the department of health or the board; 19053
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- (9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter; 19055
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- (10) Gross incompetence. 19058

(B) (1) The board may refuse to renew or may suspend or 19059
revoke or impose conditions upon any license issued pursuant to 19060
this chapter for conviction of ~~or plea of guilty to a felony~~ 19061
disqualifying offense, as specified under section 9.79 of the 19062
Revised Code, committed after the person has been issued a 19063
license under this chapter, shown by a certified copy of the 19064
record of the court in which the person was convicted ~~or pleaded~~ 19065
~~guilty.~~ 19066

(2) A conviction ~~or plea of guilty to a felony of a~~ 19067
disqualifying offense, as specified under section 9.79 of the 19068
Revised Code, committed prior to being issued a license under 19069
this chapter shall not disqualify a person from being issued an 19070
initial license under this chapter. 19071

(C) Prior to taking any action under division (A) or (B) 19072
of this section, the board shall provide the person with a 19073
statement of the charges against the person and notice of the 19074
time and place of a hearing on the charges. The board shall 19075
conduct the hearing according to Chapter 119. of the Revised 19076
Code. Any person dissatisfied with a decision of the board may 19077
appeal the board's decision to the court of common pleas in 19078
Franklin county. 19079

(D) The board may adopt rules in accordance with Chapter 19080
119. of the Revised Code, specifying additional grounds upon 19081
which the board may take action under division (A) of this 19082
section. 19083

Sec. 4712.03. After notice and a hearing conducted in 19084
accordance with Chapter 119. of the Revised Code, the 19085
superintendent of financial institutions may suspend, revoke, or 19086
refuse to issue or renew a certificate of registration if any of 19087
the following conditions applies to the applicant for 19088

registration or registrant:	19089
(A) The applicant or registrant obtained a certificate of registration through any false or fraudulent representation or made any substantial misrepresentation in any registration application.	19090 19091 19092 19093
(B) The applicant or registrant made false promises through advertising or other means or engaged in a continued course of misrepresentations.	19094 19095 19096
(C) The applicant or registrant violated any provision of Chapter 1345. or sections 4712.01 to 4712.14 of the Revised Code or the rules adopted thereunder.	19097 19098 19099
(D) The applicant or registrant was convicted, in a court of competent jurisdiction of this state or any other state, of a felony or any criminal offense involving fraud disqualifying offense, as specified under section 9.79 of the Revised Code, or failed to notify the division of financial institutions of any such conviction.	19100 19101 19102 19103 19104 19105
(E) The applicant or registrant engaged in conduct that constituted improper, fraudulent, or dishonest dealings.	19106 19107
Sec. 4713.28. (A) The state cosmetology and barber board shall issue a practicing license to an applicant who satisfies all of the following applicable conditions:	19108 19109 19110
(1) Is at least sixteen years of age;	19111
(2) Is of good moral character;	19112
(3) Has the equivalent of an Ohio public school tenth grade education;	19113 19114
(4) <u>(3)</u> Has submitted a written application on a form	19115

furnished by the board that contains all of the following:	19116
(a) The name of the individual and any other identifying information required by the board;	19117 19118
(b) A recent photograph of the individual that meets the specifications established by the board;	19119 19120
(c) A photocopy of the individual's current driver's license or other proof of legal residence;	19121 19122
(d) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;	19123 19124 19125
(e) An oath verifying that the information in the application is true;	19126 19127
(f) The applicable application fee.	19128
(5) <u>(4)</u> Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	19129 19130 19131
(6) <u>(5)</u> Pays to the board the applicable license fee;	19132
(7) <u>(6)</u> In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	19133 19134 19135 19136 19137 19138 19139 19140
(8) <u>(7)</u> In the case of an applicant for an initial esthetician license, has successfully completed at least six	19141 19142

hundred hours of board-approved esthetics training in a school 19143
of cosmetology licensed in this state; 19144

~~(9)~~ (8) In the case of an applicant for an initial hair 19145
designer license, has successfully completed at least one 19146
thousand two hundred hours of board-approved hair designer 19147
training in a school of cosmetology licensed in this state, 19148
except that only one thousand hours of board-approved hair 19149
designer training in a school of cosmetology licensed in this 19150
state is required of an individual licensed as a barber under 19151
Chapter 4709. of the Revised Code; 19152

~~(10)~~ (9) In the case of an applicant for an initial 19153
manicurist license, has successfully completed at least two 19154
hundred hours of board-approved manicurist training in a school 19155
of cosmetology licensed in this state; 19156

~~(11)~~ (10) In the case of an applicant for an initial 19157
natural hair stylist license, has successfully completed at 19158
least four hundred fifty hours of instruction in subjects 19159
relating to sanitation, scalp care, anatomy, hair styling, 19160
communication skills, and laws and rules governing the practice 19161
of cosmetology. 19162

~~(B) The board shall not deny a license to any applicant~~ 19163
~~based on prior incarceration or conviction for any crime. If the~~ 19164
board denies an individual a license or license renewal, the 19165
reasons for such denial shall be put in writing. 19166

Sec. 4713.30. The state cosmetology and barber board shall 19167
issue an advanced license to an applicant who satisfies all of 19168
the following applicable conditions: 19169

(A) Is at least sixteen years of age; 19170

~~(B) Is of good moral character;~~ 19171

(C) —Has the equivalent of an Ohio public school tenth grade education;	19172 19173
(D) — <u>(C)</u> Pays to the board the applicable fee;	19174
(E) — <u>(D)</u> Passes the appropriate advanced license examination;	19175 19176
(F) — <u>(E)</u> In the case of an applicant for an initial advanced cosmetologist license, does either of the following:	19177 19178
(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;	19179 19180 19181 19182 19183
(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.	19184 19185 19186 19187 19188
(G) — <u>(F)</u> In the case of an applicant for an initial advanced esthetician license, does either of the following:	19189 19190
(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced esthetics for at least one thousand eight hundred hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;	19191 19192 19193 19194 19195 19196 19197
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully	19198 19199

completed, in addition to the hours required for licensure as an 19200
esthetician or cosmetologist, at least one hundred fifty hours 19201
of board-approved advanced esthetician training. 19202

~~(H)~~ (G) In the case of an applicant for an initial 19203
advanced hair designer license, does either of the following: 19204

(1) Has the licensed advanced hair designer, licensed 19205
advanced cosmetologist, or owner of a licensed hair design salon 19206
or licensed beauty salon located in this or another state 19207
certify to the board that the applicant has practiced hair 19208
design for at least one thousand eight hundred hours as a hair 19209
designer in a licensed hair design salon or as a cosmetologist 19210
in a licensed beauty salon; 19211

(2) Has a school of cosmetology licensed in this state 19212
certify to the board that the applicant has successfully 19213
completed, in addition to the hours required for licensure as a 19214
hair designer or cosmetologist, at least two hundred forty hours 19215
of board-approved advanced hair designer training. 19216

~~(I)~~ (H) In the case of an applicant for an initial 19217
advanced manicurist license, does either of the following: 19218

(1) Has the licensed advanced manicurist, licensed 19219
advanced cosmetologist, or owner of a licensed nail salon, 19220
licensed beauty salon, or licensed barber shop located in this 19221
or another state certify to the board that the applicant has 19222
practiced manicuring for at least one thousand eight hundred 19223
hours as a manicurist in a licensed nail salon or licensed 19224
barber shop or as a cosmetologist in a licensed beauty salon or 19225
licensed barber shop; 19226

(2) Has a school of cosmetology licensed in this state 19227
certify to the board that the applicant has successfully 19228

completed, in addition to the hours required for licensure as a 19229
manicurist or cosmetologist, at least one hundred hours of 19230
board-approved advanced manicurist training. 19231

~~(J)~~ (I) In the case of an applicant for an initial 19232
advanced natural hair stylist license, does either of the 19233
following: 19234

(1) Has the licensed advanced natural hair stylist, 19235
licensed advanced cosmetologist, or owner of a licensed natural 19236
hair style salon or licensed beauty salon located in this or 19237
another state certify to the board that the applicant has 19238
practiced natural hair styling for at least one thousand eight 19239
hundred hours as a natural hair stylist in a licensed natural 19240
hair style salon or as a cosmetologist in a licensed beauty 19241
salon; 19242

(2) Has a school of cosmetology licensed in this state 19243
certify to the board that the applicant has successfully 19244
completed, in addition to the hours required for licensure as 19245
natural hair stylist or cosmetologist, at least one hundred 19246
fifty hours of board-approved advanced natural hair stylist 19247
training. 19248

Sec. 4713.31. The state cosmetology and barber board shall 19249
issue an instructor license to an applicant who satisfies all of 19250
the following applicable conditions: 19251

(A) Is at least eighteen years of age; 19252

(B) ~~Is of good moral character;~~ 19253

~~(C)~~ Has the equivalent of an Ohio public school twelfth 19254
grade education; 19255

~~(D)~~ (C) Pays to the board the applicable fee; 19256

~~(E)~~ (D) In the case of an applicant for an initial 19257
cosmetology instructor license, holds a current, valid advanced 19258
cosmetologist license issued in this state and does either of 19259
the following: 19260

(1) Has the licensed advanced cosmetologist or owner of 19261
the licensed beauty salon in which the applicant has been 19262
employed certify to the board that the applicant has engaged in 19263
the practice of cosmetology in a licensed beauty salon for at 19264
least one thousand eight hundred hours; 19265

(2) Has a school of cosmetology licensed in this state 19266
certify to the board that the applicant has successfully 19267
completed one thousand hours of board-approved cosmetology 19268
instructor training as an apprentice instructor. 19269

~~(F)~~ (E) In the case of an applicant for an initial 19270
esthetics instructor license, holds a current, valid advanced 19271
esthetician or advanced cosmetologist license issued in this 19272
state and does either of the following: 19273

(1) Has the licensed advanced esthetician, licensed 19274
advanced cosmetologist, or owner of the licensed esthetics salon 19275
or licensed beauty salon in which the applicant has been 19276
employed certify to the board that the applicant has engaged in 19277
the practice of esthetics in a licensed esthetics salon or 19278
practice of cosmetology in a licensed beauty salon for at least 19279
one thousand eight hundred hours; 19280

(2) Has a school of cosmetology licensed in this state 19281
certify to the board that the applicant has successfully 19282
completed at least five hundred hours of board-approved 19283
esthetics instructor training as an apprentice instructor. 19284

~~(G)~~ (F) In the case of an applicant for an initial hair 19285

design instructor license, holds a current, valid advanced hair 19286
designer or advanced cosmetologist license and does either of 19287
the following: 19288

(1) Has the licensed advanced hair designer, licensed 19289
advanced cosmetologist, or owner of the licensed hair design 19290
salon or licensed beauty salon in which the applicant has been 19291
employed certify to the board that the applicant has engaged in 19292
the practice of hair design in a licensed hair design salon or 19293
practice of cosmetology in a licensed beauty salon for at least 19294
one thousand eight hundred hours; 19295

(2) Has a school of cosmetology licensed in this state 19296
certify to the board that the applicant has successfully 19297
completed at least eight hundred hours of board-approved hair 19298
design instructor's training as an apprentice instructor. 19299

~~(H)~~ (G) In the case of an applicant for an initial 19300
manicurist instructor license, holds a current, valid advanced 19301
manicurist or advanced cosmetologist license and does either of 19302
the following: 19303

(1) Has the licensed advanced manicurist, licensed 19304
advanced cosmetologist, or owner of the licensed nail salon or 19305
licensed beauty salon in which the applicant has been employed 19306
certify to the board that the applicant has engaged in the 19307
practice of manicuring in a licensed nail salon or practice of 19308
cosmetology in a licensed beauty salon for at least one thousand 19309
eight hundred hours; 19310

(2) Has a school of cosmetology licensed in this state 19311
certify to the board that the applicant has successfully 19312
completed at least three hundred hours of board-approved 19313
manicurist instructor training as an apprentice instructor. 19314

~~(I)~~ (H) In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license and does either of the following:

(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least four hundred hours of board-approved natural hair style instructor training as an apprentice instructor.

~~(J)~~ (I) In the case of all applicants, passes an examination conducted under division (B) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to instruct.

Sec. 4713.34. The state cosmetology and barber board shall issue a license to practice a branch of cosmetology or instructor license to an applicant who is licensed or registered in another state or country to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology, as appropriate, if all of the following conditions are satisfied:

(A) The applicant satisfies all of the following conditions:

- (1) Is not less than eighteen years of age; 19344
- (2) ~~Is of good moral character;~~ 19345
- ~~(3)~~—In the case of an applicant for a practicing license, 19346
passes an examination conducted under section 4713.24 of the 19347
Revised Code for the license the applicant seeks, unless the 19348
applicant satisfies conditions specified in rules adopted under 19349
section 4713.08 of the Revised Code for the board to issue the 19350
applicant a license without taking the examination; 19351
- ~~(4)~~—(3) Pays the applicable fee. 19352
- (B) At the time the applicant obtained the license or 19353
registration in the other state or country, the requirements in 19354
this state for obtaining the license the applicant seeks were 19355
substantially equal to the other state or country's 19356
requirements. 19357
- (C) The jurisdiction that issued the applicant's license 19358
or registration extends similar reciprocity to individuals 19359
holding a license issued by the board. 19360
- Sec. 4713.69.** (A) The state cosmetology and barber board 19361
shall issue a boutique services registration to an applicant who 19362
satisfies all of the following applicable conditions: 19363
- (1) Is at least sixteen years of age; 19364
- (2) ~~Is of good moral character;~~ 19365
- ~~(3)~~—Has the equivalent of an Ohio public school tenth 19366
grade education; 19367
- ~~(4)~~—(3) Has submitted a written application on a form 19368
prescribed by the board containing all of the following: 19369
- (a) The applicant's name and home address; 19370

(b) The applicant's home telephone number and cellular telephone number, if any; 19371
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(c) The applicant's electronic mail address, if any; 19373

(d) The applicant's date of birth; 19374

(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number. 19375
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(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; 19378
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(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state; 19382
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(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services. 19385
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(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code. 19387
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(C) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code. 19391
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Sec. 4715.034. (A) At any time during an investigation, the supervisory investigative panel may ask to meet with the individual who is the subject of the investigation. At the conclusion of the investigation, the panel shall recommend that the state dental board do one of the following: 19394
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(1) Pursue disciplinary action under section 4715.30 of the Revised Code;	19399 19400
(2) Seek an injunction under section 4715.05 of the Revised Code;	19401 19402
(3) Enter into a consent agreement if the subject of the investigation is a licensee;	19403 19404
(4) Refer the individual to the quality intervention program, if that program is developed and implemented under section 4715.031 of the Revised Code and the subject of the investigation is a licensee;	19405 19406 19407 19408
(5) Terminate the investigation.	19409
(B) The supervisory investigative panel's recommendation shall be in writing and specify the reasons for the recommendation. Except as provided in section 4715.035 of the Revised Code, the panel shall make its recommendation not later than one year after the date the panel begins to supervise the investigation or, if the investigation pertains to an alleged violation of division (A) (9) <u>(6)</u> of section 4715.30 of the Revised Code, not later than two years after the panel begins to supervise the investigation.	19410 19411 19412 19413 19414 19415 19416 19417 19418
Once the panel makes its recommendation, the members of the panel shall not participate in any deliberations the board has on the case.	19419 19420 19421
Sec. 4715.10. (A) As used in this section, "accredited dental college" means a dental college accredited by the commission on dental accreditation or a dental college that has educational standards recognized by the commission on dental accreditation and is approved by the state dental board.	19422 19423 19424 19425 19426

(B) Each person who desires to practice dentistry in this state shall file a written application for a license with the secretary of the state dental board. The application shall be on a form prescribed by the board and verified by oath. Each applicant shall furnish satisfactory proof to the board that the applicant has met the requirements of divisions (C) and (D) of this section, and if the applicant is a graduate of an unaccredited dental college located outside the United States, division (E) of this section.

(C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements:

(1) Be at least eighteen years of age;

~~(2) Be of good moral character;~~

~~(3)~~ Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;

~~(4)~~ (3) Have passed parts I and II of the examination given by the national board of dental examiners;

~~(5)~~ (4) Have passed a written jurisprudence examination administered by the state dental board under division (E) (2) of section 4715.03 of the Revised Code;

~~(6)~~ (5) Pay the fee required by division (A) (1) of section 4715.13 of the Revised Code.

(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:

(1) Have taken an examination administered by any of the following regional testing agencies and received on each component of the examination a passing score as specified in

division (A) of section 4715.11 of the Revised Code: the central 19455
regional dental testing service, inc., northeast regional board 19456
of dental examiners, inc., the southern regional dental testing 19457
agency, inc., or the western regional examining board; 19458

(2) Have taken an examination administered by the state 19459
dental board and received a passing score as established by the 19460
board; 19461

(3) Possess a license in good standing from another state 19462
and have actively engaged in the legal ~~and reputable~~ practice of 19463
dentistry in another state or in the armed forces of the United 19464
States, the United States public health service, or the United 19465
States department of veterans' affairs for five years 19466
immediately preceding application; 19467

(4) Have completed a dental residency program accredited 19468
or approved by the commission on dental accreditation and 19469
administered by an accredited dental college or hospital. 19470

(E) To be granted a license to practice dentistry, a 19471
graduate of an unaccredited dental college located outside the 19472
United States must meet both of the following requirements: 19473

(1) Have taken a basic science and laboratory examination 19474
consistent with rules adopted under section 4715.11 of the 19475
Revised Code and received a passing score as established by the 19476
board; 19477

(2) Have had sufficient clinical training in an accredited 19478
institution to reasonably assure a level of competency equal to 19479
that of graduates of accredited dental colleges, as determined 19480
by the board. 19481

Sec. 4715.21. Each person who desires to practice as a 19482
dental hygienist shall file with the secretary of the state 19483

dental board a written application for a license, under oath, 19484
upon the form prescribed. Such applicant shall furnish 19485
satisfactory proof of being at least eighteen years of age ~~and~~ 19486
~~of good moral character~~. An applicant shall present a diploma or 19487
certificate of graduation from an accredited dental hygiene 19488
school and shall pay the examination fee of one hundred twenty 19489
dollars if the license is issued in an odd-numbered year or one 19490
hundred eighty-four dollars if issued in an even-numbered year. 19491
Those passing such examination as the board prescribes relating 19492
to dental hygiene shall receive a certificate of registration 19493
entitling them to practice. If an applicant fails to pass the 19494
first examination the applicant may apply for a re-examination 19495
at the next regular or special examination meeting of the board. 19496

No applicant shall be admitted to more than two 19497
examinations without first presenting satisfactory proof that 19498
the applicant has successfully completed such refresher courses 19499
in an accredited dental hygiene school as the state dental board 19500
may prescribe. 19501

An accredited dental hygiene school shall be one 19502
accredited by the American dental association commission on 19503
dental accreditation or whose educational standards are 19504
recognized by the American dental association commission on 19505
dental accreditation and approved by the state dental board. 19506

Sec. 4715.27. The state dental board may issue a license 19507
to an applicant who furnishes satisfactory proof of being at 19508
least eighteen years of age, ~~of good moral character~~ and who 19509
demonstrates, to the satisfaction of the board, knowledge of the 19510
laws, regulations, and rules governing the practice of a dental 19511
hygienist; who proves, to the satisfaction of the board, intent 19512
to practice as a dental hygienist in this state; who is a 19513

graduate from an accredited school of dental hygiene and who 19514
holds a license by examination from a similar dental board, and 19515
who passes an examination as prescribed by the board relating to 19516
dental hygiene. 19517

Upon payment of seventy-three dollars and upon application 19518
endorsed by an accredited dental hygiene school in this state, 19519
the state dental board may without examination issue a teacher's 19520
certificate to a dental hygienist, authorized to practice in 19521
another state or country. A teacher's certificate shall be 19522
subject to annual renewal in accordance with the standard 19523
renewal procedure of sections 4745.01 to 4745.03 of the Revised 19524
Code, and shall not be construed as authorizing anything other 19525
than teaching or demonstrating the skills of a dental hygienist 19526
in the educational programs of the accredited dental hygiene 19527
school which endorsed the application. 19528

Sec. 4715.30. (A) An applicant for or holder of a 19529
certificate or license issued under this chapter is subject to 19530
disciplinary action by the state dental board for any of the 19531
following reasons: 19532

(1) Employing or cooperating in fraud or material 19533
deception in applying for or obtaining a license or certificate; 19534

(2) Obtaining or attempting to obtain money or anything of 19535
value by intentional misrepresentation or material deception in 19536
the course of practice; 19537

(3) Advertising services in a false or misleading manner 19538
or violating the board's rules governing time, place, and manner 19539
of advertising; 19540

(4) ~~Commission of an act that constitutes a felony in this~~ 19541
~~state, regardless of the jurisdiction in which the act was~~ 19542

~~committed;~~ 19543

~~(5) 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;~~ 19544
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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 intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice a disqualifying offense, as specified under section 9.79 of the Revised Code;~~ 19547
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~~(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;~~ 19553
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~~(8) (5) Selling, prescribing, giving away, or administering drugs 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 intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;~~ 19555
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~~(9) (6) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;~~ 19563
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~~(10)~~-(7) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs; 19572
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~~(11)~~-(8) Violation of any provision of this chapter or any rule adopted thereunder; 19576
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~~(12)~~-(9) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code; 19578
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~~(13)~~-(10) Except as provided in division (H) of this section, either of the following: 19581
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(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 dental 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 certificate or license holder; 19583
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(b) Advertising that the certificate or license holder 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 dental services, would otherwise be required to pay. 19590
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~~(14)~~-(11) Failure to comply with section 4715.302 or 4729.79 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; 19595
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~~(15)~~-(12) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an 19599
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individual to practice a health care occupation or provide 19601
health care services in this state or another jurisdiction, for 19602
any reason other than the nonpayment of fees: the limitation, 19603
revocation, or suspension of an individual's license to 19604
practice; acceptance of an individual's license surrender; 19605
denial of a license; refusal to renew or reinstate a license; 19606
imposition of probation; or issuance of an order of censure or 19607
other reprimand; 19608

~~(16)~~ (13) Failure to cooperate in an investigation 19609
conducted by the board under division (D) of section 4715.03 of 19610
the Revised Code, including failure to comply with a subpoena or 19611
order issued by the board or failure to answer truthfully a 19612
question presented by the board at a deposition or in written 19613
interrogatories, except that failure to cooperate with an 19614
investigation shall not constitute grounds for discipline under 19615
this section if a court of competent jurisdiction has issued an 19616
order that either quashes a subpoena or permits the individual 19617
to withhold the testimony or evidence in issue; 19618

~~(17)~~ (14) Failure to comply with the requirements in 19619
section 3719.061 of the Revised Code before issuing for a minor 19620
a prescription for an opioid analgesic, as defined in section 19621
3719.01 of the Revised Code. 19622

(B) A manager, proprietor, operator, or conductor of a 19623
dental facility shall be subject to disciplinary action if any 19624
dentist, dental hygienist, expanded function dental auxiliary, 19625
or qualified personnel providing services in the facility is 19626
found to have committed a violation listed in division (A) of 19627
this section and the manager, proprietor, operator, or conductor 19628
knew of the violation and permitted it to occur on a recurring 19629
basis. 19630

(C) Subject to Chapter 119. of the Revised Code, the board 19631
may take one or more of the following disciplinary actions if 19632
one or more of the grounds for discipline listed in divisions 19633
(A) and (B) of this section exist: 19634

(1) Censure the license or certificate holder; 19635

(2) Place the license or certificate on probationary 19636
status for such period of time the board determines necessary 19637
and require the holder to: 19638

(a) Report regularly to the board upon the matters which 19639
are the basis of probation; 19640

(b) Limit practice to those areas specified by the board; 19641

(c) Continue or renew professional education until a 19642
satisfactory degree of knowledge or clinical competency has been 19643
attained in specified areas. 19644

(3) Suspend the certificate or license; 19645

(4) Revoke the certificate or license. 19646

Where the board places a holder of a license or 19647
certificate on probationary status pursuant to division (C) (2) 19648
of this section, the board may subsequently suspend or revoke 19649
the license or certificate if it determines that the holder has 19650
not met the requirements of the probation or continues to engage 19651
in activities that constitute grounds for discipline pursuant to 19652
division (A) or (B) of this section. 19653

Any order suspending a license or certificate shall state 19654
the conditions under which the license or certificate will be 19655
restored, which may include a conditional restoration during 19656
which time the holder is in a probationary status pursuant to 19657
division (C) (2) of this section. The board shall restore the 19658

license or certificate unconditionally when such conditions are 19659
met. 19660

(D) If the physical or mental condition of an applicant or 19661
a license or certificate holder is at issue in a disciplinary 19662
proceeding, the board may order the license or certificate 19663
holder to submit to reasonable examinations by an individual 19664
designated or approved by the board and at the board's expense. 19665
The physical examination may be conducted by any individual 19666
authorized by the Revised Code to do so, including a physician 19667
assistant, a clinical nurse specialist, a certified nurse 19668
practitioner, or a certified nurse-midwife. Any written 19669
documentation of the physical examination shall be completed by 19670
the individual who conducted the examination. 19671

Failure to comply with an order for an examination shall 19672
be grounds for refusal of a license or certificate or summary 19673
suspension of a license or certificate under division (E) of 19674
this section. 19675

(E) If a license or certificate holder has failed to 19676
comply with an order under division (D) of this section, the 19677
board may apply to the court of common pleas of the county in 19678
which the holder resides for an order temporarily suspending the 19679
holder's license or certificate, without a prior hearing being 19680
afforded by the board, until the board conducts an adjudication 19681
hearing pursuant to Chapter 119. of the Revised Code. If the 19682
court temporarily suspends a holder's license or certificate, 19683
the board shall give written notice of the suspension personally 19684
or by certified mail to the license or certificate holder. Such 19685
notice shall inform the license or certificate holder of the 19686
right to a hearing pursuant to Chapter 119. of the Revised Code. 19687

(F) Any holder of a certificate or license issued under 19688

~~this chapter who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for intervention in lieu of conviction entered against the holder 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 convicted of, or has had a judicial finding of eligibility for treatment or intervention in lieu of conviction entered against the holder in another jurisdiction for any substantially equivalent criminal offense, a disqualifying offense, as specified under section 9.79 of the Revised Code,~~ is automatically suspended from practice under this chapter in this state and any certificate or license issued to the holder under this chapter is automatically suspended, as of the date of the ~~guilty plea, conviction, or judicial finding,~~ whether the proceedings are brought in this state or another jurisdiction. Continued practice by an individual after the suspension of the individual's certificate or license under this division shall be considered practicing without a certificate or license. The board shall notify the suspended individual of the suspension of the individual's certificate or license under this division by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate or license is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the individual's certificate or license.

(G) If the supervisory investigative panel determines both of the following, the panel may recommend that the board suspend an individual's certificate or license without a prior hearing:

(1) That there is clear and convincing evidence that an

individual has violated division (A) of this section; 19720

(2) That the individual's continued practice presents a 19721
danger of immediate and serious harm to the public. 19722

Written allegations shall be prepared for consideration by 19723
the board. The board, upon review of those allegations and by an 19724
affirmative vote of not fewer than four dentist members of the 19725
board and seven of its members in total, excluding any member on 19726
the supervisory investigative panel, may suspend a certificate 19727
or license without a prior hearing. A telephone conference call 19728
may be utilized for reviewing the allegations and taking the 19729
vote on the summary suspension. 19730

The board shall issue a written order of suspension by 19731
certified mail or in person in accordance with section 119.07 of 19732
the Revised Code. The order shall not be subject to suspension 19733
by the court during pendency or any appeal filed under section 19734
119.12 of the Revised Code. If the individual subject to the 19735
summary suspension requests an adjudicatory hearing by the 19736
board, the date set for the hearing shall be within fifteen 19737
days, but not earlier than seven days, after the individual 19738
requests the hearing, unless otherwise agreed to by both the 19739
board and the individual. 19740

Any summary suspension imposed under this division shall 19741
remain in effect, unless reversed on appeal, until a final 19742
adjudicative order issued by the board pursuant to this section 19743
and Chapter 119. of the Revised Code becomes effective. The 19744
board shall issue its final adjudicative order within seventy- 19745
five days after completion of its hearing. A failure to issue 19746
the order within seventy-five days shall result in dissolution 19747
of the summary suspension order but shall not invalidate any 19748
subsequent, final adjudicative order. 19749

(H) Sanctions shall not be imposed under division (A) ~~(13)~~ 19750
(10) of this section against any certificate or license holder 19751
who waives deductibles and copayments as follows: 19752

(1) In compliance with the health benefit plan that 19753
expressly allows such a practice. Waiver of the deductibles or 19754
copayments shall be made only with the full knowledge and 19755
consent of the plan purchaser, payer, and third-party 19756
administrator. Documentation of the consent shall be made 19757
available to the board upon request. 19758

(2) For professional services rendered to any other person 19759
who holds a certificate or license issued pursuant to this 19760
chapter to the extent allowed by this chapter and the rules of 19761
the board. 19762

(I) In no event shall the board consider or raise during a 19763
hearing required by Chapter 119. of the Revised Code the 19764
circumstances of, or the fact that the board has received, one 19765
or more complaints about a person unless the one or more 19766
complaints are the subject of the hearing or resulted in the 19767
board taking an action authorized by this section against the 19768
person on a prior occasion. 19769

(J) The board may share any information it receives 19770
pursuant to an investigation under division (D) of section 19771
4715.03 of the Revised Code, including patient records and 19772
patient record information, with law enforcement agencies, other 19773
licensing boards, and other governmental agencies that are 19774
prosecuting, adjudicating, or investigating alleged violations 19775
of statutes or administrative rules. An agency or board that 19776
receives the information shall comply with the same requirements 19777
regarding confidentiality as those with which the state dental 19778
board must comply, notwithstanding any conflicting provision of 19779

the Revised Code or procedure of the agency or board that 19780
applies when it is dealing with other information in its 19781
possession. In a judicial proceeding, the information may be 19782
admitted into evidence only in accordance with the Rules of 19783
Evidence, but the court shall require that appropriate measures 19784
are taken to ensure that confidentiality is maintained with 19785
respect to any part of the information that contains names or 19786
other identifying information about patients or complainants 19787
whose confidentiality was protected by the state dental board 19788
when the information was in the board's possession. Measures to 19789
ensure confidentiality that may be taken by the court include 19790
sealing its records or deleting specific information from its 19791
records. 19792

Sec. 4715.301. The state dental board shall adopt rules in 19793
accordance with Chapter 119. of the Revised Code establishing 19794
standards for approving and designating physicians and 19795
facilities as treatment providers for dentists or dental 19796
hygienists with substance abuse problems and shall approve and 19797
designate treatment providers in accordance with the rules. The 19798
rules shall include standards for both inpatient and outpatient 19799
treatment. The rules shall provide that to be approved, a 19800
treatment provider must be capable of making an initial 19801
examination to determine the type of treatment required for a 19802
dentist or dental hygienist with substance abuse problems. 19803
Subject to the rules, the board shall review and approve 19804
treatment providers on a regular basis and may, at its 19805
discretion, withdraw or deny approval. 19806

An approved treatment provider shall: 19807

(A) Report to the board the name of any dentist or dental 19808
hygienist suffering or showing evidence of suffering inability 19809

to practice under accepted standards as described in division 19810
(A) ~~(10)~~ (7) of section 4715.30 of the Revised Code who fails to 19811
comply within one week with a referral for examination; 19812

(B) Report to the board the name of any impaired dentist 19813
or dental hygienist who fails to enter treatment within forty- 19814
eight hours following the provider's determination that 19815
treatment is needed; 19816

(C) Require every dentist or dental hygienist who enters 19817
treatment to agree to a treatment contract establishing the 19818
terms of treatment and aftercare, including any required 19819
supervision or restrictions of practice during treatment or 19820
aftercare; 19821

(D) Require a dentist or dental hygienist to suspend 19822
practice on entering any required inpatient treatment; 19823

(E) Report to the board any failure by an impaired dentist 19824
or dental hygienist to comply with the terms of the treatment 19825
contract during inpatient or outpatient treatment or aftercare; 19826

(F) Report to the board the resumption of practice of any 19827
impaired dentist or dental hygienist before the treatment 19828
provider has made a clear determination that the individual is 19829
capable of practicing according to accepted standards of the 19830
profession; 19831

(G) Require a dentist or dental hygienist who resumes 19832
practice after completion of treatment to comply with an 19833
aftercare contract that meets the requirements of rules adopted 19834
by the board for approval of treatment providers; 19835

(H) Report to the board any dentist or dental hygienist 19836
who suffers a relapse at any time during or following aftercare. 19837

Any dentist or dental hygienist who enters into treatment 19838
by an approved treatment provider shall be deemed to have waived 19839
any confidentiality requirements that would otherwise prevent 19840
the treatment provider from making reports required under this 19841
section. 19842

In the absence of fraud or bad faith, no professional 19843
association of dentists or dental hygienists licensed under this 19844
chapter that sponsors a committee or program to provide peer 19845
assistance to dentists or dental hygienists with substance abuse 19846
problems, no representative or agent of such a committee or 19847
program, and no member of the state dental board shall be liable 19848
to any person for damages in a civil action by reason of actions 19849
taken to refer a dentist or dental hygienist to a treatment 19850
provider designated by the board or actions or omissions of the 19851
provider in treating a dentist or dental hygienist. 19852

In the absence of fraud or bad faith, no person who 19853
reports to the board a dentist or dental hygienist with a 19854
suspected substance abuse problem shall be liable to any person 19855
for damages in a civil action as a result of making the report. 19856

Sec. 4717.05. (A) Any person who desires to be licensed as 19857
an embalmer shall apply to the board of embalmers and funeral 19858
directors on a form provided by the board. The applicant shall 19859
include with the application an initial license fee as set forth 19860
in section 4717.07 of the Revised Code and evidence, verified by 19861
oath and satisfactory to the board, that the applicant meets all 19862
of the following requirements: 19863

(1) The applicant is at least eighteen years of age ~~and of~~ 19864
~~good moral character.~~ 19865

(2) If the applicant has ~~pleaded guilty to, has been found~~ 19866

~~by a judge or jury to be guilty of, or has had a judicial- 19867
finding of eligibility for treatment in lieu of conviction- 19868
entered against the applicant in this state for aggravated- 19869
murder, murder, voluntary manslaughter, felonious assault, 19870
kidnapping, rape, sexual battery, gross sexual imposition, 19871
aggravated arson, aggravated robbery, or aggravated burglary, or 19872
has pleaded guilty to, has been found by a judge or jury to be 19873
guilty of, or has had a judicial finding of eligibility for 19874
treatment in lieu of conviction entered against the applicant in- 19875
another jurisdiction for a substantially equivalent offense been 19876
convicted of a disqualifying offense, as specified under section 19877
9.79 of the Revised Code, at least five years has elapsed since 19878
the applicant was released from incarceration, a community 19879
control sanction, a post-release control sanction, parole, or 19880
treatment in connection with the offense. 19881~~

(3) The applicant holds at least a bachelor's degree from 19882
a college or university authorized to confer degrees by the 19883
department of higher education or the comparable legal agency of 19884
another state in which the college or university is located and 19885
submits an official transcript from that college or university 19886
with the application. 19887

(4) The applicant has satisfactorily completed at least 19888
twelve months of instruction in a prescribed course in mortuary 19889
science as approved by the board and has presented to the board 19890
a certificate showing successful completion of the course. The 19891
course of mortuary science college training may be completed 19892
either before or after the completion of the educational 19893
standard set forth in division (A) (3) of this section. 19894

(5) The applicant has registered with the board prior to 19895
beginning an embalmer apprenticeship. 19896

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

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

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

(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form prescribed by the board. The application shall include 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) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A) (1) to (4) of this section.

(2) The applicant has registered with the board prior to beginning a funeral director apprenticeship.

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

directing at least twenty-five funerals. 19926

(4) The applicant has satisfactorily completed the 19927
examination for a funeral director's license as required by the 19928
board. 19929

(D) In lieu of mortuary science college training required 19930
for a funeral director's license under division (C) (1) of this 19931
section, the applicant may substitute a satisfactorily completed 19932
two-year apprenticeship under a licensed funeral director in 19933
this state assisting that person in directing at least fifty 19934
funerals. 19935

(E) Upon receiving satisfactory evidence that the 19936
applicant meets all the requirements of division (C) of this 19937
section, the board shall issue to the applicant a funeral 19938
director's license. 19939

(F) A funeral director or embalmer may request the funeral 19940
director's or embalmer's license be placed on inactive status by 19941
submitting to the board a form prescribed by the board and such 19942
other information as the board may request. A funeral director 19943
or embalmer may not place the funeral director's or embalmer's 19944
license on inactive status unless the funeral director or 19945
embalmer is in good standing with the board and is in compliance 19946
with applicable continuing education requirements. A funeral 19947
director or embalmer who is granted inactive status is 19948
prohibited from participating in any activity for which a 19949
funeral director's or embalmer's license is required in this 19950
state. A funeral director or embalmer who has been granted 19951
inactive status is exempt from the continuing education 19952
requirements under section 4717.09 of the Revised Code during 19953
the period of the inactive status. 19954

(G) A funeral director or embalmer who has been granted 19955
inactive status may not return to active status for at least two 19956
years following the date that the inactive status was granted. 19957
Following a period of at least two years of inactive status, the 19958
funeral director or embalmer may apply to return to active 19959
status upon completion of all of the following conditions: 19960

(1) The funeral director or embalmer files with the board 19961
a form prescribed by the board seeking active status and 19962
provides any other information as the board may request; 19963

(2) The funeral director or embalmer takes and passes the 19964
Ohio laws examination for each license being activated; 19965

(3) The funeral director or embalmer pays a reactivation 19966
fee to the board in the amount of one hundred forty dollars for 19967
each license being reactivated. 19968

(H) As used in this section: 19969

(1) "Community control sanction" has the same meaning as 19970
in section 2929.01 of the Revised Code. 19971

(2) "Post-release control sanction" has the same meaning 19972
as in section 2967.01 of the Revised Code. 19973

Sec. 4717.051. (A) Any person who desires to obtain a 19974
permit as a crematory operator shall apply to the board of 19975
embalmers and funeral directors on a form prescribed by the 19976
board. The applicant shall include with the application the 19977
initial permit fee set forth in section 4717.07 of the Revised 19978
Code and evidence, verified under oath and satisfactory to the 19979
board, that the applicant satisfies all of the following 19980
requirements: 19981

(1) The applicant is at least eighteen years of age ~~and of~~ 19982

~~good moral character.~~ 19983

~~(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 been convicted of a disqualifying offense, as specified under section 9.79 of the Revised Code, 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.~~ 19984
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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. 20000
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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. 20004
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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 20009
20010
20011
20012

under this chapter. 20013

Sec. 4717.14. (A) The board of embalmers and funeral 20014
directors may refuse to grant or renew, or may suspend or 20015
revoke, any license or permit issued under this chapter or may 20016
require the holder of a license or permit to take corrective 20017
action courses for any of the following reasons: 20018

(1) The holder of a license or permit obtained the license 20019
or permit by fraud or misrepresentation either in the 20020
application or in passing the examination. 20021

(2) The applicant, licensee, or permit holder has been 20022
convicted of ~~or has pleaded guilty to a felony or of any crime~~ 20023
~~involving moral turpitude~~ a disqualifying offense, as specified 20024
under section 9.79 of the Revised Code. 20025

(3) The applicant, licensee, or permit holder has 20026
purposely violated any provision of sections 4717.01 to 4717.15 20027
or a rule adopted under any of those sections; division (A) or 20028
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 20029
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 20030
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 20031
(C) of section 4717.28 of the Revised Code; or any provisions of 20032
sections 4717.31 to 4717.38 of the Revised Code; any rule or 20033
order of the department of health or a board of health of a 20034
health district governing the disposition of dead human bodies; 20035
or any other rule or order applicable to the applicant or 20036
licensee. 20037

(4) The applicant, licensee, or permit holder has 20038
committed ~~immoral or unprofessional~~ conduct. 20039

(5) The applicant or licensee knowingly permitted an 20040
unlicensed person, other than a person serving an 20041

apprenticeship, to engage in the profession or business of 20042
embalming or funeral directing under the applicant's or 20043
licensee's supervision. 20044

(6) The applicant, licensee, or permit holder has been 20045
habitually intoxicated, or is addicted to the use of morphine, 20046
cocaine, or other habit-forming or illegal drugs. 20047

(7) The applicant, licensee, or permit holder has refused 20048
to promptly submit the custody of a dead human body or cremated 20049
remains upon the express order of the person legally entitled to 20050
the body or cremated remains. 20051

(8) The licensee or permit holder loaned the licensee's 20052
own license or the permit holder's own permit, or the applicant, 20053
licensee, or permit holder borrowed or used the license or 20054
permit of another person, or knowingly aided or abetted the 20055
granting of an improper license or permit. 20056

(9) The applicant, licensee, or permit holder misled the 20057
public by using false or deceptive advertising. As used in this 20058
division, "false and deceptive advertising" includes, but is not 20059
limited to, any of the following: 20060

(a) Using the names of persons who are not licensed to 20061
practice funeral directing in a way that leads the public to 20062
believe that such persons are engaging in funeral directing; 20063

(b) Using any name for the funeral home other than the 20064
name under which the funeral home is licensed; 20065

(c) Using in the funeral home's name the surname of an 20066
individual who is not directly, actively, or presently 20067
associated with the funeral home, unless such surname has been 20068
previously and continuously used by the funeral home. 20069

(B) (1) The board of embalmers and funeral directors shall 20070
refuse to grant or renew, or shall suspend or revoke a license 20071
or permit only in accordance with Chapter 119. of the Revised 20072
Code. 20073

(2) The board shall send to the crematory review board 20074
written notice that it proposes to refuse to issue or renew, or 20075
proposes to suspend or revoke, a license to operate a crematory 20076
facility. If, after the conclusion of the adjudicatory hearing 20077
on the matter conducted under division (F) of section 4717.03 of 20078
the Revised Code, the board of embalmers and funeral directors 20079
finds that any of the circumstances described in divisions (A) 20080
(1) to (9) of this section apply to the person named in its 20081
proposed action, the board may issue a final order under 20082
division (F) of section 4717.03 of the Revised Code refusing to 20083
issue or renew, or suspending or revoking, the person's license 20084
to operate a crematory facility. 20085

(C) If the board of embalmers and funeral directors 20086
determines that there is clear and convincing evidence that any 20087
of the circumstances described in divisions (A) (1) to (9) of 20088
this section apply to the holder of a license or permit issued 20089
under this chapter and that the licensee's or permit holder's 20090
continued practice presents a danger of immediate and serious 20091
harm to the public, the board may suspend the licensee's license 20092
or permit holder's permit without a prior adjudicatory hearing. 20093
The executive director of the board shall prepare written 20094
allegations for consideration by the board. 20095

The board, after reviewing the written allegations, may 20096
suspend a license or permit without a prior hearing. 20097

The board shall issue a written order of suspension by a 20098
delivery system or in person in accordance with section 119.07 20099

of the Revised Code. Such an order is not subject to suspension 20100
by the court during the pendency of any appeal filed under 20101
section 119.12 of the Revised Code. If the licensee or permit 20102
holder requests an adjudicatory hearing by the board, the date 20103
set for the hearing shall be within fifteen days, but not 20104
earlier than seven days, after the licensee or permit holder has 20105
requested a hearing, unless the board and the licensee or permit 20106
holder agree to a different time for holding the hearing. 20107

Upon issuing a written order of suspension to the holder 20108
of a license to operate a crematory facility, the board of 20109
embalmers and funeral directors shall send written notice of the 20110
issuance of the order to the crematory review board. The 20111
crematory review board shall hold an adjudicatory hearing on the 20112
order under division (F) of section 4717.03 of the Revised Code 20113
within fifteen days, but not earlier than seven days, after the 20114
issuance of the order, unless the crematory review board and the 20115
licensee agree to a different time for holding the adjudicatory 20116
hearing. 20117

Any summary suspension imposed under this division shall 20118
remain in effect, unless reversed on appeal, until a final 20119
adjudicatory order issued by the board of embalmers and funeral 20120
directors pursuant to this division and Chapter 119. of the 20121
Revised Code, or division (F) of section 4717.03 of the Revised 20122
Code, as applicable, becomes effective. The board of embalmers 20123
and funeral directors shall issue its final adjudicatory order 20124
within sixty days after the completion of its hearing or, in the 20125
case of the summary suspension of a license to operate a 20126
crematory facility, within sixty days after completion of the 20127
adjudicatory hearing by the crematory review board. A failure to 20128
issue the order within that time results in the dissolution of 20129
the summary suspension order, but does not invalidate any 20130

subsequent final adjudicatory order. 20131

(D) If the board of embalmers and funeral directors 20132
suspends or revokes a funeral director's license or a license to 20133
operate a funeral home for any reason identified in division (A) 20134
of this section, the board may file a complaint with the court 20135
of common pleas in the county where the violation occurred 20136
requesting appointment of a receiver and the sequestration of 20137
the assets of the funeral home that held the suspended or 20138
revoked license or the licensed funeral home that employs the 20139
funeral director that held the suspended or revoked license. If 20140
the court of common pleas is satisfied with the application for 20141
a receivership, the court may appoint a receiver. 20142

The board or a receiver may employ and procure whatever 20143
assistance or advice is necessary in the receivership or 20144
liquidation and distribution of the assets of the funeral home, 20145
and, for that purpose, may retain officers or employees of the 20146
funeral home as needed. All expenses of the receivership or 20147
liquidation shall be paid from the assets of the funeral home 20148
and shall be a lien on those assets, and that lien shall be a 20149
priority to any other lien. 20150

~~(E) Any holder of a license or permit issued under this 20151
chapter who has pleaded guilty to, has been found by a judge or 20152
jury to be guilty of, or has had a judicial finding of 20153
eligibility for treatment in lieu of conviction entered against 20154
the individual in this state for aggravated murder, murder, 20155
voluntary manslaughter, felonious assault, kidnapping, rape, 20156
sexual battery, gross sexual imposition, aggravated arson, 20157
aggravated robbery, or aggravated burglary, or who has pleaded 20158
guilty to, has been found by a judge or jury to be guilty of, or 20159
has had a judicial finding of eligibility for treatment in lieu 20160~~

~~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 an adjudicatory hearing, the board shall enter a final order revoking the license.~~

~~(F)~~ No person whose license or permit has been suspended or revoked under or by the operation of this section shall knowingly practice embalming, funeral directing, or cremation, or operate a funeral home, embalming facility, or crematory facility until the board has reinstated the person's license or permit.

Sec. 4717.35. If a preneed funeral contract contains a provision stating that the preneed funeral contract will be funded by the purchase of an insurance policy, the insurance agent who sold the policy that will fund that preneed funeral contract shall require that any payment made by the purchaser be made in the form of a check, cashier's check, money order, or debit or credit card, payable only to the insurance company. The insurance agent shall remit the application for insurance and the premium paid to the insurance company designated in the

preneed funeral contract within the time period specified in 20192
division (B) ~~(15)~~ (14) of section 3905.14 of the Revised Code, 20193
unless the purchaser rescinds the preneed funeral contract in 20194
accordance with division (A) of section 4717.34 of the Revised 20195
Code. 20196

If the purchaser of a preneed funeral contract that is 20197
revocable and that is funded by an insurance policy or annuity 20198
elects to cancel the preneed funeral contract, the purchaser 20199
shall provide a written notice to the seller and the insurance 20200
company designated in the contract stating that the purchaser 20201
intends to cancel that contract. Fifteen days after the 20202
purchaser provides the notice to the seller of the contract and 20203
the insurance company, the purchaser may cancel the preneed 20204
funeral contract and change the beneficiary of the insurance 20205
policy or annuity or reassign the benefits under the policy or 20206
annuity. 20207

The purchaser of a preneed funeral contract that is 20208
irrevocable and that is funded by an insurance policy or annuity 20209
may transfer the preneed funeral contract to a successor seller 20210
by notifying the original seller of the designation of a 20211
successor seller. Within fifteen days after receiving the 20212
written notice of the designation of the successor seller from 20213
the purchaser, the original seller shall assign the seller's 20214
rights to the proceeds of the policy to the successor seller. 20215
The insurance company shall confirm the change of assignment by 20216
providing written notice to the policyholder. 20217

Sec. 4719.02. (A) No person shall act as a telephone 20218
solicitor without first having obtained a certificate of 20219
registration or registration renewal from the attorney general 20220
under section 4719.03 of the Revised Code. 20221

(B) The application for a certificate of registration or 20222
registration renewal as a telephone solicitor shall contain all 20223
of the following information: 20224

(1) The true name, date of birth, driver's license number, 20225
social security number or tax identification number, business 20226
address, and home address of the applicant, including each name 20227
under which the applicant intends to engage in telephone 20228
solicitations; 20229

(2) Each business or occupation engaged in by the 20230
applicant during the three years immediately preceding the date 20231
of the application, and the location of each such business or 20232
occupation; 20233

(3) The previous experience of the applicant as a 20234
telephone solicitor or salesperson; 20235

(4) Whether in any jurisdiction the applicant has been 20236
~~arrested for, convicted of, or pleaded guilty to, has entered a~~ 20237
~~plea of no contest for, or is being prosecuted by indictment or~~ 20238
~~information for a felony and, if so, the nature of the felony;~~ 20239

~~(5) Whether, in a court of competent jurisdiction of this~~ 20240
~~state or any other state or the United States, the applicant has~~ 20241
~~been convicted of or pleaded guilty to, has entered a plea of no~~ 20242
~~contest for, or is being prosecuted by indictment or information~~ 20243
~~for engaging in a pattern of corrupt activity, racketeering, a~~ 20244
~~violation of federal or state securities law, or a theft offense~~ 20245
~~as defined in section 2913.01 of the Revised Code or in similar~~ 20246
~~law of any other state or the United States a disqualifying~~ 20247
~~offense, as specified under section 9.79 of the Revised Code;~~ 20248

~~(6)~~ (5) Whether there has ever been a judicial or 20249
administrative finding that the applicant has acted as a 20250

salesperson without a license, or whether such a license has
been refused, revoked, or suspended in any jurisdiction;

~~(7)~~ (6) Whether the applicant has worked for or been
affiliated with a company that has had entered against it an
injunction, a temporary restraining order, or a final judgment
or order, including an agreed judgment or order, an assurance of
voluntary compliance, or any similar instrument, in any civil or
administrative action involving racketeering, fraud, theft,
embezzlement, fraudulent conversion, or misappropriation of
property; the use of any untrue, deceptive, or misleading
representation; or the use of any unfair, unlawful, deceptive,
or unconscionable trade act or practice;

~~(8)~~ (7) Whether in any jurisdiction there has been entered
against the applicant an injunction, a temporary restraining
order, or a final judgment or order, including an agreed
judgment or order, an assurance of voluntary compliance, or any
similar instrument, in any civil or administrative action
involving engaging in a pattern of corrupt activity,
racketeering, fraud, theft, embezzlement, fraudulent conversion,
or misappropriation of property; the use of any untrue,
deceptive, or misleading representation; or the use of any
unfair, unlawful, deceptive, or unconscionable trade act or
practice; and whether there is any litigation or proceeding
pending against the applicant;

~~(9)~~ (8) Whether the applicant, at any time during the
previous seven years, has filed for bankruptcy, been adjudged
bankrupt, or been reorganized because of insolvency;

~~(10)~~ (9) The name of any parent, affiliate, or other
related entity to which either of the following applies:

(a) The entity may engage in a business transaction with a purchaser relating to any telephone solicitation by the applicant.

(b) The entity accepts responsibility or is otherwise held out by the applicant as being responsible for any statement or act of the applicant relating to any telephone solicitation by the applicant.

~~(11)~~ (10) The complete street address of each location, designating the principal location, from which the applicant will be doing business, including each location at which mail will be received by or on behalf of the applicant, and identifying any such location that is a post office box or mail drop;

~~(12)~~ (11) A list of all telephone numbers to be used by the applicant, with the street address where each telephone using these numbers will be located;

~~(13)~~ (12) The true name, current home address, date of birth, social security number, and all other names by which known, or previously known, of each of the following:

(a) Each principal officer, director, trustee, shareholder, owner, or partner of the applicant, and each other person participating in or responsible for the management of the applicant's business;

(b) Each office manager or other person principally responsible for each location from which the applicant will do business;

(c) Each salesperson or other person to be employed by the applicant.

~~(14)~~(13) The name and street address of the statutory agent required by division (D) of this section; 20308
20309

~~(15)~~(14) For any application containing answers in the affirmative to any information required by divisions (B)(4) to ~~(8)~~(7) of this section: 20310
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20312

(a) The name of the court or administrative agency rendering the conviction, judgment, or order against the person or in which the litigation or proceeding is pending; 20313
20314
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(b) The docket number of the matter; the date of the conviction, judgment, or order or the date the pending litigation or proceeding was initiated; and the name of the governmental agency, if any, that brought the action resulting in the conviction, judgment, order, or pending litigation or proceeding. 20316
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~~(16)~~(15) If the applicant is other than an individual or if any parent, affiliate, or other related entity is identified pursuant to division (B)~~(10)~~(9) of this section: 20322
20323
20324

(a) The applicant's place of organization and the place of organization of any such parent, affiliate, or other related entity; 20325
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20327

(b) In the case of a partnership on the part of the applicant or such parent, affiliate, or other related entity, a copy of any written partnership agreement; 20328
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(c) In the case of a corporation, a copy of the articles of incorporation and bylaws of the applicant and such parent, affiliate, or other related entity. 20331
20332
20333

~~(17)~~(16) The identity of any person, identified pursuant to division (B)~~(13)~~(12) of this section, that in any 20334
20335

jurisdiction: 20336

(a) Has been convicted of or pleaded guilty to, entered a 20337
plea of no contest for, or is being prosecuted by indictment or 20338
information for a felony, engaging in a pattern of corrupt 20339
activity, racketeering, a violation of federal or state 20340
securities law, or a theft offense as defined in section 2913.01 20341
of the Revised Code or in similar law of any other state or the 20342
United States; 20343

(b) Is involved in pending litigation or proceedings or 20344
has had entered against itself an injunction, a temporary 20345
restraining order, or a final judgment or order, including a 20346
stipulated judgment or order, an assurance of voluntary 20347
compliance, or any similar instrument, in any civil or 20348
administrative action involving engaging in a pattern of corrupt 20349
activity, racketeering, fraud, theft, embezzlement, fraudulent 20350
conversion, or misappropriation of property; the use of any 20351
untrue, deceptive, or misleading representation; or the use of 20352
any unfair, unlawful, deceptive, or unconscionable trade act or 20353
practice; 20354

(c) Is or has been subject to any litigation, injunction, 20355
temporary restraining order, or final judgment or order, 20356
including a stipulated judgment or order, an assurance of 20357
voluntary compliance, or any similar instrument, in any civil or 20358
administrative action involving engaging in a pattern of corrupt 20359
activity, racketeering, fraud, theft, embezzlement, fraudulent 20360
conversion, or misappropriation of property; the use of any 20361
untrue, deceptive, or misleading representation; or the use of 20362
any unfair, unlawful, deceptive, or unconscionable trade act or 20363
practice; 20364

(d) At any time during the previous seven years, has filed 20365

for bankruptcy, been adjudged bankrupt, or been reorganized 20366
because of insolvency; 20367

(e) Has been a principal, director, officer, or trustee of 20368
or a general or limited partner in, or had responsibilities as a 20369
manager in, any corporation, partnership, joint venture, or 20370
other entity that filed for bankruptcy, was adjudged bankrupt, 20371
or was reorganized because of insolvency within one year after 20372
the person held that position. 20373

~~(18)~~(17) For any application containing answers in the 20374
affirmative to any information required by division (B) ~~(9)~~(8) 20375
of this section and for any person described in division (B) ~~(17)~~ 20376
(16) (d) of this section: 20377

(a) The name of the court or administrative agency 20378
rendering the conviction, judgment, or order against the person 20379
or in which the litigation is pending; 20380

(b) The docket number of the matter; the date of the 20381
conviction, judgment, or order or the date the pending 20382
litigation was initiated; and the name of the governmental 20383
agency, if any, that brought the action resulting in the 20384
conviction, judgment, order or pending litigation. 20385

~~(19)~~(18) The name and address of any person identified 20386
under division (B) ~~(17)~~(16) (e) of this section; the date of the 20387
action; the name of court that exercised jurisdiction; and the 20388
docket number of the matter; 20389

~~(20)~~(19) The name, address, and account number of each 20390
institution where banking or similar monetary transactions are 20391
done by the applicant; 20392

~~(21)~~(20) A copy of any script, outline, or presentation 20393
the applicant will require or suggest be used by a salesperson 20394

when soliciting or, if no such document is to be used, a 20395
notarized statement to that effect; sales information or 20396
literature to be provided by the applicant to a salesperson; and 20397
sales information or literature to be provided by the applicant 20398
to a purchaser in connection with any solicitation; 20399

~~(22)~~(21) Any other information required at any time by 20400
the attorney general. 20401

(C) (1) Except as otherwise provided in divisions (C) (2) 20402
and (3) of this section, no telephone solicitor shall fail to 20403
notify the attorney general in writing any later than thirty 20404
days after the date of a change in the information required by 20405
division (B) of this section. 20406

(2) No telephone solicitor shall fail to notify the 20407
attorney general in writing any later than thirty days before 20408
any change in the information required by divisions (B) (1), ~~(11)~~ 20409
(10), and ~~(12)~~(11) of this section. 20410

(3) No telephone solicitor shall fail to notify the 20411
attorney general in writing of any change in the information 20412
required by division (B) ~~(21)~~(20) of this section prior to its 20413
use in a solicitation. 20414

(D) No nonresident telephone solicitor shall fail to 20415
maintain a resident of this state as its statutory agent for the 20416
purpose of service of process. 20417

(E) Information regarding social security numbers, bank 20418
accounts, and solicitation scripts, outlines, or presentations 20419
submitted in an application under this section is not a public 20420
record under section 149.43 of the Revised Code. The attorney 20421
general shall not release information of that nature to the 20422
public. 20423

Sec. 4719.03. (A) Except as otherwise provided in division 20424
(B) of this section, the attorney general shall issue a 20425
certificate of registration or registration renewal as a 20426
telephone solicitor to any applicant or registrant that submits 20427
a completed application for the certificate, as specified under 20428
section 4719.02 of the Revised Code, and pays, as applicable, 20429
the registration fee or renewal fee prescribed pursuant to rule 20430
of the attorney general adopted under section 4719.10 of the 20431
Revised Code. All fees collected under this division shall be 20432
deposited into the state treasury to the credit of the 20433
telemarketing fraud enforcement fund created in section 4719.17 20434
of the Revised Code. The certificate of registration or 20435
registration renewal shall expire one year after the date on 20436
which it is issued. 20437

(B) After an adjudication conducted in accordance with 20438
Chapter 119. of the Revised Code, the attorney general may deny 20439
a certificate of registration or registration renewal or may 20440
suspend or revoke a certificate if the attorney general finds, 20441
by a preponderance of the evidence, that any of the following 20442
conditions apply: 20443

(1) The applicant or registrant obtained a certificate of 20444
registration or registration renewal through any false or 20445
fraudulent representation or made any material misrepresentation 20446
in any registration application. 20447

(2) The applicant or registrant made false promises 20448
through advertising or other means or engaged in a continued 20449
course of misrepresentations. 20450

(3) The applicant or registrant violated any provision of 20451
Chapter 1345. or sections 4719.01 to 4719.18 of the Revised Code 20452
or a rule adopted under that chapter or those sections. 20453

(4) In a court of competent jurisdiction of this state or 20454
any other state or of the United States, the applicant or 20455
registrant was convicted of, ~~pleaded guilty to, or entered a~~ 20456
~~plea of no contest for a felony, engaging in a pattern of~~ 20457
~~corrupt activity, racketeering, a violation of federal or state~~ 20458
~~securities law, or a theft offense as defined in section 2913.01~~ 20459
~~of the Revised Code or in a similar law of any other state or of~~ 20460
~~the United States~~ a disqualifying offense, as specified under 20461
section 9.79 of the Revised Code, or failed to notify the 20462
attorney general of any conviction of that type as required 20463
under division (H) of section 4719.08 of the Revised Code. 20464

(5) The applicant or registrant engaged in conduct that 20465
constituted improper, fraudulent, or dishonest dealings. 20466

Sec. 4719.08. No telephone solicitor shall do any of the 20467
following: 20468

(A) Obtain a certificate of registration or registration 20469
renewal under section 4719.03 of the Revised Code through any 20470
false or fraudulent representation or make any material 20471
misrepresentation in any registration or registration renewal 20472
application; 20473

(B) Fail to maintain a valid certificate of registration 20474
or registration renewal; 20475

(C) Advertise that one is registered as a telephone 20476
solicitor or represent that registration as a telephone 20477
solicitor constitutes approval or endorsement by any government 20478
or governmental office or agency; 20479

(D) Provide inaccurate or incomplete information to the 20480
attorney general when making an application for a certificate or 20481
certificate renewal; 20482

(E) Misrepresent that a person is registered or that the person has a valid certificate number;	20483 20484
(F) Misrepresent, directly or by implication, any of the following information:	20485 20486
(1) The total costs to purchase, receive, or use, and the quantity of, any goods or services that are the subject of a telephone solicitation;	20487 20488 20489
(2) A material restriction, limitation, or condition to purchase, receive, or use goods or services that are the subject of a telephone solicitation;	20490 20491 20492
(3) A material aspect of the performance, efficacy, nature, or characteristics of goods or services that are the subject of a telephone solicitation;	20493 20494 20495
(4) A material aspect of the nature or terms of the telephone solicitor's refund, cancellation, exchange, or repurchase policies;	20496 20497 20498
(5) A material aspect of a prize promotion, including, but not limited to, the odds of being able to receive a prize, the nature or value of a prize, or that a purchase or payment of any kind is required to win a prize or to participate in a prize promotion;	20499 20500 20501 20502 20503
(6) A material aspect of an investment opportunity, including, but not limited to, risk, liquidity, earnings potential, or profitability;	20504 20505 20506
(7) The telephone solicitor's affiliation with, or endorsement by, any government or third-party organization.	20507 20508
(G) Make a false or misleading statement to induce a purchaser to pay for goods or services;	20509 20510

(H) Fail to notify the attorney general within fifteen 20511
days if, in a court of competent jurisdiction of this state or 20512
any other state or of the United States, the telephone solicitor 20513
is convicted of, ~~pleads guilty to, or enters a plea of no~~ 20514
~~contest for a felony, engaging in a pattern of corrupt activity,~~ 20515
~~racketeering, a violation of federal or state securities law, or~~ 20516
~~a theft offense as defined in section 2913.01 of the Revised~~ 20517
~~Code or in similar law of any other state or of the United~~ 20518
~~States a disqualifying offense, as specified under section 9.79~~ 20519
of the Revised Code; 20520

(I) Intentionally block or intentionally authorize or 20521
cause to be blocked the disclosure of the telephone number from 20522
which a telephone solicitation is made. 20523

Sec. 4723.07. In accordance with Chapter 119. of the 20524
Revised Code, the board of nursing shall adopt and may amend and 20525
rescind rules that establish all of the following: 20526

(A) Provisions for the board's government and control of 20527
its actions and business affairs; 20528

(B) Minimum standards for nursing education programs that 20529
prepare graduates to be licensed under this chapter and 20530
procedures for granting, renewing, and withdrawing approval of 20531
those programs; 20532

(C) Criteria that applicants for licensure must meet to be 20533
eligible to take examinations for licensure; 20534

(D) Standards and procedures for renewal of the licenses 20535
and certificates issued by the board; 20536

(E) Standards for approval of continuing nursing education 20537
programs and courses for registered nurses, advanced practice 20538
registered nurses, and licensed practical nurses. The standards 20539

may provide for approval of continuing nursing education 20540
programs and courses that have been approved by other state 20541
boards of nursing or by national accreditation systems for 20542
nursing, including, but not limited to, the American nurses' 20543
credentialing center and the national association for practical 20544
nurse education and service. 20545

(F) Standards that persons must meet to be authorized by 20546
the board to approve continuing education programs and courses 20547
and a schedule by which that authorization expires and may be 20548
renewed; 20549

(G) Requirements, including continuing education 20550
requirements, for reactivating inactive licenses or 20551
certificates, and for reinstating licenses or certificates that 20552
have lapsed; 20553

(H) Conditions that may be imposed for reinstatement of a 20554
license or certificate following action taken under section 20555
3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised 20556
Code resulting in a license or certificate suspension; 20557

(I) Requirements for board approval of courses in 20558
medication administration by licensed practical nurses; 20559

(J) Criteria for evaluating the qualifications of an 20560
applicant for a license to practice nursing as a registered 20561
nurse, a license to practice nursing as an advanced practice 20562
registered nurse, or a license to practice nursing as a licensed 20563
practical nurse for the purpose of issuing the license by the 20564
board's endorsement of the applicant's authority to practice 20565
issued by the licensing agency of another state; 20566

(K) Universal and standard precautions that shall be used 20567
by each licensee or certificate holder. The rules shall define 20568

and establish requirements for universal and standard	20569
precautions that include the following:	20570
(1) Appropriate use of hand washing;	20571
(2) Disinfection and sterilization of equipment;	20572
(3) Handling and disposal of needles and other sharp instruments;	20573 20574
(4) Wearing and disposal of gloves and other protective garments and devices.	20575 20576
(L) Quality assurance standards for advanced practice registered nurses;	20577 20578
(M) Additional criteria for the standard care arrangement required by section 4723.431 of the Revised Code entered into by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and the nurse's collaborating physician or podiatrist;	20579 20580 20581 20582 20583
(N) For purposes of division (B) (31) <u>(28)</u> of section 4723.28 of the Revised Code, the actions, omissions, or other circumstances that constitute failure to establish and maintain professional boundaries with a patient;	20584 20585 20586 20587
(O) Standards and procedures for delegation under section 4723.48 of the Revised Code of the authority to administer drugs.	20588 20589 20590
The board may adopt other rules necessary to carry out the provisions of this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	20591 20592 20593
Sec. 4723.092. An individual is ineligible for licensure under section 4723.09 of the Revised Code or issuance of a	20594 20595

certificate under section 4723.651, 4723.75, 4723.76, or 4723.85 20596
of the Revised Code if a criminal records check conducted in 20597
accordance with section 4723.091 of the Revised Code indicates 20598
that the individual has been convicted of, ~~pleaded guilty to, or~~ 20599
~~had a judicial finding of guilt for either of the following:~~ 20600

~~(A) Violating section 2903.01, 2903.02, 2903.03, 2903.11,~~ 20601
~~2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11~~ 20602
~~of the Revised Code;~~ 20603

~~(B) Violating a disqualifying offense, as specified under~~ 20604
~~section 9.79 of the Revised Code, or a substantially similar~~ 20605
~~offense under the law of another state, the United States, or~~ 20606
~~another country that is substantially similar to a law described~~ 20607
~~in division (A) of this section.~~ 20608

Sec. 4723.24. (A) (1) Except as otherwise provided in this 20609
chapter, all of the following apply with respect to the 20610
schedules for renewal of licenses and certificates issued by the 20611
board of nursing: 20612

(a) An active license to practice nursing as a registered 20613
nurse is subject to renewal in odd-numbered years. An 20614
application for renewal of the license is due on the fifteenth 20615
day of September of the renewal year. A late application may be 20616
submitted before the license lapses. If a license is not renewed 20617
or classified as inactive, the license lapses on the first day 20618
of November of the renewal year. 20619

(b) An active license to practice nursing as a licensed 20620
practical nurse is subject to renewal in even-numbered years. An 20621
application for renewal of the license is due on the fifteenth 20622
day of September of the renewal year. A late application may be 20623
submitted before the license lapses. If a license is not renewed 20624

or classified as inactive, the license lapses on the first day 20625
of November of the renewal year. 20626

(c) An active license to practice nursing as an advanced 20627
practice registered nurse is subject to renewal in odd-numbered 20628
years. An application for renewal of the license is due on the 20629
fifteenth day of September of the renewal year. A late 20630
application may be submitted before the license lapses. If a 20631
license is not renewed or classified as inactive, the license 20632
lapses on the first day of November of the renewal year. 20633

(d) All other active licenses and certificates issued 20634
under this chapter are subject to renewal according to a 20635
schedule established by the board in rules adopted under section 20636
4723.07 of the Revised Code. 20637

(2) The board shall provide an application for renewal to 20638
every holder of an active license or certificate, except when 20639
the board is aware that an individual is ineligible for license 20640
or certificate renewal for any reason, including ~~pending~~ 20641
~~criminal charges~~ conviction of a disqualifying offense, as 20642
specified under section 9.79 of the Revised Code, in this state 20643
or another jurisdiction, failure to comply with a disciplinary 20644
order from the board or the terms of a consent agreement entered 20645
into with the board, failure to pay fines or fees owed to the 20646
board, or failure to provide on the board's request 20647
documentation of having completed the continuing nursing 20648
education requirements specified in division (C) of this 20649
section. 20650

If the board provides a renewal application by mail, the 20651
application shall be addressed to the last known post-office 20652
address of the license or certificate holder and mailed before 20653
the date the application is due. Failure of the license or 20654

certificate holder to receive an application for renewal from 20655
the board shall not excuse the holder from the requirements 20656
contained in this section, except as provided in section 5903.10 20657
of the Revised Code. 20658

(3) A license or certificate holder seeking renewal of the 20659
license or certificate shall complete the renewal application 20660
and submit it to the board with the renewal fee established 20661
under section 4723.08 of the Revised Code. If a renewal 20662
application is submitted after the date the application is due, 20663
but before the date the license or certificate lapses, the 20664
applicant shall include with the application the fee established 20665
under section 4723.08 of the Revised Code for processing a late 20666
application for renewal. 20667

With the renewal application, the applicant shall report 20668
any conviction, ~~plea, or judicial finding regarding a criminal-~~ 20669
~~offense~~ that constitutes grounds for the board to impose 20670
sanctions under section 4723.28 of the Revised Code since the 20671
applicant last submitted an application to the board. 20672

(4) On receipt of the renewal application, the board shall 20673
verify whether the applicant meets the renewal requirements. If 20674
the applicant meets the requirements, the board shall renew the 20675
license or certificate. 20676

(B) Every license or certificate holder shall give written 20677
notice to the board of any change of name or address within 20678
thirty days of the change. The board shall require the holder to 20679
document a change of name in a manner acceptable to the board. 20680

(C) (1) Except in the case of a first renewal after 20681
licensure by examination, to be eligible for renewal of an 20682
active license to practice nursing as a registered nurse or 20683

licensed practical nurse, each individual who holds an active 20684
license shall, in each two-year period specified by the board, 20685
complete continuing nursing education as follows: 20686

(a) For renewal of a license that was issued for a two- 20687
year renewal period, twenty-four hours of continuing nursing 20688
education; 20689

(b) For renewal of a license that was issued for less than 20690
a two-year renewal period, the number of hours of continuing 20691
nursing education specified by the board in rules adopted in 20692
accordance with Chapter 119. of the Revised Code; 20693

(c) Of the hours of continuing nursing education completed 20694
in any renewal period, at least one hour of the education must 20695
be directly related to the statutes and rules pertaining to the 20696
practice of nursing in this state. 20697

(2) To be eligible for renewal of an active license to 20698
practice nursing as an advanced practice registered nurse, each 20699
individual who holds an active license shall, in each two-year 20700
period specified by the board, complete continuing education as 20701
follows: 20702

(a) For renewal of a license that was issued for a two- 20703
year renewal period, twenty-four hours of continuing nursing 20704
education; 20705

(b) For renewal of a license that was issued for less than 20706
a two-year renewal period, the number of hours of continuing 20707
nursing education specified by the board in rules adopted in 20708
accordance with Chapter 119. of the Revised Code, including the 20709
number of hours of continuing education in advanced 20710
pharmacology; 20711

(c) In the case of an advanced practice registered nurse 20712

who is designated as a clinical nurse specialist, certified 20713
nurse-midwife, or certified nurse practitioner, of the hours of 20714
continuing nursing education completed in any renewal period, at 20715
least twelve hours of the education must be in advanced 20716
pharmacology and be received from an accredited institution 20717
recognized by the board. 20718

(d) The continuing education required by division (C) (2) 20719
(a) or (b) of this section is in addition to the continuing 20720
education required by division (C) (1) (a) or (b) of this section. 20721

(3) The board shall adopt rules establishing the procedure 20722
for a license holder to certify to the board completion of the 20723
required continuing nursing education. The board may conduct a 20724
random sample of license holders and require that the license 20725
holders included in the sample submit satisfactory documentation 20726
of having completed the requirements for continuing nursing 20727
education. On the board's request, a license holder included in 20728
the sample shall submit the required documentation. 20729

(4) An educational activity may be applied toward meeting 20730
the continuing nursing education requirement only if it is 20731
obtained through a program or course approved by the board or a 20732
person the board has authorized to approve continuing nursing 20733
education programs and courses. 20734

(5) The continuing education required of a certified 20735
registered nurse anesthetist, clinical nurse specialist, 20736
certified nurse-midwife, or certified nurse practitioner to 20737
maintain certification by a national certifying organization 20738
shall be applied toward the continuing education requirements 20739
for renewal of the following if the continuing education is 20740
obtained through a program or course approved by the board or a 20741
person the board has authorized to approve continuing nursing 20742

education programs and courses: 20743

(a) A license to practice nursing as a registered nurse; 20744

(b) A license to practice nursing as an advanced practice 20745
registered nurse. 20746

(D) Except as otherwise provided in section 4723.28 of the 20747
Revised Code, an individual who holds an active license to 20748
practice nursing as a registered nurse or licensed practical 20749
nurse and who does not intend to practice in Ohio may send to 20750
the board written notice to that effect on or before the date 20751
the license lapses, and the board shall classify the license as 20752
inactive. During the period that the license is classified as 20753
inactive, the holder may not engage in the practice of nursing 20754
as a registered nurse or licensed practical nurse in Ohio and is 20755
not required to pay the renewal fee. 20756

The holder of an inactive license to practice nursing as a 20757
registered nurse or licensed practical nurse or an individual 20758
who has failed to renew the individual's license to practice 20759
nursing as a registered nurse or licensed practical nurse may 20760
have the license reactivated or reinstated upon doing the 20761
following, as applicable to the holder or individual: 20762

(1) Applying to the board for license reactivation or 20763
reinstatement on forms provided by the board; 20764

(2) Meeting the requirements for reactivating or 20765
reinstating licenses established in rules adopted under section 20766
4723.07 of the Revised Code or, if the individual did not renew 20767
because of service in the armed forces of the United States or a 20768
reserve component of the armed forces of the United States, 20769
including the Ohio national guard or the national guard of any 20770
other state, as provided in section 5903.10 of the Revised Code; 20771

(3) If the license has been inactive for at least five 20772
years from the date of application for reactivation or has 20773
lapsed for at least five years from the date of application for 20774
reinstatement, submitting a request to the bureau of criminal 20775
identification and investigation for a criminal records check 20776
and check of federal bureau of investigation records pursuant to 20777
section 4723.091 of the Revised Code. 20778

(E) Except as otherwise provided in section 4723.28 of the 20779
Revised Code, an individual who holds an active license to 20780
practice nursing as an advanced practice registered nurse and 20781
does not intend to practice in Ohio as an advanced practice 20782
registered nurse may send to the board written notice to that 20783
effect on or before the renewal date, and the board shall 20784
classify the license as inactive. During the period that the 20785
license is classified as inactive, the holder may not engage in 20786
the practice of nursing as an advanced practice registered nurse 20787
in Ohio and is not required to pay the renewal fee. 20788

The holder of an inactive license to practice nursing as 20789
an advanced practice registered nurse or an individual who has 20790
failed to renew the individual's license to practice nursing as 20791
an advanced practice registered nurse may have the license 20792
reactivated or reinstated upon doing the following, as 20793
applicable to the holder or individual: 20794

(1) Applying to the board for license reactivation or 20795
reinstatement on forms provided by the board; 20796

(2) Meeting the requirements for reactivating or 20797
reinstating licenses established in rules adopted under section 20798
4723.07 of the Revised Code or, if the individual did not renew 20799
because of service in the armed forces of the United States or a 20800
reserve component of the armed forces of the United States, 20801

including the Ohio national guard or the national guard of any 20802
other state, as provided in section 5903.10 of the Revised Code. 20803

Sec. 4723.28. (A) The board of nursing, by a vote of a 20804
quorum, may impose one or more of the following sanctions if it 20805
finds that a person committed fraud in passing an examination 20806
required to obtain a license or dialysis technician certificate 20807
issued by the board or to have committed fraud, 20808
misrepresentation, or deception in applying for or securing any 20809
nursing license or dialysis technician certificate issued by the 20810
board: deny, revoke, suspend, or place restrictions on any 20811
nursing license or dialysis technician certificate issued by the 20812
board; reprimand or otherwise discipline a holder of a nursing 20813
license or dialysis technician certificate; or impose a fine of 20814
not more than five hundred dollars per violation. 20815

(B) The board of nursing, by a vote of a quorum, may 20816
impose one or more of the following sanctions: deny, revoke, 20817
suspend, or place restrictions on any nursing license or 20818
dialysis technician certificate issued by the board; reprimand 20819
or otherwise discipline a holder of a nursing license or 20820
dialysis technician certificate; or impose a fine of not more 20821
than five hundred dollars per violation. The sanctions may be 20822
imposed for any of the following: 20823

(1) Denial, revocation, suspension, or restriction of 20824
authority to engage in a licensed profession or practice a 20825
health care occupation, including nursing or practice as a 20826
dialysis technician, for any reason other than a failure to 20827
renew, in Ohio or another state or jurisdiction; 20828

(2) Engaging in the practice of nursing or engaging in 20829
practice as a dialysis technician, having failed to renew a 20830
nursing license or dialysis technician certificate issued under 20831

this chapter, or while a nursing license or dialysis technician certificate is under suspension; 20832
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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;~~ 20834
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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 a disqualifying offense, as specified under section 9.79 of the Revised Code;~~ 20840
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~~(5) (4) 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;~~ 20847
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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;~~ 20855
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~~(7) 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 the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;~~ 20861
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~~(8)~~ (5) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance; 20868
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~~(9)~~ (6) Habitual or excessive use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to provide safe nursing care or safe dialysis care; 20874
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~~(10)~~ (7) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances; 20878
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~~(11)~~ (8) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability; 20882
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~~(12)~~ (9) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance; 20885
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~~(13)~~ (10) Misappropriation or attempted misappropriation of money or anything of value in the course of practice; 20887
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~~(14)~~ (11) Adjudication by a probate court of being 20889

mentally ill or mentally incompetent. The board may reinstate 20890
the person's nursing license or dialysis technician certificate 20891
upon adjudication by a probate court of the person's restoration 20892
to competency or upon submission to the board of other proof of 20893
competency. 20894

~~(15)~~ (12) The suspension or termination of employment by 20895
the United States department of defense or department of 20896
veterans affairs for any act that violates or would violate this 20897
chapter; 20898

~~(16)~~ (13) Violation of this chapter or any rules adopted 20899
under it; 20900

~~(17)~~ (14) Violation of any restrictions placed by the 20901
board on a nursing license or dialysis technician certificate; 20902

~~(18)~~ (15) Failure to use universal and standard 20903
precautions established by rules adopted under section 4723.07 20904
of the Revised Code; 20905

~~(19)~~ (16) Failure to practice in accordance with 20906
acceptable and prevailing standards of safe nursing care or safe 20907
dialysis care; 20908

~~(20)~~ (17) In the case of a registered nurse, engaging in 20909
activities that exceed the practice of nursing as a registered 20910
nurse; 20911

~~(21)~~ (18) In the case of a licensed practical nurse, 20912
engaging in activities that exceed the practice of nursing as a 20913
licensed practical nurse; 20914

~~(22)~~ (19) In the case of a dialysis technician, engaging 20915
in activities that exceed those permitted under section 4723.72 20916
of the Revised Code; 20917

(23) <u>(20)</u> Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	20918 20919 20920
(24) <u>(21)</u> In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	20921 20922 20923
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	20924 20925 20926 20927 20928 20929
(b) Advertising that the nurse 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 such nursing services, would otherwise be required to pay.	20930 20931 20932 20933 20934
(25) <u>(22)</u> Failure to comply with the terms and conditions of participation in the chemical dependency monitoring program established under section 4723.35 of the Revised Code;	20935 20936 20937
(26) <u>(23)</u> Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	20938 20939 20940
(27) <u>(24)</u> In the case of an advanced practice registered nurse:	20941 20942
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	20943 20944 20945

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	20946 20947
(28) <u>(25)</u> In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	20948 20949 20950 20951 20952
(29) <u>(26)</u> In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	20953 20954 20955 20956 20957
(30) <u>(27)</u> Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	20958 20959 20960
(31) <u>(28)</u> Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	20961 20962 20963
(32) <u>(29)</u> Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	20964 20965 20966 20967
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	20968 20969
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	20970 20971 20972
(33) Assisting suicide, as defined in section 3795.01 of	20973

~~the Revised Code;~~ 20974

~~(34)~~ (30) Failure to comply with the requirements in 20975
section 3719.061 of the Revised Code before issuing for a minor 20976
a prescription for an opioid analgesic, as defined in section 20977
3719.01 of the Revised Code; 20978

~~(35)~~ (31) Failure to comply with section 4723.487 of the 20979
Revised Code, unless the state board of pharmacy no longer 20980
maintains a drug database pursuant to section 4729.75 of the 20981
Revised Code; 20982

~~(36)~~ (32) The revocation, suspension, restriction, 20983
reduction, or termination of clinical privileges by the United 20984
States department of defense or department of veterans affairs 20985
or the termination or suspension of a certificate of 20986
registration to prescribe drugs by the drug enforcement 20987
administration of the United States department of justice. 20988

(C) Disciplinary actions taken by the board under 20989
divisions (A) and (B) of this section shall be taken pursuant to 20990
an adjudication conducted under Chapter 119. of the Revised 20991
Code, except that in lieu of a hearing, the board may enter into 20992
a consent agreement with an individual to resolve an allegation 20993
of a violation of this chapter or any rule adopted under it. A 20994
consent agreement, when ratified by a vote of a quorum, shall 20995
constitute the findings and order of the board with respect to 20996
the matter addressed in the agreement. If the board refuses to 20997
ratify a consent agreement, the admissions and findings 20998
contained in the agreement shall be of no effect. 20999

(D) The hearings of the board shall be conducted in 21000
accordance with Chapter 119. of the Revised Code, the board may 21001
appoint a hearing examiner, as provided in section 119.09 of the 21002

Revised Code, to conduct any hearing the board is authorized to 21003
hold under Chapter 119. of the Revised Code. 21004

In any instance in which the board is required under 21005
Chapter 119. of the Revised Code to give notice of an 21006
opportunity for a hearing and the applicant, licensee, or 21007
certificate holder does not make a timely request for a hearing 21008
in accordance with section 119.07 of the Revised Code, the board 21009
is not required to hold a hearing, but may adopt, by a vote of a 21010
quorum, a final order that contains the board's findings. In the 21011
final order, the board may order any of the sanctions listed in 21012
division (A) or (B) of this section. 21013

~~(E) If a criminal action is brought against a registered 21014
nurse, licensed practical nurse, or dialysis technician for an 21015
act or crime described in divisions (B) (3) to (7) of this 21016
section and the action is dismissed by the trial court other 21017
than on the merits, the board shall conduct an adjudication to 21018
determine whether the registered nurse, licensed practical 21019
nurse, or dialysis technician committed the act on which the 21020
action was based. If the board determines on the basis of the 21021
adjudication that the registered nurse, licensed practical 21022
nurse, or dialysis technician committed the act, or if the 21023
registered nurse, licensed practical nurse, or dialysis 21024
technician fails to participate in the adjudication, the board 21025
may take action as though the registered nurse, licensed 21026
practical nurse, or dialysis technician had been convicted of 21027
the act. 21028~~

If the board takes action on the basis of a conviction, ~~21029
plea, or a judicial finding as described in divisions division 21030
(B) (3) to (7) of this section that is overturned on appeal, the 21031
registered nurse, licensed practical nurse, or dialysis 21032~~

technician may, on exhaustion of the appeal process, petition 21033
the board for reconsideration of its action. On receipt of the 21034
petition and supporting court documents, the board shall 21035
~~temporarily rescind its action. If the board determines that the~~ 21036
~~decision on appeal was a decision on the merits, it shall~~ 21037
permanently rescind its action. If the board determines that the 21038
~~decision on appeal was not a decision on the merits, it shall~~ 21039
~~conduct an adjudication to determine whether the registered~~ 21040
~~nurse, licensed practical nurse, or dialysis technician~~ 21041
~~committed the act on which the original conviction, plea, or~~ 21042
~~judicial finding was based. If the board determines on the basis~~ 21043
~~of the adjudication that the registered nurse, licensed~~ 21044
~~practical nurse, or dialysis technician committed such act, or~~ 21045
~~if the registered nurse, licensed practical nurse, or dialysis~~ 21046
~~technician does not request an adjudication, the board shall~~ 21047
~~reinstate its action; otherwise, the board shall permanently~~ 21048
~~rescind its action.~~ 21049

Notwithstanding the provision of division (C) (2) of 21050
section 2953.32 of the Revised Code specifying that if records 21051
pertaining to a criminal case are sealed under that section the 21052
proceedings in the case shall be deemed not to have occurred, 21053
~~sealing of the following records any record of conviction on~~ 21054
which the board has based an action under this section shall 21055
have no effect on the board's action or any sanction imposed by 21056
the board ~~under this section: records of any conviction, guilty~~ 21057
~~plea, judicial finding of guilt resulting from a plea of no~~ 21058
~~contest, or a judicial finding of eligibility for a pretrial~~ 21059
~~diversion program or intervention in lieu of conviction.~~ 21060

The board shall not be required to seal, destroy, redact, 21061
or otherwise modify its records to reflect the court's sealing 21062
of conviction records. 21063

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

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to provide safe nursing care. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, 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 finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, 21095
licensed practical nurse, or dialysis technician or applicant 21096
under this chapter shall be deemed to have given consent to 21097
submit to a mental or physical examination when directed to do 21098
so in writing by the board, and to have waived all objections to 21099
the admissibility of testimony or examination reports that 21100
constitute a privileged communication. 21101

(H) The board shall investigate evidence that appears to 21102
show that any person has violated any provision of this chapter 21103
or any rule of the board. Any person may report to the board any 21104
information the person may have that appears to show a violation 21105
of any provision of this chapter or rule of the board. In the 21106
absence of bad faith, any person who reports such information or 21107
who testifies before the board in any adjudication conducted 21108
under Chapter 119. of the Revised Code shall not be liable for 21109
civil damages as a result of the report or testimony. 21110

(I) All of the following apply under this chapter with 21111
respect to the confidentiality of information: 21112

(1) Information received by the board pursuant to a 21113
complaint or an investigation is confidential and not subject to 21114
discovery in any civil action, except that the board may 21115
disclose information to law enforcement officers and government 21116
entities for purposes of an investigation of either a licensed 21117
health care professional, including a registered nurse, licensed 21118
practical nurse, or dialysis technician, or a person who may 21119
have engaged in the unauthorized practice of nursing or dialysis 21120
care. No law enforcement officer or government entity with 21121
knowledge of any information disclosed by the board pursuant to 21122
this division shall divulge the information to any other person 21123
or government entity except for the purpose of a government 21124

investigation, a prosecution, or an adjudication by a court or 21125
government entity. 21126

(2) If an investigation requires a review of patient 21127
records, the investigation and proceeding shall be conducted in 21128
such a manner as to protect patient confidentiality. 21129

(3) All adjudications and investigations of the board 21130
shall be considered civil actions for the purposes of section 21131
2305.252 of the Revised Code. 21132

(4) Any board activity that involves continued monitoring 21133
of an individual as part of or following any disciplinary action 21134
taken under this section shall be conducted in a manner that 21135
maintains the individual's confidentiality. Information received 21136
or maintained by the board with respect to the board's 21137
monitoring activities is not subject to discovery in any civil 21138
action and is confidential, except that the board may disclose 21139
information to law enforcement officers and government entities 21140
for purposes of an investigation of a licensee or certificate 21141
holder. 21142

(J) Any action taken by the board under this section 21143
resulting in a suspension from practice shall be accompanied by 21144
a written statement of the conditions under which the person may 21145
be reinstated to practice. 21146

(K) When the board refuses to grant a license or 21147
certificate to an applicant, revokes a license or certificate, 21148
or refuses to reinstate a license or certificate, the board may 21149
specify that its action is permanent. An individual subject to 21150
permanent action taken by the board is forever ineligible to 21151
hold a license or certificate of the type that was refused or 21152
revoked and the board shall not accept from the individual an 21153

application for reinstatement of the license or certificate or 21154
for a new license or certificate. 21155

(L) No unilateral surrender of a nursing license, 21156
certificate of authority, or dialysis technician certificate 21157
issued under this chapter shall be effective unless accepted by 21158
majority vote of the board. No application for a nursing 21159
license, certificate of authority, or dialysis technician 21160
certificate issued under this chapter may be withdrawn without a 21161
majority vote of the board. The board's jurisdiction to take 21162
disciplinary action under this section is not removed or limited 21163
when an individual has a license or certificate classified as 21164
inactive or fails to renew a license or certificate. 21165

(M) Sanctions shall not be imposed under division (B) ~~(24)~~ 21166
(21) of this section against any licensee who waives deductibles 21167
and copayments as follows: 21168

(1) In compliance with the health benefit plan that 21169
expressly allows such a practice. Waiver of the deductibles or 21170
copayments shall be made only with the full knowledge and 21171
consent of the plan purchaser, payer, and third-party 21172
administrator. Documentation of the consent shall be made 21173
available to the board upon request. 21174

(2) For professional services rendered to any other person 21175
licensed pursuant to this chapter to the extent allowed by this 21176
chapter and the rules of the board. 21177

Sec. 4723.281. ~~(A) As used in this section, with regard to 21178
offenses committed in Ohio, "aggravated murder," "murder," 21179
"voluntary manslaughter," "felonious assault," "kidnapping," 21180
"rape," "sexual battery," "gross sexual imposition," "aggravated 21181
arson," "aggravated robbery," and "aggravated burglary" mean 21182~~

~~such offenses as defined in Title XXIX of the Revised Code; with~~ 21183
~~regard to offenses committed in other jurisdictions, the terms~~ 21184
~~mean offenses comparable to offenses defined in Title XXIX of~~ 21185
~~the Revised Code.~~ 21186

~~(B)~~ When there is clear and convincing evidence that 21187
continued practice by an individual licensed under this chapter 21188
presents a danger of immediate and serious harm to the public, 21189
as determined on consideration of the evidence by the president 21190
and the executive director of the board of nursing, the 21191
president and director shall impose on the individual a summary 21192
suspension without a hearing. An individual serving as president 21193
or executive director in the absence of the president or 21194
executive director may take any action that this section 21195
requires or authorizes the president or executive director to 21196
take. 21197

Immediately following the decision to impose a summary 21198
suspension, the board shall issue a written order of suspension 21199
and cause it to be delivered by certified mail or in person in 21200
accordance with section 119.07 of the Revised Code. The order 21201
shall not be subject to suspension by the court during the 21202
pendency of any appeal filed under section 119.12 of the Revised 21203
Code. If the individual subject to the suspension requests an 21204
adjudication, the date set for the adjudication shall be within 21205
fifteen days but not earlier than seven days after the 21206
individual makes the request, unless another date is agreed to 21207
by both the individual and the board. The summary suspension 21208
shall remain in effect, unless reversed by the board, until a 21209
final adjudication order issued by the board pursuant to this 21210
section and Chapter 119. of the Revised Code becomes effective. 21211

The board shall issue its final adjudication order within 21212

ninety days after completion of the adjudication. If the board
does not issue a final order within the ninety-day period, the
summary suspension shall be void, but any final adjudication
order issued subsequent to the ninety-day period shall not be
affected.

~~(C) The license or certificate issued to an individual
under this chapter is automatically suspended on that
individual's conviction of, plea of guilty to, or judicial
finding with regard to any of the following: aggravated murder,
murder, voluntary manslaughter, felonious assault, kidnapping,
rape, sexual battery, gross sexual imposition, aggravated arson,
aggravated robbery, or aggravated burglary. The suspension shall
remain in effect from the date of the conviction, plea, or
finding until an adjudication is held under Chapter 119. of the
Revised Code. If the board has knowledge that an automatic
suspension has occurred, it shall notify the individual subject
to the suspension. If the individual is notified and either
fails to request an adjudication within the time periods
established by Chapter 119. of the Revised Code or fails to
participate in the adjudication, the board shall enter a final
order permanently revoking the person's license or certificate.~~

Sec. 4723.34. (A) A person or governmental entity that
employs, or contracts directly or through another person or
governmental entity for the provision of services by, registered
nurses, licensed practical nurses, dialysis technicians,
medication aides, or certified community health workers and that
knows or has reason to believe that a current or former employee
or person providing services under a contract who holds a
license or certificate issued under this chapter engaged in
conduct that would be grounds for disciplinary action by the
board of nursing under this chapter or rules adopted under it

shall report to the board of nursing the name of such current or 21244
former employee or person providing services under a contract. 21245
The report shall be made on the person's or governmental 21246
entity's behalf by an individual licensed by the board who the 21247
person or governmental entity has designated to make such 21248
reports. 21249

~~A prosecutor in a case described in divisions (B) (3) to 21250
(5) of section 4723.28 of the Revised Code, or in a case where 21251
the trial court issued an order of dismissal upon technical or 21252
procedural grounds of a charge of a misdemeanor committed in the 21253
course of practice, a felony charge, or a charge of gross 21254
immorality or moral turpitude, who knows or has reason to 21255
believe that the person charged is licensed under this chapter 21256
to practice nursing as a registered nurse or as a licensed 21257
practical nurse or holds a certificate issued under this chapter 21258
to practice as a dialysis technician shall notify the board of 21259
nursing of the charge. With regard to certified community health 21260
workers and medication aides, the prosecutor in a case involving 21261
a charge of a misdemeanor committed in the course of employment, 21262
a felony charge, or a charge of gross immorality or moral 21263
turpitude, including a case dismissed on technical or procedural 21264
grounds, who knows or has reason to believe that the person 21265
charged holds a community health worker or medication aide 21266
certificate issued under this chapter shall notify the board of 21267
the charge. 21268~~

~~Each notification from a prosecutor shall be made on forms 21269
prescribed and provided by the board. The report shall include 21270
the name and address of the license or certificate holder, the 21271
charge, and the certified court documents recording the action. 21272~~

(B) If any person or governmental entity fails to provide 21273

a report required by this section, the board may seek an order 21274
from a court of competent jurisdiction compelling submission of 21275
the report. 21276

Sec. 4725.12. (A) Each person who desires to commence the 21277
practice of optometry in the state shall file with the executive 21278
director of the state vision professionals board an application 21279
for a certificate of licensure and a therapeutic pharmaceutical 21280
agents certificate. The application shall be accompanied by the 21281
fees specified under section 4725.34 of the Revised Code and 21282
shall contain all information the board considers necessary to 21283
determine whether an applicant is qualified to receive the 21284
certificates. The application shall be made upon the form 21285
prescribed by the board and shall be verified by the oath of the 21286
applicant. 21287

(B) To receive a certificate of licensure and a 21288
therapeutic pharmaceutical agents certificate, an applicant must 21289
meet all of the following conditions: 21290

(1) Be at least eighteen years of age; 21291

(2) ~~Be of good moral character;~~ 21292

~~(3)~~ Complete satisfactorily a course of study of at least 21293
six college years; 21294

~~(4)~~ (3) Graduate from a school of optometry approved by 21295
the board under section 4725.10 of the Revised Code; 21296

~~(5)~~ (4) Pass the licensing examination accepted by the 21297
board under section 4725.11 of the Revised Code. 21298

Sec. 4725.18. (A) The state vision professionals board may 21299
issue a certificate of licensure and therapeutic pharmaceutical 21300
agents certificate by endorsement to an individual licensed as 21301

an optometrist by another state or a Canadian province if the board determines that the other state or province has standards for the practice of optometry that are at least as stringent as the standards established under sections 4725.01 to 4725.34 of the Revised Code and the individual meets the conditions specified in division (B) of this section. The certificates may be issued only by an affirmative vote of a majority of the board's members.

(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 under section 4725.34 of the Revised Code for a certificate of licensure and therapeutic pharmaceutical agents certificate;

(7) Submit all transcripts, reports, or other information the board requires;

(8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state or pass an Ohio optometry jurisprudence test administered by the board;

(9) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a certificate of licensure and therapeutic pharmaceutical agents certificate under this section;

(10) Not have been previously denied issuance of a certificate by the board.

Sec. 4725.19. (A) In accordance with Chapter 119. of the Revised Code and by an affirmative vote of a majority of its members, the state vision professionals board, for any of the reasons specified in division (B) of this section, shall refuse

to grant a certificate of licensure to practice optometry to an 21360
applicant and may, with respect to a licensed optometrist, do 21361
one or more of the following: 21362

(1) Suspend the operation of any certificate of licensure, 21363
topical ocular pharmaceutical agents certificate, or therapeutic 21364
pharmaceutical agents certificate, or all certificates granted 21365
by it to the optometrist; 21366

(2) Permanently revoke any or all of the certificates; 21367

(3) Limit or otherwise place restrictions on any or all of 21368
the certificates; 21369

(4) Reprimand the optometrist; 21370

(5) Impose a monetary penalty. If the reason for which the 21371
board is imposing the penalty involves a criminal offense that 21372
carries a fine under the Revised Code, the penalty shall not 21373
exceed the maximum fine that may be imposed for the criminal 21374
offense. In any other case, the penalty imposed by the board 21375
shall not exceed five hundred dollars. 21376

(6) Require the optometrist to take corrective action 21377
courses. 21378

The amount and content of corrective action courses shall 21379
be established by the board in rules adopted under section 21380
4725.09 of the Revised Code. 21381

(B) The sanctions specified in division (A) of this 21382
section may be taken by the board for any of the following 21383
reasons: 21384

(1) Committing fraud in passing the licensing examination 21385
or making false or purposely misleading statements in an 21386
application for a certificate of licensure; 21387

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;	21388
	21389
(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;	21390
	21391
(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;	21392
	21393
(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed	21394
<u>(3) Having been convicted of a</u>	21395
<u>disqualifying offense, as specified under section 9.79 of the</u>	21396
<u>Revised Code;</u>	21397
	21398
(6) (4) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;	21399
	21400
	21401
(7) (5) Engaging in the practice of optometry as provided in division (A) (1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;	21402
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	21404
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	21406
(8) (6) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	21407
	21408
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	21411
(9) (7) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	21412
	21413
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	21416

(10) <u>(8)</u> Failing to maintain comprehensive patient records;	21417 21418
(11) <u>(9)</u> Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	21419 21420 21421
(12) <u>(10)</u> Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;	21422 21423 21424 21425 21426
(13) <u>(11)</u> Engaging in the practice of optometry as provided in division (A) (2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;	21427 21428 21429 21430
(14) <u>(12)</u> Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised Code;	21431 21432 21433
(15) <u>(13)</u> Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist;	21434 21435 21436
(16) <u>(14)</u> Except as provided in division (D) of this section:	21437 21438
(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 optometric 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 optometrist.	21439 21440 21441 21442 21443 21444

(b) Advertising that the optometrist 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 optometric services, would otherwise be required to pay.

~~(17)~~(15) Failing to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an analgesic controlled substance authorized pursuant to section 4725.091 of the Revised Code that is an opioid analgesic, as defined in section 3719.01 of the Revised Code;

~~(18)~~(16) Violating the rules adopted under section 4725.66 of the Revised Code.

(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B) ~~(17)~~(14) of this section against any optometrist who waives deductibles and copayments:

(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

optometrist licensed by the board, to the extent allowed by 21474
sections 4725.01 to 4725.34 of the Revised Code and the rules of 21475
the board. 21476

Sec. 4725.44. (A) The state vision professionals board 21477
shall be responsible for the administration of sections 4725.40 21478
to 4725.59 of the Revised Code and, in particular, shall process 21479
applications for licensure as licensed dispensing opticians and 21480
ocularists; schedule, administer, and supervise the qualifying 21481
examinations for licensure or contract with a testing service to 21482
schedule, administer, and supervise the qualifying examination 21483
for licensure; issue licenses to qualified individuals; and 21484
revoke and suspend licenses. 21485

(B) The board shall adopt, amend, or rescind rules, 21486
pursuant to Chapter 119. of the Revised Code, for the licensure 21487
of dispensing opticians and ocularists, and such other rules as 21488
are required by or necessary to carry out the responsibilities 21489
imposed by sections 4725.40 to 4725.59 of the Revised Code, 21490
including rules establishing criminal records check requirements 21491
under section 4776.03 of the Revised Code and rules establishing 21492
disqualifying offenses for licensure as a dispensing optician or 21493
certification as an apprentice dispensing optician pursuant to 21494
sections 9.79, 4725.48, 4725.52, and 4725.53, ~~and 4776.10~~ of the 21495
Revised Code. 21496

(C) The board shall have no authority to adopt rules 21497
governing the employment of dispensing opticians, the location 21498
or number of optical stores, advertising of optical products or 21499
services, or the manner in which optical products can be 21500
displayed. 21501

Sec. 4725.48. (A) Any person who desires to engage in 21502
optical dispensing shall file a properly completed application 21503

for an examination with the state vision professionals board or 21504
with the testing service the board has contracted with pursuant 21505
to section 4725.49 of the Revised Code. The application for 21506
examination shall be made on a form provided by the board or 21507
testing service and shall be accompanied by an examination fee 21508
the board shall establish by rule. Applicants must return the 21509
application to the board or testing service at least sixty days 21510
prior to the date the examination is scheduled to be 21511
administered. 21512

(B) Any person who desires to engage in optical dispensing 21513
shall file a properly completed application for a license with 21514
the board with a licensure application fee of fifty dollars. 21515

No person shall be eligible to apply for a license under 21516
this division, unless the person is at least eighteen years of 21517
age, is free of contagious or infectious disease, has received a 21518
passing score, as determined by the board, on the examination 21519
administered under division (A) of this section, is a graduate 21520
of an accredited high school of any state, or has received an 21521
equivalent education and has successfully completed either of 21522
the following: 21523

(1) Two years of supervised experience under a licensed 21524
dispensing optician, optometrist, or physician engaged in the 21525
practice of ophthalmology, up to one year of which may be 21526
continuous experience of not less than thirty hours a week in an 21527
optical laboratory; 21528

(2) A two-year college level program in optical dispensing 21529
that has been approved by the board and that includes, but is 21530
not limited to, courses of study in mathematics, science, 21531
English, anatomy and physiology of the eye, applied optics, 21532
ophthalmic optics, measurement and inspection of lenses, lens 21533

grinding and edging, ophthalmic lens design, keratometry, and 21534
the fitting and adjusting of spectacle lenses and frames and 21535
contact lenses, including methods of fitting contact lenses and 21536
post-fitting care. 21537

(C) Any person who desires to obtain a license to practice 21538
as an ocularist shall file a properly completed application with 21539
the board accompanied by the appropriate fee and proof that the 21540
applicant has met the requirements for licensure. The board 21541
shall establish, by rule, the application fee and the minimum 21542
requirements for licensure, including education, examination, or 21543
experience standards recognized by the board as national 21544
standards for ocularists. The board shall issue a license to 21545
practice as an ocularist to an applicant who satisfies the 21546
requirements of this division and rules adopted pursuant to this 21547
division. 21548

(D) (1) Subject to divisions (D) (2), ~~and~~ (3), ~~and~~ (4) of 21549
this section, the board shall not adopt, maintain, renew, or 21550
enforce any rule that precludes an individual from receiving or 21551
renewing a license as a dispensing optician issued under 21552
sections 4725.40 to 4725.59 of the Revised Code due to any past 21553
criminal activity ~~or interpretation of moral character~~, unless 21554
the individual has ~~committed a crime of moral turpitude or been~~
convicted of a disqualifying offense as those terms are defined 21555
in specified under section 4776.10-9.79 of the Revised Code. If 21556
the board denies an individual a license or license renewal, the 21557
reasons for such denial shall be put in writing. 21558
21559

(2) ~~Except as otherwise provided in this division, if an~~ 21560
~~individual applying for a license has been convicted of or~~ 21561
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 21562
~~turpitude or a disqualifying offense less than one year prior to~~ 21563

~~making the application, the board may use its discretion in~~ 21564
~~granting or denying the individual a license. Except as~~ 21565
~~otherwise provided in this division, if an individual applying~~ 21566
~~for a license has been convicted of or pleaded guilty to a~~ 21567
~~felony that is not a crime of moral turpitude or a disqualifying~~ 21568
~~offense less than three years prior to making the application,~~ 21569
~~the board may use its discretion in granting or denying the~~ 21570
~~individual a license. The provisions in this paragraph do not~~ 21571
~~apply with respect to any offense unless the board, prior to~~ 21572
~~September 28, 2012, was required or authorized to deny the~~ 21573
~~application based on that offense.~~ 21574

~~In all other circumstances, the board shall follow the~~ 21575
~~procedures it adopts by rule that conform to division (D)(1) of~~ 21576
~~this section.~~ 21577

~~(3)~~ In considering a renewal of an individual's license, 21578
the board shall not consider any conviction ~~or plea of guilty~~ 21579
prior to the initial licensing. However, the board may consider 21580
a conviction ~~or plea of guilty~~ if it occurred after the 21581
individual was initially licensed, or after the most recent 21582
license renewal. 21583

~~(4)~~ (3) The board may grant an individual a conditional 21584
license that lasts for one year. After the one-year period has 21585
expired, the license is no longer considered conditional, and 21586
the individual shall be considered fully licensed. 21587

(E) The board, subject to the approval of the controlling 21588
board, may establish examination fees in excess of the amount 21589
established by rule pursuant to this section, provided that such 21590
fees do not exceed those amounts established in rule by more 21591
than fifty per cent. 21592

Sec. 4725.52. Any licensed dispensing optician may 21593
supervise a maximum of three apprentices who shall be permitted 21594
to engage in optical dispensing only under the supervision of 21595
the licensed dispensing optician. 21596

To serve as an apprentice, a person shall register with 21597
the state vision professionals board either on a form provided 21598
by the board or in the form of a statement giving the name and 21599
address of the supervising licensed dispensing optician, the 21600
location at which the apprentice will be employed, and any other 21601
information required by the board. For the duration of the 21602
apprenticeship, the apprentice shall register annually on the 21603
form provided by the board or in the form of a statement. 21604

Each apprentice shall pay an initial registration fee of 21605
twenty dollars. For each registration renewal thereafter, each 21606
apprentice shall pay a registration renewal fee of twenty 21607
dollars. 21608

The board shall not deny registration as an apprentice 21609
under this section to any individual based on the individual's 21610
past criminal history ~~or an interpretation of moral character~~ 21611
unless the individual has ~~committed~~ been convicted of a 21612
~~disqualifying offense or crime of moral turpitude as those terms~~ 21613
~~are defined in~~ specified under section ~~4776.10-9.79~~ of the 21614
Revised Code. ~~Except as otherwise provided in this division, if~~ 21615
~~an individual applying for a registration has been convicted of~~ 21616
~~or pleaded guilty to a misdemeanor that is not a crime of moral~~ 21617
~~turpitude or a disqualifying offense less than one year prior to~~ 21618
~~making the application, the board may use its discretion in~~ 21619
~~granting or denying the individual a registration. Except as~~ 21620
~~otherwise provided in this division, if an individual applying~~ 21621
~~for a registration has been convicted of or pleaded guilty to a~~ 21622

~~felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a registration. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the registration based on that offense.~~

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to this section. In considering a renewal of an individual's registration, the board shall not consider any conviction ~~or plea of guilty~~ prior to the initial registration. However, the board may consider a conviction ~~or plea of guilty~~ if it occurred after the individual was initially registered, or after the most recent registration renewal. If the board denies an individual for a registration or registration renewal, the reasons for such denial shall be put in writing. Additionally, the board may grant an individual a conditional registration that lasts for one year. After the one-year period has expired, the registration is no longer considered conditional, and the individual shall be considered fully registered.

A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify 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 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) 21653
of this section on any of the following grounds: 21654

(1) Conviction of a ~~crime involving moral turpitude or a~~ 21655
disqualifying offense as ~~those terms are defined in specified~~ 21656
under section 4776.10-9.79 of the Revised Code; 21657

(2) Obtaining or attempting to obtain a license by fraud 21658
or deception; 21659

(3) Obtaining any fee or making any sale of an optical aid 21660
by means of fraud or misrepresentation; 21661

(4) Habitual indulgence in the use of controlled 21662
substances or other habit-forming drugs, or in the use of 21663
alcoholic liquors to an extent that affects professional 21664
competency; 21665

(5) Finding by a court of competent jurisdiction that the 21666
applicant or licensee is incompetent by reason of mental illness 21667
and no subsequent finding by the court of competency; 21668

(6) Finding by a court of law that the licensee is guilty 21669
of incompetence or negligence in the dispensing of optical aids; 21670

(7) Knowingly permitting or employing a person whose 21671
license has been suspended or revoked or an unlicensed person to 21672
engage in optical dispensing; 21673

(8) Permitting another person to use the licensee's 21674
license; 21675

(9) Engaging in optical dispensing not pursuant to the 21676
prescription of a licensed physician or licensed optometrist, 21677
but nothing in this section shall prohibit the duplication or 21678
replacement of previously prepared optical aids, except contact 21679
lenses shall not be duplicated or replaced without a written 21680

prescription; 21681

~~(10) Violation of sections 4725.40 to 4725.59 of the Revised Code;~~ 21682
21683

~~(11)~~Waiving the payment of all or any part of a 21684
deductible or copayment that a patient, pursuant to a health 21685
insurance or health care policy, contract, or plan that covers 21686
optical dispensing services, would otherwise be required to pay 21687
if the waiver is used as an enticement to a patient or group of 21688
patients to receive health care services from that provider; 21689

~~(12)~~(11) Advertising that the licensee will waive the 21690
payment of all or any part of a deductible or copayment that a 21691
patient, pursuant to a health insurance or health care policy, 21692
contract, or plan that covers optical dispensing services, would 21693
otherwise be required to pay; 21694

~~(13)~~(12) Violating the code of ethical conduct adopted 21695
under section 4725.66 of the Revised Code. 21696

(B) The board may impose a fine of not more than five 21697
hundred dollars for a first occurrence of an action that is 21698
grounds for discipline under this section and of not less than 21699
five hundred nor more than one thousand dollars for a subsequent 21700
occurrence, or may order the licensee to make restitution to a 21701
person who has suffered a financial loss ~~as a result of the~~ 21702
~~licensee's failure to comply with~~ if the licensee is convicted 21703
of a disqualifying offense for violating sections 4725.40 to 21704
4725.59 of the Revised Code. 21705

(C) Notwithstanding divisions (A) ~~(10) and (11) and (12)~~ of 21706
this section, sanctions shall not be imposed against any 21707
licensee who waives deductibles and copayments: 21708

(1) In compliance with the health benefit plan that 21709

expressly allows such a practice. Waiver of the deductibles or 21710
copays shall be made only with the full knowledge and consent of 21711
the plan purchaser, payer, and third-party administrator. Such 21712
consent shall be made available to the board upon request. 21713

(2) For professional services rendered to any other person 21714
licensed pursuant to this chapter to the extent allowed by this 21715
chapter and the rules of the board. 21716

Sec. 4727.03. (A) As used in this section, "~~experience and~~ 21717
~~fitness~~ in the capacity involved" means that the applicant for a 21718
pawnbroker's license demonstrates sufficient financial 21719
responsibility, ~~reputation,~~ and experience in the pawnbroker 21720
business, or in a related business, to act as a pawnbroker in 21721
compliance with this chapter. "~~Experience and fitness~~ in the 21722
capacity involved" shall be determined by: 21723

(1) Prior or current ownership or management of, or 21724
employment in, a pawnshop; 21725

(2) Demonstration to the satisfaction of the 21726
superintendent of financial institutions of a thorough working 21727
knowledge of all pawnbroker laws and rules as they relate to the 21728
actual operation of a pawnshop. 21729

A demonstration shall include a demonstration of an 21730
ability to properly complete forms, knowledge of how to properly 21731
calculate interest and storage charges, and knowledge of legal 21732
notice and forfeiture procedures. The final determination of 21733
whether an applicant's demonstration is adequate rests with the 21734
superintendent. 21735

(3) A submission by the applicant and any stockholders, 21736
owners, managers, directors, or officers of the pawnshop, and 21737
employees of the applicant to a police record check; and 21738

(4) Liquid assets in a minimum amount of one hundred 21739
twenty-five thousand dollars at the time of applying for initial 21740
licensure and demonstration of the ability to maintain the 21741
liquid assets at a minimum amount of seventy-five thousand 21742
dollars for the duration of holding a valid pawnbroker's 21743
license. If an applicant holds a pawnbroker's license at the 21744
time of application or is applying for more than one license, 21745
this requirement shall be met separately for each license. 21746

(B) The superintendent may grant a license to act as a 21747
pawnbroker to any person ~~of good character and~~ having experience 21748
~~and fitness~~ in the capacity involved to engage in the business 21749
of pawnbroking upon the payment to the superintendent of a 21750
license fee determined by the superintendent pursuant to section 21751
1321.20 of the Revised Code. A license is not transferable or 21752
assignable. 21753

(C) The superintendent may consider an application 21754
withdrawn and may retain the investigation fee required under 21755
division (D) of this section if both of the following are true: 21756

(1) An application for a license does not contain all of 21757
the information required under division (B) of this section. 21758

(2) The information is not submitted to the superintendent 21759
within ninety days after the superintendent requests the 21760
information from the applicant in writing. 21761

(D) The superintendent shall require an applicant for a 21762
pawnbroker's license to pay to the superintendent a 21763
nonrefundable initial investigation fee of two hundred dollars, 21764
which is for the exclusive use of the state. 21765

(E) (1) Except as otherwise provided in division (E) (2) of 21766
this section, a pawnbroker's license issued by the 21767

superintendent expires on the thirtieth day of June next 21768
following the date of its issuance, and may be renewed annually 21769
by the thirtieth day of June in accordance with the standard 21770
renewal procedure set forth in Chapter 4745. of the Revised 21771
Code. Fifty per cent of the annual license fee shall be for the 21772
use of the state, and fifty per cent shall be paid by the state 21773
to the municipal corporation, or if outside the limits of any 21774
municipal corporation, to the county, in which the office of the 21775
licensee is located. All such fees payable to municipal 21776
corporations or counties shall be paid annually. 21777

(2) A pawnbroker's license issued or renewed by the 21778
superintendent on or after January 1, 2006, expires on the 21779
thirtieth day of June in the even-numbered year next following 21780
the date of its issuance or renewal, as applicable, and may be 21781
renewed biennially by the thirtieth day of June in accordance 21782
with the standard renewal procedure set forth in Chapter 4745. 21783
of the Revised Code. Fifty per cent of the biennial license fee 21784
shall be for the use of the state, and fifty per cent shall be 21785
paid by the state to the municipal corporation, or if outside 21786
the limits of any municipal corporation, to the county, in which 21787
the office of the licensee is located. All such fees payable to 21788
municipal corporations or counties shall be paid biennially. 21789

(F) The fee for renewal of a license shall be equivalent 21790
to the fee for an initial license established by the 21791
superintendent pursuant to section 1321.20 of the Revised Code. 21792
Any licensee who wishes to renew the pawnbroker's license but 21793
who fails to do so on or before the date the license expires 21794
shall reapply for licensure in the same manner and pursuant to 21795
the same requirements as for initial licensure, unless the 21796
licensee pays to the superintendent on or before the thirty- 21797
first day of August of the year the license expires, a late 21798

renewal penalty of one hundred dollars in addition to the 21799
regular renewal fee. Any licensee who fails to renew the license 21800
on or before the date the license expires is prohibited from 21801
acting as a pawnbroker until the license is renewed or a new 21802
license is issued under this section. Any licensee who renews a 21803
license between the first day of July and the thirty-first day 21804
of August of the year the license expires is not relieved from 21805
complying with this division. The superintendent may refuse to 21806
issue to or renew the license of any licensee who violates this 21807
division. 21808

(G) No license shall be granted to any person not a 21809
resident of or the principal office of which is not located in 21810
the municipal corporation or county designated in such license 21811
unless that applicant, in writing and in due form approved by 21812
and filed with the superintendent, first appoints an agent, a 21813
resident of the state, and city or county where the office is to 21814
be located, upon whom all judicial and other process, or legal 21815
notice, directed to the applicant may be served. In case of the 21816
death, removal from the state, or any legal disability or any 21817
disqualification of any such agent, service of such process or 21818
notice may be made upon the superintendent. 21819

The superintendent may, upon notice to the licensee and 21820
reasonable opportunity to be heard, suspend or revoke any 21821
license ~~or assess a penalty against the licensee~~ if the 21822
licensee, or any of the licensee's officers, agents, or 21823
employees, ~~has violated this chapter~~ been convicted of a 21824
disqualifying offense, as specified under section 9.79 of the 21825
Revised Code. The superintendent may, upon notice to the 21826
licensee and reasonable opportunity to be heard, assess a 21827
penalty against the licensee if the licensee, or any of the 21828
licensee's officers, agents, or employees, has violated this 21829

chapter. Any penalty shall be appropriate to the violation but 21830
in no case shall the penalty be less than two hundred nor more 21831
than two thousand dollars. Whenever, for any cause, a license is 21832
suspended or revoked, the superintendent shall not issue another 21833
license to the licensee nor to the legal spouse of the licensee, 21834
nor to any business entity of which the licensee is an officer 21835
or member or partner, nor to any person employed by the 21836
licensee, until the expiration of at least two years from the 21837
date of revocation or suspension of the license. The 21838
superintendent shall deposit all penalties allocated pursuant to 21839
this section into the state treasury to the credit of the 21840
consumer finance fund. 21841

Any proceedings for the revocation or suspension of a 21842
license or to assess a penalty against a licensee are subject to 21843
Chapter 119. of the Revised Code. 21844

(H) If a licensee surrenders or chooses not to renew the 21845
pawnbroker's license, the licensee shall notify the 21846
superintendent thirty days prior to the date on which the 21847
licensee intends to close the licensee's business as a 21848
pawnbroker. Prior to the date, the licensee shall do either of 21849
the following with respect to all active loans: 21850

(1) Dispose of an active loan by selling the loan to 21851
another person holding a valid pawnbroker's license issued under 21852
this section; 21853

(2) Reduce the rate of interest on pledged articles held 21854
as security for a loan to eight per cent per annum or less 21855
effective on the date that the pawnbroker's license is no longer 21856
valid. 21857

Sec. 4727.15. (A) No person licensed as a pawnbroker under 21858

this chapter, and no agent, officer, or employee thereof, shall 21859
violate this chapter. 21860

(B) Upon the criminal conviction of a licensee or any 21861
employee, manager, officer, director, shareholder, member, or 21862
partner of a licensee for a ~~violation of this chapter~~ 21863
disqualifying offense, as specified under section 9.79 of the 21864
Revised Code, the superintendent of financial institutions may 21865
suspend the license of the licensee without a prior hearing to 21866
protect the public interest and subsequently may act to revoke 21867
the license of the licensee pursuant to ~~chapter~~ Chapter 119. of 21868
the Revised Code. 21869

~~(C) Upon the criminal conviction of a licensee or any~~ 21870
~~employee, manager, officer, director, shareholder, member, or~~ 21871
~~partner of a licensee under any section in Title XXIX of the~~ 21872
~~Revised Code or under federal law for theft, receiving stolen~~ 21873
~~property, or money laundering, the superintendent may suspend~~ 21874
~~the license of the licensee without a prior hearing to protect~~ 21875
~~the public interest and subsequently may act to revoke the~~ 21876
~~license of the licensee pursuant to chapter 119. of the Revised~~ 21877
~~Code.~~ 21878

~~(D) Upon the criminal conviction of a licensee under any~~ 21879
~~section of Title XXIX of the Revised Code or under federal law~~ 21880
~~for a crime other than theft, receiving stolen property, or~~ 21881
~~money laundering, the superintendent may assess a penalty~~ 21882
~~against the licensee or act to revoke or suspend the license of~~ 21883
~~the licensee pursuant to chapter 119. of the Revised Code.~~ 21884

Sec. 4728.03. (A) As used in this section, "experience ~~and~~ 21885
~~fitness~~ in the capacity involved" means that the applicant for a 21886
precious metals dealer's license has had sufficient financial 21887
responsibility, ~~reputation,~~ and experience in the business of 21888

precious metals dealer, or a related business, to act as a 21889
precious metals dealer in compliance with this chapter. 21890

(B) (1) The division of financial institutions in the 21891
department of commerce may grant a precious metals dealer's 21892
license to any person ~~of good character,~~ having experience ~~and~~ 21893
~~fitness~~ in the capacity involved, who demonstrates a net worth 21894
of at least ten thousand dollars and the ability to maintain 21895
that net worth during the licensure period. The superintendent 21896
of financial institutions shall compute the applicant's net 21897
worth according to generally accepted accounting principles. 21898

(2) In place of the demonstration of net worth required by 21899
division (B) (1) of this section, an applicant may obtain a 21900
surety bond issued by a surety company authorized to do business 21901
in this state if all of the following conditions are met: 21902

(a) A copy of the surety bond is filed with the division; 21903

(b) The bond is in favor of any person, and of the state 21904
for the benefit of any person, injured by any violation of this 21905
chapter; 21906

(c) The bond is in the amount of not less than ten 21907
thousand dollars. 21908

(3) Before granting a license under this division, the 21909
division shall determine that the applicant meets the 21910
requirements of division (B) (1) or (2) of this section. 21911

(C) The division shall require an applicant for a precious 21912
metals dealer's license to pay to the division a nonrefundable, 21913
initial investigation fee of two hundred dollars which shall be 21914
for the exclusive use of the state. The license fee for a 21915
precious metals dealer's license and the renewal fee shall be 21916
determined by the superintendent, provided that the fee may not 21917

exceed three hundred dollars. A license issued by the division 21918
shall expire on the last day of June next following the date of 21919
its issuance. Fifty per cent of license fees shall be for the 21920
use of the state, and fifty per cent shall be paid to the 21921
municipal corporation, or if outside the limits of any municipal 21922
corporation, to the county in which the office of the licensee 21923
is located. All portions of license fees payable to municipal 21924
corporations or counties shall be paid as they accrue, by the 21925
treasurer of state, on vouchers issued by the director of budget 21926
and management. 21927

(D) Every such license shall be renewed annually by the 21928
last day of June according to the standard renewal procedure of 21929
Chapter 4745. of the Revised Code. No license shall be granted 21930
to any person not a resident of or the principal office of which 21931
is not located in the municipal corporation or county designated 21932
in such license, unless, and until such applicant shall, in 21933
writing and in due form, to be first approved by and filed with 21934
the division, appoint an agent, a resident of the state, and 21935
city or county where the office is to be located, upon whom all 21936
judicial and other process, or legal notice, directed to the 21937
applicant may be served; and in case of the death, removal from 21938
the state, or any legal disability or any disqualification of 21939
any agent, service of process or notice may be made upon the 21940
superintendent. 21941

(E) The division may, pursuant to Chapter 119. of the 21942
Revised Code, upon notice to the licensee and after giving the 21943
licensee reasonable opportunity to be heard, revoke or suspend 21944
any license, if the licensee is, or if any of the licensee's 21945
officers, agents, or employees violate this chapter are, 21946
convicted of a disqualifying offense, as specified under section 21947
9.79 of the Revised Code. Whenever, for any cause, the license 21948

is revoked or suspended, the division shall not issue another 21949
license to the licensee nor to the husband or wife of the 21950
licensee, nor to any copartnership or corporation of which the 21951
licensee is an officer, nor to any person employed by the 21952
licensee, until the expiration of at least one year from the 21953
date of revocation of the license. 21954

(F) In conducting an investigation to determine whether an 21955
applicant satisfies the requirements for licensure under this 21956
section, the superintendent may request that the superintendent 21957
of the bureau of criminal identification and investigation 21958
investigate and determine whether the bureau has procured any 21959
information pursuant to section 109.57 of the Revised Code 21960
pertaining to the applicant. 21961

If the superintendent of financial institutions determines 21962
that conducting an investigation to determine whether an 21963
applicant satisfies the requirements for licensure under this 21964
section will require procuring information outside the state, 21965
then, in addition to the fee established under division (C) of 21966
this section, the superintendent may require the applicant to 21967
pay any of the actual expenses incurred by the division to 21968
conduct such an investigation, provided that the superintendent 21969
shall assess the applicant a total no greater than one thousand 21970
dollars for such expenses. The superintendent may require the 21971
applicant to pay in advance of the investigation, sufficient 21972
funds to cover the estimated cost of the actual expenses. If the 21973
superintendent requires the applicant to pay investigation 21974
expenses, the superintendent shall provide to the applicant an 21975
itemized statement of the actual expenses incurred by the 21976
division to conduct the investigation. 21977

(G) (1) Except as otherwise provided in division (G) (2) of 21978

this section a precious metals dealer licensed under this 21979
section shall maintain a net worth of at least ten thousand 21980
dollars, computed as required under division (B) (1) of this 21981
section, for as long as the licensee holds a valid precious 21982
metals dealer's license issued pursuant to this section. 21983

(2) A licensee who obtains a surety bond under division 21984
(B) (2) of this section is exempt from the requirement of 21985
division (G) (1) of this section, but shall maintain the bond for 21986
at least two years after the date on which the licensee ceases 21987
to conduct business in this state. 21988

Sec. 4728.13. (A) No person, firm, partnership, 21989
corporation, or association, and no agent, officer, or employee 21990
thereof, shall violate this chapter. The division of financial 21991
institutions ~~upon a criminal conviction shall revoke any license~~ 21992
~~theretofore issued to the person, firm, partnership,~~ 21993
~~corporation, or association. The division also may revoke or~~ 21994
suspend the license of any licensee in accordance with section 21995
4728.03 of the Revised Code upon a criminal conviction of ~~the~~ 21996
~~licensee for any felony a disqualifying offense or crime~~ 21997
~~involving moral turpitude, as specified under section 9.79 of~~ 21998
the Revised Code. 21999

(B) No person shall obstruct or refuse to permit any 22000
investigation conducted under this chapter by the superintendent 22001
of financial institutions, a person acting on behalf of an 22002
agency or a political subdivision of this state, or a law 22003
enforcement officer. All articles purchased by a person licensed 22004
under this chapter shall be made promptly available for 22005
inspection by these officials. 22006

(C) In any proceeding or action brought under this 22007
chapter, the burden of proving an exemption from a requirement 22008

of this chapter falls on the person claiming the benefit of the exemption. 22009
22010

Sec. 4729.08. Every applicant for examination and licensure as a pharmacist shall: 22011
22012

(A) Be at least eighteen years of age; 22013

~~(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;~~ 22014
22015
22016

~~(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. 22017
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~~(D)~~ (C) Have satisfactorily completed at least the minimum requirements for pharmacy internship as outlined by the board. 22026
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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. 22028
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Sec. 4729.09. The state board of pharmacy may license an individual as a pharmacist without examination if the individual: 22033
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22035

(A) Holds a license in good standing to practice pharmacy 22036

under the laws of another state, has successfully completed an 22037
examination for licensure in the other state, and in the opinion 22038
of the board, the examination was at least as thorough as that 22039
required by the board at the time the individual took the 22040
examination; 22041

~~(B) Is of good moral character, as defined in rules 22042
adopted by the board under section 4729.26 of the Revised Code; 22043~~

~~(C) Has filed with the licensing body of the other state 22044
at least the credentials or the equivalent that were required by 22045
this state at the time the other state licensed the individual 22046
as a pharmacist. 22047~~

The board shall not issue a license to practice pharmacy 22048
to an individual licensed in another state if the state in which 22049
the individual is licensed does not reciprocate by granting 22050
licenses to practice pharmacy to individuals holding valid 22051
licenses received through examination by the state board of 22052
pharmacy. 22053

Sec. 4729.16. (A) (1) The state board of pharmacy, after 22054
notice and hearing in accordance with Chapter 119. of the 22055
Revised Code, may impose any one or more of the following 22056
sanctions on a pharmacist or pharmacy intern if the board finds 22057
the individual engaged in any of the conduct set forth in 22058
division (A) (2) of this section: 22059

(a) Revoke, suspend, restrict, limit, or refuse to grant 22060
or renew a license; 22061

(b) Reprimand or place the license holder on probation; 22062

(c) Impose a monetary penalty or forfeiture not to exceed 22063
in severity any fine designated under the Revised Code for a 22064
similar offense, or in the case of a violation of a section of 22065

the Revised Code that does not bear a penalty, a monetary 22066
penalty or forfeiture of not more than five hundred dollars. 22067

(2) The board may impose the sanctions listed in division 22068
(A)(1) of this section if the board finds a pharmacist or 22069
pharmacy intern: 22070

(a) Has been convicted of a ~~felony, or a crime of moral-~~ 22071
~~turpitude~~ disqualifying offense, as ~~defined in specified under~~ 22072
section ~~4776.10-9.79~~ 9.79 of the Revised Code; 22073

(b) Engaged in ~~dishonesty or unprofessional~~ conduct in the 22074
practice of pharmacy; 22075

(c) Is addicted to or abusing alcohol or drugs or is 22076
impaired physically or mentally to such a degree as to render 22077
the pharmacist or pharmacy intern unfit to practice pharmacy; 22078

(d) ~~Has been convicted of a misdemeanor related to, or~~ 22079
~~committed in, the practice of pharmacy;~~ 22080

~~(e)~~ Violated, conspired to violate, attempted to violate, 22081
or aided and abetted the violation of any of the provisions of 22082
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 22083
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 22084
by the board under those provisions; 22085

~~(f)~~ (e) Permitted someone other than a pharmacist or 22086
pharmacy intern to practice pharmacy; 22087

~~(g)~~ (f) Knowingly lent the pharmacist's or pharmacy 22088
intern's name to an illegal practitioner of pharmacy or had a 22089
professional connection with an illegal practitioner of 22090
pharmacy; 22091

~~(h)~~ (g) Divided or agreed to divide remuneration made in 22092
the practice of pharmacy with any other individual, including, 22093

but not limited to, any licensed health professional authorized 22094
to prescribe drugs or any owner, manager, or employee of a 22095
health care facility, residential care facility, or nursing 22096
home; 22097

~~(i)~~ (h) Violated the terms of a consult agreement entered 22098
into pursuant to section 4729.39 of the Revised Code; 22099

~~(j)~~ (i) Committed fraud, misrepresentation, or deception 22100
in applying for or securing a license issued by the board under 22101
this chapter or under Chapter 3715. or 3719. of the Revised 22102
Code; 22103

~~(k)~~ (j) Failed to comply with an order of the board or a 22104
settlement agreement; 22105

~~(l)~~ (k) Engaged in any other conduct for which the board 22106
may impose discipline as set forth in rules adopted under 22107
section 4729.26 of the Revised Code. 22108

(B) Any individual whose license is revoked, suspended, or 22109
refused, shall return the license to the offices of the state 22110
board of pharmacy within ten days after receipt of notice of 22111
such action. 22112

(C) As used in this section: 22113

"Unprofessional conduct in the practice of pharmacy" 22114
includes any of the following: 22115

(1) Advertising or displaying signs that promote dangerous 22116
drugs to the public in a manner that is false or misleading; 22117

(2) Except as provided in section 4729.281 or 4729.44 of 22118
the Revised Code, the dispensing or sale of any drug for which a 22119
prescription is required, without having received a prescription 22120
for the drug; 22121

(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	22122 22123
(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	22124 22125 22126 22127
(5) Obtaining any remuneration by fraud, misrepresentation, or deception;	22128 22129
(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;	22130 22131 22132 22133
(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code.	22134 22135 22136
(D) The board may suspend a license under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	22137 22138 22139
(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license to practice as a pharmacist or pharmacy intern, an individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications.	22140 22141 22142 22143 22144 22145 22146 22147 22148 22149
If the board has reasonable cause to believe that an	22150

individual who is a pharmacist or pharmacy intern is physically 22151
or mentally impaired, the board may require the individual to 22152
submit to a physical or mental examination, or both. The expense 22153
of the examination is the responsibility of the individual 22154
required to be examined. 22155

Failure of an individual who is a pharmacist or pharmacy 22156
intern to submit to a physical or mental examination ordered by 22157
the board, unless the failure is due to circumstances beyond the 22158
individual's control, constitutes an admission of the 22159
allegations and a suspension order shall be entered without the 22160
taking of testimony or presentation of evidence. Any subsequent 22161
adjudication hearing under Chapter 119. of the Revised Code 22162
concerning failure to submit to an examination is limited to 22163
consideration of whether the failure was beyond the individual's 22164
control. 22165

If, based on the results of an examination ordered under 22166
this division, the board determines that the individual's 22167
ability to practice is impaired, the board shall suspend the 22168
individual's license or deny the individual's application and 22169
shall require the individual, as a condition for an initial, 22170
continued, reinstated, or renewed license to practice, to submit 22171
to a physical or mental examination and treatment. 22172

An order of suspension issued under this division shall 22173
not be subject to suspension by a court during pendency of any 22174
appeal filed under section 119.12 of the Revised Code. 22175

(F) If the board is required under Chapter 119. of the 22176
Revised Code to give notice of an opportunity for a hearing and 22177
the applicant or licensee does not make a timely request for a 22178
hearing in accordance with section 119.07 of the Revised Code, 22179
the board is not required to hold a hearing, but may adopt a 22180

final order that contains the board's findings. In the final 22181
order, the board may impose any of the sanctions listed in 22182
division (A) of this section. 22183

(G) Notwithstanding the provision of division (C) (2) of 22184
section 2953.32 of the Revised Code specifying that if records 22185
pertaining to a criminal case are sealed under that section the 22186
proceedings in the case must be deemed not to have occurred, 22187
sealing of the ~~following records~~ record of conviction on which 22188
the board has based an action under this section shall have no 22189
effect on the board's action or any sanction imposed by the 22190
board under this section: ~~records of any conviction, guilty-~~ 22191
~~plea, judicial finding of guilt resulting from a plea of no-~~ 22192
~~contest, or a judicial finding of eligibility for a pretrial-~~ 22193
~~diversion program or intervention in lieu of conviction.~~ The 22194
board shall not be required to seal, destroy, redact, or 22195
otherwise modify its records to reflect the court's sealing of 22196
conviction records. 22197

(H) No pharmacist or pharmacy intern shall knowingly 22198
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 22199
~~(e)-(d)~~ to (l)-(k) of this section. 22200

Sec. 4729.42. (A) As used in this section, "qualified 22201
pharmacy technician" means a person who is under the personal 22202
supervision of a pharmacist and to whom all of the following 22203
apply: 22204

(1) The person is eighteen years of age or older. 22205

(2) The person possesses a high school diploma, possesses 22206
a certificate of high school equivalence, or was employed prior 22207
to April 8, 2009, as a pharmacy technician without a high school 22208
diploma or a certificate of high school equivalence. 22209

(3) The person has passed an examination approved by the state board of pharmacy to determine a person's competency to perform services as a pharmacy technician.

(4) Except as otherwise provided in this section, the person has submitted to a criminal records check in accordance with section 4776.02 of the Revised Code as if the person was an applicant for an initial license who is subject to that section, and the results of the criminal records check provided as described in that section and section 4776.04 of the Revised Code do not show that the person previously has been convicted ~~of or pleaded guilty to any felony~~ a disqualifying offense, as specified under section 9.79 of the Revised Code, in this state, any other state, or the United States.

(B) Except as provided in division (F) of this section, no person who is not a pharmacist, pharmacy intern, or qualified pharmacy technician shall do any of the following in a pharmacy or while performing a function of a pharmacy:

(1) Engage in the compounding of any drug;

(2) Package or label any drug;

(3) Prepare or mix any intravenous drug to be injected into a human being.

(C) No pharmacist shall allow any person employed or otherwise under the control of the pharmacist to violate division (B) of this section.

(D) No person who owns, manages, or conducts a pharmacy shall allow any person employed or otherwise under the control of the person who owns, manages, or conducts the pharmacy to violate division (B) of this section.

(E) No person who submits to a criminal records check in accordance with section 4776.02 of the Revised Code for the purpose of satisfying the criterion set forth in division (A) (4) of this section and who obtains a report pursuant to section 4776.02 or 4776.04 of the Revised Code containing the results of the criminal records check and any information provided by the federal bureau of investigation shall modify or alter, or allow any other person to modify or alter, any item, record, or information contained in the report and thereafter use the modified or altered report for the purpose of satisfying the criterion set forth in division (A) (4) of this section or otherwise submit or use it for any purpose or in any manner identified in division (A) of section 2921.13 of the Revised Code.

(F) (1) Division (B) of this section does not prohibit a health care professional authorized to engage in the activities specified in division (B) (1), (2), or (3) of this section while acting in the course of the professional's practice.

(2) Division (B) of this section does not prohibit the activities performed by a student as an integral part of a pharmacy technician training program that is operated by a vocational school district or joint vocational school district, certified by the department of education, or approved by the Ohio board of regents.

(3) In the case of a person employed after April 8, 2009, division (B) of this section does not prohibit the person's activities for the first twelve months following the initial date of employment, if both of the following apply:

(a) The person is participating in or has completed a pharmacy technician training program that meets the board's

standards for those programs and is making substantial progress 22268
in preparation to take a pharmacy technician examination 22269
approved by the board. 22270

(b) The results of the person's criminal records check 22271
provided as described in sections 4776.02 and 4776.04 of the 22272
Revised Code show that the person previously has not been 22273
convicted of ~~or has not pleaded guilty to any felony a~~ 22274
disqualifying offense, as specified under section 9.79 of the 22275
Revised Code, in this state, any other state, or the United 22276
States. 22277

(4) In the case of a person who completes a pharmacy 22278
technician training program that is operated by a vocational 22279
school district or joint vocational school district, division 22280
(B) of this section does not prohibit the person's activities 22281
for the first twelve months following the date of completing the 22282
program, if both of the following apply: 22283

(a) The person is making substantial progress in 22284
preparation to take a pharmacy technician examination approved 22285
by the board. 22286

(b) The results of the person's criminal records check 22287
show that the person previously has not been convicted of ~~or has~~ 22288
~~not pleaded guilty to any felony a~~ disqualifying offense, as 22289
specified under section 9.79 of the Revised Code, in this state, 22290
any other state, or the United States. 22291

(5) In the case of a person employed on April 8, 2009, in 22292
the capacity of a pharmacy technician, division (B) of this 22293
section does not do either of the following: 22294

(a) Require the person to undergo a criminal records check 22295
if the person has been employed for five years or longer; 22296

(b) Prohibit the person's activities until the earlier of 22297
either of the following: 22298

(i) If the person has not passed an examination described 22299
in division (A) (3) of this section, eighteen months after April 22300
8, 2009; 22301

(ii) If a criminal records check is required because the 22302
person has not been employed for five years or longer, the date 22303
on which the person and the employer receive the results of a 22304
criminal records check provided as described in sections 4776.02 22305
and 4776.04 of the Revised Code that show the person previously 22306
has been convicted of ~~or pleaded guilty to any felony a~~ 22307
disqualifying offense, as specified under section 9.79 of the 22308
Revised Code, in this state, any other state, or the United 22309
States. 22310

(G) If, pursuant to rules adopted under section 4729.26 of 22311
the Revised Code, the board requires a person that develops or 22312
administers a pharmacy technician examination to submit 22313
examination materials to the board for approval, any examination 22314
materials that are submitted shall not be public records for 22315
purposes of section 149.43 of the Revised Code. 22316

Sec. 4729.53. (A) The state board of pharmacy shall not 22317
license any person as a manufacturer of dangerous drugs, 22318
outsourcing facility, third-party logistics provider, repackager 22319
of dangerous drugs, or wholesale distributor of dangerous drugs 22320
unless the applicant for licensure furnishes satisfactory proof 22321
to the board that the applicant meets all of the following: 22322

(1) If the applicant has ~~committed acts that the board~~ 22323
~~finds violate any federal, state, or local law, regulation, or~~ 22324
~~rule relating to drug samples, manufacturing, compounding,~~ 22325

~~repackaging, wholesale or retail drug distribution, or~~ 22326
~~distribution of dangerous drugs, including controlled~~ 22327
~~substances, or constitute a felony~~ been convicted of a 22328
disqualifying offense, as specified under section 9.79 of the 22329
Revised Code, or if a federal, state, or local governmental 22330
entity has suspended or revoked any current or prior license of 22331
the applicant for the manufacture, compounding, repackaging, 22332
distribution, or sale of any dangerous drugs, including 22333
controlled substances, the applicant, to the satisfaction of the 22334
board, assures that the applicant has in place adequate 22335
safeguards to prevent the recurrence of any such violations. 22336

(2) The applicant's past experience in the manufacture, 22337
compounding, repackaging, or distribution of dangerous drugs, 22338
including controlled substances, is acceptable to the board. 22339

(3) The applicant is properly equipped as to land, 22340
buildings, equipment, and personnel to properly carry on its 22341
business, including providing adequate security for and proper 22342
storage conditions and handling for dangerous drugs, and is 22343
complying with the requirements under this chapter and the rules 22344
adopted pursuant thereto for maintaining and making available 22345
records to properly identified board officials and federal, 22346
state, and local law enforcement agencies. 22347

(4) Personnel employed by the applicant have the 22348
appropriate education or experience, as determined by the board, 22349
to assume responsibility for positions related to compliance 22350
with this chapter and the rules adopted pursuant thereto. 22351

(5) The applicant has designated the name and address of a 22352
person to whom communications from the board may be directed and 22353
upon whom the notices and citations provided for in section 22354
4729.56 of the Revised Code may be served. 22355

(6) Adequate safeguards are assured to prevent the sale of dangerous drugs other than in accordance with section 4729.51 of the Revised Code. 22356
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(7) Any other requirement or qualification the board, by rule adopted in accordance with Chapter 119. of the Revised Code, considers relevant to and consistent with the public safety and health. 22359
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(B) In addition to the causes described in section 4729.56 of the Revised Code for refusing to grant or renew a license, the board may refuse to grant or renew a license if the board determines that the granting of the license or its renewal is not in the public interest. 22363
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Sec. 4729.55. No license shall be issued to an applicant for licensure as a terminal distributor of dangerous drugs unless the applicant has furnished satisfactory proof to the state board of pharmacy that: 22368
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(A) The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a terminal distributor of dangerous drugs within the category of licensure approved by the board. 22372
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(B) A pharmacist, licensed health professional authorized to prescribe drugs, animal shelter licensed with the state board of pharmacy under section 4729.531 of the Revised Code, or a laboratory as defined in section 3719.01 of the Revised Code will maintain supervision and control over the possession and custody of dangerous drugs that may be acquired by or on behalf of the applicant. 22376
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(C) Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a 22383
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pharmacist or licensed health professional authorized to 22385
prescribe drugs. 22386

(D) Adequate safeguards are assured that the applicant 22387
will carry on the business of a terminal distributor of 22388
dangerous drugs in a manner that allows pharmacists and pharmacy 22389
interns employed by the terminal distributor to practice 22390
pharmacy in a safe and effective manner. 22391

(E) If the applicant, or any agent or employee of the 22392
applicant, has been ~~found guilty of violating section 4729.51 of~~ 22393
~~the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52-~~ 22394
~~Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse-~~ 22395
~~control laws, Chapter 2925., 3715., 3719., or 4729. convicted of~~ 22396
~~violating a disqualifying offense, as specified under section~~ 22397
~~9.79 of the Revised Code, or found guilty of violating any rule~~ 22398
of the board, adequate safeguards are assured to prevent the 22399
recurrence of the violation. 22400

(F) In the case of an applicant who is a food processor or 22401
retail seller of food, the applicant will maintain supervision 22402
and control over the possession and custody of nitrous oxide. 22403

(G) In the case of an applicant who is a retail seller of 22404
oxygen in original packages labeled as required by the "Federal 22405
Food, Drug, and Cosmetic Act," the applicant will maintain 22406
supervision and control over the possession, custody, and retail 22407
sale of the oxygen. 22408

(H) If the application is made on behalf of an animal 22409
shelter, at least one of the agents or employees of the animal 22410
shelter is certified in compliance with section 4729.532 of the 22411
Revised Code. 22412

(I) In the case of an applicant who is a retail seller of 22413

peritoneal dialysis solutions in original packages labeled as 22414
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 22415
1040 (1938), 21 U.S.C.A. 301, the applicant will maintain 22416
supervision and control over the possession, custody, and retail 22417
sale of the peritoneal dialysis solutions. 22418

(J) In the case of an applicant who is a pain management 22419
clinic, the applicant meets the requirements to receive a 22420
license with a pain management clinic classification issued 22421
under section 4729.552 of the Revised Code. 22422

(K) In the case of an applicant who is operating a 22423
facility, clinic, or other location described in division (B) of 22424
section 4729.553 of the Revised Code that must hold a category 22425
III terminal distributor of dangerous drugs license with an 22426
office-based opioid treatment classification, the applicant 22427
meets the requirements to receive that license with that 22428
classification. 22429

Sec. 4729.552. (A) To be eligible to receive a license as 22430
a category III terminal distributor of dangerous drugs with a 22431
pain management clinic classification, an applicant shall submit 22432
evidence satisfactory to the state board of pharmacy that the 22433
applicant's pain management clinic will be operated in 22434
accordance with the requirements specified in division (B) of 22435
this section and that the applicant meets any other applicable 22436
requirements of this chapter. 22437

If the board determines that an applicant meets all of the 22438
requirements, the board shall issue to the applicant a license 22439
as a category III terminal distributor of dangerous drugs and 22440
specify on the license that the terminal distributor is 22441
classified as a pain management clinic. 22442

(B) The holder of a terminal distributor license with a pain management clinic classification shall do all of the following:

(1) Be in control of a facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(2) Comply with the requirements for the operation of a pain management clinic, as established by the state medical board in rules adopted under section 4731.054 of the Revised Code;

(3) Ensure that any person employed by the facility complies with the requirements for the operation of a pain management clinic established by the state medical board in rules adopted under section 4731.054 of the Revised Code;

(4) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code;

(5) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, ~~or pleaded guilty to, either of the following:~~

~~(a) A theft offense, described in division (K) (3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;~~

~~(b) A felony drug abuse a disqualifying offense, as 22472
defined in specified under section 2925.01-9.79 of the Revised 22473
Code. 22474~~

(6) Maintain a list of each person with ownership of the 22475
facility and notify the state board of pharmacy of any change to 22476
that list. 22477

(C) No person shall operate a facility that under this 22478
chapter is subject to licensure as a category III terminal 22479
distributor of dangerous drugs with a pain management clinic 22480
classification without obtaining and maintaining the license 22481
with the classification. 22482

No person who holds a category III license with a pain 22483
management clinic classification shall fail to remain in 22484
compliance with the requirements of division (B) of this section 22485
and any other applicable requirements of this chapter. 22486

(D) The state board of pharmacy may impose a fine of not 22487
more than five thousand dollars on a person who violates 22488
division (C) of this section. A separate fine may be imposed for 22489
each day the violation continues. In imposing the fine, the 22490
board's actions shall be taken in accordance with Chapter 119. 22491
of the Revised Code. 22492

(E) The state board of pharmacy shall adopt rules as it 22493
considers necessary to implement and administer this section. 22494
The rules shall be adopted in accordance with Chapter 119. of 22495
the Revised Code. 22496

Sec. 4729.553. (A) As used in this section: 22497

(1) "Controlled substance" has the same meaning as in 22498
section 3719.01 of the Revised Code. 22499

(2) "Hospital" means a hospital registered with the	22500
department of health under section 3701.07 of the Revised Code.	22501
(3) "Office-based opioid treatment" means the treatment of	22502
opioid dependence or addiction using a controlled substance.	22503
(B)(1) Except as provided in division (B)(2) of this	22504
section, no person shall knowingly operate a facility, clinic,	22505
or other location where a prescriber provides office-based	22506
opioid treatment to more than thirty patients or that meets any	22507
other identifying criteria established in rules adopted under	22508
division (G) of this section without holding a category III	22509
terminal distributor of dangerous drugs license with an office-	22510
based opioid treatment classification.	22511
(2) Division (B)(1) of this section does not apply to any	22512
of the following:	22513
(a) A hospital;	22514
(b) A facility for the treatment of opioid dependence or	22515
addiction that is operated by a hospital;	22516
(c) A physician practice owned or controlled, in whole or	22517
in part, by a hospital or by an entity that owns or controls, in	22518
whole or in part, one or more hospitals;	22519
(d) A facility that conducts only clinical research and	22520
uses controlled substances in studies approved by a hospital-	22521
based institutional review board or an institutional review	22522
board that is accredited by the association for the	22523
accreditation of human research protection programs, inc.;	22524
(e) A facility that holds a category III terminal	22525
distributor of dangerous drugs license in accordance with	22526
section 4729.54 of the Revised Code for the purpose of treating	22527

drug dependence or addiction as part of an opioid treatment 22528
program and is the subject of a current, valid certification 22529
from the substance abuse and mental health services 22530
administration of the United States department of health and 22531
human services pursuant to 42 C.F.R. 8.11; 22532

(f) A program or facility that is licensed or certified by 22533
the department of mental health and addiction services under 22534
Chapter 5119. of the Revised Code. 22535

(C) To be eligible to receive a license as a category III 22536
terminal distributor of dangerous drugs with an office-based 22537
opioid treatment classification, an applicant shall submit 22538
evidence satisfactory to the state board of pharmacy that the 22539
applicant's office-based opioid treatment will be operated in 22540
accordance with the requirements specified in division (D) of 22541
this section and that the applicant meets any other applicable 22542
requirements of this chapter. 22543

If the board determines that an applicant meets all of the 22544
requirements, the board shall issue to the applicant a license 22545
as a category III terminal distributor of dangerous drugs with 22546
an office-based opioid treatment classification. 22547

(D) The holder of a category III terminal distributor 22548
license with an office-based opioid treatment classification 22549
shall do all of the following: 22550

(1) Be in control of a facility that is owned and operated 22551
solely by one or more physicians authorized under Chapter 4731. 22552
of the Revised Code to practice medicine and surgery or 22553
osteopathic medicine and surgery, unless the state board of 22554
pharmacy has exempted the holder from this requirement; 22555

(2) Comply with the requirements for conducting office- 22556

based opioid treatment, as established by the state medical board in rules adopted under section 4731.056 of the Revised Code;

(3) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code;

(4) Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, ~~or pleaded guilty to, either of the following:~~

~~(a) A theft offense, described in division (K) (3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;~~

~~(b) A felony drug a disqualifying offense, as defined specified in section 2925.01-9.79 of the Revised Code;~~

(5) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.

(E) No person subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification shall knowingly fail to remain in compliance with the requirements of division (D) of this section and any other applicable requirements of this chapter.

(F) The state board of pharmacy may impose a fine of not more than five thousand dollars on a person who violates

division (B) or (E) of this section. A separate fine may be 22586
imposed for each day the violation continues. In imposing the 22587
fine, the board's actions shall be taken in accordance with 22588
Chapter 119. of the Revised Code. 22589

(G) The state board of pharmacy shall adopt rules as it 22590
considers necessary to implement and administer this section. 22591
The rules shall be adopted in accordance with Chapter 119. of 22592
the Revised Code. 22593

Sec. 4729.56. (A) (1) The state board of pharmacy, in 22594
accordance with Chapter 119. of the Revised Code, may impose any 22595
one or more of the following sanctions on a person licensed 22596
under division (B) (1) (a) of section 4729.52 of the Revised Code 22597
for any of the causes set forth in division (A) (2) of this 22598
section: 22599

(a) Suspend, revoke, restrict, limit, or refuse to grant 22600
or renew a license; 22601

(b) Reprimand or place the license holder on probation; 22602

(c) Impose a monetary penalty or forfeiture not to exceed 22603
in severity any fine designated under the Revised Code for a 22604
similar offense or two thousand five hundred dollars if the acts 22605
committed are not classified as an offense by the Revised Code; 22606

(2) The board may impose the sanctions set forth in 22607
division (A) (1) of this section for any of the following: 22608

(a) Making any false material statements in an application 22609
for licensure under section 4729.52 of the Revised Code; 22610

(b) Violating any federal, state, or local drug law; any 22611
provision of this chapter or Chapter 2925., 3715., or 3719. of 22612
the Revised Code; or any rule of the board; 22613

(c) A conviction of a ~~felony~~ disqualifying offense, as specified under section 9.79 of the Revised Code; 22614
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(d) Failing to satisfy the qualifications for licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed; 22616
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(e) Falsely or fraudulently promoting to the public a drug that is a controlled substance included in schedule I, II, III, IV, or V, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs from furnishing information concerning a controlled substance to a health care provider or licensed terminal distributor; 22620
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(f) Violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 3715. of the Revised Code; 22628
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(g) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4729.26 of the Revised Code. 22631
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(B) Upon the suspension or revocation of any license identified in division (B) (1) (a) of section 4729.52 of the Revised Code, the licensee shall immediately surrender the license to the board. 22634
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(C) If the board suspends, revokes, or refuses to renew any license identified in division (B) (1) (a) of section 4729.52 of the Revised Code and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the board may place under seal all dangerous drugs 22638
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owned by or in the possession, custody, or control of the 22643
affected licensee. Except as provided in this division, the 22644
board shall not dispose of the dangerous drugs sealed under this 22645
division until the licensee exhausts all of the licensee's 22646
appeal rights under Chapter 119. of the Revised Code. The court 22647
involved in such an appeal may order the board, during the 22648
pendency of the appeal, to sell sealed dangerous drugs that are 22649
perishable. The board shall deposit the proceeds of the sale 22650
with the court. 22651

(D) If the board is required under Chapter 119. of the 22652
Revised Code to give notice of an opportunity for a hearing and 22653
the license holder does not make a timely request for a hearing 22654
in accordance with section 119.07 of the Revised Code, the board 22655
is not required to hold a hearing, but may adopt a final order 22656
that contains the board's findings. In the final order, the 22657
board may impose any of the sanctions listed in division (A) of 22658
this section. 22659

(E) Notwithstanding division (C) (2) of section 2953.32 of 22660
the Revised Code specifying that if records pertaining to a 22661
criminal case are sealed under that section the proceedings in 22662
the case must be deemed not to have occurred, sealing of the 22663
~~following records~~ record of conviction of a disqualifying 22664
offense, as specified under section 9.79 of the Revised Code, on 22665
which the board has based an action under this section shall 22666
have no effect on the board's action or any sanction imposed by 22667
the board under this section: ~~records of any conviction, guilty-~~ 22668
~~plea, judicial finding of guilt resulting from a plea of no-~~ 22669
~~contest, or a judicial finding of eligibility for a pretrial-~~ 22670
~~diversion program or intervention in lieu of conviction.~~ The 22671
board is not required to seal, destroy, redact, or otherwise 22672
modify its records to reflect the court's sealing of conviction 22673

records. 22674

Sec. 4729.90. (A) As used in this section, "responsible person" has the same meaning as in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code. 22675
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(B) (1) An applicant for registration as a registered pharmacy technician shall: 22678
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(a) Be at least eighteen years of age; 22680

(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; 22681
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~~(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;~~ 22685
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~~(d)~~ Except as provided in division (D) of this section, comply with sections 4776.01 to 4776.04 of the Revised Code; 22688
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~~(e)~~ (d) Except as provided in division (E) (1) of this section, obtain from a pharmacy's responsible person an attestation that the applicant has successfully completed education and training that meets the requirements established by the board in rules adopted under section 4729.94 of the Revised Code. 22690
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(2) An applicant for registration as a certified pharmacy technician shall: 22696
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(a) Comply with divisions (B) (1) (a) and (c) ~~and (d)~~ of this section; 22698
22699

(b) Possess a high school diploma or a certificate of high 22700

school equivalence; 22701

(c) Except as provided in division (E)(2) of this section, 22702
obtain from a pharmacy's responsible person an attestation that 22703
the applicant has successfully completed education and training 22704
that meets the requirements established by the board in rules 22705
adopted under section 4729.94 of the Revised Code; 22706

(d) Have a current pharmacy technician certification from 22707
an organization that has been recognized by the board. 22708

(C) A pharmacist or pharmacy intern whose license has been 22709
denied, revoked, suspended, or otherwise restricted by the board 22710
shall not be registered as a registered pharmacy technician or 22711
certified pharmacy technician. 22712

(D) Until the date that is two years after ~~the effective~~ 22713
~~date of this section~~ April 6, 2017, an applicant for 22714
registration as a registered pharmacy technician or certified 22715
pharmacy technician who meets the requirements to be a qualified 22716
pharmacy technician under section 4729.42 of the Revised Code, 22717
as it existed immediately prior to the effective date of section 22718
4729.95 of the Revised Code, may, instead of complying with 22719
division (B)(1) ~~(d)~~ (c) of this section, authorize the 22720
superintendent of the bureau of criminal identification and 22721
investigation to make the results of a criminal records check of 22722
the applicant available to the state board of pharmacy. The 22723
criminal records check must have been conducted not earlier than 22724
twenty-four months before the date of the application for 22725
registration. 22726

(E)(1) Until the date that is two years after ~~the~~ 22727
~~effective date of this section~~ April 6, 2017, an applicant for 22728
registration as a registered pharmacy technician who meets the 22729

requirements to be a qualified pharmacy technician under section 22730
4729.42 of the Revised Code, as it existed immediately prior to 22731
the effective date of section 4729.95 of the Revised Code, may, 22732
instead of complying with division (B) (1) ~~(e)~~ (d) of this 22733
section, submit an attestation from a pharmacy's responsible 22734
person that the applicant has completed a pharmacy technician 22735
training program that is of appropriate breadth and depth to 22736
clearly address the competencies for a technician to safely and 22737
effectively work in that particular setting and includes 22738
instruction in all of the following: 22739

(a) Packaging and labeling drugs; 22740

(b) Pharmacy terminology; 22741

(c) Basic drug information; 22742

(d) Basic calculations; 22743

(e) Quality control procedures; 22744

(f) State and federal statutes, rules, and regulations 22745
regarding pharmacy technician duties, pharmacist duties, 22746
pharmacy intern duties, prescription or drug order processing 22747
procedures, non-sterile drug compounding, drug record-keeping 22748
requirements, patient confidentiality, security requirements, 22749
and storage requirements. 22750

(2) Until the date that is two years after ~~the effective~~ 22751
~~date of this section~~ April 6, 2017, an applicant for 22752
registration as a certified pharmacy technician who meets the 22753
requirements to be a qualified pharmacy technician under section 22754
4729.42 of the Revised Code, as it existed immediately prior to 22755
the effective date of section 4729.95 of the Revised Code, may, 22756
instead of complying with division (B) (2) (c) of this section, 22757
submit an attestation from a pharmacy's responsible person that 22758

the applicant has completed a pharmacy technician training 22759
program that is of appropriate breadth and depth to clearly 22760
address the competencies for a technician to safely and 22761
effectively work in that particular setting and includes 22762
instruction in all of the following: 22763

(a) The topics listed in divisions (E) (1) (a) to (f) of 22764
this section; 22765

(b) Sterile drug compounding; 22766

(c) Preparing and mixing intravenous drugs to be injected 22767
into a human being. 22768

Sec. 4729.92. (A) An applicant for registration as a 22769
pharmacy technician trainee shall: 22770

(1) Comply with divisions (B) (1) (a) ~~to (c)~~ and (b) of 22771
section 4729.90 of the Revised Code; 22772

(2) Be enrolled in or plan to enroll in education and 22773
training that will allow the applicant to meet the requirements 22774
established by the state board of pharmacy in rules adopted 22775
under section 4729.94 of the Revised Code; 22776

(3) Comply with sections 4776.01 to 4776.04 of the Revised 22777
Code. 22778

(B) A pharmacist or pharmacy intern whose license has been 22779
denied, revoked, suspended, or otherwise restricted by the board 22780
shall not be registered as a pharmacy technician trainee. 22781

Sec. 4729.96. (A) (1) The state board of pharmacy, after 22782
notice and hearing in accordance with Chapter 119. of the 22783
Revised Code, may impose one or more of the following sanctions 22784
on a pharmacy technician trainee, registered pharmacy 22785
technician, or certified pharmacy technician if the board finds 22786

the individual engaged in any of the conduct set forth in 22787
division (A) (2) of this section: 22788

(a) Revoke, suspend, restrict, limit, or refuse to grant 22789
or renew a registration; 22790

(b) Reprimand or place the holder of the registration on 22791
probation; 22792

(c) Impose a monetary penalty or forfeiture not to exceed 22793
in severity any fine designated under the Revised Code for a 22794
similar offense, or in the case of a violation of a section of 22795
the Revised Code that does not bear a penalty, a monetary 22796
penalty or forfeiture of not more than five hundred dollars. 22797

(2) The board may impose the sanctions listed in division 22798
(A) (1) of this section if the board finds a pharmacy technician 22799
trainee, registered pharmacy technician, or certified pharmacy 22800
technician: 22801

(a) Has been convicted of a ~~felony, or a crime of moral-~~ 22802
~~turpitude~~ disqualifying offense, as defined in specified under 22803
section ~~4776.10-9.79~~ of the Revised Code; 22804

(b) Engaged in dishonesty or unprofessional conduct, as 22805
prescribed in rules adopted by the board under section 4729.94 22806
of the Revised Code; 22807

(c) Is addicted to or abusing alcohol or drugs or impaired 22808
physically or mentally to such a degree as to render the 22809
individual unable to perform the individual's duties; 22810

(d) Violated, conspired to violate, attempted to violate, 22811
or aided and abetted the violation of any of the provisions of 22812
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 22813
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 22814

by the board under those provisions; 22815

(e) Committed fraud, misrepresentation, or deception in 22816
applying for or securing a registration issued by the board 22817
under this chapter; 22818

(f) Failed to comply with an order of the board or a 22819
settlement agreement; 22820

(g) Engaged in any other conduct for which the board may 22821
impose discipline as set forth in rules adopted by the board 22822
under section 4729.94 of the Revised Code. 22823

(B) The board may suspend a registration under division 22824
(B) of section 3719.121 of the Revised Code by utilizing a 22825
telephone conference call to review the allegations and take a 22826
vote. 22827

(C) For purposes of this division, an individual 22828
authorized to practice as a pharmacy technician trainee, 22829
registered pharmacy technician, or certified pharmacy technician 22830
accepts the privilege of practicing in this state subject to 22831
supervision by the board. By filing an application for or 22832
holding a registration under this chapter, the individual gives 22833
consent to submit to a mental or physical examination when 22834
ordered to do so by the board in writing and waives all 22835
objections to the admissibility of testimony or examination 22836
reports that constitute privileged communications. 22837

If the board has reasonable cause to believe that an 22838
individual who is a pharmacy technician trainee, registered 22839
pharmacy technician, or certified pharmacy technician is 22840
physically or mentally impaired, the board may require the 22841
individual to submit to a physical or mental examination, or 22842
both. The expense of the examination is the responsibility of 22843

the individual required to be examined. 22844

Failure of an individual who is a pharmacy technician 22845
trainee, registered pharmacy technician, or certified pharmacy 22846
technician to submit to a physical or mental examination ordered 22847
by the board, unless the failure is due to circumstances beyond 22848
the individual's control, constitutes an admission of the 22849
allegations and a suspension order shall be entered without the 22850
taking of testimony or presentation of evidence. Any subsequent 22851
adjudication hearing under Chapter 119. of the Revised Code 22852
concerning failure to submit to an examination is limited to 22853
consideration of whether the failure was beyond the individual's 22854
control. 22855

If, based on the results of an examination ordered under 22856
this division, the board determines that the individual's 22857
ability to practice is impaired, the board shall suspend the 22858
individual's registration or deny the individual's application 22859
and shall require the individual, as a condition for an initial, 22860
continued, reinstated, or renewed registration to practice, to 22861
submit to a physical or mental examination and treatment. 22862

An order of suspension issued under this division shall 22863
not be subject to suspension by a court during pendency of any 22864
appeal filed under section 119.12 of the Revised Code. 22865

(D) If the board is required under Chapter 119. of the 22866
Revised Code to give notice of an opportunity for a hearing and 22867
the applicant or registrant does not make a timely request for a 22868
hearing in accordance with section 119.07 of the Revised Code, 22869
the board is not required to hold a hearing, but may adopt a 22870
final order that contains the board's findings. In the final 22871
order, the board may impose any of the sanctions listed in 22872
division (A) of this section. 22873

(E) Notwithstanding the provision of division (C) (2) of 22874
section 2953.32 of the Revised Code specifying that if records 22875
pertaining to a criminal case are sealed under that section the 22876
proceedings in the case must be deemed not to have occurred, 22877
sealing of the ~~following~~ records of conviction on which the 22878
board has based an action under this section shall have no 22879
effect on the board's action or any sanction imposed by the 22880
board under this section: ~~records of any conviction, guilty-~~ 22881
~~plea, judicial finding of guilt resulting from a plea of no-~~ 22882
~~contest, or a judicial finding of eligibility for a pretrial-~~ 22883
~~diversion program or intervention in lieu of conviction.~~ The 22884
board shall not be required to seal, destroy, redact, or 22885
otherwise modify its records to reflect the court's sealing of 22886
conviction records. 22887

(F) No pharmacy technician trainee, registered pharmacy 22888
technician, or certified pharmacy technician shall knowingly 22889
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 22890
(d) to (g) of this section. 22891

Sec. 4730.10. (A) An individual seeking a license to 22892
practice as a physician assistant shall file with the state 22893
medical board a written application on a form prescribed and 22894
supplied by the board. The application shall include all of the 22895
following: 22896

(1) The applicant's name, residential address, business 22897
address, if any, and social security number; 22898

(2) Satisfactory proof that the applicant meets the age 22899
~~and moral character requirements~~ requirement specified in 22900
~~divisions~~ division (A) (1) ~~and (2)~~ of section 4730.11 of the 22901
Revised Code; 22902

(3) Satisfactory proof that the applicant meets either the educational requirements specified in division (B) (1) or (2) of section 4730.11 of the Revised Code or the educational or other applicable requirements specified in division (C) (1), (2), or (3) of that section;

(4) Any other information the board requires.

(B) At the time of making application for a license to practice, the applicant shall pay the board a fee of five hundred dollars, no part of which shall be returned. The fees shall be deposited in accordance with section 4731.24 of the Revised Code.

Sec. 4730.11. (A) To be eligible to receive a license to practice as a physician assistant, all of the following apply to an applicant:

(1) The applicant shall be at least eighteen years of age.

~~(2) The applicant shall be of good moral character.~~

~~(3)~~ The applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board.

~~(4)~~ (3) The applicant shall meet either of the following requirements:

(a) The educational requirements specified in division (B) (1) or (2) of this section;

(b) The educational or other applicable requirements specified in division (C) (1), (2), or (3) of this section.

(B) For purposes of division (A) ~~(4)~~ (3) (a) of this section,

an applicant shall meet either of the following educational requirements: 22930
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(1) The applicant shall hold a master's or higher degree obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board. 22932
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(2) The applicant shall hold both of the following degrees: 22936
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(a) A degree other than a master's or higher degree obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board; 22938
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(b) A master's or higher degree in a course of study with clinical relevance to the practice of physician assistants and obtained from a program accredited by a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation. 22942
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(C) For purposes of division (A) ~~(4)~~ (3) (b) of this section, an applicant shall present evidence satisfactory to the board of meeting one of the following requirements in lieu of meeting the educational requirements specified in division (B) (1) or (2) of this section: 22947
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(1) The applicant shall hold a current, valid license or other form of authority to practice as a physician assistant issued by another jurisdiction and have been in active practice in any jurisdiction throughout the three-year period immediately preceding the date of application. 22952
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(2) The applicant shall hold a degree obtained as a result of being enrolled on January 1, 2008, in a program in this state 22957
22958

that was accredited by the accreditation review commission on 22959
education for the physician assistant but did not grant a 22960
master's or higher degree to individuals enrolled in the program 22961
on that date, and completing the program on or before December 22962
31, 2009. 22963

(3) The applicant shall hold a degree obtained from a 22964
program accredited by the accreditation review commission on 22965
education for the physician assistant and meet either of the 22966
following experience requirements: 22967

(a) Have experience practicing as a physician assistant 22968
for at least three consecutive years while on active duty, with 22969
evidence of service under honorable conditions, in any of the 22970
armed forces of the United States or the national guard of any 22971
state, including any experience attained while practicing as a 22972
physician assistant at a health care facility or clinic operated 22973
by the United States department of veterans affairs; 22974

(b) Have experience practicing as a physician assistant 22975
for at least three consecutive years while on active duty in the 22976
United States public health service commissioned corps. 22977

(D) Unless the applicant had prescriptive authority while 22978
practicing as a physician assistant in another jurisdiction, in 22979
the military, or in the public health service, the license 22980
issued to an applicant who does not hold a master's or higher 22981
degree described in division (B) of this section does not 22982
authorize the holder to exercise physician-delegated 22983
prescriptive authority and the state medical board shall not 22984
issue a prescriber number. 22985

(E) (1) This section does not require an individual to 22986
obtain a master's or higher degree as a condition of retaining 22987

or renewing a license to practice as a physician assistant if 22988
the individual received the license without holding a master's 22989
or higher degree as provided in either of the following: 22990

(a) Before the educational requirements specified in 22991
division (B) (1) or (2) of this section became effective January 22992
1, 2008; 22993

(b) By meeting the educational or other applicable 22994
requirements specified in division (C) (1), (2), or (3) of this 22995
section. 22996

(2) A license described in division (E) (1) of this section 22997
authorizes the license holder to exercise physician-delegated 22998
prescriptive authority if, on October 15, 2015, the license 22999
holder held a valid certificate to prescribe issued under former 23000
section 4730.44 of the Revised Code, as it existed immediately 23001
prior to October 15, 2015. 23002

(3) On application of an individual who received a license 23003
without having first obtained a master's or higher degree and is 23004
not authorized under division (E) (2) of this section to exercise 23005
physician-delegated prescriptive authority, the board shall 23006
grant the individual the authority to exercise physician- 23007
delegated prescriptive authority if the individual meets either 23008
of the following requirements: 23009

(a) The individual provides evidence satisfactory to the 23010
board of having obtained a master's or higher degree from either 23011
of the following: 23012

(i) A program accredited by the accreditation review 23013
commission on education for the physician assistant or a 23014
predecessor or successor organization recognized by the board; 23015

(ii) A program accredited by a regional or specialized and 23016

professional accrediting agency recognized by the council for 23017
higher education accreditation, if the degree is in a course of 23018
study with clinical relevance to the practice of physician 23019
assistants. 23020

(b) The individual meets the requirements specified in 23021
division (C) (1) or (3) of this section and had prescriptive 23022
authority while practicing as a physician assistant in another 23023
jurisdiction, in any of the armed forces of the United States or 23024
the national guard of any state, or in the United States public 23025
health service commissioned corps. 23026

Sec. 4730.25. (A) The state medical board, by an 23027
affirmative vote of not fewer than six members, may revoke or 23028
may refuse to grant a license to practice as a physician 23029
assistant to a person found by the board to have committed 23030
fraud, misrepresentation, or deception in applying for or 23031
securing the license. 23032

(B) The board, by an affirmative vote of not fewer than 23033
six members, shall, to the extent permitted by law, limit, 23034
revoke, or suspend an individual's license to practice as a 23035
physician assistant or prescriber number, refuse to issue a 23036
license to an applicant, refuse to renew a ~~certificate~~ license, 23037
refuse to reinstate a license, or reprimand or place on 23038
probation the holder of a license for any of the following 23039
reasons: 23040

(1) Failure to practice in accordance with the supervising 23041
physician's supervision agreement with the physician assistant, 23042
including, if applicable, the policies of the health care 23043
facility in which the supervising physician and physician 23044
assistant are practicing; 23045

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

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

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

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

(7) Willfully betraying a professional confidence;

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

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or

is likely to create false or unjustified expectations of 23075
favorable results, or includes representations or implications 23076
that in reasonable probability will cause an ordinarily prudent 23077
person to misunderstand or be deceived. 23078

(9) Representing, with the purpose of obtaining 23079
compensation or other advantage personally or for any other 23080
person, that an incurable disease or injury, or other incurable 23081
condition, can be permanently cured; 23082

(10) The obtaining of, or attempting to obtain, money or 23083
anything of value by fraudulent misrepresentations in the course 23084
of practice; 23085

~~(11) A plea of guilty to, a judicial finding of guilt of, 23086
or a judicial finding of eligibility for intervention in lieu of 23087
conviction for, a felony; 23088~~

~~(12) Commission of an act that constitutes a felony in 23089
this state, regardless of the jurisdiction in which the act was 23090
committed; 23091~~

~~(13) A plea of guilty to, a judicial finding of guilt of, 23092
or a judicial finding of eligibility for intervention in lieu of 23093
conviction for, a misdemeanor committed in the course of 23094
practice; 23095~~

~~(14) A plea of guilty to, a judicial finding of guilt of, 23096
or a judicial finding of eligibility for intervention in lieu of 23097
conviction for, a misdemeanor involving moral turpitude; 23098~~

~~(15) Commission of an act in the course of practice that 23099
constitutes a misdemeanor in this state, regardless of the 23100
jurisdiction in which the act was committed; 23101~~

~~(16) Commission of an act involving moral turpitude that 23102~~

~~constitutes a misdemeanor in this state, regardless of the~~ 23103
~~jurisdiction in which the act was committed;~~ 23104

~~(17) A plea of guilty to, a judicial finding of guilt of,~~ 23105
~~or a judicial finding of eligibility for intervention in lieu of~~ 23106
~~conviction for violating any state or federal law regulating the~~ 23107
~~possession, distribution, or use of any drug, including~~ 23108
~~trafficking in drugs, conviction of a disqualifying offense, as~~ 23109
~~specified under section 9.79 of the Revised Code;~~ 23110

~~(18)~~ (12) Any of the following actions taken by the state 23111
agency responsible for regulating the practice of physician 23112
assistants in another state, for any reason other than the 23113
nonpayment of fees: the limitation, revocation, or suspension of 23114
an individual's license to practice; acceptance of an 23115
individual's license surrender; denial of a license; refusal to 23116
renew or reinstate a license; imposition of probation; or 23117
issuance of an order of censure or other reprimand; 23118

~~(19)~~ (13) A departure from, or failure to conform to, 23119
minimal standards of care of similar physician assistants under 23120
the same or similar circumstances, regardless of whether actual 23121
injury to a patient is established; 23122

~~(20)~~ (14) Violation of the conditions placed by the board 23123
on a license to practice as a physician assistant; 23124

~~(21)~~ (15) Failure to use universal blood and body fluid 23125
precautions established by rules adopted under section 4731.051 23126
of the Revised Code; 23127

~~(22)~~ (16) Failure to cooperate in an investigation 23128
conducted by the board under section 4730.26 of the Revised 23129
Code, including failure to comply with a subpoena or order 23130
issued by the board or failure to answer truthfully a question 23131

presented by the board at a deposition or in written 23132
interrogatories, except that failure to cooperate with an 23133
investigation shall not constitute grounds for discipline under 23134
this section if a court of competent jurisdiction has issued an 23135
order that either quashes a subpoena or permits the individual 23136
to withhold the testimony or evidence in issue; 23137

~~(23) Assisting suicide, as defined in section 3795.01 of~~ 23138
~~the Revised Code;~~ 23139

~~(24)~~ (17) Prescribing any drug or device to perform or 23140
induce an abortion, or otherwise performing or inducing an 23141
abortion; 23142

~~(25)~~ (18) Failure to comply with section 4730.53 of the 23143
Revised Code, unless the board no longer maintains a drug 23144
database pursuant to section 4729.75 of the Revised Code; 23145

~~(26)~~ (19) Failure to comply with the requirements in 23146
section 3719.061 of the Revised Code before issuing for a minor 23147
a prescription for an opioid analgesic, as defined in section 23148
3719.01 of the Revised Code; 23149

~~(27)~~ (20) Having certification by the national commission 23150
on certification of physician assistants or a successor 23151
organization expire, lapse, or be suspended or revoked; 23152

~~(28)~~ (21) The revocation, suspension, restriction, 23153
reduction, or termination of clinical privileges by the United 23154
States department of defense or department of veterans affairs 23155
or the termination or suspension of a certificate of 23156
registration to prescribe drugs by the drug enforcement 23157
administration of the United States department of justice. 23158

(C) Disciplinary actions taken by the board under 23159
divisions (A) and (B) of this section shall be taken pursuant to 23160

an adjudication under Chapter 119. of the Revised Code, except 23161
that in lieu of an adjudication, the board may enter into a 23162
consent agreement with a physician assistant or applicant to 23163
resolve an allegation of a violation of this chapter or any rule 23164
adopted under it. A consent agreement, when ratified by an 23165
affirmative vote of not fewer than six members of the board, 23166
shall constitute the findings and order of the board with 23167
respect to the matter addressed in the agreement. If the board 23168
refuses to ratify a consent agreement, the admissions and 23169
findings contained in the consent agreement shall be of no force 23170
or effect. 23171

~~(D) For purposes of divisions (B)(12), (15), and (16) of 23172
this section, the commission of the act may be established by a 23173
finding by the board, pursuant to an adjudication under Chapter- 23174
119. of the Revised Code, that the applicant or license holder- 23175
committed the act in question. The board shall have no 23176
jurisdiction under these divisions in cases where the trial- 23177
court renders a final judgment in the license holder's favor and 23178
that judgment is based upon an adjudication on the merits. The 23179
board shall have jurisdiction under these divisions in cases- 23180
where the trial court issues an order of dismissal upon 23181
technical or procedural grounds.- 23182~~

~~(E)~~ The sealing of conviction records by any court shall 23183
have no effect upon a prior board order entered under the 23184
provisions of this section or upon the board's jurisdiction to 23185
take action under the provisions of this section if, based upon 23186
a plea of guilty, a judicial finding of guilt, or a judicial 23187
finding of eligibility for intervention in lieu of conviction of 23188
a disqualifying offense, as specified under section 9.79 of the 23189
Revised Code, the board issued a notice of opportunity for a 23190
hearing prior to the court's order to seal the records. The 23191

board shall not be required to seal, destroy, redact, or 23192
otherwise modify its records to reflect the court's sealing of 23193
conviction records. 23194

~~(F)~~(E) For purposes of this division, any individual who 23195
holds a license issued under this chapter, or applies for a 23196
license issued under this chapter, shall be deemed to have given 23197
consent to submit to a mental or physical examination when 23198
directed to do so in writing by the board and to have waived all 23199
objections to the admissibility of testimony or examination 23200
reports that constitute a privileged communication. 23201

(1) In enforcing division (B)(4) of this section, the 23202
board, upon a showing of a possible violation, may compel any 23203
individual who holds a license issued under this chapter or who 23204
has applied for a license pursuant to this chapter to submit to 23205
a mental examination, physical examination, including an HIV 23206
test, or both a mental and physical examination. The expense of 23207
the examination is the responsibility of the individual 23208
compelled to be examined. Failure to submit to a mental or 23209
physical examination or consent to an HIV test ordered by the 23210
board constitutes an admission of the allegations against the 23211
individual unless the failure is due to circumstances beyond the 23212
individual's control, and a default and final order may be 23213
entered without the taking of testimony or presentation of 23214
evidence. If the board finds a physician assistant unable to 23215
practice because of the reasons set forth in division (B)(4) of 23216
this section, the board shall require the physician assistant to 23217
submit to care, counseling, or treatment by physicians approved 23218
or designated by the board, as a condition for an initial, 23219
continued, reinstated, or renewed license. An individual 23220
affected under this division shall be afforded an opportunity to 23221
demonstrate to the board the ability to resume practicing in 23222

compliance with acceptable and prevailing standards of care. 23223

(2) For purposes of division (B)(5) of this section, if 23224
the board has reason to believe that any individual who holds a 23225
license issued under this chapter or any applicant for a license 23226
suffers such impairment, the board may compel the individual to 23227
submit to a mental or physical examination, or both. The expense 23228
of the examination is the responsibility of the individual 23229
compelled to be examined. Any mental or physical examination 23230
required under this division shall be undertaken by a treatment 23231
provider or physician qualified to conduct such examination and 23232
chosen by the board. 23233

Failure to submit to a mental or physical examination 23234
ordered by the board constitutes an admission of the allegations 23235
against the individual unless the failure is due to 23236
circumstances beyond the individual's control, and a default and 23237
final order may be entered without the taking of testimony or 23238
presentation of evidence. If the board determines that the 23239
individual's ability to practice is impaired, the board shall 23240
suspend the individual's license or deny the individual's 23241
application and shall require the individual, as a condition for 23242
initial, continued, reinstated, or renewed licensure, to submit 23243
to treatment. 23244

Before being eligible to apply for reinstatement of a 23245
license suspended under this division, the physician assistant 23246
shall demonstrate to the board the ability to resume practice or 23247
prescribing in compliance with acceptable and prevailing 23248
standards of care. The demonstration shall include the 23249
following: 23250

(a) Certification from a treatment provider approved under 23251
section 4731.25 of the Revised Code that the individual has 23252

successfully completed any required inpatient treatment; 23253

(b) Evidence of continuing full compliance with an 23254
aftercare contract or consent agreement; 23255

(c) Two written reports indicating that the individual's 23256
ability to practice has been assessed and that the individual 23257
has been found capable of practicing according to acceptable and 23258
prevailing standards of care. The reports shall be made by 23259
individuals or providers approved by the board for making such 23260
assessments and shall describe the basis for their 23261
determination. 23262

The board may reinstate a license suspended under this 23263
division after such demonstration and after the individual has 23264
entered into a written consent agreement. 23265

When the impaired physician assistant resumes practice or 23266
prescribing, the board shall require continued monitoring of the 23267
physician assistant. The monitoring shall include compliance 23268
with the written consent agreement entered into before 23269
reinstatement or with conditions imposed by board order after a 23270
hearing, and, upon termination of the consent agreement, 23271
submission to the board for at least two years of annual written 23272
progress reports made under penalty of falsification stating 23273
whether the physician assistant has maintained sobriety. 23274

~~(G)~~ (F) If the secretary and supervising member determine 23275
that there is clear and convincing evidence that a physician 23276
assistant has violated division (B) of this section and that the 23277
individual's continued practice or prescribing presents a danger 23278
of immediate and serious harm to the public, they may recommend 23279
that the board suspend the individual's license without a prior 23280
hearing. Written allegations shall be prepared for consideration 23281

by the board. 23282

The board, upon review of those allegations and by an 23283
affirmative vote of not fewer than six of its members, excluding 23284
the secretary and supervising member, may suspend a license 23285
without a prior hearing. A telephone conference call may be 23286
utilized for reviewing the allegations and taking the vote on 23287
the summary suspension. 23288

The board shall issue a written order of suspension by 23289
certified mail or in person in accordance with section 119.07 of 23290
the Revised Code. The order shall not be subject to suspension 23291
by the court during pendency of any appeal filed under section 23292
119.12 of the Revised Code. If the physician assistant requests 23293
an adjudicatory hearing by the board, the date set for the 23294
hearing shall be within fifteen days, but not earlier than seven 23295
days, after the physician assistant requests the hearing, unless 23296
otherwise agreed to by both the board and the license holder. 23297

A summary suspension imposed under this division shall 23298
remain in effect, unless reversed on appeal, until a final 23299
adjudicative order issued by the board pursuant to this section 23300
and Chapter 119. of the Revised Code becomes effective. The 23301
board shall issue its final adjudicative order within sixty days 23302
after completion of its hearing. Failure to issue the order 23303
within sixty days shall result in dissolution of the summary 23304
suspension order, but shall not invalidate any subsequent, final 23305
adjudicative order. 23306

~~(H)~~ (G) If the board takes action under division (B) (11), ~~—~~ 23307
~~(13), or (14)~~ of this section, and the ~~judicial finding of~~ 23308
~~guilt, guilty plea, or judicial finding of eligibility for~~ 23309
~~intervention in lieu of conviction~~ is overturned on appeal, upon 23310
exhaustion of the criminal appeal, a petition for 23311

reconsideration of the order may be filed with the board along 23312
with appropriate court documents. Upon receipt of a petition and 23313
supporting court documents, the board shall reinstate the 23314
individual's license. ~~The board may then hold an adjudication~~ 23315
~~under Chapter 119. of the Revised Code to determine whether the~~ 23316
~~individual committed the act in question. Notice of opportunity~~ 23317
~~for hearing shall be given in accordance with Chapter 119. of~~ 23318
~~the Revised Code. If the board finds, pursuant to an~~ 23319
~~adjudication held under this division, that the individual~~ 23320
~~committed the act, or if no hearing is requested, it may order~~ 23321
~~any of the sanctions identified under division (B) of this~~ 23322
~~section.~~ 23323

~~(I) The license to practice issued to a physician~~ 23324
~~assistant and the physician assistant's practice in this state~~ 23325
~~are automatically suspended as of the date the physician~~ 23326
~~assistant pleads guilty to, is found by a judge or jury to be~~ 23327
~~guilty of, or is subject to a judicial finding of eligibility~~ 23328
~~for intervention in lieu of conviction in this state or~~ 23329
~~treatment or intervention in lieu of conviction in another state~~ 23330
~~for any of the following criminal offenses in this state or a~~ 23331
~~substantially equivalent criminal offense in another~~ 23332
~~jurisdiction: aggravated murder, murder, voluntary manslaughter,~~ 23333
~~felonious assault, kidnapping, rape, sexual battery, gross~~ 23334
~~sexual imposition, aggravated arson, aggravated robbery, or~~ 23335
~~aggravated burglary. Continued practice after the suspension~~ 23336
~~shall be considered practicing without a license.~~ 23337

~~The board shall notify the individual subject to the~~ 23338
~~suspension by certified mail or in person in accordance with~~ 23339
~~section 119.07 of the Revised Code. If an individual whose~~ 23340
~~license is suspended under this division fails to make a timely~~ 23341
~~request for an adjudication under Chapter 119. of the Revised~~ 23342

~~Code, the board shall enter a final order permanently revoking
the individual's license to practice.~~ 23343
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~~(J)~~ (H) In any instance in which the board is required by 23345
Chapter 119. of the Revised Code to give notice of opportunity 23346
for hearing and the individual subject to the notice does not 23347
timely request a hearing in accordance with section 119.07 of 23348
the Revised Code, the board is not required to hold a hearing, 23349
but may adopt, by an affirmative vote of not fewer than six of 23350
its members, a final order that contains the board's findings. 23351
In that final order, the board may order any of the sanctions 23352
identified under division (A) or (B) of this section. 23353

~~(K)~~ (I) Any action taken by the board under division (B) 23354
of this section resulting in a suspension shall be accompanied 23355
by a written statement of the conditions under which the 23356
physician assistant's license may be reinstated. The board shall 23357
adopt rules in accordance with Chapter 119. of the Revised Code 23358
governing conditions to be imposed for reinstatement. 23359
Reinstatement of a license suspended pursuant to division (B) of 23360
this section requires an affirmative vote of not fewer than six 23361
members of the board. 23362

~~(L)~~ (J) When the board refuses to grant or issue to an 23363
applicant a license to practice as a physician assistant, 23364
revokes an individual's license, refuses to renew an 23365
individual's license, or refuses to reinstate an individual's 23366
license, the board may specify that its action is permanent. An 23367
individual subject to a permanent action taken by the board is 23368
forever thereafter ineligible to hold the license and the board 23369
shall not accept an application for reinstatement of the license 23370
or for issuance of a new license. 23371

~~(M)~~ (K) Notwithstanding any other provision of the Revised 23372

Code, all of the following apply:	23373
(1) The surrender of a license issued under this chapter is not effective unless or until accepted by the board.	23374
Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.	23375
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(2) An application made under this chapter for a license may not be withdrawn without approval of the board.	23378
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(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.	23380
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Sec. 4730.31. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	23384
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(B) Whenever any person holding a valid license to practice as a physician assistant issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with practicing as a physician assistant, the prosecutor in the case shall, on forms prescribed and provided by the state medical board, promptly notify the board of the conviction. Within thirty days of receipt of such information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the license under section 4730.25 of the Revised Code.	23386
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(C) The prosecutor in any case against any person holding a valid license issued pursuant to this chapter shall, on forms	23400
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prescribed and provided by the state medical board, notify the board of ~~any of the following:~~

~~(1) A plea of guilty to, a judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case where the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;~~

~~(2) A plea of guilty to, a judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case where the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;~~

~~(3) A plea of guilty to, a judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case where the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude, the person's conviction of any criminal offense.~~

The report shall include the name and address of the license holder, the nature of the offense for which the action was taken, and the certified court documents recording the action.

Sec. 4731.054. (A) As used in this section:

(1) "Chronic pain" has the same meaning as in section 4731.052 of the Revised Code.

(2) "Controlled substance" has the same meaning as in

section 3719.01 of the Revised Code.	23431
(3) "Hospital" means a hospital registered with the department of health under section 3701.07 of the Revised Code.	23432 23433
(4) "Owner" means each person included on the list maintained under division (B) (6) of section 4729.552 of the Revised Code.	23434 23435 23436
(5) (a) "Pain management clinic" means a facility to which both of the following apply:	23437 23438
(i) The majority of patients of the prescribers at the facility are provided treatment for chronic pain through the use of controlled substances, tramadol, or other drugs specified in rules adopted under this section;	23439 23440 23441 23442
(ii) The facility meets any other identifying criteria established in rules adopted under this section.	23443 23444
(b) "Pain management clinic" does not include any of the following:	23445 23446
(i) A hospital;	23447
(ii) A facility operated by a hospital for the treatment of chronic pain;	23448 23449
(iii) A physician practice owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	23450 23451 23452
(iv) A school, college, university, or other educational institution or program to the extent that it provides instruction to individuals preparing to practice as physicians, podiatrists, dentists, nurses, physician assistants, optometrists, or veterinarians or any affiliated facility to the	23453 23454 23455 23456 23457

extent that it participates in the provision of that instruction; 23458
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(v) A hospice program licensed under Chapter 3712. of the Revised Code; 23460
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(vi) An ambulatory surgical facility licensed under section 3702.30 of the Revised Code; 23462
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(vii) An interdisciplinary pain rehabilitation program with three-year accreditation from the commission on accreditation of rehabilitation facilities; 23464
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(viii) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code; 23467
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(ix) A facility conducting only clinical research that may use controlled substances in studies approved by a hospital-based institutional review board or an institutional review board accredited by the association for the accreditation of human research protection programs. 23470
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(6) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery. 23475
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(7) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 23478
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(B) Each owner shall supervise, control, and direct the activities of each individual, including an employee, volunteer, or individual under contract, who provides treatment of chronic pain at the clinic or is associated with the provision of that treatment. The supervision, control, and direction shall be provided in accordance with rules adopted under this section. 23480
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(C) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Standards and procedures for the operation of a pain management clinic;

(2) Standards and procedures to be followed by a physician who provides care at a pain management clinic;

(3) For purposes of division (A) (5) (a) (i) of this section, the other drugs used to treat chronic pain that identify a facility as a pain management clinic;

(4) For purposes of division (A) (5) (a) (ii) of this section, the other criteria that identify a facility as a pain management clinic;

(5) For purposes of division (B) of this section, standards and procedures to be followed by an owner in providing supervision, direction, and control of individuals at a pain management clinic.

(D) The board may impose a fine of not more than twenty thousand dollars on a physician who fails to comply with rules adopted under this section. The fine may be in addition to or in lieu of any other action that may be taken under section 4731.22 of the Revised Code. The board shall deposit any amounts received under this division in accordance with section 4731.24 of the Revised Code.

(E) (1) The board may inspect either of the following as the board determines necessary to ensure compliance with this chapter and any rules adopted under it regarding pain management clinics:

(a) A pain management clinic;	23514
(b) A facility or physician practice that the board suspects is operating as a pain management clinic in violation of this chapter.	23515 23516 23517
(2) The board's inspection shall be conducted in accordance with division (F) <u>(E)</u> of section 4731.22 of the Revised Code.	23518 23519 23520
(3) Before conducting an on-site inspection, the board shall provide notice to the owner or other person in charge of the facility or physician practice, except that the board is not required to provide the notice if, in the judgment of the board, the notice would jeopardize an investigation being conducted by the board.	23521 23522 23523 23524 23525 23526
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:	23527 23528 23529
(1) Be at least eighteen years of age and of good moral character;	23530 23531
(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;	23532 23533 23534
(3) Have completed two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board;	23535 23536 23537
(4) Meet one of the following medical education and graduate medical education requirements:	23538 23539
(a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a	23540 23541

medical school accredited by the liaison committee on medical 23542
education or an osteopathic medical school accredited by the 23543
American osteopathic association and have successfully completed 23544
not less than twelve months of graduate medical education 23545
through the first-year level of graduate medical education or 23546
its equivalent as determined by the board; 23547

(b) Hold certification from the educational commission for 23548
foreign medical graduates and have successfully completed not 23549
less than twenty-four months of graduate medical education 23550
through the second-year level of graduate medical education or 23551
its equivalent as determined by the board; 23552

(c) Be a qualified graduate of a fifth pathway training 23553
program as recognized by the board under section 4731.091 of the 23554
Revised Code and have successfully completed, subsequent to 23555
completing fifth pathway training, not less than twelve months 23556
of graduate medical education or its equivalent as determined by 23557
the board. 23558

(5) Have successfully passed an examination prescribed in 23559
rules adopted by the board to determine competency to practice 23560
medicine and surgery or osteopathic medicine and surgery; 23561

(6) Comply with section 4731.08 of the Revised Code; 23562

(7) Meet the requirements of section 4731.142 of the 23563
Revised Code if eligibility for the license applied for is based 23564
in part on certification from the educational commission for 23565
foreign medical graduates and the undergraduate education 23566
requirements established by this section were fulfilled at an 23567
institution outside of the United States. 23568

(B) An applicant for a license to practice medicine and 23569
surgery or osteopathic medicine and surgery shall submit to the 23570

board an application in the form and manner prescribed by the board. The application must include all of the following:

(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section;

(2) An affidavit from the applicant attesting to the accuracy and truthfulness of the information submitted under this section;

(3) Consent to the release of the applicant's information;

(4) Any other information the board requires.

(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee.

(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant.

(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not

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later than forty-five days after making that determination. 23600

Sec. 4731.19. (A) A person seeking a certificate to 23601
practice a limited branch of medicine shall file with the state 23602
medical board an application in a manner prescribed by the 23603
board. The application shall include or be accompanied by all of 23604
the following: 23605

(1) Evidence that the applicant is at least eighteen years 23606
of age ~~and of good moral character;~~ 23607

(2) Evidence that the applicant has attained high school 23608
graduation or its equivalent; 23609

(3) Evidence that the applicant holds one of the 23610
following: 23611

(a) A diploma or certificate from a school, college, or 23612
institution in good standing as determined by the board, showing 23613
the completion of the required courses of instruction; 23614

(b) A diploma or certificate from a school, college, or 23615
institution in another state or jurisdiction showing completion 23616
of a course of instruction that meets course requirements 23617
determined by the board through rules adopted under section 23618
4731.05 of the Revised Code; 23619

(c) For not less than five years preceding application, a 23620
current license, registration, or certificate in good standing 23621
in another state for massage therapy or cosmetic therapy. 23622

(4) Evidence that the applicant has successfully passed an 23623
examination, prescribed in rules described in section 4731.16 of 23624
the Revised Code, to determine competency to practice the 23625
applicable limited branch of medicine; 23626

(5) An affidavit signed by the applicant attesting to the 23627

accuracy and truthfulness of information submitted under this 23628
section and consenting to release of information; 23629

(6) Any other information the board requires. 23630

(B) An applicant for a certificate to practice a limited 23631
branch of medicine shall comply with the requirements of section 23632
4731.171 of the Revised Code. 23633

(C) At the time of making application for a certificate to 23634
practice a limited branch of medicine, the applicant shall pay 23635
to the board a fee of one hundred fifty dollars, no part of 23636
which shall be returned. No application shall be considered 23637
filed until the board receives the appropriate fee. 23638

(D) The board may investigate the application materials 23639
received under this section and contact any agency or 23640
organization for recommendations or other information about the 23641
applicant. 23642

Sec. 4731.22. (A) The state medical board, by an 23643
affirmative vote of not fewer than six of its members, may 23644
limit, revoke, or suspend a license or certificate to practice 23645
or certificate to recommend, refuse to grant a license or 23646
certificate, refuse to renew a license or certificate, refuse to 23647
reinstate a license or certificate, or reprimand or place on 23648
probation the holder of a license or certificate if the 23649
individual applying for or holding the license or certificate is 23650
found by the board to have committed fraud during the 23651
administration of the examination for a license or certificate 23652
to practice or to have committed fraud, misrepresentation, or 23653
deception in applying for, renewing, or securing any license or 23654
certificate to practice or certificate to recommend issued by 23655
the board. 23656

(B) The board, by an affirmative vote of not fewer than 23657
six members, shall, to the extent permitted by law, limit, 23658
revoke, or suspend a license or certificate to practice or 23659
certificate to recommend, refuse to issue a license or 23660
certificate, refuse to renew a license or certificate, refuse to 23661
reinstate a license or certificate, or reprimand or place on 23662
probation the holder of a license or certificate for one or more 23663
of the following reasons: 23664

(1) Permitting one's name or one's license or certificate 23665
to practice to be used by a person, group, or corporation when 23666
the individual concerned is not actually directing the treatment 23667
given; 23668

(2) Failure to maintain minimal standards applicable to 23669
the selection or administration of drugs, or failure to employ 23670
acceptable scientific methods in the selection of drugs or other 23671
modalities for treatment of disease; 23672

(3) Except as provided in section 4731.97 of the Revised 23673
Code, selling, giving away, personally furnishing, prescribing, 23674
or administering drugs for other than legal and legitimate 23675
therapeutic purposes ~~or a plea of guilty to, a judicial finding~~ 23676
~~of guilt of, or a judicial finding of eligibility for~~ 23677
~~intervention in lieu of conviction of, a violation of any~~ 23678
~~federal or state law regulating the possession, distribution, or~~ 23679
~~use of any drug;~~ 23680

(4) Willfully betraying a professional confidence. 23681

For purposes of this division, "willfully betraying a 23682
professional confidence" does not include providing any 23683
information, documents, or reports under sections 307.621 to 23684
307.629 of the Revised Code to a child fatality review board; 23685

does not include providing any information, documents, or 23686
reports to the director of health pursuant to guidelines 23687
established under section 3701.70 of the Revised Code; does not 23688
include written notice to a mental health professional under 23689
section 4731.62 of the Revised Code; and does not include the 23690
making of a report of an employee's use of a drug of abuse, or a 23691
report of a condition of an employee other than one involving 23692
the use of a drug of abuse, to the employer of the employee as 23693
described in division (B) of section 2305.33 of the Revised 23694
Code. Nothing in this division affects the immunity from civil 23695
liability conferred by section 2305.33 or 4731.62 of the Revised 23696
Code upon a physician who makes a report in accordance with 23697
section 2305.33 or notifies a mental health professional in 23698
accordance with section 4731.62 of the Revised Code. As used in 23699
this division, "employee," "employer," and "physician" have the 23700
same meanings as in section 2305.33 of the Revised Code. 23701

(5) Making a false, fraudulent, deceptive, or misleading 23702
statement in the solicitation of or advertising for patients; in 23703
relation to the practice of medicine and surgery, osteopathic 23704
medicine and surgery, podiatric medicine and surgery, or a 23705
limited branch of medicine; or in securing or attempting to 23706
secure any license or certificate to practice issued by the 23707
board. 23708

As used in this division, "false, fraudulent, deceptive, 23709
or misleading statement" means a statement that includes a 23710
misrepresentation of fact, is likely to mislead or deceive 23711
because of a failure to disclose material facts, is intended or 23712
is likely to create false or unjustified expectations of 23713
favorable results, or includes representations or implications 23714
that in reasonable probability will cause an ordinarily prudent 23715
person to misunderstand or be deceived. 23716

- (6) A departure from, or the failure to conform to, 23717
minimal standards of care of similar practitioners under the 23718
same or similar circumstances, whether or not actual injury to a 23719
patient is established; 23720
- (7) Representing, with the purpose of obtaining 23721
compensation or other advantage as personal gain or for any 23722
other person, that an incurable disease or injury, or other 23723
incurable condition, can be permanently cured; 23724
- (8) The obtaining of, or attempting to obtain, money or 23725
anything of value by fraudulent misrepresentations in the course 23726
of practice; 23727
- ~~(9) A plea of guilty to, a judicial finding of guilt of, 23728
or a judicial finding of eligibility for intervention in lieu of 23729
conviction for, a felony; 23730~~
- ~~(10) Commission of an act that constitutes a felony in 23731
this state, regardless of the jurisdiction in which the act was 23732
committed; 23733~~
- ~~(11) A plea of guilty to, a judicial finding of guilt of, 23734
or a judicial finding of eligibility for intervention in lieu of 23735
conviction for, a misdemeanor committed in the course of 23736
practice; 23737~~
- ~~(12) Commission of an act in the course of practice that 23738
constitutes a misdemeanor in this state, regardless of the 23739
jurisdiction in which the act was committed; 23740~~
- ~~(13) A plea of guilty to, a judicial finding of guilt of, 23741
or a judicial finding of eligibility for intervention in lieu of 23742
conviction for, a misdemeanor involving moral turpitude; 23743~~
- ~~(14) Commission of an act involving moral turpitude that 23744~~

~~constitutes a misdemeanor in this state, regardless of the~~ 23745
~~jurisdiction in which the act was committed~~ Conviction of a 23746
disqualifying offense, as specified under section 9.79 of the 23747
Revised Code; 23748

~~(15)~~ (10) Violation of the conditions of limitation placed 23749
by the board upon a license or certificate to practice; 23750

~~(16)~~ (11) Failure to pay license renewal fees specified in 23751
this chapter; 23752

~~(17)~~ (12) Except as authorized in section 4731.31 of the 23753
Revised Code, engaging in the division of fees for referral of 23754
patients, or the receiving of a thing of value in return for a 23755
specific referral of a patient to utilize a particular service 23756
or business; 23757

~~(18)~~ (13) Subject to section 4731.226 of the Revised Code, 23758
violation of any provision of a code of ethics of the American 23759
medical association, the American osteopathic association, the 23760
American podiatric medical association, or any other national 23761
professional organizations that the board specifies by rule. The 23762
state medical board shall obtain and keep on file current copies 23763
of the codes of ethics of the various national professional 23764
organizations. The individual whose license or certificate is 23765
being suspended or revoked shall not be found to have violated 23766
any provision of a code of ethics of an organization not 23767
appropriate to the individual's profession. 23768

For purposes of this division, a "provision of a code of 23769
ethics of a national professional organization" does not include 23770
any provision that would preclude the making of a report by a 23771
physician of an employee's use of a drug of abuse, or of a 23772
condition of an employee other than one involving the use of a 23773

drug of abuse, to the employer of the employee as described in 23774
division (B) of section 2305.33 of the Revised Code. Nothing in 23775
this division affects the immunity from civil liability 23776
conferred by that section upon a physician who makes either type 23777
of report in accordance with division (B) of that section. As 23778
used in this division, "employee," "employer," and "physician" 23779
have the same meanings as in section 2305.33 of the Revised 23780
Code. 23781

~~(19)~~ (14) Inability to practice according to acceptable 23782
and prevailing standards of care by reason of mental illness or 23783
physical illness, including, but not limited to, physical 23784
deterioration that adversely affects cognitive, motor, or 23785
perceptive skills. 23786

In enforcing this division, the board, upon a showing of a 23787
possible violation, may compel any individual authorized to 23788
practice by this chapter or who has submitted an application 23789
pursuant to this chapter to submit to a mental examination, 23790
physical examination, including an HIV test, or both a mental 23791
and a physical examination. The expense of the examination is 23792
the responsibility of the individual compelled to be examined. 23793
Failure to submit to a mental or physical examination or consent 23794
to an HIV test ordered by the board constitutes an admission of 23795
the allegations against the individual unless the failure is due 23796
to circumstances beyond the individual's control, and a default 23797
and final order may be entered without the taking of testimony 23798
or presentation of evidence. If the board finds an individual 23799
unable to practice because of the reasons set forth in this 23800
division, the board shall require the individual to submit to 23801
care, counseling, or treatment by physicians approved or 23802
designated by the board, as a condition for initial, continued, 23803
reinstated, or renewed authority to practice. An individual 23804

affected under this division shall be afforded an opportunity to 23805
demonstrate to the board the ability to resume practice in 23806
compliance with acceptable and prevailing standards under the 23807
provisions of the individual's license or certificate. For the 23808
purpose of this division, any individual who applies for or 23809
receives a license or certificate to practice under this chapter 23810
accepts the privilege of practicing in this state and, by so 23811
doing, shall be deemed to have given consent to submit to a 23812
mental or physical examination when directed to do so in writing 23813
by the board, and to have waived all objections to the 23814
admissibility of testimony or examination reports that 23815
constitute a privileged communication. 23816

~~(20)~~ (15) Except as provided in division (F) (1) (b) of 23817
section 4731.282 of the Revised Code or when civil penalties are 23818
imposed under section 4731.225 of the Revised Code, and subject 23819
to section 4731.226 of the Revised Code, violating or attempting 23820
to violate, directly or indirectly, or assisting in or abetting 23821
the violation of, or conspiring to violate, ~~any provisions of~~ 23822
~~this chapter or any rule promulgated by the board.~~ 23823

This division does not apply to a violation or attempted 23824
violation of, assisting in or abetting the violation of, or a 23825
conspiracy to violate, ~~any provision of this chapter or any rule~~ 23826
adopted by the board that would preclude the making of a report 23827
by a physician of an employee's use of a drug of abuse, or of a 23828
condition of an employee other than one involving the use of a 23829
drug of abuse, to the employer of the employee as described in 23830
division (B) of section 2305.33 of the Revised Code. Nothing in 23831
this division affects the immunity from civil liability 23832
conferred by that section upon a physician who makes either type 23833
of report in accordance with division (B) of that section. As 23834
used in this division, "employee," "employer," and "physician" 23835

have the same meanings as in section 2305.33 of the Revised Code. 23836
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~~(21)~~ (16) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code; 23838
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~~(22)~~ (17) 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 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; 23841
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~~(23) The violation of section 2919.12 of the Revised Code or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H) (2) of that section would apply in a civil action authorized by division (H) (1) of that section;~~ 23851
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~~(24)~~ (18) 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; 23860
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~~(25)~~(19) Termination or suspension from participation in 23866
the medicare or medicaid programs by the department of health 23867
and human services or other responsible agency for any act or 23868
acts that also would constitute a violation of division (B) (2), 23869
(3), (6), (8), or ~~(19)~~(14) of this section; 23870

~~(26)~~(20) Impairment of ability to practice according to 23871
acceptable and prevailing standards of care because of habitual 23872
or excessive use or abuse of drugs, alcohol, or other substances 23873
that impair ability to practice. 23874

For the purposes of this division, any individual 23875
authorized to practice by this chapter accepts the privilege of 23876
practicing in this state subject to supervision by the board. By 23877
filing an application for or holding a license or certificate to 23878
practice under this chapter, an individual shall be deemed to 23879
have given consent to submit to a mental or physical examination 23880
when ordered to do so by the board in writing, and to have 23881
waived all objections to the admissibility of testimony or 23882
examination reports that constitute privileged communications. 23883

If it has reason to believe that any individual authorized 23884
to practice by this chapter or any applicant for licensure or 23885
certification to practice suffers such impairment, the board may 23886
compel the individual to submit to a mental or physical 23887
examination, or both. The expense of the examination is the 23888
responsibility of the individual compelled to be examined. Any 23889
mental or physical examination required under this division 23890
shall be undertaken by a treatment provider or physician who is 23891
qualified to conduct the examination and who is chosen by the 23892
board. 23893

Failure to submit to a mental or physical examination 23894
ordered by the board constitutes an admission of the allegations 23895

against the individual unless the failure is due to 23896
circumstances beyond the individual's control, and a default and 23897
final order may be entered without the taking of testimony or 23898
presentation of evidence. If the board determines that the 23899
individual's ability to practice is impaired, the board shall 23900
suspend the individual's license or certificate or deny the 23901
individual's application and shall require the individual, as a 23902
condition for initial, continued, reinstated, or renewed 23903
licensure or certification to practice, to submit to treatment. 23904

Before being eligible to apply for reinstatement of a 23905
license or certificate suspended under this division, the 23906
impaired practitioner shall demonstrate to the board the ability 23907
to resume practice in compliance with acceptable and prevailing 23908
standards of care under the provisions of the practitioner's 23909
license or certificate. The demonstration shall include, but 23910
shall not be limited to, the following: 23911

(a) Certification from a treatment provider approved under 23912
section 4731.25 of the Revised Code that the individual has 23913
successfully completed any required inpatient treatment; 23914

(b) Evidence of continuing full compliance with an 23915
aftercare contract or consent agreement; 23916

(c) Two written reports indicating that the individual's 23917
ability to practice has been assessed and that the individual 23918
has been found capable of practicing according to acceptable and 23919
prevailing standards of care. The reports shall be made by 23920
individuals or providers approved by the board for making the 23921
assessments and shall describe the basis for their 23922
determination. 23923

The board may reinstate a license or certificate suspended 23924

under this division after that demonstration and after the 23925
individual has entered into a written consent agreement. 23926

When the impaired practitioner resumes practice, the board 23927
shall require continued monitoring of the individual. The 23928
monitoring shall include, but not be limited to, compliance with 23929
the written consent agreement entered into before reinstatement 23930
or with conditions imposed by board order after a hearing, and, 23931
upon termination of the consent agreement, submission to the 23932
board for at least two years of annual written progress reports 23933
made under penalty of perjury stating whether the individual has 23934
maintained sobriety. 23935

~~(27)~~(21) A second or subsequent violation of section 23936
4731.66 or 4731.69 of the Revised Code; 23937

~~(28)~~(22) Except as provided in division ~~(N)~~(L) of this 23938
section: 23939

(a) Waiving the payment of all or any part of a deductible 23940
or copayment that a patient, pursuant to a health insurance or 23941
health care policy, contract, or plan that covers the 23942
individual's services, otherwise would be required to pay if the 23943
waiver is used as an enticement to a patient or group of 23944
patients to receive health care services from that individual; 23945

(b) Advertising that the individual will waive the payment 23946
of all or any part of a deductible or copayment that a patient, 23947
pursuant to a health insurance or health care policy, contract, 23948
or plan that covers the individual's services, otherwise would 23949
be required to pay. 23950

~~(29)~~(23) Failure to use universal blood and body fluid 23951
precautions established by rules adopted under section 4731.051 23952
of the Revised Code; 23953

(30) -(24) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;	23954 23955 23956 23957 23958
(31) -(25) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	23959 23960 23961 23962
(32) -(26) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	23963 23964 23965 23966 23967 23968 23969
(33) -(27) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	23970 23971 23972
(34) -(28) Failure to cooperate in an investigation conducted by the board under division (F) of this section, 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;	23973 23974 23975 23976 23977 23978 23979 23980 23981 23982 23983

(35) <u>(29)</u> Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	23984 23985 23986 23987
(36) <u>(30)</u> Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	23988 23989 23990 23991
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	23992 23993
(38) <u>(31)</u> Failure to comply with the requirements of section 2317.561 of the Revised Code;	23994 23995
(39) <u>(32)</u> Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	23996 23997 23998
(40) <u>(33)</u> 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;	23999 24000 24001 24002
(41) <u>(34)</u> 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;	24003 24004 24005 24006
(42) <u>(35)</u> 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;	24007 24008 24009 24010
(43) <u>(36)</u> Failure to comply with the requirements of	24011

section 4729.79 or 4731.055 of the Revised Code, unless the 24012
state board of pharmacy no longer maintains a drug database 24013
pursuant to section 4729.75 of the Revised Code; 24014

~~(44)~~ (37) Failure to comply with the requirements of 24015
section 2919.171, or 2919.202, or division (B) of section 24016
2919.203 of the Revised Code or failure to submit to the 24017
department of health in accordance with a court order a complete 24018
report as described in section 2919.171 or 2919.202 of the 24019
Revised Code; 24020

~~(45)~~ (38) Practicing at a facility that is subject to 24021
licensure as a category III terminal distributor of dangerous 24022
drugs with a pain management clinic classification unless the 24023
person operating the facility has obtained and maintains the 24024
license with the classification; 24025

~~(46)~~ (39) Owning a facility that is subject to licensure 24026
as a category III terminal distributor of dangerous drugs with a 24027
pain management clinic classification unless the facility is 24028
licensed with the classification; 24029

~~(47)~~ (40) Failure to comply with the requirement regarding 24030
maintaining notes described in division (B) of section 2919.191 24031
of the Revised Code or failure to satisfy the requirements of 24032
section 2919.191 of the Revised Code prior to performing or 24033
inducing an abortion upon a pregnant woman; 24034

~~(48)~~ (41) Failure to comply with the requirements in 24035
section 3719.061 of the Revised Code before issuing for a minor 24036
a prescription for an opioid analgesic, as defined in section 24037
3719.01 of the Revised Code; 24038

~~(49)~~ (42) Failure to comply with the requirements of 24039
section 4731.30 of the Revised Code or rules adopted under 24040

section 4731.301 of the Revised Code when recommending treatment 24041
with medical marijuana; 24042

~~(50)~~ (43) Practicing at a facility, clinic, or other 24043
location that is subject to licensure as a category III terminal 24044
distributor of dangerous drugs with an office-based opioid 24045
treatment classification unless the person operating that place 24046
has obtained and maintains the license with the classification; 24047

~~(51)~~ (44) Owning a facility, clinic, or other location 24048
that is subject to licensure as a category III terminal 24049
distributor of dangerous drugs with an office-based opioid 24050
treatment classification unless that place is licensed with the 24051
classification. 24052

(C) Disciplinary actions taken by the board under 24053
divisions (A) and (B) of this section shall be taken pursuant to 24054
an adjudication under Chapter 119. of the Revised Code, except 24055
that in lieu of an adjudication, the board may enter into a 24056
consent agreement with an individual to resolve an allegation of 24057
a violation of this chapter or any rule adopted under it. A 24058
consent agreement, when ratified by an affirmative vote of not 24059
fewer than six members of the board, shall constitute the 24060
findings and order of the board with respect to the matter 24061
addressed in the agreement. If the board refuses to ratify a 24062
consent agreement, the admissions and findings contained in the 24063
consent agreement shall be of no force or effect. 24064

A telephone conference call may be utilized for 24065
ratification of a consent agreement that revokes or suspends an 24066
individual's license or certificate to practice or certificate 24067
to recommend. The telephone conference call shall be considered 24068
a special meeting under division (F) of section 121.22 of the 24069
Revised Code. 24070

~~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 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 individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.~~

~~(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under 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 24102
for a hearing prior to the court's order to seal the records. 24103
The board shall not be required to seal, destroy, redact, or 24104
otherwise modify its records to reflect the court's sealing of 24105
conviction records. 24106

~~(F)~~ (E) (1) The board shall investigate evidence that 24107
appears to show that a person has violated any provision of this 24108
chapter or any rule adopted under it. Any person may report to 24109
the board in a signed writing any information that the person 24110
may have that appears to show a violation of any provision of 24111
this chapter or any rule adopted under it. In the absence of bad 24112
faith, any person who reports information of that nature or who 24113
testifies before the board in any adjudication conducted under 24114
Chapter 119. of the Revised Code shall not be liable in damages 24115
in a civil action as a result of the report or testimony. Each 24116
complaint or allegation of a violation received by the board 24117
shall be assigned a case number and shall be recorded by the 24118
board. 24119

(2) Investigations of alleged violations of this chapter 24120
or any rule adopted under it shall be supervised by the 24121
supervising member elected by the board in accordance with 24122
section 4731.02 of the Revised Code and by the secretary as 24123
provided in section 4731.39 of the Revised Code. The president 24124
may designate another member of the board to supervise the 24125
investigation in place of the supervising member. No member of 24126
the board who supervises the investigation of a case shall 24127
participate in further adjudication of the case. 24128

(3) In investigating a possible violation of this chapter 24129
or any rule adopted under this chapter, or in conducting an 24130
inspection under division (E) of section 4731.054 of the Revised 24131

Code, the board may question witnesses, conduct interviews, 24132
administer oaths, order the taking of depositions, inspect and 24133
copy any books, accounts, papers, records, or documents, issue 24134
subpoenas, and compel the attendance of witnesses and production 24135
of books, accounts, papers, records, documents, and testimony, 24136
except that a subpoena for patient record information shall not 24137
be issued without consultation with the attorney general's 24138
office and approval of the secretary and supervising member of 24139
the board. 24140

(a) Before issuance of a subpoena for patient record 24141
information, the secretary and supervising member shall 24142
determine whether there is probable cause to believe that the 24143
complaint filed alleges a violation of this chapter or any rule 24144
adopted under it and that the records sought are relevant to the 24145
alleged violation and material to the investigation. The 24146
subpoena may apply only to records that cover a reasonable 24147
period of time surrounding the alleged violation. 24148

(b) On failure to comply with any subpoena issued by the 24149
board and after reasonable notice to the person being 24150
subpoenaed, the board may move for an order compelling the 24151
production of persons or records pursuant to the Rules of Civil 24152
Procedure. 24153

(c) A subpoena issued by the board may be served by a 24154
sheriff, the sheriff's deputy, or a board employee designated by 24155
the board. Service of a subpoena issued by the board may be made 24156
by delivering a copy of the subpoena to the person named 24157
therein, reading it to the person, or leaving it at the person's 24158
usual place of residence, usual place of business, or address on 24159
file with the board. When serving a subpoena to an applicant for 24160
or the holder of a license or certificate issued under this 24161

chapter, service of the subpoena may be made by certified mail, 24162
return receipt requested, and the subpoena shall be deemed 24163
served on the date delivery is made or the date the person 24164
refuses to accept delivery. If the person being served refuses 24165
to accept the subpoena or is not located, service may be made to 24166
an attorney who notifies the board that the attorney is 24167
representing the person. 24168

(d) A sheriff's deputy who serves a subpoena shall receive 24169
the same fees as a sheriff. Each witness who appears before the 24170
board in obedience to a subpoena shall receive the fees and 24171
mileage provided for under section 119.094 of the Revised Code. 24172

(4) All hearings, investigations, and inspections of the 24173
board shall be considered civil actions for the purposes of 24174
section 2305.252 of the Revised Code. 24175

(5) A report required to be submitted to the board under 24176
this chapter, a complaint, or information received by the board 24177
pursuant to an investigation or pursuant to an inspection under 24178
division (E) of section 4731.054 of the Revised Code is 24179
confidential and not subject to discovery in any civil action. 24180

The board shall conduct all investigations or inspections 24181
and proceedings in a manner that protects the confidentiality of 24182
patients and persons who file complaints with the board. The 24183
board shall not make public the names or any other identifying 24184
information about patients or complainants unless proper consent 24185
is given or, in the case of a patient, a waiver of the patient 24186
privilege exists under division (B) of section 2317.02 of the 24187
Revised Code, except that consent or a waiver of that nature is 24188
not required if the board possesses reliable and substantial 24189
evidence that no bona fide physician-patient relationship 24190
exists. 24191

The board may share any information it receives pursuant 24192
to an investigation or inspection, including patient records and 24193
patient record information, with law enforcement agencies, other 24194
licensing boards, and other governmental agencies that are 24195
prosecuting, adjudicating, or investigating alleged violations 24196
of statutes or administrative rules. An agency or board that 24197
receives the information shall comply with the same requirements 24198
regarding confidentiality as those with which the state medical 24199
board must comply, notwithstanding any conflicting provision of 24200
the Revised Code or procedure of the agency or board that 24201
applies when it is dealing with other information in its 24202
possession. In a judicial proceeding, the information may be 24203
admitted into evidence only in accordance with the Rules of 24204
Evidence, but the court shall require that appropriate measures 24205
are taken to ensure that confidentiality is maintained with 24206
respect to any part of the information that contains names or 24207
other identifying information about patients or complainants 24208
whose confidentiality was protected by the state medical board 24209
when the information was in the board's possession. Measures to 24210
ensure confidentiality that may be taken by the court include 24211
sealing its records or deleting specific information from its 24212
records. 24213

(6) On a quarterly basis, the board shall prepare a report 24214
that documents the disposition of all cases during the preceding 24215
three months. The report shall contain the following information 24216
for each case with which the board has completed its activities: 24217

(a) The case number assigned to the complaint or alleged 24218
violation; 24219

(b) The type of license or certificate to practice, if 24220
any, held by the individual against whom the complaint is 24221

directed; 24222

(c) A description of the allegations contained in the 24223
complaint; 24224

(d) The disposition of the case. 24225

The report shall state how many cases are still pending 24226
and shall be prepared in a manner that protects the identity of 24227
each person involved in each case. The report shall be a public 24228
record under section 149.43 of the Revised Code. 24229

~~(G)~~ (F) If the secretary and supervising member determine 24230
both of the following, they may recommend that the board suspend 24231
an individual's license or certificate to practice or 24232
certificate to recommend without a prior hearing: 24233

(1) That there is clear and convincing evidence that an 24234
individual has violated division (B) of this section; 24235

(2) That the individual's continued practice presents a 24236
danger of immediate and serious harm to the public. 24237

Written allegations shall be prepared for consideration by 24238
the board. The board, upon review of those allegations and by an 24239
affirmative vote of not fewer than six of its members, excluding 24240
the secretary and supervising member, may suspend a license or 24241
certificate without a prior hearing. A telephone conference call 24242
may be utilized for reviewing the allegations and taking the 24243
vote on the summary suspension. 24244

The board shall issue a written order of suspension by 24245
certified mail or in person in accordance with section 119.07 of 24246
the Revised Code. The order shall not be subject to suspension 24247
by the court during pendency of any appeal filed under section 24248
119.12 of the Revised Code. If the individual subject to the 24249

summary suspension requests an adjudicatory hearing by the 24250
board, the date set for the hearing shall be within fifteen 24251
days, but not earlier than seven days, after the individual 24252
requests the hearing, unless otherwise agreed to by both the 24253
board and the individual. 24254

Any summary suspension imposed under this division shall 24255
remain in effect, unless reversed on appeal, until a final 24256
adjudicative order issued by the board pursuant to this section 24257
and Chapter 119. of the Revised Code becomes effective. The 24258
board shall issue its final adjudicative order within seventy- 24259
five days after completion of its hearing. A failure to issue 24260
the order within seventy-five days shall result in dissolution 24261
of the summary suspension order but shall not invalidate any 24262
subsequent, final adjudicative order. 24263

~~(H) (G) If the board takes action under division (B) (9),~~ 24264
~~(11), or (13) of this section and the judicial finding of guilt,~~ 24265
~~guilty plea, or judicial finding of eligibility for intervention~~ 24266
~~in lieu of conviction is overturned on appeal, upon exhaustion~~ 24267
~~of the criminal appeal, a petition for reconsideration of the~~ 24268
~~order may be filed with the board along with appropriate court~~ 24269
~~documents. Upon receipt of a petition of that nature and~~ 24270
~~supporting court documents, the board shall reinstate the~~ 24271
~~individual's license or certificate to practice. The board may~~ 24272
~~then hold an adjudication under Chapter 119. of the Revised Code~~ 24273
~~to determine whether the individual committed the act in~~ 24274
~~question. Notice of an opportunity for a hearing shall be given~~ 24275
~~in accordance with Chapter 119. of the Revised Code. If the~~ 24276
~~board finds, pursuant to an adjudication held under this~~ 24277
~~division, that the individual committed the act or if no hearing~~ 24278
~~is requested, the board may order any of the sanctions~~ 24279
~~identified under division (B) of this section.~~ 24280

~~(I) The license or certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code. In addition, the license or certificate to practice or certificate to recommend issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or certificate.~~

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

~~(1) If the automatic suspension under this division is 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 board shall enter an order suspending the individual's~~

~~license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.~~ 24312
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~~(2) In all circumstances in which division (I) (1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.~~ 24316
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~~(J)~~ (H) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if 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 that final order, the board may order any of the sanctions identified under division (A) or (B) of this section. 24319
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~~(K)~~ (I) Any action taken by the board under division (B) 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 certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board. 24328
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~~(L)~~ (J) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to 24337
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24341

practice, the board may specify that its action is permanent. An 24342
individual subject to a permanent action taken by the board is 24343
forever thereafter ineligible to hold a license or certificate 24344
to practice and the board shall not accept an application for 24345
reinstatement of the license or certificate or for issuance of a 24346
new license or certificate. 24347

~~(M)~~ (K) Notwithstanding any other provision of the Revised 24348
Code, all of the following apply: 24349

(1) The surrender of a license or certificate issued under 24350
this chapter shall not be effective unless or until accepted by 24351
the board. A telephone conference call may be utilized for 24352
acceptance of the surrender of an individual's license or 24353
certificate to practice. The telephone conference call shall be 24354
considered a special meeting under division (F) of section 24355
121.22 of the Revised Code. Reinstatement of a license or 24356
certificate surrendered to the board requires an affirmative 24357
vote of not fewer than six members of the board. 24358

(2) An application for a license or certificate made under 24359
the provisions of this chapter may not be withdrawn without 24360
approval of the board. 24361

(3) Failure by an individual to renew a license or 24362
certificate to practice in accordance with this chapter or a 24363
certificate to recommend in accordance with rules adopted under 24364
section 4731.301 of the Revised Code shall not remove or limit 24365
the board's jurisdiction to take any disciplinary action under 24366
this section against the individual. 24367

(4) At the request of the board, a license or certificate 24368
holder shall immediately surrender to the board a license or 24369
certificate that the board has suspended, revoked, or 24370

permanently revoked. 24371

~~(N)~~ (L) Sanctions shall not be imposed under division (B) 24372
~~(28)~~ (22) of this section against any person who waives 24373
deductibles and copayments as follows: 24374

(1) In compliance with the health benefit plan that 24375
expressly allows such a practice. Waiver of the deductibles or 24376
copayments shall be made only with the full knowledge and 24377
consent of the plan purchaser, payer, and third-party 24378
administrator. Documentation of the consent shall be made 24379
available to the board upon request. 24380

(2) For professional services rendered to any other person 24381
authorized to practice pursuant to this chapter, to the extent 24382
allowed by this chapter and rules adopted by the board. 24383

~~(O)~~ (M) Under the board's investigative duties described 24384
in this section and subject to division ~~(F)~~ (E) of this section, 24385
the board shall develop and implement a quality intervention 24386
program designed to improve through remedial education the 24387
clinical and communication skills of individuals authorized 24388
under this chapter to practice medicine and surgery, osteopathic 24389
medicine and surgery, and podiatric medicine and surgery. In 24390
developing and implementing the quality intervention program, 24391
the board may do all of the following: 24392

(1) Offer in appropriate cases as determined by the board 24393
an educational and assessment program pursuant to an 24394
investigation the board conducts under this section; 24395

(2) Select providers of educational and assessment 24396
services, including a quality intervention program panel of case 24397
reviewers; 24398

(3) Make referrals to educational and assessment service 24399

providers and approve individual educational programs 24400
recommended by those providers. The board shall monitor the 24401
progress of each individual undertaking a recommended individual 24402
educational program. 24403

(4) Determine what constitutes successful completion of an 24404
individual educational program and require further monitoring of 24405
the individual who completed the program or other action that 24406
the board determines to be appropriate; 24407

(5) Adopt rules in accordance with Chapter 119. of the 24408
Revised Code to further implement the quality intervention 24409
program. 24410

An individual who participates in an individual 24411
educational program pursuant to this division shall pay the 24412
financial obligations arising from that educational program. 24413

Sec. 4731.223. (A) As used in this section, "prosecutor" 24414
has the same meaning as in section 2935.01 of the Revised Code. 24415

~~(B) Whenever any person holding a valid license or 24416
certificate issued pursuant to this chapter pleads guilty to, is 24417
subject to a judicial finding of guilt of, or is subject to a 24418
judicial finding of eligibility for intervention in lieu of 24419
conviction for a violation of Chapter 2907., 2925., or 3719. of 24420
the Revised Code or of any substantively comparable ordinance of 24421
a municipal corporation in connection with the person's 24422
practice, or for a second or subsequent time pleads guilty to, 24423
or is subject to a judicial finding of guilt of, a violation of 24424
section 2919.123 of the Revised Code, the prosecutor in the 24425
case, on forms prescribed and provided by the state medical 24426
board, shall promptly notify the board of the conviction or 24427
guilty plea. Within thirty days of receipt of that information, 24428~~

~~the board shall initiate action in accordance with Chapter 119.~~ 24429
~~of the Revised Code to determine whether to suspend or revoke~~ 24430
~~the license or certificate under section 4731.22 of the Revised~~ 24431
~~Code.~~ 24432

~~(C) The prosecutor in any case against any person holding~~ 24433
a valid license or certificate issued pursuant to this chapter, 24434
on forms prescribed and provided by the state medical board, 24435
shall notify the board of ~~any of the following:~~ 24436

~~(1) A plea of guilty to, a finding of guilt by a jury or~~ 24437
~~court of, or judicial finding of eligibility for intervention in~~ 24438
~~lieu of conviction for a felony, or a case in which the trial~~ 24439
~~court issues an order of dismissal upon technical or procedural~~ 24440
~~grounds of a felony charge;~~ 24441

~~(2) A plea of guilty to, a finding of guilt by a jury or~~ 24442
~~court of, or judicial finding of eligibility for intervention in~~ 24443
~~lieu of conviction for a misdemeanor committed in the course of~~ 24444
~~practice, or a case in which the trial court issues an order of~~ 24445
~~dismissal upon technical or procedural grounds of a charge of a~~ 24446
~~misdemeanor, if the alleged act was committed in the course of~~ 24447
~~practice;~~ 24448

~~(3) A plea of guilty to, a finding of guilt by a jury or~~ 24449
~~court of, or judicial finding of eligibility for intervention in~~ 24450
~~lieu of conviction for a misdemeanor involving moral turpitude,~~ 24451
~~or a case in which the trial court issues an order of dismissal~~ 24452
~~upon technical or procedural grounds of a charge of a~~ 24453
~~misdemeanor involving moral turpitude~~ the person's conviction of 24454
any criminal offense. 24455

The report shall include the name and address of the 24456
license or certificate holder, the nature of the offense for 24457

which the action was taken, and the certified court documents 24458
recording the action. 24459

Sec. 4731.224. (A) Within sixty days after the imposition 24460
of any formal disciplinary action taken by any health care 24461
facility, including a hospital, health care facility operated by 24462
a health insuring corporation, ambulatory surgical center, or 24463
similar facility, against any individual holding a valid license 24464
or certificate to practice issued pursuant to this chapter, the 24465
chief administrator or executive officer of the facility shall 24466
report to the state medical board the name of the individual, 24467
the action taken by the facility, and a summary of the 24468
underlying facts leading to the action taken. Upon request, the 24469
board shall be provided certified copies of the patient records 24470
that were the basis for the facility's action. Prior to release 24471
to the board, the summary shall be approved by the peer review 24472
committee that reviewed the case or by the governing board of 24473
the facility. As used in this division, "formal disciplinary 24474
action" means any action resulting in the revocation, 24475
restriction, reduction, or termination of clinical privileges 24476
for violations of professional ethics, or for reasons of medical 24477
incompetence, medical malpractice, or drug or alcohol abuse. 24478
"Formal disciplinary action" includes a summary action, an 24479
action that takes effect notwithstanding any appeal rights that 24480
may exist, and an action that results in an individual 24481
surrendering clinical privileges while under investigation and 24482
during proceedings regarding the action being taken or in return 24483
for not being investigated or having proceedings held. "Formal 24484
disciplinary action" does not include any action taken for the 24485
sole reason of failure to maintain records on a timely basis or 24486
failure to attend staff or section meetings. 24487

The filing or nonfiling of a report with the board, 24488

investigation by the board, or any disciplinary action taken by 24489
the board, shall not preclude any action by a health care 24490
facility to suspend, restrict, or revoke the individual's 24491
clinical privileges. 24492

In the absence of fraud or bad faith, no individual or 24493
entity that provides patient records to the board shall be 24494
liable in damages to any person as a result of providing the 24495
records. 24496

(B) If any individual authorized to practice under this 24497
chapter or any professional association or society of such 24498
individuals believes that a violation of any provision of this 24499
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 24500
4778. of the Revised Code, or any rule of the board has 24501
occurred, the individual, association, or society shall report 24502
to the board the information upon which the belief is based. 24503
This division does not require any treatment provider approved 24504
by the board under section 4731.25 of the Revised Code or any 24505
employee, agent, or representative of such a provider to make 24506
reports with respect to an impaired practitioner participating 24507
in treatment or aftercare for substance abuse as long as the 24508
practitioner maintains participation in accordance with the 24509
requirements of section 4731.25 of the Revised Code, and as long 24510
as the treatment provider or employee, agent, or representative 24511
of the provider has no reason to believe that the practitioner 24512
has violated any provision of this chapter or any rule adopted 24513
under it, other than the provisions of division (B) ~~(26)~~ (20) of 24514
section 4731.22 of the Revised Code. This division does not 24515
require reporting by any member of an impaired practitioner 24516
committee established by a health care facility or by any 24517
representative or agent of a committee or program sponsored by a 24518
professional association or society of individuals authorized to 24519

practice under this chapter to provide peer assistance to 24520
practitioners with substance abuse problems with respect to a 24521
practitioner who has been referred for examination to a 24522
treatment program approved by the board under section 4731.25 of 24523
the Revised Code if the practitioner cooperates with the 24524
referral for examination and with any determination that the 24525
practitioner should enter treatment and as long as the committee 24526
member, representative, or agent has no reason to believe that 24527
the practitioner has ceased to participate in the treatment 24528
program in accordance with section 4731.25 of the Revised Code 24529
or has violated any provision of this chapter or any rule 24530
adopted under it, other than the provisions of division (B) ~~(26)~~ 24531
(20) of section 4731.22 of the Revised Code. 24532

(C) Any professional association or society composed 24533
primarily of doctors of medicine and surgery, doctors of 24534
osteopathic medicine and surgery, doctors of podiatric medicine 24535
and surgery, or practitioners of limited branches of medicine 24536
that suspends or revokes an individual's membership for 24537
violations of professional ethics, or for reasons of 24538
professional incompetence or professional malpractice, within 24539
sixty days after a final decision shall report to the board, on 24540
forms prescribed and provided by the board, the name of the 24541
individual, the action taken by the professional organization, 24542
and a summary of the underlying facts leading to the action 24543
taken. 24544

The filing of a report with the board or decision not to 24545
file a report, investigation by the board, or any disciplinary 24546
action taken by the board, does not preclude a professional 24547
organization from taking disciplinary action against an 24548
individual. 24549

(D) Any insurer providing professional liability insurance 24550
to an individual authorized to practice under this chapter, or 24551
any other entity that seeks to indemnify the professional 24552
liability of such an individual, shall notify the board within 24553
thirty days after the final disposition of any written claim for 24554
damages where such disposition results in a payment exceeding 24555
twenty-five thousand dollars. The notice shall contain the 24556
following information: 24557

(1) The name and address of the person submitting the 24558
notification; 24559

(2) The name and address of the insured who is the subject 24560
of the claim; 24561

(3) The name of the person filing the written claim; 24562

(4) The date of final disposition; 24563

(5) If applicable, the identity of the court in which the 24564
final disposition of the claim took place. 24565

(E) The board may investigate possible violations of this 24566
chapter or the rules adopted under it that are brought to its 24567
attention as a result of the reporting requirements of this 24568
section, except that the board shall conduct an investigation if 24569
a possible violation involves repeated malpractice. As used in 24570
this division, "repeated malpractice" means three or more claims 24571
for medical malpractice within the previous five-year period, 24572
each resulting in a judgment or settlement in excess of twenty- 24573
five thousand dollars in favor of the claimant, and each 24574
involving negligent conduct by the practicing individual. 24575

(F) All summaries, reports, and records received and 24576
maintained by the board pursuant to this section shall be held 24577
in confidence and shall not be subject to discovery or 24578

introduction in evidence in any federal or state civil action 24579
involving a health care professional or facility arising out of 24580
matters that are the subject of the reporting required by this 24581
section. The board may use the information obtained only as the 24582
basis for an investigation, as evidence in a disciplinary 24583
hearing against an individual whose practice is regulated under 24584
this chapter, or in any subsequent trial or appeal of a board 24585
action or order. 24586

The board may disclose the summaries and reports it 24587
receives under this section only to health care facility 24588
committees within or outside this state that are involved in 24589
credentialing or recredentialing the individual or in reviewing 24590
the individual's clinical privileges. The board shall indicate 24591
whether or not the information has been verified. Information 24592
transmitted by the board shall be subject to the same 24593
confidentiality provisions as when maintained by the board. 24594

(G) Except for reports filed by an individual pursuant to 24595
division (B) of this section, the board shall send a copy of any 24596
reports or summaries it receives pursuant to this section to the 24597
individual who is the subject of the reports or summaries. The 24598
individual shall have the right to file a statement with the 24599
board concerning the correctness or relevance of the 24600
information. The statement shall at all times accompany that 24601
part of the record in contention. 24602

(H) An individual or entity that, pursuant to this 24603
section, reports to the board or refers an impaired practitioner 24604
to a treatment provider approved by the board under section 24605
4731.25 of the Revised Code shall not be subject to suit for 24606
civil damages as a result of the report, referral, or provision 24607
of the information. 24608

(I) In the absence of fraud or bad faith, no professional association or society of individuals authorized to practice under this chapter that sponsors a committee or program to provide peer assistance to practitioners with substance abuse problems, no representative or agent of such a committee or program, and no member of the state medical board shall be held liable in damages to any person by reason of actions taken to refer a practitioner to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

Sec. 4731.225. (A) If the holder of a license or certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall:

(1) For a first violation, impose a civil penalty of not more than five thousand dollars;

(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a license or certificate holder, proceed under division (B) ~~(27)~~ (21) of section 4731.22 of the Revised Code.

(B) (1) If the holder of a license or certificate issued under this chapter violates any section of this chapter other than section 4731.281 or 4731.282 of the Revised Code or the sections specified in division (A) of this section, or violates any rule adopted under this chapter, the board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an

affirmative vote of not fewer than six of its members, impose a 24639
civil penalty. The amount of the civil penalty shall be 24640
determined by the board in accordance with the guidelines 24641
adopted under division (B) (2) of this section. The civil penalty 24642
may be in addition to any other action the board may take under 24643
section 4731.22 of the Revised Code. 24644

(2) The board shall adopt and may amend guidelines 24645
regarding the amounts of civil penalties to be imposed under 24646
this section. Adoption or amendment of the guidelines requires 24647
the approval of not fewer than six board members. 24648

Under the guidelines, no civil penalty amount shall exceed 24649
twenty thousand dollars. 24650

(C) Amounts received from payment of civil penalties 24651
imposed under this section shall be deposited by the board in 24652
accordance with section 4731.24 of the Revised Code. Amounts 24653
received from payment of civil penalties imposed for violations 24654
of division (B) ~~(26)~~ (20) of section 4731.22 of the Revised Code 24655
shall be used by the board solely for investigations, 24656
enforcement, and compliance monitoring. 24657

Sec. 4731.226. (A) (1) An individual whom the state medical 24658
board licenses, certificates, or otherwise legally authorizes to 24659
engage in the practice of medicine and surgery, osteopathic 24660
medicine and surgery, or podiatric medicine and surgery may 24661
render the professional services of a doctor of medicine and 24662
surgery, osteopathic medicine and surgery, or podiatric medicine 24663
and surgery within this state through a corporation formed under 24664
division (B) of section 1701.03 of the Revised Code, a limited 24665
liability company formed under Chapter 1705. of the Revised 24666
Code, a partnership, or a professional association formed under 24667
Chapter 1785. of the Revised Code. Division (A) (1) of this 24668

section does not preclude an individual of that nature from 24669
rendering professional services as a doctor of medicine and 24670
surgery, osteopathic medicine and surgery, or podiatric medicine 24671
and surgery through another form of business entity, including, 24672
but not limited to, a nonprofit corporation or foundation, or in 24673
another manner that is authorized by or in accordance with this 24674
chapter, another chapter of the Revised Code, or rules of the 24675
state medical board adopted pursuant to this chapter. 24676

(2) An individual whom the state medical board authorizes 24677
to engage in the practice of mechanotherapy may render the 24678
professional services of a mechanotherapist within this state 24679
through a corporation formed under division (B) of section 24680
1701.03 of the Revised Code, a limited liability company formed 24681
under Chapter 1705. of the Revised Code, a partnership, or a 24682
professional association formed under Chapter 1785. of the 24683
Revised Code. Division (A) (2) of this section does not preclude 24684
an individual of that nature from rendering professional 24685
services as a mechanotherapist through another form of business 24686
entity, including, but not limited to, a nonprofit corporation 24687
or foundation, or in another manner that is authorized by or in 24688
accordance with this chapter, another chapter of the Revised 24689
Code, or rules of the state medical board adopted pursuant to 24690
this chapter. 24691

(B) A corporation, limited liability company, partnership, 24692
or professional association described in division (A) of this 24693
section may be formed for the purpose of providing a combination 24694
of the professional services of the following individuals who 24695
are licensed, certificated, or otherwise legally authorized to 24696
practice their respective professions: 24697

(1) Optometrists who are authorized to practice optometry 24698

under Chapter 4725. of the Revised Code;	24699
(2) Chiropractors who are authorized to practice	24700
chiropractic or acupuncture under Chapter 4734. of the Revised	24701
Code;	24702
(3) Psychologists who are authorized to practice	24703
psychology under Chapter 4732. of the Revised Code;	24704
(4) Registered or licensed practical nurses who are	24705
authorized to practice nursing as registered nurses or as	24706
licensed practical nurses under Chapter 4723. of the Revised	24707
Code;	24708
(5) Pharmacists who are authorized to practice pharmacy	24709
under Chapter 4729. of the Revised Code;	24710
(6) Physical therapists who are authorized to practice	24711
physical therapy under sections 4755.40 to 4755.56 of the	24712
Revised Code;	24713
(7) Occupational therapists who are authorized to practice	24714
occupational therapy under sections 4755.04 to 4755.13 of the	24715
Revised Code;	24716
(8) Mechanotherapists who are authorized to practice	24717
mechanotherapy under section 4731.151 of the Revised Code;	24718
(9) Doctors of medicine and surgery, osteopathic medicine	24719
and surgery, or podiatric medicine and surgery who are	24720
authorized for their respective practices under this chapter;	24721
(10) Licensed professional clinical counselors, licensed	24722
professional counselors, independent social workers, social	24723
workers, independent marriage and family therapists, or marriage	24724
and family therapists who are authorized for their respective	24725
practices under Chapter 4757. of the Revised Code.	24726

(C) Division (B) of this section shall apply 24727
notwithstanding a provision of a code of ethics described in 24728
division (B) ~~(18)~~ (13) of section 4731.22 of the Revised Code 24729
that prohibits either of the following: 24730

(1) A doctor of medicine and surgery, osteopathic medicine 24731
and surgery, or podiatric medicine and surgery from engaging in 24732
the doctor's authorized practice in combination with a person 24733
who is licensed, certificated, or otherwise legally authorized 24734
to engage in the practice of optometry, chiropractic, 24735
acupuncture through the state chiropractic board, psychology, 24736
nursing, pharmacy, physical therapy, occupational therapy, 24737
mechanotherapy, professional counseling, social work, or 24738
marriage and family therapy, but who is not also licensed, 24739
certificated, or otherwise legally authorized to practice 24740
medicine and surgery, osteopathic medicine and surgery, or 24741
podiatric medicine and surgery. 24742

(2) A mechanotherapist from engaging in the practice of 24743
mechanotherapy in combination with a person who is licensed, 24744
certificated, or otherwise legally authorized to engage in the 24745
practice of optometry, chiropractic, acupuncture through the 24746
state chiropractic board, psychology, nursing, pharmacy, 24747
physical therapy, occupational therapy, medicine and surgery, 24748
osteopathic medicine and surgery, podiatric medicine and 24749
surgery, professional counseling, social work, or marriage and 24750
family therapy, but who is not also licensed, certificated, or 24751
otherwise legally authorized to engage in the practice of 24752
mechanotherapy. 24753

Sec. 4731.25. The state medical board, in accordance with 24754
Chapter 119. of the Revised Code, shall adopt and may amend and 24755
rescind rules establishing standards for approval of physicians 24756

and facilities as treatment providers for impaired practitioners 24757
who are regulated under this chapter or Chapter 4730., 4759., 24758
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 24759
rules shall include standards for both inpatient and outpatient 24760
treatment. The rules shall provide that in order to be approved, 24761
a treatment provider must have the capability of making an 24762
initial examination to determine what type of treatment an 24763
impaired practitioner requires. Subject to the rules, the board 24764
shall review and approve treatment providers on a regular basis. 24765
The board, at its discretion, may withdraw or deny approval 24766
subject to the rules. 24767

An approved impaired practitioner treatment provider 24768
shall: 24769

(A) Report to the board the name of any practitioner 24770
suffering or showing evidence of suffering impairment as 24771
described in division (B) (5) of section 4730.25 of the Revised 24772
Code, division (B) ~~(26)~~ (20) of section 4731.22 of the Revised 24773
Code, division (A) (4) of section 4759.07 of the Revised Code, 24774
division (B) (6) of section 4760.13 of the Revised Code, division 24775
(B) (6) of section 4762.13 of the Revised Code, division (B) (6) 24776
of section 4774.13 of the Revised Code, or division (B) (6) of 24777
section 4778.14 of the Revised Code who fails to comply within 24778
one week with a referral for examination; 24779

(B) Report to the board the name of any impaired 24780
practitioner who fails to enter treatment within forty-eight 24781
hours following the provider's determination that the 24782
practitioner needs treatment; 24783

(C) Require every practitioner who enters treatment to 24784
agree to a treatment contract establishing the terms of 24785
treatment and aftercare, including any required supervision or 24786

restrictions of practice during treatment or aftercare; 24787

(D) Require a practitioner to suspend practice upon entry 24788
into any required inpatient treatment; 24789

(E) Report to the board any failure by an impaired 24790
practitioner to comply with the terms of the treatment contract 24791
during inpatient or outpatient treatment or aftercare; 24792

(F) Report to the board the resumption of practice of any 24793
impaired practitioner before the treatment provider has made a 24794
clear determination that the practitioner is capable of 24795
practicing according to acceptable and prevailing standards of 24796
care; 24797

(G) Require a practitioner who resumes practice after 24798
completion of treatment to comply with an aftercare contract 24799
that meets the requirements of rules adopted by the board for 24800
approval of treatment providers; 24801

(H) Report the identity of any practitioner practicing 24802
under the terms of an aftercare contract to hospital 24803
administrators, medical chiefs of staff, and chairpersons of 24804
impaired practitioner committees of all health care institutions 24805
at which the practitioner holds clinical privileges or otherwise 24806
practices. If the practitioner does not hold clinical privileges 24807
at any health care institution, the treatment provider shall 24808
report the practitioner's identity to the impaired practitioner 24809
committee of the county medical society, osteopathic academy, or 24810
podiatric medical association in every county in which the 24811
practitioner practices. If there are no impaired practitioner 24812
committees in the county, the treatment provider shall report 24813
the practitioner's identity to the president or other designated 24814
member of the county medical society, osteopathic academy, or 24815

podiatric medical association. 24816

(I) Report to the board the identity of any practitioner 24817
who suffers a relapse at any time during or following aftercare. 24818

Any individual authorized to practice under this chapter 24819
who enters into treatment by an approved treatment provider 24820
shall be deemed to have waived any confidentiality requirements 24821
that would otherwise prevent the treatment provider from making 24822
reports required under this section. 24823

In the absence of fraud or bad faith, no person or 24824
organization that conducts an approved impaired practitioner 24825
treatment program, no member of such an organization, and no 24826
employee, representative, or agent of the treatment provider 24827
shall be held liable in damages to any person by reason of 24828
actions taken or recommendations made by the treatment provider 24829
or its employees, representatives, or agents. 24830

Sec. 4731.281. (A) (1) Each person holding a license issued 24831
under this chapter to practice medicine and surgery, osteopathic 24832
medicine and surgery, or podiatric medicine and surgery wishing 24833
to renew that license shall apply to the board for renewal. 24834
Applications shall be submitted to the board in a manner 24835
prescribed by the board. Each application shall be accompanied 24836
by a biennial renewal fee of three hundred five dollars. 24837
Applications shall be submitted according to the following 24838
schedule: 24839

(a) Persons whose last name begins with the letters "A" 24840
through "B," on or before the first day of July of every odd- 24841
numbered year; 24842

(b) Persons whose last name begins with the letters "C" 24843
through "D," on or before the first day of April of every odd- 24844

numbered year; 24845

(c) Persons whose last name begins with the letters "E" 24846
through "G," on or before the first day of January of every odd- 24847
numbered year; 24848

(d) Persons whose last name begins with the letters "H" 24849
through "K," on or before the first day of October of every 24850
even-numbered year; 24851

(e) Persons whose last name begins with the letters "L" 24852
through "M," on or before the first day of July of every even- 24853
numbered year; 24854

(f) Persons whose last name begins with the letters "N" 24855
through "R," on or before the first day of April of every even- 24856
numbered year; 24857

(g) Persons whose last name begins with the letter "S," on 24858
or before the first day of January of every even-numbered year; 24859

(h) Persons whose last name begins with the letters "T" 24860
through "Z," on or before the first day of October of every odd- 24861
numbered year. 24862

The board shall deposit the fee in accordance with section 24863
4731.24 of the Revised Code, except that the board shall deposit 24864
twenty dollars of the fee into the state treasury to the credit 24865
of the physician loan repayment fund created by section 3702.78 24866
of the Revised Code. 24867

(2) The board shall provide to every person holding a 24868
license to practice medicine and surgery, osteopathic medicine 24869
and surgery, or podiatric medicine and surgery, a renewal notice 24870
or may provide the notice to the person through the secretary of 24871
any recognized medical, osteopathic, or podiatric society. The 24872

notice shall be provided to the person at least one month prior 24873
to the date on which the person's license expires. 24874

(3) Failure of any person to receive a notice of renewal 24875
from the board shall not excuse the person from the requirements 24876
contained in this section. 24877

(4) The board's notice shall inform the applicant of the 24878
renewal procedure. The board shall provide the application for 24879
renewal in a form determined by the board. 24880

(5) The applicant shall provide in the application the 24881
applicant's full name; the applicant's residence address, 24882
business address, and electronic mail address; the number of the 24883
applicant's license to practice; and any other information 24884
required by the board. 24885

(6) (a) Except as provided in division (A) (6) (b) of this 24886
section, in the case of an applicant who prescribes or 24887
personally furnishes opioid analgesics or benzodiazepines, as 24888
defined in section 3719.01 of the Revised Code, the applicant 24889
shall certify to the board whether the applicant has been 24890
granted access to the drug database established and maintained 24891
by the state board of pharmacy pursuant to section 4729.75 of 24892
the Revised Code. 24893

(b) The requirement in division (A) (6) (a) of this section 24894
does not apply if any of the following is the case: 24895

(i) The state board of pharmacy notifies the state medical 24896
board pursuant to section 4729.861 of the Revised Code that the 24897
applicant has been restricted from obtaining further information 24898
from the drug database. 24899

(ii) The state board of pharmacy no longer maintains the 24900
drug database. 24901

(iii) The applicant does not practice medicine and 24902
surgery, osteopathic medicine and surgery, or podiatric medicine 24903
and surgery in this state. 24904

(c) If an applicant certifies to the state medical board 24905
that the applicant has been granted access to the drug database 24906
and the board finds through an audit or other means that the 24907
applicant has not been granted access, the board may take action 24908
under section 4731.22 of the Revised Code. 24909

(7) The applicant shall indicate whether the applicant 24910
currently collaborates, as that term is defined in section 24911
4723.01 of the Revised Code, with any clinical nurse 24912
specialists, certified nurse-midwives, or certified nurse 24913
practitioners. 24914

(8) The applicant shall report any ~~criminal disqualifying~~ 24915
~~offense to~~, as specified under section 9.79 of the Revised 24916
Code, of which the applicant has pleaded guilty, of which the 24917
~~applicant has been found guilty, or for which the applicant has~~ 24918
~~been found eligible for intervention in lieu of conviction been~~ 24919
convicted, since last submitting an application for a license to 24920
practice or renewal of a license. 24921

(9) The applicant shall execute and deliver the 24922
application to the board in a manner prescribed by the board. 24923

(B) The board shall renew a license under this chapter to 24924
practice medicine and surgery, osteopathic medicine and surgery, 24925
or podiatric medicine and surgery upon application and 24926
qualification therefor in accordance with this section. A 24927
renewal shall be valid for a two-year period. 24928

(C) Failure of any license holder to renew and comply with 24929
this section shall operate automatically to suspend the holder's 24930

license to practice and if applicable, the holder's certificate 24931
to recommend issued under section 4731.30 of the Revised Code. 24932
Continued practice after the suspension shall be considered as 24933
practicing in violation of section 4731.41, 4731.43, or 4731.60 24934
of the Revised Code. 24935

If the license has been suspended pursuant to this 24936
division for two years or less, it may be reinstated. The board 24937
shall reinstate a license to practice suspended for failure to 24938
renew upon an applicant's submission of a renewal application 24939
and payment of a reinstatement fee of four hundred five dollars. 24940

If the license has been suspended pursuant to this 24941
division for more than two years, it may be restored. Subject to 24942
section 4731.222 of the Revised Code, the board may restore a 24943
license to practice suspended for failure to renew upon an 24944
applicant's submission of a restoration application, payment of 24945
a restoration fee of five hundred five dollars, and compliance 24946
with sections 4776.01 to 4776.04 of the Revised Code. The board 24947
shall not restore to an applicant a license to practice unless 24948
the board, in its discretion, decides that the results of the 24949
criminal records check do not make the applicant ineligible for 24950
a license issued pursuant to section 4731.14 or 4731.56 of the 24951
Revised Code. Any reinstatement or restoration of a license to 24952
practice under this section shall operate automatically to renew 24953
the holder's certificate to recommend. 24954

(D) The state medical board may obtain information not 24955
protected by statutory or common law privilege from courts and 24956
other sources concerning malpractice claims against any person 24957
holding a license to practice under this chapter or practicing 24958
as provided in section 4731.36 of the Revised Code. 24959

(E) Each mailing sent by the board under division (A) (2) 24960

of this section to a person holding a license to practice 24961
medicine and surgery or osteopathic medicine and surgery shall 24962
inform the applicant of the reporting requirement established by 24963
division (H) of section 3701.79 of the Revised Code. At the 24964
discretion of the board, the information may be included on the 24965
application for renewal or on an accompanying page. 24966

(F) Each person holding a license to practice medicine and 24967
surgery, osteopathic medicine and surgery, or podiatric medicine 24968
and surgery shall give notice to the board of a change in the 24969
license holder's residence address, business address, or 24970
electronic mail address not later than thirty days after the 24971
change occurs. 24972

Sec. 4731.291. (A) An individual seeking to pursue an 24973
internship, residency, or clinical fellowship program in this 24974
state, who does not hold a license to practice medicine and 24975
surgery or osteopathic medicine or surgery issued under this 24976
chapter, shall apply to the state medical board for a training 24977
certificate. The application shall be made on forms that the 24978
board shall furnish and shall be accompanied by an application 24979
fee of seventy-five dollars. 24980

An applicant for a training certificate shall furnish to 24981
the board all of the following: 24982

(1) Evidence satisfactory to the board that the applicant 24983
is at least eighteen years of age ~~and is of good moral~~ 24984
~~character.~~ 24985

(2) Evidence satisfactory to the board that the applicant 24986
has been accepted or appointed to participate in this state in 24987
one of the following: 24988

(a) An internship or residency program accredited by 24989

either the accreditation council for graduate medical education 24990
of the American medical association or the American osteopathic 24991
association; 24992

(b) A clinical fellowship program at an institution with a 24993
residency program accredited by either the accreditation council 24994
for graduate medical education of the American medical 24995
association or the American osteopathic association that is in a 24996
clinical field the same as or related to the clinical field of 24997
the fellowship program; 24998

(3) Information identifying the beginning and ending dates 24999
of the period for which the applicant has been accepted or 25000
appointed to participate in the internship, residency, or 25001
clinical fellowship program; 25002

(4) Any other information that the board requires. 25003

(B) If no grounds for denying a license or certificate 25004
under section 4731.22 of the Revised Code apply, and the 25005
applicant meets the requirements of division (A) of this 25006
section, the board shall issue a training certificate to the 25007
applicant. The board shall not require an examination as a 25008
condition of receiving a training certificate. 25009

A training certificate issued pursuant to this section 25010
shall be valid only for the period of three years, but may in 25011
the discretion of the board and upon application duly made, be 25012
renewed annually thereafter for up to two additional years. The 25013
fee for renewal of a training certificate shall be thirty-five 25014
dollars. 25015

The board shall maintain a register of all individuals who 25016
hold training certificates. 25017

(C) The holder of a valid training certificate shall be 25018

entitled to perform such acts as may be prescribed by or 25019
incidental to the holder's internship, residency, or clinical 25020
fellowship program, but the holder shall not be entitled 25021
otherwise to engage in the practice of medicine and surgery or 25022
osteopathic medicine and surgery in this state. The holder shall 25023
limit activities under the certificate to the programs of the 25024
hospitals or facilities for which the training certificate is 25025
issued. The holder shall train only under the supervision of the 25026
physicians responsible for supervision as part of the 25027
internship, residency, or clinical fellowship program. 25028

A training certificate may be revoked by the board upon 25029
proof, satisfactory to the board, that the holder thereof has 25030
engaged in practice in this state outside the scope of the 25031
internship, residency, or clinical fellowship program for which 25032
the training certificate has been issued, or upon proof, 25033
satisfactory to the board, that the holder thereof has engaged 25034
in unethical conduct or that there are grounds for action 25035
against the holder under section 4731.22 of the Revised Code. 25036

(D) The board may adopt rules as the board finds necessary 25037
to effect the purpose of this section. 25038

Sec. 4731.292. The state medical board may register, 25039
without examination, persons who are not citizens of the United 25040
States, but who hold the degree of doctor of medicine or the 25041
degree of doctor of osteopathic medicine and surgery, for the 25042
purpose of permitting such persons to practice in hospitals 25043
operated by the state. Registration pursuant to this section 25044
permits practice of medicine or osteopathic medicine and surgery 25045
in state operated institutions under the supervision of the 25046
medical staff of such institution until the next scheduled 25047
examination prescribed by the state medical board in its rules. 25048

An applicant for a limited certificate to practice 25049
medicine or osteopathic medicine and surgery shall furnish 25050
proof, satisfactory to the board, that: 25051

(A) The applicant has filed an application for 25052
naturalization and that such application has not been rejected 25053
or withdrawn, or if not yet eligible to file an application for 25054
naturalization, the applicant has filed a declaration of 25055
intention to become a citizen of the United States in an 25056
appropriate court of record. 25057

(B) The applicant has successfully passed the educational 25058
council for foreign medical graduates test. 25059

(C) The applicant is at least eighteen years of age ~~and of~~ 25060
~~good moral character.~~ 25061

(D) The applicant is a graduate of a medical or 25062
osteopathic school or college which is reputable and in good 25063
standing in the judgment of the board. 25064

(E) The applicant will limit the applicant's practice and 25065
training within the physical confines of the institution for 25066
which the limited certificate to practice is granted. 25067

(F) The medical staff of the institution for which the 25068
limited certificate to practice is granted has approved in 25069
writing the applicant's application for such certificate. 25070

(G) The applicant will practice medicine or osteopathic 25071
medicine and surgery only under the supervision of the attending 25072
medical staff of the institution for which the limited 25073
certificate is granted. 25074

(H) The applicant has made application to take the state 25075
medical board examination as provided by this section. 25076

Registration pursuant to this section shall be valid until 25077
such time as the applicant takes the state medical board 25078
examination. If the applicant passes the examination, the 25079
applicant shall then be granted a limited certificate to 25080
practice medicine or osteopathic medicine and surgery. A holder 25081
of a limited certificate to practice, upon completion of the 25082
requisite training and upon receipt of United States 25083
citizenship, shall be entitled to receive an unlimited license 25084
to practice. 25085

A limited certificate to practice issued pursuant to this 25086
section shall be valid for a period of one year only, but may be 25087
renewed, in the discretion of the board and upon application 25088
duly made, annually, with the written approval of the medical 25089
staff of the institution for which the limited certificate to 25090
practice has been issued, but no limited certificate shall be 25091
renewed more than four times. The fee to be paid to the board 25092
for the ~~issuances~~ issuance of the pre-examination registration 25093
permit to engage in limited practice shall be one hundred 25094
dollars; the fee to be paid for each renewal of a limited 25095
certificate shall be ten dollars. 25096

An applicant for a limited certificate to practice must 25097
take an examination prescribed by the board in its rules at the 25098
first reasonable opportunity. Failure to take the examination at 25099
the first reasonable opportunity authorizes the termination of 25100
the pre-examination registration permit to engage in a limited 25101
practice as defined in this section. 25102

The holder of a valid limited certificate to practice may 25103
engage in the practice of medicine and surgery or osteopathic 25104
medicine and surgery only under the supervision of a member of 25105
the medical staff of the institution for which the limited 25106

certificate to practice has been issued, and only within 25107
physical confines of the institution so named. A limited 25108
certificate to practice may be revoked by the board upon proof, 25109
satisfactory to the board, that the holder thereof has engaged 25110
in the practice of medicine and surgery or osteopathic medicine 25111
and surgery in this state outside the scope of the holder's 25112
certificate, or upon proof that the holder thereof has engaged 25113
in unethical conduct or has violated section 4731.22 of the 25114
Revised Code. 25115

The board may promulgate such additional rules and 25116
regulations as the board finds necessary to effect the purpose 25117
of this section. 25118

Sec. 4731.296. (A) For the purposes of this section, "the 25119
practice of telemedicine" means the practice of medicine in this 25120
state through the use of any communication, including oral, 25121
written, or electronic communication, by a physician located 25122
outside this state. 25123

(B) A person who wishes to practice telemedicine in this 25124
state shall file an application with the state medical board, 25125
together with a fee of three hundred five dollars and shall 25126
comply with sections 4776.01 to 4776.04 of the Revised Code. If 25127
the board, in its discretion, decides that the results of the 25128
criminal records check do not make the person ineligible for a 25129
telemedicine certificate, the board may issue, without 25130
examination, a telemedicine certificate to a person who meets 25131
all of the following requirements: 25132

(1) The person holds a current, unrestricted license to 25133
practice medicine and surgery or osteopathic medicine and 25134
surgery issued by another state that requires license holders to 25135
complete at least fifty hours of continuing medical education 25136

every two years. 25137

(2) The person's principal place of practice is in that state. 25138
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(3) The person does not hold a license issued under this chapter authorizing the practice of medicine and surgery or osteopathic medicine and surgery in this state. 25140
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(4) The person meets the same age, ~~moral character,~~ and educational requirements individuals must meet under sections 4731.09 and 4731.14 of the Revised Code and, if applicable, demonstrates proficiency in spoken English in accordance with section 4731.142 of the Revised Code. 25143
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(C) The holder of a telemedicine certificate may engage in the practice of telemedicine in this state. A person holding a telemedicine certificate shall not practice medicine in person in this state without obtaining a special activity certificate under section 4731.294 of the Revised Code. 25148
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(D) The board may revoke a certificate issued under this section or take other disciplinary action against a certificate holder pursuant to section 4731.22 of the Revised Code on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 25153
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(E) A telemedicine certificate shall be valid for a period specified by the board, and the initial renewal shall be in accordance with a schedule established by the board. Thereafter, the certificate shall be valid for two years. A certificate may be renewed on application of the holder. 25160
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To be eligible for renewal, the holder of the certificate 25165

shall do both of the following: 25166

(1) Pay a fee in the amount of the fee described in 25167
division (A) (1) of section 4731.281 of the Revised Code; 25168

(2) Certify to the board compliance with the continuing 25169
medical education requirements of the state in which the 25170
holder's principal place of practice is located. 25171

The board may require a random sample of persons holding a 25172
telemedicine certificate to submit materials documenting 25173
completion of the continuing medical education requirements 25174
described in this division. 25175

(F) The board shall convert a telemedicine certificate to 25176
a license issued under section 4731.14 of the Revised Code on 25177
receipt of a written request from the certificate holder. Once 25178
the telemedicine certificate is converted, the holder is subject 25179
to all requirements and privileges attendant to a license issued 25180
under section 4731.14 of the Revised Code, including continuing 25181
medical education requirements. 25182

Sec. 4731.52. (A) A person seeking a license to practice 25183
podiatric medicine and surgery shall file with the state medical 25184
board an application in the form and manner prescribed by the 25185
board. The application must include all of the following: 25186

(1) Evidence satisfactory to the board to demonstrate that 25187
the applicant meets all of the following requirements: 25188

(a) Is at least eighteen years of age ~~and of good moral~~ 25189
~~character;~~ 25190

(b) Possesses a high school diploma or a certificate of 25191
high school equivalence or has obtained the equivalent of such 25192
education as determined by the board; 25193

(c) Has completed at least two years of undergraduate work	25194
in a college of arts and sciences or the equivalent of such	25195
education as determined by the board;	25196
(d) Holds a degree from a college of podiatric medicine	25197
and surgery that was in good standing with the board at the time	25198
the degree was granted, as determined by the board;	25199
(e) Has completed one year of postgraduate training in a	25200
podiatric internship, residency, or clinical fellowship program	25201
accredited by the council on podiatric medicine or the American	25202
podiatric medical association;	25203
(f) Has successfully passed an examination prescribed in	25204
rules adopted by the board to determine competency to practice	25205
podiatric medicine and surgery;	25206
(g) Has complied with section 4731.531 of the Revised	25207
Code.	25208
(2) An affidavit signed by the applicant attesting to the	25209
accuracy and truthfulness of the information submitted under	25210
this section;	25211
(3) Consent to the release of the applicant's information;	25212
(4) Any other information the board requires.	25213
(B) An applicant for a license to practice podiatric	25214
medicine and surgery shall include with the application a fee of	25215
three hundred five dollars, no part of which may be returned. An	25216
application is not considered submitted until the board receives	25217
the fee.	25218
(C) The board may conduct an investigation related to the	25219
application materials received pursuant to this section and may	25220
contact any individual, agency, or organization for	25221

recommendations or other information about the applicant. 25222

(D) The board shall conclude any investigation of an 25223
applicant conducted under section 4731.22 of the Revised Code 25224
not later than ninety days after receipt of a complete 25225
application unless the applicant agrees in writing to an 25226
extension or the board determines that there is a substantial 25227
question of a violation of this chapter or the rules adopted 25228
under it and notifies the applicant in writing of the reasons 25229
for continuation of the investigation. If the board determines 25230
that the applicant is not in violation of this chapter or the 25231
rules adopted under it, the board shall issue a license not 25232
later than forty-five days after making that determination. 25233

Sec. 4731.573. (A) An individual seeking to pursue an 25234
internship, residency, or clinical fellowship program in 25235
podiatric medicine and surgery in this state, who does not hold 25236
a license to practice podiatric medicine and surgery issued 25237
under this chapter, shall apply to the state medical board for a 25238
training certificate. The application shall be made on forms 25239
that the board shall furnish and shall be accompanied by an 25240
application fee of seventy-five dollars. 25241

An applicant for a training certificate shall furnish to 25242
the board all of the following: 25243

(1) Evidence satisfactory to the board that the applicant 25244
is at least eighteen years of age ~~and is of good moral~~ 25245
~~character;~~ 25246

(2) Evidence satisfactory to the board that the applicant 25247
has been accepted or appointed to participate in this state in 25248
one of the following: 25249

(a) An internship or residency program accredited by 25250

either the council on podiatric medical education or the American podiatric medical association; 25251
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(b) A clinical fellowship program at an institution with a residency program accredited by either the council on podiatric medical education or the American podiatric medical association that is in a clinical field the same as or related to the clinical field of the fellowship program. 25253
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(3) Information identifying the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program; 25258
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(4) Any other information that the board requires. 25262

(B) If no grounds for denying a license or certificate under section 4731.22 of the Revised Code apply and the applicant meets the requirements of division (A) of this section, the board shall issue a training certificate to the applicant. The board shall not require an examination as a condition of receiving a training certificate. 25263
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A training certificate issued pursuant to this section shall be valid only for the period of one year, but may in the discretion of the board and upon application duly made, be renewed annually for a maximum of five years. The fee for renewal of a training certificate shall be thirty-five dollars. 25269
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The board shall maintain a register of all individuals who hold training certificates. 25274
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(C) The holder of a valid training certificate shall be entitled to perform such acts as may be prescribed by or incidental to the holder's internship, residency, or clinical fellowship program, but the holder shall not be entitled 25276
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otherwise to engage in the practice of podiatric medicine and 25280
surgery in this state. The holder shall limit activities under 25281
the certificate to the programs of the hospitals or facilities 25282
for which the training certificate is issued. The holder shall 25283
train only under the supervision of the podiatrists responsible 25284
for supervision as part of the internship, residency, or 25285
clinical fellowship program. A training certificate may be 25286
revoked by the board upon proof, satisfactory to the board, that 25287
the holder thereof has engaged in practice in this state outside 25288
the scope of the internship, residency, or clinical fellowship 25289
program for which the training certificate has been issued, or 25290
upon proof, satisfactory to the board, that the holder thereof 25291
has engaged in unethical conduct or that there are grounds for 25292
action against the holder under section 4731.22 of the Revised 25293
Code. 25294

(D) The board may adopt rules as the board finds necessary 25295
to effect the purpose of this section. 25296

Sec. 4731.72. (A) As used in this section: 25297

(1) "Anatomic pathology services," "assignment of 25298
benefits," "histologic processing," "insurer," "physician," and 25299
"referring clinical laboratory" have the same meanings as in 25300
section 3701.86 of the Revised Code. 25301

(2) "Professional component of an anatomic pathology 25302
service" means the entire anatomic pathology service other than 25303
histologic processing. 25304

(3) "Technical component of an anatomic pathology service" 25305
means only histologic processing. 25306

(B) No physician shall present or cause to be presented a 25307
claim, bill, or demand for payment for anatomic pathology 25308

services to any person or entity other than the following:	25309
(1) The patient who receives the services or another individual, such as a parent, spouse, or guardian, who is responsible for the patient's bills;	25310 25311 25312
(2) A responsible insurer or other third-party payor of a patient who receives the services;	25313 25314
(3) A hospital, public health clinic, or not-for-profit health clinic ordering the services;	25315 25316
(4) A referring clinical laboratory;	25317
(5) A governmental agency or any person acting on behalf of a governmental agency;	25318 25319
(6) A physician who is permitted to bill for the services under division (D) of this section.	25320 25321
(C) Except as provided in division (D) of this section, no physician shall charge, bill, or otherwise solicit payment, directly or indirectly, for anatomic pathology services unless the services are personally rendered by the physician or rendered under the on-site supervision of the physician.	25322 25323 25324 25325 25326
(D) A physician who performs the professional component of an anatomic pathology service on a patient specimen may bill for the amount incurred in doing either of the following:	25327 25328 25329
(1) Having a clinical laboratory or another physician perform the technical component of the anatomic pathology service;	25330 25331 25332
(2) Obtaining another physician's consultation regarding the patient specimen.	25333 25334
(E) A violation of division (B) or (C) of this section	25335

constitutes a reason for taking action under division (B) ~~(20)~~ 25336
(15) of section 4731.22 of the Revised Code. 25337

(F) Nothing in this section shall be construed to mandate 25338
the assignment of benefits for anatomic pathology services. 25339

Sec. 4732.10. (A) The state board of psychology shall 25340
appoint an entrance examiner who shall determine the sufficiency 25341
of an applicant's qualifications for admission to the 25342
appropriate examination. A member of the board or the executive 25343
director may be appointed as the entrance examiner. 25344

(B) Requirements for admission to examination for a 25345
psychologist license shall be that the applicant: 25346

(1) Is at least twenty-one years of age; 25347

(2) ~~Is of good moral character;~~ 25348

~~(3)~~ Meets one of the following requirements: 25349

(a) Received an earned doctoral degree from an institution 25350
accredited or recognized by a national or regional accrediting 25351
agency and a program accredited by any of the following: 25352

(i) The American psychological association, office of 25353
program consultation and accreditation; 25354

(ii) The accreditation office of the Canadian 25355
psychological association; 25356

(iii) A program listed by the association of state and 25357
provincial psychology boards/national register designation 25358
committee; 25359

(iv) The national association of school psychologists. 25360

(b) Received an earned doctoral degree in psychology or 25361
school psychology from an institution accredited or recognized 25362

by a national or regional accrediting agency but the program 25363
does not meet the program accreditation requirements of division 25364
(B) ~~(3)~~ (2) (a) of this section; 25365

(c) Received from an academic institution outside of the 25366
United States or Canada a degree determined, under rules adopted 25367
by the board under division (E) of this section, to be 25368
equivalent to a doctoral degree in psychology from a program 25369
described in division (B) ~~(3)~~ (2) (a) of this section; 25370

(d) Held a psychologist license, certificate, or 25371
registration required for practice in another United States or 25372
Canadian jurisdiction for a minimum of ten years and meets 25373
educational, experience, and professional requirements 25374
established under rules adopted by the board. 25375

~~(4)~~ (3) Has had at least two years of supervised 25376
professional experience in psychological work of a type 25377
satisfactory to the board, at least one year of which must be a 25378
predoctoral internship. The board shall adopt guidelines for the 25379
kind of supervised professional experience that fulfill this 25380
requirement. 25381

~~(5)~~ (4) If applying under division (B) ~~(3)~~ (2) (b) or (c) of 25382
this section, has had at least two years of supervised 25383
professional experience in psychological work of a type 25384
satisfactory to the board, at least one year of which must be 25385
postdoctoral. The board shall adopt guidelines for the kind of 25386
supervised professional experience that fulfill this 25387
requirement. 25388

(C) Requirements for admission to examination for a school 25389
psychologist license shall be that the applicant: 25390

(1) Has received from an educational institution 25391

accredited or recognized by national or regional accrediting 25392
agencies as maintaining satisfactory standards, including those 25393
approved by the state board of education for the training of 25394
school psychologists, at least a master's degree in school 25395
psychology, or a degree considered equivalent by the board; 25396

(2) Is at least twenty-one years of age; 25397

~~(3) Is of good moral character;~~ 25398

~~(4)~~ Has completed at least sixty quarter hours, or the 25399
semester hours equivalent, at the graduate level, of accredited 25400
study in course work relevant to the study of school psychology; 25401

~~(5)~~ (4) Has completed an internship in an educational 25402
institution approved by the Ohio department of education for 25403
school psychology supervised experience or one year of other 25404
training experience acceptable to the board, such as supervised 25405
professional experience under the direction of a licensed 25406
psychologist or licensed school psychologist; 25407

~~(6)~~ (5) Furnishes proof of at least twenty-seven months, 25408
exclusive of internship, of full-time experience as a 25409
certificated school psychologist employed by a board of 25410
education or a private school meeting the standards prescribed 25411
by the state board of education, or of experience that the board 25412
deems equivalent. 25413

(D) If the entrance examiner finds that the applicant 25414
meets the requirements set forth in this section, the applicant 25415
shall be admitted to the appropriate examination. 25416

(E) The board shall adopt under Chapter 119. of the 25417
Revised Code rules for determining for the purposes of division 25418
(B) ~~(3)~~ (2) (b) of this section whether a degree is equivalent to a 25419
degree in psychology from an institution in the United States. 25420

Sec. 4732.17. (A) Subject to division (F) of this section,	25421
the state board of psychology may take any of the actions	25422
specified in division (C) of this section against an applicant	25423
for or a person who holds a license issued under this chapter on	25424
any of the following grounds as applicable:	25425
(1) Conviction, including a plea of guilty or no contest,	25426
of a felony, or of any offense involving moral turpitude <u>of a</u>	25427
<u>disqualifying offense, as specified under section 9.79 of the</u>	25428
<u>Revised Code</u> , in a court of this or any other state or in a	25429
federal court;	25430
(2) A judicial finding of eligibility for intervention in-	25431
lieu of conviction for a felony or any offense involving moral-	25432
turpitude in a court of this or any other state or in a federal-	25433
court;	25434
(3) Using fraud or deceit in the procurement of the	25435
license to practice psychology or school psychology or knowingly	25436
assisting another in the procurement of such a license through	25437
fraud or deceit;	25438
(4) <u>(3)</u> Accepting commissions or rebates or other forms of	25439
remuneration for referring persons to other professionals;	25440
(5) <u>(4)</u> Willful, unauthorized communication of information	25441
received in professional confidence;	25442
(6) <u>(5)</u> Being negligent in the practice of psychology or	25443
school psychology;	25444
(7) <u>(6)</u> Inability to practice according to acceptable and	25445
prevailing standards of care by reason of a mental, emotional,	25446
physiological, or pharmacological condition or substance abuse;	25447
(8) <u>(7)</u> Subject to section 4732.28 of the Revised Code,	25448

violating any rule of professional conduct promulgated by the board; 25449
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~~(9)~~ (8) Practicing in an area of psychology for which the person is clearly untrained or incompetent; 25451
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~~(10)~~ (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 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. 25453
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~~(11)~~ (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 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; 25461
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~~(12)~~ (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 psychological services, would otherwise be required to pay; 25467
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~~(13)~~ (12) Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person's practice of a health care occupation or provision of health care services in this state or another jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of 25472
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fees:	25478
(a) Limitation, revocation, or suspension of the person's license to practice;	25479 25480
(b) Acceptance of the person's license surrender;	25481
(c) Denial of a license to the person;	25482
(d) Refuse to renew or reinstate the person's license;	25483
(e) Imposition of probation on the person;	25484
(f) Issuance of an order of censure or other reprimand against the person;	25485 25486
(g) Other negative action or finding against the person about which information is available to the public.	25487 25488
(14) <u>(13)</u> Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	25489 25490 25491 25492
(15) <u>(14)</u> Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	25493 25494 25495
(16) <u>(15)</u> Unless the person is a school psychologist licensed by the state board of education:	25496 25497
(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	25498 25499 25500 25501
(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.	25502 25503 25504

(17) <u>(16)</u> Violating any adjudication order or consent agreement adopted by the board;	25505 25506
(18) <u>(17)</u> Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.	25507 25508 25509 25510
(B) Notwithstanding divisions (A) <u>(10) and (11)</u> and (12) of this section, sanctions shall not be imposed against any license holder who waives deductibles and copayments:	25511 25512 25513
(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.	25514 25515 25516 25517 25518
(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.	25519 25520 25521
(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:	25522 25523
(1) Refuse to issue a license to an applicant;	25524
(2) Issue a reprimand to a license holder;	25525
(3) Suspend the license of a license holder;	25526
(4) Revoke the license of a license holder;	25527
(5) Limit or restrict the areas of practice of an applicant or a license holder;	25528 25529
(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an	25530 25531

applicant or a license holder; 25532

(7) Require remedial education and training of an 25533
applicant or a license holder. 25534

(D) When it revokes the license of a license holder under 25535
division (C)(4) of this section, the board may specify that the 25536
revocation is permanent. An individual subject to permanent 25537
revocation is forever thereafter ineligible to hold a license, 25538
and the board shall not accept an application for reinstatement 25539
of the license or issuance of a new license. 25540

(E) When the board issues a notice of opportunity for a 25541
hearing on the basis of division (A) ~~(7)~~ (6) of this section, the 25542
supervising member of the board, with cause and upon 25543
consultation with the board's executive director and the board's 25544
legal counsel, may compel the applicant or license holder to 25545
submit to mental, cognitive, substance abuse, or medical 25546
evaluations, or a combination of these evaluations, by a person 25547
or persons selected by the board. Notice shall be given to the 25548
applicant or license holder in writing signed by the supervising 25549
member, the executive director, and the board's legal counsel. 25550
The applicant or license holder is deemed to have given consent 25551
to submit to these evaluations and to have waived all objections 25552
to the admissibility of testimony or evaluation reports that 25553
constitute a privileged communication. The expense of the 25554
evaluation or evaluations shall be the responsibility of the 25555
applicant or license holder who is evaluated. 25556

(F) Before the board may take action under this section, 25557
written charges shall be filed with the board by the secretary 25558
and a hearing shall be had thereon in accordance with Chapter 25559
119. of the Revised Code, except as follows: 25560

(1) On receipt of a complaint that any of the grounds listed in division (A) of this section exist, the state board of psychology may suspend a license issued under this chapter prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that there is an immediate threat to the public. A telephone conference call may be used to conduct an emergency meeting for review of the matter by a quorum of the board, taking the vote, and memorializing the action in the minutes of the meeting.

After suspending a license pursuant to division (F) (1) of this section, the board shall notify the license holder of the suspension in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the license.

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;

(b) The date for the disclosure of witnesses and exhibits;

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;

(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.

(3) Either party to the hearing may submit a written

request to the other party for a list of witnesses and copies of 25590
documents intended to be introduced at the hearing. The request 25591
shall be in writing and shall be served not less than thirty- 25592
seven days prior to the hearing, unless the hearing officer or 25593
presiding board member grants an extension of time to make the 25594
request. Not later than thirty days before the hearing, the 25595
responding party shall provide the requested list of witnesses, 25596
summary of their testimony, and copies of documents to the 25597
requesting party, unless the hearing officer or presiding board 25598
member grants an extension. Failure to timely provide a list or 25599
copies requested in accordance with this section may, at the 25600
discretion of the hearing officer or presiding board member, 25601
result in exclusion from the hearing of the witnesses, 25602
testimony, or documents. 25603

(4) In addition to subpoenas for the production of books, 25604
records, and papers requested under Chapter 119. of the Revised 25605
Code, either party may ask the board to issue a subpoena for the 25606
production of other tangible items. 25607

The person subject to a subpoena for the production of 25608
books, records, papers, or other tangible items shall respond to 25609
the subpoena at least twenty days prior to the date of the 25610
hearing. If a person fails to respond to a subpoena issued by 25611
the board, after providing reasonable notice to the person, the 25612
board, the hearing officer, or both may proceed with enforcement 25613
of the subpoena pursuant to section 119.09 of the Revised Code. 25614

Sec. 4733.11. (A) The state board of registration for 25615
professional engineers and surveyors shall consider an applicant 25616
to be qualified for registration as a professional engineer if 25617
an applicant satisfies all of the requirements listed in either 25618
division (A) (1) or (2) of this section as follows: 25619

(1) (a) Graduation from an accredited engineering curriculum of four years or more;	25620 25621
(b) A specific record of four years or more of practical experience in engineering work completed in addition to, and not overlapping in time, any school work completed under division (A) (1) (a) of this section that is acceptable to the board, not more than two years of which may be before graduation but after the completion of the second year of college, indicating that the applicant is competent to be placed in responsible charge of such work;	25622 25623 25624 25625 25626 25627 25628 25629
(c) Passing the prescribed examinations under divisions (A) and (B) of section 4733.13 of the Revised Code.	25630 25631
(2) (a) Graduation from a college curriculum in engineering of four years or more that is not accredited, whose curricula is evaluated by the board and found to be of a high quality essentially equal to the curricula that are accredited by ABET, Inc., or graduation from a college curriculum in engineering technology of four years or more that is accredited by the engineering technical accreditation commission of ABET, Inc.;	25632 25633 25634 25635 25636 25637 25638
(b) Eight years or more of practical experience in engineering work completed in addition to, and not overlapping in time, any school work completed under division (A) (2) (a) of this section that is acceptable to the state board of registration for professional engineers and surveyors, not more than two years of which may be before college graduation but after completion of the second year of college, indicating that the applicant is competent to be placed in responsible charge of such work;	25639 25640 25641 25642 25643 25644 25645 25646 25647
(c) Passing the prescribed examinations under divisions	25648

(A) and (B) of section 4733.13 of the Revised Code. 25649

(B) The state board of registration for professional 25650
engineers and surveyors shall consider an applicant to be 25651
qualified for registration as a professional surveyor if the 25652
applicant satisfies all of the requirements listed in either 25653
division (B) (1) or (2) of this section as follows: 25654

(1) (a) Graduation from an approved curriculum in surveying 25655
of four years or more; 25656

(b) A specific record of four years or more of surveying 25657
office and field experience completed in addition to, and not 25658
overlapping in time, any school work completed under division 25659
(B) (1) (a) of this section that is of a character acceptable to 25660
the board, at least two years of which shall be after college 25661
graduation, with at least two of the four years of work in the 25662
surveying of land boundaries under the direct supervision of a 25663
professional surveyor, who may indicate in writing that the 25664
applicant is competent to be placed in responsible charge of the 25665
work; 25666

(c) Passing the prescribed examinations under divisions 25667
(A) and (C) of section 4733.13 of the Revised Code. 25668

(2) (a) Graduation from an accredited curriculum in civil 25669
engineering of four years or more in a recognized school or 25670
college; 25671

(b) Successful completion of at least sixteen semester 25672
hours, or equivalent quarter or trimester hours, of approved 25673
surveying courses in surveying and mapping arts and sciences, 25674
except that courses successfully completed as prior studies may 25675
be credited by the board toward this requirement, of which at 25676
least six semester hours, or equivalent quarter or trimester 25677

hours, are in surveying of land boundaries; 25678

(c) A specific record of four years or more of surveying 25679
office and field experience completed in addition to, and not 25680
overlapping in time, any school work completed under division 25681
(B) (2) (a) of this section that is of a character acceptable to 25682
the board, at least two years of which shall be after college 25683
graduation, with at least two of the four years of work in 25684
surveying of land boundaries under the direct supervision of a 25685
professional surveyor, who may indicate in writing that the 25686
applicant is competent to be placed in responsible charge of the 25687
work; 25688

(d) Passing the prescribed examinations under divisions 25689
(A) and (C) of section 4733.13 of the Revised Code. 25690

(C) Engineering experience, for a professional engineer's 25691
practical experience requirement, or surveying experience, for a 25692
professional surveyor's practical experience requirement, in any 25693
of the armed forces of the United States or civilian war 25694
services may be credited for registration, if the experience is 25695
acceptable to the board. 25696

(D) As used in this section, "an approved curriculum in 25697
surveying" is one which has been accredited by the related 25698
accreditation committee of ABET, Inc., or one which has been 25699
approved by the state board of registration for professional 25700
engineers and surveyors. 25701

~~(E) No person is eligible for registration as a 25702
professional engineer, or professional surveyor, who is not of 25703
good character and reputation. 25704~~

~~(F) In considering the qualifications of applicants, 25705
responsible charge of engineering or surveying teaching may be 25706~~

construed as responsible charge of engineering or surveying 25707
work, respectively. No applicant shall receive credit for more 25708
than six years of engineering or surveying experience because of 25709
educational qualifications. The mere execution, as a contractor, 25710
of work designed by a professional engineer or professional 25711
surveyor, or the supervision of the construction of such work as 25712
a superintendent is not deemed to be practical experience in 25713
engineering or surveying work. 25714

~~(G)~~ (F) Every person applying for registration as a 25715
professional engineer or professional surveyor shall be required 25716
to pass the fundamentals examination and the principles and 25717
practice examination as provided in section 4733.13 of the 25718
Revised Code. In addition to passing each requisite examination, 25719
each applicant must submit evidence, satisfactory to the board, 25720
that the applicant has completed the practical experience 25721
required in this section. 25722

~~(H)~~ (G) The board shall require the applicant for 25723
registration as a professional engineer or professional surveyor 25724
to take two examinations. The first examination, known as the 25725
fundamentals examination, may be taken by the applicant at any 25726
time after the applicant has completed the required education 25727
under division (A) or (B) of this section, or, at the discretion 25728
of the board, an applicant may be permitted to take the first 25729
examination during the applicant's concluding term of an 25730
approved curriculum in engineering or surveying of four years or 25731
more. 25732

~~(I)~~ (H) The board shall give an applicant an appropriate 25733
certificate showing the applicant's status as an engineer intern 25734
or surveyor intern upon the occurrence of all of the following: 25735

(1) The applicant provides proof to the board that the 25736

applicant has passed the fundamentals examination as described 25737
in division (A) of section 4733.13 of the Revised Code. 25738

(2) The board believes the applicant meets the 25739
requirements of this chapter based on verified evidence. 25740

(3) The applicant applies for registration in accordance 25741
with the requirements of this chapter. 25742

(4) The applicant pays the fee required pursuant to 25743
section 4733.12 of the Revised Code. 25744

Each applicant applying for registration as a professional 25745
engineer or professional surveyor shall first be certified as an 25746
engineer intern or surveyor intern in this state. 25747

~~(J)~~ (I) The applicant is not eligible to take the second 25748
examination, known as the principles and practice examination, 25749
until the applicant has passed the fundamentals examination. 25750

~~(K)~~ (J) Any person having the necessary qualifications to 25751
entitle the person to registration is eligible for registration 25752
though the person may not be practicing the person's profession 25753
at the time of making application. 25754

Sec. 4733.20. (A) Pursuant to this section, the state 25755
board of registration for professional engineers and surveyors 25756
may fine, revoke, suspend, refuse to renew, or limit the 25757
registration, or reprimand, place on probation, deny an 25758
applicant the opportunity to sit for an examination or to have 25759
an examination scored, or impose any combination of these 25760
disciplinary measures on any applicant or registrant, or revoke 25761
the certificate of authorization of any holder found to be or to 25762
have been engaged in any one or more of the following acts or 25763
practices: 25764

- (1) Any fraud or deceit in obtaining registration or a certificate of authorization; 25765
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- (2) Any gross negligence, incompetency, or misconduct in the practice of professional engineering or professional surveying as a registered professional engineer or registered professional surveyor; 25767
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- (3) Aiding or abetting any person to practice professional engineering or professional surveying illegally in the state; 25771
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- (4) Conviction of ~~or plea of guilty to any felony or crime involving moral turpitude~~ a disqualifying offense, as specified under section 9.79 of the Revised Code; 25773
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- (5) Violation of this chapter or any rule adopted by the board; 25776
25777
- (6) Violation of any condition of limitation placed by the board upon the registration of any professional engineer or professional surveyor; 25778
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- (7) Failure to abide by or comply with examination instructions. 25781
25782
- (B) The board shall cause to have prepared and shall adopt a code of ethics, which it shall make known to every registrant. The board may revise and amend this code of ethics from time to time in accordance with Chapter 119. of the Revised Code. 25783
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- (C) Any person may file with the board a complaint alleging fraud, deceit, gross negligence, incompetency, misconduct, or violation of this chapter or any rule adopted by the board pursuant to section 4733.07 of the Revised Code. Complaints shall be in writing. 25787
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- (D) The board may investigate any registrant or holder of 25792

a certificate of authorization to determine whether the 25793
registrant or certificate holder is or has been engaged in any 25794
one or more of the acts or practices listed in division (A) of 25795
this section. The board, by subpoena, may compel witnesses to 25796
appear and testify in relation to any investigation under this 25797
chapter and may require, by subpoena duces tecum, the production 25798
and copying of any book, paper, or document pertaining to an 25799
investigation. If a person fails to comply with the subpoena or 25800
subpoena duces tecum, the board may apply to the Franklin county 25801
court of common pleas for an order compelling the person to 25802
comply or, for the failure to do so, to be held in contempt of 25803
court. 25804

(E) If the board determines there is cause to believe that 25805
an applicant, registrant, or a holder of a certificate of 25806
authorization is or has been engaged in any act or practice 25807
listed in division (A) of this section, the board shall issue a 25808
written charge and notify the applicant, registrant, or 25809
certificate holder of the right to an adjudication hearing, in 25810
accordance with Chapter 119. of the Revised Code. If the accused 25811
applicant, registrant, or holder of a certificate of 25812
authorization fails or refuses to appear, or does not request a 25813
hearing within the time period specified in Chapter 119. of the 25814
Revised Code, the board may determine the validity of the charge 25815
and issue an adjudication order in accordance with Chapter 119. 25816
of the Revised Code. 25817

(F) If a majority of the board votes in favor of 25818
sustaining the charge, the board shall impose one or any 25819
combination of the following disciplinary measures: 25820

(1) Reprimanding the individual; 25821

(2) Imposing a fine on the individual of not more than one 25822

thousand dollars for each offense committed by the individual;	25823
(3) Refusing to renew, suspending, or revoking the	25824
individual's registration, or revoking the holder's certificate	25825
of authorization;	25826
(4) Refusing to allow an applicant to take an examination;	25827
(5) Refusing to score an applicant's examination.	25828
The board, for good cause shown, may reregister any person	25829
or reissue a certificate of authorization to any corporation,	25830
firm, partnership, association, or limited liability company	25831
whose registration or certificate has been revoked or suspended.	25832
(G) Any applicant, registrant, or certificate holder	25833
aggrieved by any action of the board in fining the registrant or	25834
denying, suspending, refusing to renew, or revoking the	25835
registrant's registration or a certificate of authorization, or	25836
denying an applicant the opportunity to take an examination or	25837
to have an examination scored may appeal such action to the	25838
proper court under section 119.12 of the Revised Code.	25839
(H) A new certificate of authorization to replace any	25840
certificate revoked, lost, destroyed, or mutilated, may be	25841
issued, subject to the rules of the board, upon payment of a fee	25842
established by the board at an amount adequate to cover the	25843
expense of issuing a duplicate certificate of authorization.	25844
Sec. 4734.20. (A) Except for persons seeking to practice	25845
chiropractic under a special limited license issued pursuant to	25846
section 4734.27 of the Revised Code, each person seeking to	25847
practice chiropractic in this state shall apply in writing to	25848
the state chiropractic board for a license to practice	25849
chiropractic. The application shall be made under oath, on a	25850
form prescribed by the board, and shall be accompanied by a fee	25851

of two hundred fifty dollars. 25852

(B) Except as provided in sections 4734.23 and 4734.24 of 25853
the Revised Code, to receive a chiropractic license, an 25854
applicant must meet the following conditions: 25855

(1) The applicant must be at least twenty-one years of 25856
age, ~~be of good moral character,~~ and possess a high school 25857
education or its equivalent. 25858

(2) The applicant must have successfully completed, prior 25859
to matriculation at a school or college of chiropractic, at 25860
least two years of college credit in the arts and sciences at a 25861
college or university accredited by a state or regional 25862
accrediting organization recognized by the board, except that 25863
the board may adopt rules in accordance with Chapter 119. of the 25864
Revised Code that require completion of additional years of 25865
college credit or receipt of a college degree in an area 25866
specified in the rules. 25867

(3) The applicant must be a graduate of and hold the 25868
degree of doctor of chiropractic from a school or college of 25869
chiropractic approved by the board under section 4734.21 of the 25870
Revised Code. 25871

(4) The applicant must have received one of the following 25872
from the national board of chiropractic examiners, as 25873
appropriate according to the date of the applicant's graduation 25874
from a school or college of chiropractic: 25875

(a) If the applicant graduated on or after January 1, 25876
1970, but before January 1, 1989, a "diplomate certificate" or 25877
"certificate of attainment" evidencing passage of parts I and II 25878
and the physiotherapy section of the national board's 25879
examinations; 25880

(b) If the applicant graduated on or after January 1, 25881
1989, but before January 1, 2002, a "certificate of attainment" 25882
evidencing passage of parts I, II, and III and the physiotherapy 25883
section of the national board's examinations; 25884

(c) If the applicant graduated on or after January 1, 25885
2002, a "certificate of attainment" evidencing passage of parts 25886
I, II, III, and IV and the physiotherapy section of the national 25887
board's examinations. 25888

(5) The applicant must have passed the board's 25889
jurisprudence examination conducted under section 4734.22 of the 25890
Revised Code. 25891

(C) The board shall issue a license to practice 25892
chiropractic to each applicant who files a complete application, 25893
pays all applicable fees, and meets the conditions specified in 25894
division (B) of this section. The burden of proof is on the 25895
applicant, to prove by clear and convincing evidence to the 25896
board, that the applicant meets the conditions for receipt of 25897
the license. 25898

The board may conduct any investigation it considers 25899
appropriate to verify an applicant's credentials, ~~moral~~ 25900
~~character,~~ and fitness to receive a license. In conducting an 25901
investigation, the board may request information from the 25902
records maintained by the federal bureau of investigation, the 25903
bureau of criminal identification and investigation, and any 25904
other repositories of criminal records held in this or another 25905
state. The board may charge the applicant a fee for conducting 25906
the investigation. The amount of the fee shall not exceed the 25907
expenses the board incurs in conducting the investigation and 25908
may include any fees that must be paid to obtain information in 25909
the criminal record. 25910

Sec. 4734.23. (A) A person licensed by another state or 25911
country in the practice of chiropractic may apply under this 25912
section for a license to practice chiropractic in this state in 25913
lieu of applying under section 4734.20 of the Revised Code. The 25914
fee for applying under this section shall be five hundred 25915
dollars. 25916

(B) The state chiropractic board may, for good cause, 25917
waive all or part of the educational and testing requirements 25918
specified under section 4734.20 of the Revised Code and issue a 25919
license to an applicant under this section, if the applicant 25920
presents satisfactory proof of being licensed to practice 25921
chiropractic in another state or country where the requirements 25922
for receipt of the license, on the date the license was issued, 25923
are considered by the board to be substantially equivalent to 25924
those of this chapter. The applicant must meet the same age ~~and~~ 25925
~~moral character requirements~~ requirement that must be met under 25926
section 4734.20 of the Revised Code. If the board does not waive 25927
all of the educational and testing requirements, the board may 25928
require that the applicant complete and receive a score 25929
specified by the board on one or more tests administered by the 25930
board or by the national board of chiropractic examiners or 25931
another testing entity. 25932

Sec. 4734.26. (A) An individual licensed under this 25933
chapter who intends not to practice in this state for an 25934
extended period may send to the state chiropractic board written 25935
notice to that effect on or before the license renewal date. If 25936
the individual's license is in good standing and the individual 25937
is not under disciplinary review pursuant to section 4734.31 of 25938
the Revised Code, the board shall classify the license as 25939
inactive~~7.~~ During the period that the license is classified as 25940
inactive, the individual may not engage in the practice of 25941

chiropractic in this state or make any representation to the public indicating that the person is actively licensed under this chapter. An individual whose license is classified as inactive is not required to pay the license renewal fee for the license.

(B) The holder of an inactive license may apply to the board to have the license restored. The board shall consider the length of inactivity and, in accordance with the standards for issuance of a license established under section 4734.20 of the Revised Code, ~~the moral character and~~ the activities of the applicant during the inactive license period. The board may impose terms and conditions on restoration of the license by doing any of the following:

(1) Requiring the applicant to obtain training, which may include requiring the applicant to pass an examination upon completion of the training;

(2) Requiring the applicant to pass an oral or written examination, or both, to determine fitness to resume practice;

(3) Restricting or limiting the extent, scope, or type of practice of the applicant.

Sec. 4734.27. (A) To the extent it is in the public interest, the state chiropractic board may issue, without examination, a special limited license to practice chiropractic as follows:

(1) To a person who is seeking to participate in an internship, residency, preceptorship, or clinical fellowship in this state in preparation for the practice of chiropractic;

(2) To a person who plans to provide chiropractic services in connection with a special activity, program, or event

conducted in this state, if the person holds a current, valid, 25971
and unrestricted license to practice chiropractic in another 25972
state or country; 25973

(3) To a person who previously held an unrestricted 25974
license to practice chiropractic in this state who plans to 25975
offer gratuitous chiropractic services as a voluntary public 25976
service; 25977

(4) To any other person for any other reason specified as 25978
good cause by the board in rules adopted under this section. 25979

(B) An applicant for a special limited license shall 25980
submit to the board a complete application on a form prescribed 25981
by the board, pay an application fee of seventy-five dollars, 25982
and furnish proof satisfactory to the board of being at least 25983
twenty-one years of age, ~~of good moral character,~~ and of either 25984
holding the degree of doctor of chiropractic or being enrolled 25985
in a program leading to the degree. The institution from which 25986
the applicant received the degree or in which the applicant is 25987
enrolled must be a school or college that is approved by the 25988
board under section 4734.21 of the Revised Code. 25989

(C) The provisions of this chapter that apply to 25990
applicants for and holders of licenses to practice chiropractic 25991
shall apply to applicants for and holders of special limited 25992
licenses to the extent the board considers appropriate, 25993
including the board's authority to conduct any investigation it 25994
considers appropriate to verify an applicant's credentials, ~~—~~ 25995
~~moral character,~~ and fitness to receive a license and the 25996
board's authority to take actions under section 4734.31 of the 25997
Revised Code. 25998

(D) The board shall adopt any rules it considers necessary 25999

to implement this section. All rules adopted under this section 26000
shall be adopted in accordance with Chapter 119. of the Revised 26001
Code. 26002

Sec. 4734.286. (A) A chiropractor who holds a certificate 26003
to practice acupuncture issued under this chapter who intends 26004
not to practice acupuncture in this state for an extended period 26005
of time may send to the state chiropractic board written notice 26006
to that effect on or before the certificate renewal date. If the 26007
chiropractor's certificate is in good standing and the 26008
chiropractor is not under disciplinary review pursuant to 26009
section 4734.31 of the Revised Code, the board shall classify 26010
the certificate as inactive and the chiropractor may not engage 26011
in the practice of acupuncture in this state or make any 26012
representation to the public indicating that the chiropractor is 26013
actively certified to practice acupuncture under this chapter. A 26014
chiropractor whose certificate to practice acupuncture is 26015
classified as inactive is not required to pay the certificate 26016
renewal fee for the certificate. 26017

(B) The holder of an inactive certificate to practice 26018
acupuncture may apply to the board to have the certificate 26019
restored. The board shall consider the length of inactivity and, 26020
in accordance with the conditions for issuance of a license to 26021
practice chiropractic established under section 4734.20 of the 26022
Revised Code and the requirements for issuance of a certificate 26023
to practice acupuncture established under section 4734.282 of 26024
the Revised Code, ~~the moral character and~~ the activities of the 26025
applicant during the inactive period. The board may impose terms 26026
and conditions on restoration of the certificate by doing any of 26027
the following: 26028

(1) Requiring the applicant to obtain training, which may 26029

include requiring the applicant to pass an examination on 26030
completion of the training; 26031

(2) Requiring the applicant to pass an oral or written 26032
examination, or both, to determine fitness to resume practice; 26033

(3) Restricting or limiting the extent, scope, or type of 26034
practice of the applicant. 26035

Sec. 4734.31. (A) The state chiropractic board may take 26036
any of the actions specified in division (B) of this section 26037
against an individual who has applied for or holds a license to 26038
practice chiropractic in this state if any of the reasons 26039
specified in division (C) of this section for taking action 26040
against an individual are applicable. Except as provided in 26041
division (D) of this section, actions taken against an 26042
individual shall be taken in accordance with Chapter 119. of the 26043
Revised Code. The board may specify that any action it takes is 26044
a permanent action. The board's authority to take action against 26045
an individual is not removed or limited by the individual's 26046
failure to renew a license. 26047

(B) In its imposition of sanctions against an individual, 26048
the board may do any of the following: 26049

(1) Refuse to issue, renew, restore, or reinstate a 26050
license to practice chiropractic or a certificate to practice 26051
acupuncture; 26052

(2) Reprimand or censure a license holder; 26053

(3) Place limits, restrictions, or probationary conditions 26054
on a license holder's practice; 26055

(4) Impose a civil fine of not more than five thousand 26056
dollars according to a schedule of fines specified in rules that 26057

the board shall adopt in accordance with Chapter 119. of the Revised Code.

(5) Suspend a license to practice chiropractic or a certificate to practice acupuncture for a limited or indefinite period;

(6) Revoke a license to practice chiropractic or a certificate to practice acupuncture.

(C) The board may take the actions specified in division (B) of this section for any of the following reasons:

~~(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;~~

~~(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;~~

~~(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;~~

~~(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;~~

~~(5) 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, in which case a certified copy of the court record shall be conclusive evidence of the matter;~~ 26086
26087

~~(6) 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~~ 26088
Conviction of a 26089
disqualifying offense, as specified under section 9.79 of the 26090
Revised Code; 26091
26092

~~(7)~~ (2) A violation or attempted violation of this chapter 26093
or the rules adopted under it governing the practice of 26094
chiropractic and the practice of acupuncture by a chiropractor 26095
licensed under this chapter; 26096

~~(8)~~ (3) Failure to cooperate in an investigation conducted 26097
by the board, including failure to comply with a subpoena or 26098
order issued by the board or failure to answer truthfully a 26099
question presented by the board at a deposition or in written 26100
interrogatories, except that failure to cooperate with an 26101
investigation shall not constitute grounds for discipline under 26102
this section if the board or a court of competent jurisdiction 26103
has issued an order that either quashes a subpoena or permits 26104
the individual to withhold the testimony or evidence in issue; 26105

~~(9)~~ (4) Engaging in an ongoing professional relationship 26106
with a person or entity that violates any provision of this 26107
chapter or the rules adopted under it, unless the chiropractor 26108
makes a good faith effort to have the person or entity comply 26109
with the provisions; 26110

~~(10)~~ (5) Retaliating against a chiropractor for the 26111
chiropractor's reporting to the board or any other agency with 26112
jurisdiction any violation of the law or for cooperating with 26113
the board of another agency in the investigation of any 26114

violation of the law;	26115
(11) <u>(6)</u> Aiding, abetting, assisting, counseling, or	26116
conspiring with any person in that person's violation of any	26117
provision of this chapter or the rules adopted under it,	26118
including the practice of chiropractic without a license, the	26119
practice of acupuncture without a certificate, or aiding,	26120
abetting, assisting, counseling, or conspiring with any person	26121
in that person's unlicensed practice of any other health care	26122
profession that has licensing requirements;	26123
(12) <u>(7)</u> With respect to a report or record that is made,	26124
filed, or signed in connection with the practice of chiropractic	26125
or acupuncture, knowingly making or filing a report or record	26126
that is false, intentionally or negligently failing to file a	26127
report or record required by federal, state, or local law or	26128
willfully impeding or obstructing the required filing, or	26129
inducing another person to engage in any such acts;	26130
(13) <u>(8)</u> Making a false, fraudulent, or deceitful	26131
statement to the board or any agent of the board during any	26132
investigation or other official proceeding conducted by the	26133
board under this chapter or in any filing that must be submitted	26134
to the board;	26135
(14) <u>(9)</u> Attempting to secure a license to practice	26136
chiropractic or certificate to practice acupuncture or to	26137
corrupt the outcome of an official board proceeding through	26138
bribery or any other improper means;	26139
(15) <u>(10)</u> Willfully obstructing or hindering the board or	26140
any agent of the board in the discharge of the board's duties;	26141
(16) <u>(11)</u> Habitually using drugs or intoxicants to the	26142
extent that the person is rendered unfit for the practice of	26143

chiropractic or acupuncture;	26144
(17) <u>(12)</u> Inability to practice chiropractic or	26145
acupuncture according to acceptable and prevailing standards of	26146
care by reason of chemical dependency, mental illness, or	26147
physical illness, including conditions in which physical	26148
deterioration has adversely affected the person's cognitive,	26149
motor, or perceptive skills and conditions in which a	26150
chiropractor's continued practice may pose a danger to the	26151
chiropractor or the public;	26152
(18) Any act constituting gross immorality relative to the	26153
person's practice of chiropractic or acupuncture, including acts	26154
involving sexual abuse, sexual misconduct, or sexual	26155
exploitation;	26156
(19) <u>(13)</u> Exploiting a patient for personal or financial	26157
gain;	26158
(20) <u>(14)</u> Failing to maintain proper, accurate, and	26159
legible records in the English language documenting each	26160
patient's care, including, as appropriate, records of the	26161
following: dates of treatment, services rendered, examinations,	26162
tests, x-ray reports, referrals, and the diagnosis or clinical	26163
impression and clinical treatment plan provided to the patient;	26164
(21) <u>(15)</u> Except as otherwise required by the board or by	26165
law, disclosing patient information gained during the	26166
chiropractor's professional relationship with a patient without	26167
obtaining the patient's authorization for the disclosure;	26168
(22) <u>(16)</u> Commission of willful or gross malpractice, or	26169
willful or gross neglect, in the practice of chiropractic or	26170
acupuncture;	26171
(23) <u>(17)</u> Failing to perform or negligently performing an	26172

act recognized by the board as a general duty or the exercise of 26173
due care in the practice of chiropractic or acupuncture, 26174
regardless of whether injury results to a patient from the 26175
failure to perform or negligent performance of the act; 26176

~~(24)~~ (18) Engaging in any conduct or practice that impairs 26177
or may impair the ability to practice chiropractic or 26178
acupuncture safely and skillfully; 26179

~~(25)~~ (19) Practicing, or claiming to be capable of 26180
practicing, beyond the scope of the practice of chiropractic or 26181
acupuncture as established under this chapter and the rules 26182
adopted under this chapter; 26183

~~(26)~~ (20) Accepting and performing professional 26184
responsibilities as a chiropractor or chiropractor with a 26185
certificate to practice acupuncture when not qualified to 26186
perform those responsibilities, if the person knew or had reason 26187
to know that the person was not qualified to perform them; 26188

~~(27)~~ (21) Delegating any of the professional 26189
responsibilities of a chiropractor or chiropractor with a 26190
certificate to practice acupuncture to an employee or other 26191
individual when the delegating chiropractor knows or had reason 26192
to know that the employee or other individual is not qualified 26193
by training, experience, or professional licensure to perform 26194
the responsibilities; 26195

~~(28)~~ (22) Delegating any of the professional 26196
responsibilities of a chiropractor or chiropractor with a 26197
certificate to practice acupuncture to an employee or other 26198
individual in a negligent manner or failing to provide proper 26199
supervision of the employee or other individual to whom the 26200
responsibilities are delegated; 26201

(29) <u>(23)</u> 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 interest of the patient;	26202 26203 26204 26205
(30) <u>(24)</u> Obtaining or attempting to obtain any fee or other advantage by fraud or misrepresentation;	26206 26207
(31) <u>(25)</u> Making misleading, deceptive, false, or fraudulent representations in the practice of chiropractic or acupuncture;	26208 26209 26210
(32) <u>(26)</u> 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;	26211 26212 26213 26214
(33) <u>(27)</u> Violation of a provision of any code of ethics established or adopted by the board under section 4734.16 of the Revised Code;	26215 26216 26217
(34) <u>(28)</u> Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	26218 26219 26220
(35) <u>(29)</u> Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	26221 26222 26223
(36) <u>(30)</u> Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services or acupuncture services are provided;	26224 26225 26226
(37) <u>(31)</u> Except as provided in division (G) of this section:	26227 26228
(a) Waiving the payment of all or any part of a deductible	26229

or copayment that a patient, pursuant to a health insurance or 26230
health care policy, contract, or plan that covers the 26231
chiropractor's services, otherwise would be required to pay if 26232
the waiver is used as an enticement to a patient or group of 26233
patients to receive health care services from that chiropractor; 26234

(b) Advertising that the chiropractor will waive the 26235
payment of all or any part of a deductible or copayment that a 26236
patient, pursuant to a health insurance or health care policy, 26237
contract, or plan that covers the chiropractor's services, 26238
otherwise would be required to pay. 26239

~~(38)~~-(32) Failure to supervise an oriental medicine 26240
practitioner performing acupuncture or an acupuncturist in 26241
accordance with the provisions of section 4762.11 of the Revised 26242
Code that are applicable to a supervising chiropractor. 26243

(D) The adjudication requirements of Chapter 119. of the 26244
Revised Code apply to the board when taking actions against an 26245
individual under this section, except as follows: 26246

(1) An applicant is not entitled to an adjudication for 26247
failing to meet the conditions specified under section 4734.20 26248
of the Revised Code for receipt of a license that involve the 26249
board's examination on jurisprudence or the examinations of the 26250
national board of chiropractic examiners. 26251

(2) A person is not entitled to an adjudication if the 26252
person fails to make a timely request for a hearing, in 26253
accordance with Chapter 119. of the Revised Code. 26254

(3) In lieu of an adjudication, the board may accept the 26255
surrender of a license to practice chiropractic or certificate 26256
to practice acupuncture from a chiropractor. 26257

(4) In lieu of an adjudication, the board may enter into a 26258

consent agreement with an individual to resolve an allegation of 26259
a violation of this chapter or any rule adopted under it. A 26260
consent agreement, when ratified by the board, shall constitute 26261
the findings and order of the board with respect to the matter 26262
addressed in the agreement. If the board refuses to ratify a 26263
consent agreement, the admissions and findings contained in the 26264
consent agreement shall be of no force or effect. 26265

(E) This section does not require the board to hire, 26266
contract with, or retain the services of an expert witness when 26267
the board takes action against a chiropractor concerning 26268
compliance with acceptable and prevailing standards of care in 26269
the practice of chiropractic or acupuncture. As part of an 26270
action taken concerning compliance with acceptable and 26271
prevailing standards of care, the board may rely on the 26272
knowledge of its members for purposes of making a determination 26273
of compliance, notwithstanding any expert testimony presented by 26274
the chiropractor that contradicts the knowledge and opinions of 26275
the members of the board. 26276

(F) The sealing of conviction records by a court shall 26277
have no effect on a prior board order entered under this section 26278
or on the board's jurisdiction to take action under this section 26279
if, based on a ~~plea of guilty, a judicial finding of guilt, or a~~ 26280
~~judicial finding of eligibility for intervention in lieu of~~ 26281
~~conviction of a disqualifying offense, as specified under~~ 26282
section 9.79 of the Revised Code, the board issued a notice of 26283
opportunity for a hearing prior to the court's order to seal the 26284
records. The board shall not be required to seal, destroy, 26285
redact, or otherwise modify its records to reflect the court's 26286
sealing of conviction records. 26287

(G) Actions shall not be taken pursuant to division (C) 26288

~~(37)~~ (31) of this section against any chiropractor who waives
deductibles and copayments as follows:

(1) In compliance with the health benefit plan that
expressly allows a practice of that nature. 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. 4734.34. An individual subject to an action taken
under section 4734.31 of the Revised Code, other than permanent
revocation of a license to practice chiropractic or certificate
to practice acupuncture, may apply to the state chiropractic
board to have the individual's license or certificate restored
to good standing. The board shall consider ~~the moral character~~
~~and~~ the activities of the applicant since the board's action was
taken, in accordance with the standards for issuance of a
license, as established under section 4734.20 of the Revised
Code, or the standards for issuance of a certificate to practice
acupuncture, as established under section 4734.282 of the
Revised Code. The board may impose terms and conditions on
restoration of the license or certificate by doing any of the
following:

(A) Requiring the applicant to obtain training, which may
include requiring the applicant to pass an examination upon
completion of the training;

(B) Requiring the applicant to pass an oral or written

examination, or both, to determine fitness to resume practice; 26318

(C) Restricting or limiting the extent, scope, or type of 26319
practice of the applicant. 26320

Sec. 4734.35. (A) As used in this section, "prosecutor" 26321
has the same meaning as in section 2935.01 of the Revised Code. 26322

(B) The prosecutor in any case against any chiropractor 26323
holding a valid license issued under this chapter shall promptly 26324
notify the state chiropractic board of ~~any of the following:~~ 26325

~~(1) A plea of guilty to, or a finding of guilt by a jury~~ 26326
~~or court of, a felony, or a case in which the trial court issues~~ 26327
~~an order of dismissal upon technical or procedural grounds of a~~ 26328
~~felony charge;~~ 26329

~~(2) A plea of guilty to, or a finding of guilt by a jury~~ 26330
~~or court of, a misdemeanor committed in the course of practice,~~ 26331
~~or a case in which the trial court issues an order of dismissal~~ 26332
~~upon technical or procedural grounds of a charge of a~~ 26333
~~misdemeanor, if the alleged act was committed in the course of~~ 26334
~~practice;~~ 26335

~~(3) A plea of guilty to, or a finding of guilt by a jury~~ 26336
~~or court of, a misdemeanor involving moral turpitude, or a case~~ 26337
~~in which the trial court issues an order of dismissal upon~~ 26338
~~technical or procedural grounds of a charge of a misdemeanor~~ 26339
~~involving moral turpitude the chiropractor's conviction of any~~ 26340
~~criminal offense.~~ 26341

(C) The report shall include the name and address of the 26342
chiropractor, the nature of the offense for which the action was 26343
taken, and the certified court documents recording the action. 26344
The board may prescribe and provide forms for prosecutors to 26345
make reports under this section. The form may be the same as the 26346

form required to be provided under section 2929.42 of the Revised Code. 26347
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Sec. 4734.36. A chiropractor who in this state ~~pleads guilty to or is convicted of aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary~~ a disqualifying offense, as specified under section 9.79 of the Revised Code, or who in another jurisdiction ~~pleads guilty to or is convicted of~~ any substantially equivalent criminal offense, is automatically suspended from practice in this state and the license issued under this chapter to practice chiropractic is automatically suspended as of the date of the ~~guilty plea or conviction~~. If applicable, the chiropractor's certificate issued under this chapter to practice acupuncture is automatically suspended at the same time. Continued practice after suspension under this section shall be considered practicing chiropractic without a license and, if applicable, acupuncture without a certificate. On receiving notice or otherwise becoming aware of the conviction, the state chiropractic board shall notify the individual of the suspension under this section by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license and, if applicable, certificate to practice acupuncture is suspended under this section fails to make a timely request for an adjudication, the board shall enter a final order revoking the individual's license and, if applicable, certificate to practice acupuncture. 26349
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Sec. 4734.39. (A) For purposes of the state chiropractic board's enforcement of division (C) ~~(16)~~ (11) or ~~(17)~~ (12) of section 4734.31 of the Revised Code, an individual who applies for or receives a license to practice chiropractic or 26374
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certificate to practice acupuncture under this chapter accepts 26378
the privilege of practicing chiropractic and, if applicable, 26379
acupuncture in this state and, by so doing, shall be deemed to 26380
have given consent to submit to a mental or physical examination 26381
when directed to do so in writing by the board in its 26382
enforcement of those divisions, and to have waived all 26383
objections to the admissibility of testimony or examination 26384
reports that constitute a privileged communication. 26385

(B) If the board has reason to believe that a chiropractor 26386
or applicant suffers an impairment described in division (C) ~~(16)~~ 26387
(11) or ~~(17)~~ (12) of section 4734.31 of the Revised Code, the 26388
board may compel the individual to submit to a mental or 26389
physical examination, or both. The expense of the examination is 26390
the responsibility of the individual compelled to be examined. 26391
Any mental or physical examination required under this section 26392
shall be undertaken by a provider who is qualified to conduct 26393
the examination and who is chosen by the board. 26394

Failure to submit to a mental or physical examination 26395
ordered by the board constitutes an admission of the allegations 26396
against the individual unless the failure is due to 26397
circumstances beyond the individual's control. A default and 26398
final order may be entered without the taking of testimony or 26399
presentation of evidence. 26400

If the board determines that an individual's ability to 26401
practice is impaired, the board shall suspend the individual's 26402
license to practice chiropractic and, if applicable, certificate 26403
to practice acupuncture or deny the individual's application and 26404
shall require the individual, as a condition for initial, 26405
continued, reinstated, restored, or renewed certification to 26406
practice, to submit to care, counseling, or treatment. 26407

(C) Before being eligible to apply for reinstatement of a license or certificate suspended under division (C) ~~(16)~~ (11) of section 4734.31 of the Revised Code or the chemical dependency provisions of division (C) ~~(17)~~ (12) of section 4731.34 of the Revised Code, the impaired individual shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care in the practice of chiropractic and, if applicable, acupuncture under this chapter. If rules have been adopted under section 4734.40 of the Revised Code, the demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4734.40 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 and, if applicable, certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired individual resumes practice, the board shall require continued monitoring of the individual. The

monitoring shall include, but not be limited to, compliance with 26437
the written consent agreement entered into before reinstatement 26438
or with conditions imposed by board order after a hearing, and, 26439
upon termination of the consent agreement, submission to the 26440
board for at least two years of annual written progress reports 26441
made under penalty of perjury stating whether the individual has 26442
maintained sobriety. 26443

Sec. 4735.07. (A) The superintendent of real estate, with 26444
the consent of the Ohio real estate commission, may enter into 26445
agreements with recognized national testing services to 26446
administer the real estate broker's examination under the 26447
superintendent's supervision and control, consistent with the 26448
requirements of this chapter as to the contents of such 26449
examination. 26450

(B) No applicant for a real estate broker's license shall 26451
take the broker's examination who has not established to the 26452
satisfaction of the superintendent that the applicant: 26453

(1) Is honest, and truthful, ~~and of good reputation;~~ 26454

(2) (a) Has not been convicted of a ~~felony or crime of~~ 26455
~~moral turpitude, or if the applicant has been so convicted, the~~ 26456
~~superintendent has disregarded the conviction because the~~ 26457
~~applicant has proven to the superintendent, by a preponderance~~ 26458
~~of the evidence, that the applicant's activities and employment~~ 26459
~~record since the conviction show that the applicant is honest,~~ 26460
~~truthful, and of good reputation, and there is no basis in fact~~ 26461
~~for believing that the applicant again will violate the laws~~ 26462
~~involved disqualifying offense, as specified under section 9.79~~ 26463
~~of the Revised Code;~~ 26464

(b) Has not been finally adjudged by a court to have 26465

violated any municipal, state, or federal civil rights laws 26466
relevant to the protection of purchasers or sellers of real 26467
estate or, if the applicant has been so adjudged, at least two 26468
years have passed since the court decision and the 26469
superintendent has disregarded the adjudication because the 26470
applicant has proven, by a preponderance of the evidence, that 26471
the applicant's activities and employment record since the 26472
adjudication show that the applicant is honest, and truthful, ~~and of good reputation,~~ 26473
and there is no basis in fact for 26474
believing that the applicant will again violate the laws 26475
involved. 26476

(3) Has not, during any period in which the applicant was 26477
licensed under this chapter, violated any provision of, or any 26478
rule adopted pursuant to, this chapter, or, if the applicant has 26479
violated any such provision or rule, has established to the 26480
satisfaction of the superintendent that the applicant will not 26481
again violate such provision or rule; 26482

(4) Is at least eighteen years of age; 26483

(5) Has been a licensed real estate broker or salesperson 26484
for at least two years; during at least two of the five years 26485
preceding the person's application, has worked as a licensed 26486
real estate broker or salesperson for an average of at least 26487
thirty hours per week; and has completed one of the following: 26488

(a) At least twenty real estate transactions, in which 26489
property was sold for another by the applicant while acting in 26490
the capacity of a real estate broker or salesperson; 26491

(b) Such equivalent experience as is defined by rules 26492
adopted by the commission. 26493

(6) (a) If licensed as a real estate salesperson prior to 26494

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:

- (i) Thirty hours of instruction in real estate practice;
- (ii) Thirty 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.
- (iii) Thirty hours of instruction in real estate appraisal;
- (iv) Thirty hours of instruction in real estate finance;
- (v) Three quarter hours, or its equivalent in semester hours, in financial management;
- (vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;
- (vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;
- (viii) Three quarter hours, or its equivalent in semester

hours, in business law. 26523

(b) If licensed as a real estate salesperson on or after 26524
August 1, 2001, successfully has completed at an institution of 26525
higher education all of the following credit-eligible courses by 26526
either classroom instruction or distance education: 26527

(i) Forty hours of instruction in real estate practice; 26528

(ii) Forty hours of instruction that includes the subjects 26529
of Ohio real estate law, municipal, state, and federal civil 26530
rights law, new case law on housing discrimination, 26531
desegregation issues, and methods of eliminating the effects of 26532
prior discrimination. If feasible, the instruction in Ohio real 26533
estate law shall be taught by a member of the faculty of an 26534
accredited law school. If feasible, the instruction in 26535
municipal, state, and federal civil rights law, new case law on 26536
housing discrimination, desegregation issues, and methods of 26537
eliminating the effects of prior discrimination shall be taught 26538
by a staff member of the Ohio civil rights commission who is 26539
knowledgeable with respect to those subjects. The requirements 26540
of this division do not apply to an applicant who is admitted to 26541
practice before the supreme court. 26542

(iii) Twenty hours of instruction in real estate 26543
appraisal; 26544

(iv) Twenty hours of instruction in real estate finance; 26545

(v) The training in the amount of hours specified under 26546
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 26547

(c) Division (B) (6) (a) or (b) of this section does not 26548
apply to any applicant who holds a valid real estate 26549
salesperson's license issued prior to January 2, 1972. Divisions 26550
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 26551

of this section do not apply to any applicant who holds a valid 26552
real estate salesperson's license issued prior to January 3, 26553
1984. 26554

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 26555
section do not apply to any new applicant who holds a valid Ohio 26556
real estate appraiser license or certificate issued prior to the 26557
date of application for a real estate broker's license. 26558

(e) Successful completion of the instruction required by 26559
division (B) (6) (a) or (b) of this section shall be determined by 26560
the law in effect on the date the instruction was completed. 26561

(7) If licensed as a real estate salesperson on or after 26562
January 3, 1984, satisfactorily has completed a minimum of two 26563
years of post-secondary education, or its equivalent in semester 26564
or quarter hours, at an institution of higher education, and has 26565
fulfilled the requirements of division (B) (6) (a) or (b) of this 26566
section. The requirements of division (B) (6) (a) or (b) of this 26567
section may be included in the two years of post-secondary 26568
education, or its equivalent in semester or quarter hours, that 26569
is required by this division. The post-secondary education 26570
requirement may be satisfied by completing the credit-eligible 26571
courses using either classroom instruction or distance 26572
education. Successful completion of any course required by this 26573
section shall be determined by the law in effect on the date the 26574
course was completed. 26575

(C) Each applicant for a broker's license shall be 26576
examined in the principles of real estate practice, Ohio real 26577
estate law, and financing and appraisal, and as to the duties of 26578
real estate brokers and real estate salespersons, the 26579
applicant's knowledge of real estate transactions and 26580
instruments relating to them, and the canons of business ethics 26581

pertaining to them. The commission from time to time shall 26582
promulgate such canons and cause them to be published in printed 26583
form. 26584

(D) Examinations shall be administered with reasonable 26585
accommodations in accordance with the requirements of the 26586
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 26587
U.S.C. 12101. The contents of an examination shall be consistent 26588
with the requirements of division (B)(6) of this section and 26589
with the other specific requirements of this section. An 26590
applicant who has completed the requirements of division (B)(6) 26591
of this section at the time of application shall be examined no 26592
later than twelve months after the applicant is notified of 26593
admission to the examination. 26594

(E) The superintendent may waive one or more of the 26595
requirements of this section in the case of an application from 26596
a nonresident real estate broker pursuant to a reciprocity 26597
agreement with the licensing authority of the state from which 26598
the nonresident applicant holds a valid real estate broker 26599
license. 26600

(F) There shall be no limit placed on the number of times 26601
an applicant may retake the examination. 26602

(G) (1) Not earlier than the date of issue of a real estate 26603
broker's license to a licensee, but not later than twelve months 26604
after the date of issue of a real estate broker's license to a 26605
licensee, the licensee shall submit proof satisfactory to the 26606
superintendent, on forms made available by the superintendent, 26607
of the completion of ten hours of instruction that shall be 26608
completed in schools, seminars, and educational institutions 26609
that are approved by the commission. Approval of the curriculum 26610
and providers shall be granted according to rules adopted 26611

pursuant to section 4735.10 of the Revised Code and may be taken 26612
through classroom instruction or distance education. 26613

If the required proof of completion is not submitted to 26614
the superintendent within twelve months of the date a license is 26615
issued under this section, the license of the real estate broker 26616
is suspended automatically without the taking of any action by 26617
the superintendent. The broker's license shall not be 26618
reactivated by the superintendent until it is established, to 26619
the satisfaction of the superintendent, that the requirements of 26620
this division have been met and that the licensee is in 26621
compliance with this chapter. A licensee's license is revoked 26622
automatically without the taking of any action by the 26623
superintendent if the licensee fails to submit proof of 26624
completion of the education requirements specified under 26625
division (G) (1) of this section within twelve months of the date 26626
the license is suspended. 26627

(2) If the license of a real estate broker is suspended 26628
pursuant to division (G) (1) of this section, the license of a 26629
real estate salesperson associated with that broker 26630
correspondingly is suspended pursuant to division (H) of section 26631
4735.20 of the Revised Code. However, the suspended license of 26632
the associated real estate salesperson shall be reactivated and 26633
no fee shall be charged or collected for that reactivation if 26634
all of the following occur: 26635

(a) That broker subsequently submits satisfactory proof to 26636
the superintendent that the broker has complied with the 26637
requirements of division (G) (1) of this section and requests 26638
that the broker's license as a real estate broker be 26639
reactivated; 26640

(b) The superintendent then reactivates the broker's 26641

license as a real estate broker; 26642

(c) The associated real estate salesperson intends to 26643
continue to be associated with that broker and otherwise is in 26644
compliance with this chapter. 26645

Sec. 4735.09. (A) Application for a license as a real 26646
estate salesperson shall be made to the superintendent of real 26647
estate on forms furnished by the superintendent and signed by 26648
the applicant. The application shall be in the form prescribed 26649
by the superintendent and shall contain such information as is 26650
required by this chapter and the rules of the Ohio real estate 26651
commission. The application shall be accompanied by the 26652
recommendation of the real estate broker with whom the applicant 26653
is associated or with whom the applicant intends to be 26654
associated, certifying that the applicant is honest, and 26655
~~truthful, and of good reputation,~~ has not been convicted of a 26656
~~felony or a crime involving moral turpitude~~ disqualifying 26657
offense, as specified under section 9.79 of the Revised Code, 26658
and has not been finally adjudged by a court to have violated 26659
any municipal, state, or federal civil rights laws relevant to 26660
the protection of purchasers or sellers of real estate, which 26661
conviction or adjudication the applicant has not disclosed to 26662
the superintendent, and recommending that the applicant be 26663
admitted to the real estate salesperson examination. 26664

(B) A fee of sixty dollars shall accompany the 26665
application, which fee includes the fee for the initial year of 26666
the licensing period, if a license is issued. The initial year 26667
of the licensing period commences at the time the license is 26668
issued and ends on the applicant's first birthday thereafter. 26669
The application fee shall be nonrefundable. A fee of sixty 26670
dollars shall be charged by the superintendent for each 26671

successive application made by the applicant. One dollar of each application fee shall be credited to the real estate education and research fund.

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

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

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

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

salesperson's license. 26702

(F) No applicant for a salesperson's license shall take 26703
the salesperson's examination who has not established to the 26704
satisfaction of the superintendent that the applicant: 26705

(1) Is honest, and truthful, ~~and of good reputation;~~ 26706

(2) (a) Has not been convicted of a ~~felony or crime of~~ 26707
~~moral turpitude or, if the applicant has been so convicted, the~~ 26708
~~superintendent has disregarded the conviction because the~~ 26709
~~applicant has proven to the superintendent, by a preponderance~~ 26710
~~of the evidence, that the applicant's activities and employment~~ 26711
~~record since the conviction show that the applicant is honest,~~ 26712
~~truthful, and of good reputation, and there is no basis in fact~~ 26713
~~for believing that the applicant again will violate the laws~~ 26714
~~involved disqualifying offense, as specified under section 9.79~~ 26715
~~of the Revised Code;~~ 26716

(b) Has not been finally adjudged by a court to have 26717
violated any municipal, state, or federal civil rights laws 26718
relevant to the protection of purchasers or sellers of real 26719
estate or, if the applicant has been so adjudged, at least two 26720
years have passed since the court decision and the 26721
superintendent has disregarded the adjudication because the 26722
applicant has proven, by a preponderance of the evidence, that 26723
the applicant is honest, and truthful, ~~and of good reputation,~~ 26724
and there is no basis in fact for believing that the applicant 26725
again will violate the laws involved. 26726

(3) Has not, during any period in which the applicant was 26727
licensed under this chapter, violated any provision of, or any 26728
rule adopted pursuant to this chapter, or, if the applicant has 26729
violated such provision or rule, has established to the 26730

satisfaction of the superintendent that the applicant will not
again violate such provision or rule; 26731
26732

(4) Is at least eighteen years of age; 26733

(5) If born after the year 1950, has a high school diploma
or a certificate of high school equivalence issued by the 26734
department of education; 26735
26736

(6) Has successfully completed at an institution of higher
education all of the following credit-eligible courses by either 26737
classroom instruction or distance education: 26738
26739

(a) Forty hours of instruction in real estate practice; 26740

(b) Forty hours of instruction that includes the subjects 26741
of Ohio real estate law, municipal, state, and federal civil 26742
rights law, new case law on housing discrimination, 26743
desegregation issues, and methods of eliminating the effects of 26744
prior discrimination. If feasible, the instruction in Ohio real 26745
estate law shall be taught by a member of the faculty of an 26746
accredited law school. If feasible, the instruction in 26747
municipal, state, and federal civil rights law, new case law on 26748
housing discrimination, desegregation issues, and methods of 26749
eliminating the effects of prior discrimination shall be taught 26750
by a staff member of the Ohio civil rights commission who is 26751
knowledgeable with respect to those subjects. The requirements 26752
of this division do not apply to an applicant who is admitted to 26753
practice before the supreme court. 26754

(c) Twenty hours of instruction in real estate appraisal; 26755

(d) Twenty hours of instruction in real estate finance. 26756

(G) (1) Successful completion of the instruction required 26757
by division (F) (6) of this section shall be determined by the 26758

law in effect on the date the instruction was completed. 26759

(2) Division (F)(6)(c) of this section does not apply to 26760
any new applicant who holds a valid Ohio real estate appraiser 26761
license or certificate issued prior to the date of application 26762
for a real estate salesperson's license. 26763

(H) Only for noncredit course offerings, an institution of 26764
higher education shall obtain approval from the appropriate 26765
state authorizing entity prior to offering a real estate course 26766
that is designed and marketed as satisfying the salesperson 26767
license education requirements of division (F)(6) of this 26768
section. The state authorizing entity may consult with the 26769
superintendent in reviewing the course for compliance with this 26770
section. 26771

(I) Any person who has not been licensed as a real estate 26772
salesperson or broker within a four-year period immediately 26773
preceding the person's current application for the salesperson's 26774
examination shall have successfully completed the prelicensure 26775
instruction required by division (F)(6) of this section within a 26776
ten-year period immediately preceding the person's current 26777
application for the salesperson's examination. 26778

(J) Not earlier than the date of issue of a real estate 26779
salesperson's license to a licensee, but not later than twelve 26780
months after the date of issue of a real estate salesperson 26781
license to a licensee, the licensee shall submit proof 26782
satisfactory to the superintendent, on forms made available by 26783
the superintendent, of the completion of twenty hours of 26784
instruction that shall be completed in schools, seminars, and 26785
educational institutions approved by the commission. The 26786
instruction shall include, but is not limited to, current 26787
practices relating to commercial real estate, property 26788

management, short sales, and land contracts; contract law; 26789
federal and state programs; economic conditions; and fiduciary 26790
responsibility. Approval of the curriculum and providers shall 26791
be granted according to rules adopted pursuant to section 26792
4735.10 of the Revised Code and may be taken through classroom 26793
instruction or distance education. 26794

If proof of completion of the required instruction is not 26795
submitted within twelve months of the date a license is issued 26796
under this section, the licensee's license is suspended 26797
automatically without the taking of any action by the 26798
superintendent. The superintendent immediately shall notify the 26799
broker with whom such salesperson is associated of the 26800
suspension of the salesperson's license. A salesperson whose 26801
license has been suspended under this division shall have twelve 26802
months after the date of the suspension of the salesperson's 26803
license to submit proof of successful completion of the 26804
instruction required under this division. No such license shall 26805
be reactivated by the superintendent until it is established, to 26806
the satisfaction of the superintendent, that the requirements of 26807
this division have been met and that the licensee is in 26808
compliance with this chapter. A licensee's license is revoked 26809
automatically without the taking of any action by the 26810
superintendent when the licensee fails to submit the required 26811
proof of completion of the education requirements under division 26812
(I) of this section within twelve months of the date the license 26813
is suspended. 26814

(K) Examinations shall be administered with reasonable 26815
accommodations in accordance with the requirements of the 26816
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 26817
U.S.C. 12189. The contents of an examination shall be consistent 26818
with the classroom instructional requirements of division (F) (6) 26819

of this section. An applicant who has completed the classroom 26820
instructional requirements of division (F) (6) of this section at 26821
the time of application shall be examined no later than twelve 26822
months after the applicant is notified of the applicant's 26823
admission to the examination. 26824

Sec. 4735.10. (A) (1) The Ohio real estate commission may 26825
adopt reasonable rules in accordance with Chapter 119. of the 26826
Revised Code, necessary for implementing the provisions of this 26827
chapter relating, but not limited to, the following: 26828

(a) The form and manner of filing applications for 26829
licensure; 26830

(b) Times and form of examination for license; 26831

(c) Placing an existing broker's license on deposit or a 26832
salesperson's license on an inactive status for an indefinite 26833
period; 26834

(d) Specifying the process by which a licensee may resign 26835
the licensee's license; 26836

(e) Defining any additional license status that the 26837
commission determines is necessary and that is not otherwise 26838
defined in this chapter and establishing the process by which a 26839
licensee places the licensee's license in a status defined by 26840
the commission in the rules the commission adopts; 26841

(f) Clarification of the activities that require a license 26842
under this chapter; 26843

(g) Permitting a broker to act as principal broker for 26844
more than one brokerage. 26845

(2) The commission shall adopt reasonable rules in 26846
accordance with Chapter 119. of the Revised Code, for 26847

implementing the provisions of this chapter relating to the 26848
following: 26849

(a) The issuance, renewal, suspension, and revocation of 26850
licenses, other sanctions that may be imposed for violations of 26851
this chapter, the conduct of hearings related to these actions, 26852
and the process of reactivating a license; 26853

(b) A three-year license and a three-year license renewal 26854
system; 26855

(c) Standards for the approval of the postlicensure 26856
courses as required by division (G) of section 4735.07 and 26857
division (J) of section 4735.09 of the Revised Code, courses of 26858
study required for licenses, courses offered in preparation for 26859
license examinations, or courses required as continuing 26860
education for licenses. 26861

(d) Guidelines to ensure that continuing education classes 26862
are open to all persons licensed under this chapter. The rules 26863
shall specify that an organization that sponsors a continuing 26864
education class may offer its members a reasonable reduction in 26865
the fees charged for the class. 26866

(e) Requirements for trust accounts and property 26867
management accounts. The rules shall specify that: 26868

(i) Brokerages engaged in the management of property for 26869
another may, pursuant to a written contract with the property 26870
owner, exercise signatory authority for withdrawals from 26871
property management accounts maintained in the name of the 26872
property owner. The exercise of authority for withdrawals does 26873
not constitute a violation of any provision of division (A) of 26874
section 4735.18 of the Revised Code. 26875

(ii) The interest earned on property management trust 26876

accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract.

(f) Notice of renewal forms and filing deadlines;

(g) Special assessments under division (A) of section 4735.12 of the Revised Code.

(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:

(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;

(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (B) of section 4735.06 of the Revised Code, including procedures for the application and approval of more than one trade name for a brokerage;

(3) Acceptance and rejection of applications to take the broker and salesperson examinations and licensure, with appropriate waivers pursuant to division (E) of section 4735.07 and section 4735.09 of the Revised Code;

(4) Approval of applications of brokers to place their licenses in an inactive status and to become salespersons under section 4735.13 of the Revised Code;

(5) Appointment of hearing examiners under section 119.09 of the Revised Code;

(6) Acceptance and rejection of applications to take the

foreign real estate dealer and salesperson examinations and 26905
licensure, with waiver of examination, under sections 4735.27 26906
and 4735.28 of the Revised Code; 26907

(7) Qualification of foreign real estate under section 26908
4735.25 of the Revised Code. 26909

If at any time there is no rule in effect establishing a 26910
guideline or standard required by this division, the 26911
superintendent may adopt a rule in accordance with Chapter 119. 26912
of the Revised Code for such purpose. 26913

(C) The commission or superintendent may hear testimony in 26914
matters relating to the duties imposed upon them, and the 26915
president of the commission and superintendent may administer 26916
oaths. The commission or superintendent may require other proof 26917
of the honesty, and truthfulness, ~~and good reputation~~ of any 26918
person named in an application for a real estate broker's or 26919
real estate salesperson's license before admitting the applicant 26920
to the examination or issuing a license. 26921

Sec. 4735.13. (A) Every real estate broker licensed under 26922
this chapter shall have and maintain a definite place of 26923
business in this state. A post office box address is not a 26924
definite place of business for purposes of this section. The 26925
license of a real estate broker shall be prominently displayed 26926
in the office or place of business of the broker, and no license 26927
shall authorize the licensee to do business except from the 26928
location specified in it. If the broker maintains more than one 26929
place of business within the state, the broker shall apply for 26930
and procure a duplicate license for each branch office 26931
maintained by the broker. Each branch office shall be in the 26932
charge of a licensed broker or salesperson. The branch office 26933
license shall be prominently displayed at the branch office 26934

location. 26935

(B) The license of each real estate salesperson shall be 26936
mailed to and remain in the possession of the licensed broker 26937
with whom the salesperson is or is to be associated until the 26938
licensee places the license on inactive or resigned status or 26939
until the salesperson leaves the brokerage or is terminated. The 26940
broker shall keep each salesperson's license in a way that it 26941
can, and shall on request, be made immediately available for 26942
public inspection at the office or place of business of the 26943
broker. Except as provided in divisions (G) and (H) of this 26944
section, immediately upon the salesperson's leaving the 26945
association or termination of the association of a real estate 26946
salesperson with the broker, the broker shall return the 26947
salesperson's license to the superintendent of real estate. 26948

The failure of a broker to return the license of a real 26949
estate salesperson or broker who leaves or who is terminated, 26950
via certified mail return receipt requested, within three 26951
business days of the receipt of a written request from the 26952
superintendent for the return of the license, is prima-facie 26953
evidence of misconduct under division (A) (6) of section 4735.18 26954
of the Revised Code. 26955

(C) A licensee shall notify the superintendent in writing 26956
within fifteen days of any of the following occurrences: 26957

(1) The licensee is convicted of a ~~felony.~~ 26958

~~(2) The licensee is convicted of a crime involving moral-~~ 26959
~~turpitude~~ disqualifying offense, as specified under section 9.79 26960
of the Revised Code. 26961

~~(3)~~ (2) The licensee is found to have violated any 26962
federal, state, or municipal civil rights law pertaining to 26963

discrimination in housing. 26964

~~(4)~~ (3) The licensee is found to have engaged in a 26965
discriminatory practice pertaining to housing accommodations 26966
described in division (H) of section 4112.02 of the Revised 26967
Code. 26968

~~(5)~~ (4) The licensee is the subject of an order by the 26969
department of commerce, the department of insurance, or the 26970
department of agriculture revoking or permanently surrendering 26971
any professional license, certificate, or registration. 26972

~~(6)~~ (5) The licensee is the subject of an order by any 26973
government agency concerning real estate, financial matters, or 26974
the performance of fiduciary duties with respect to any license, 26975
certificate, or registration. 26976

If a licensee fails to notify the superintendent within 26977
the required time, the superintendent immediately may suspend 26978
the license of the licensee. 26979

Any court that convicts a licensee of a violation of any 26980
municipal civil rights law pertaining to housing discrimination 26981
also shall notify the Ohio civil rights commission within 26982
fifteen days of the conviction. 26983

(D) In case of any change of business location, a broker 26984
shall give notice to the superintendent, on a form prescribed by 26985
the superintendent, within thirty days after the change of 26986
location, whereupon the superintendent shall issue new licenses 26987
for the unexpired period without charge. If a broker changes a 26988
business location without giving the required notice and without 26989
receiving new licenses that action is prima-facie evidence of 26990
misconduct under division (A) (6) of section 4735.18 of the 26991
Revised Code. 26992

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of twenty-five dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest, ~~and truthful, and of good reputation,~~ has not been convicted of a ~~felony or a crime involving moral turpitude~~ disqualifying offense, as specified under section 9.79 of the Revised Code, and 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, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the superintendent to all salespersons associated with the broker when applying to place the broker's license on deposit.

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

or intends to become a licensed real estate broker, the broker 27024
shall notify the superintendent of the broker's intentions. The 27025
notice of intention shall be on a form prescribed by the 27026
superintendent and shall be accompanied by a fee of twenty-five 27027
dollars. One dollar of the fee shall be credited to the real 27028
estate education and research fund. 27029

A licensed real estate broker who is a member or officer 27030
of a partnership, association, limited liability company, 27031
limited liability partnership, or corporation shall only act as 27032
a real estate broker for such partnership, association, limited 27033
liability company, limited liability partnership, or 27034
corporation. 27035

(G) (1) If a real estate broker or salesperson enters the 27036
armed forces, the broker or salesperson may place the broker's 27037
or salesperson's license on deposit with the Ohio real estate 27038
commission. The licensee shall not be required to renew the 27039
license until the renewal date that follows the date of 27040
discharge from the armed forces. Any license deposited with the 27041
commission shall be subject to this chapter. 27042

Any licensee whose license is on deposit under this 27043
division and who fails to meet the continuing education 27044
requirements of section 4735.141 of the Revised Code because the 27045
licensee is in the armed forces shall satisfy the commission 27046
that the licensee has complied with the continuing education 27047
requirements within twelve months of the licensee's first 27048
birthday after discharge or within the amount of time equal to 27049
the total number of months the licensee spent on active duty, 27050
whichever is greater. The licensee shall submit proper 27051
documentation of active duty service and the length of that 27052
active duty service to the superintendent. The extension shall 27053

not exceed the total number of months that the licensee served 27054
in active duty. The superintendent shall notify the licensee of 27055
the licensee's obligations under section 4735.141 of the Revised 27056
Code at the time the licensee applies for reactivation of the 27057
licensee's license. 27058

(2) If a licensee is a spouse of a member of the armed 27059
forces and the spouse's service resulted in the licensee's 27060
absence from this state, both of the following apply: 27061

(a) The licensee shall not be required to renew the 27062
license until the renewal date that follows the date of the 27063
spouse's discharge from the armed forces. 27064

(b) If the licensee fails to meet the continuing education 27065
requirements of section 4735.141 of the Revised Code, the 27066
licensee shall satisfy the commission that the licensee has 27067
complied with the continuing education requirements within 27068
twelve months after the licensee's first birthday after the 27069
spouse's discharge or within the amount of time equal to the 27070
total number of months the licensee's spouse spent on active 27071
duty, whichever is greater. The licensee shall submit proper 27072
documentation of the spouse's active duty service and the length 27073
of that active duty service. This extension shall not exceed the 27074
total number of months that the licensee's spouse served in 27075
active duty. 27076

(3) In the case of a licensee as described in division (G) 27077
(2) of this section, who holds the license through a reciprocity 27078
agreement with another state, the spouse's service shall have 27079
resulted in the licensee's absence from the licensee's state of 27080
residence for the provisions of that division to apply. 27081

(4) As used in this division, "armed forces" means the 27082

armed forces of the United States or reserve component of the 27083
armed forces of the United States including the Ohio national 27084
guard or the national guard of any other state. 27085

(H) If a licensed real estate salesperson submits an 27086
application to the superintendent to leave the association of 27087
one broker to associate with a different broker, the broker 27088
possessing the licensee's license need not return the 27089
salesperson's license to the superintendent. The superintendent 27090
may process the application regardless of whether the licensee's 27091
license is returned to the superintendent. 27092

Sec. 4735.18. (A) Subject to section 4735.32 of the 27093
Revised Code, the superintendent of real estate, upon the 27094
superintendent's own motion, may investigate the conduct of any 27095
licensee. Subject to section 4735.32 of the Revised Code, the 27096
Ohio real estate commission shall impose disciplinary sanctions 27097
upon any licensee who, whether or not acting in the licensee's 27098
capacity as a real estate broker or salesperson, or in handling 27099
the licensee's own property, is found to have been convicted of 27100
~~a felony or a crime of moral turpitude~~ disqualifying offense, as 27101
specified under section 9.79 of the Revised Code, and may impose 27102
disciplinary sanctions upon any licensee who, in the licensee's 27103
capacity as a real estate broker or salesperson, or in handling 27104
the licensee's own property, is found guilty of: 27105

(1) Knowingly making any misrepresentation; 27106

(2) Making any false promises with intent to influence, 27107
persuade, or induce; 27108

(3) A continued course of misrepresentation or the making 27109
of false promises through agents, salespersons, advertising, or 27110
otherwise; 27111

(4) Acting for more than one party in a transaction except 27112
as permitted by and in compliance with section 4735.71 of the 27113
Revised Code; 27114

(5) Failure within a reasonable time to account for or to 27115
remit any money coming into the licensee's possession which 27116
belongs to others; 27117

(6) ~~Dishonest or illegal~~ Illegal dealing, gross 27118
negligence, incompetency, or misconduct; 27119

(7) (a) By final adjudication by a court, a violation of 27120
any municipal or federal civil rights law relevant to the 27121
protection of purchasers or sellers of real estate or, by final 27122
adjudication by a court, any unlawful discriminatory practice 27123
pertaining to the purchase or sale of real estate prohibited by 27124
Chapter 4112. of the Revised Code, provided that such violation 27125
arose out of a situation wherein parties were engaged in bona 27126
fide efforts to purchase, sell, or lease real estate, in the 27127
licensee's practice as a licensed real estate broker or 27128
salesperson; 27129

(b) A second or subsequent violation of any unlawful 27130
discriminatory practice pertaining to the purchase or sale of 27131
real estate prohibited by Chapter 4112. of the Revised Code or 27132
any second or subsequent violation of municipal or federal civil 27133
rights laws relevant to purchasing or selling real estate 27134
whether or not there has been a final adjudication by a court, 27135
provided that such violation arose out of a situation wherein 27136
parties were engaged in bona fide efforts to purchase, sell, or 27137
lease real estate. For any second offense under this division, 27138
the commission shall suspend for a minimum of two months or 27139
revoke the license of the broker or salesperson. For any 27140
subsequent offense, the commission shall revoke the license of 27141

the broker or salesperson.	27142
(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;	27143 27144 27145
(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;	27146 27147 27148 27149
(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;	27150 27151 27152 27153 27154 27155
(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;	27156 27157 27158 27159 27160 27161
(12) Having falsely represented membership in any real estate professional association of which the licensee is not a member;	27162 27163 27164
(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;	27165 27166 27167
(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of	27168 27169 27170

real estate or having offered real estate or the improvements on	27171
real estate as a prize in a lottery or scheme of chance;	27172
(15) Having acted in the dual capacity of real estate	27173
broker and undisclosed principal, or real estate salesperson and	27174
undisclosed principal, in any transaction;	27175
(16) Having guaranteed, authorized, or permitted any	27176
person to guarantee future profits which may result from the	27177
resale of real property;	27178
(17) Having advertised or placed a sign on any property	27179
offering it for sale or for rent without the consent of the	27180
owner or the owner's authorized agent;	27181
(18) Having induced any party to a contract of sale or	27182
lease to break such contract for the purpose of substituting in	27183
lieu of it a new contract with another principal;	27184
(19) Having negotiated the sale, exchange, or lease of any	27185
real property directly with a seller, purchaser, lessor, or	27186
tenant knowing that such seller, purchaser, lessor, or tenant is	27187
represented by another broker under a written exclusive agency	27188
agreement, exclusive right to sell or lease listing agreement,	27189
or exclusive purchaser agency agreement with respect to such	27190
property except as provided for in section 4735.75 of the	27191
Revised Code;	27192
(20) Having offered real property for sale or for lease	27193
without the knowledge and consent of the owner or the owner's	27194
authorized agent, or on any terms other than those authorized by	27195
the owner or the owner's authorized agent;	27196
(21) Having published advertising, whether printed, radio,	27197
display, or of any other nature, which was misleading or	27198
inaccurate in any material particular, or in any way having	27199

misrepresented any properties, terms, values, policies, or	27200
services of the business conducted;	27201
(22) Having knowingly withheld from or inserted in any	27202
statement of account or invoice any statement that made it	27203
inaccurate in any material particular;	27204
(23) Having published or circulated unjustified or	27205
unwarranted threats of legal proceedings which tended to or had	27206
the effect of harassing competitors or intimidating their	27207
customers;	27208
(24) Having failed to keep complete and accurate records	27209
of all transactions for a period of three years from the date of	27210
the transaction, such records to include copies of listing	27211
forms, earnest money receipts, offers to purchase and	27212
acceptances of them, records of receipts and disbursements of	27213
all funds received by the licensee as broker and incident to the	27214
licensee's transactions as such, and records required pursuant	27215
to divisions (C) (4) and (5) of section 4735.20 of the Revised	27216
Code, and any other instruments or papers related to the	27217
performance of any of the acts set forth in the definition of a	27218
real estate broker;	27219
(25) Failure of a real estate broker or salesperson to	27220
furnish all parties involved in a real estate transaction true	27221
copies of all listings and other agreements to which they are a	27222
party, at the time each party signs them;	27223
(26) Failure to maintain at all times a special or trust	27224
bank account in a depository located in this state. The account	27225
shall be noninterest-bearing, separate and distinct from any	27226
personal or other account of the broker, and, except as provided	27227
in division (A) (27) of this section, shall be used for the	27228

deposit and maintenance of all escrow funds, security deposits, 27229
and other moneys received by the broker in a fiduciary capacity. 27230
The name, account number, if any, and location of the depository 27231
wherein such special or trust account is maintained shall be 27232
submitted in writing to the superintendent. Checks drawn on such 27233
special or trust bank accounts are deemed to meet the conditions 27234
imposed by section 1349.21 of the Revised Code. Funds deposited 27235
in the trust or special account in connection with a purchase 27236
agreement shall be maintained in accordance with section 4735.24 27237
of the Revised Code. 27238

(27) Failure to maintain at all times a special or trust 27239
bank account in a depository in this state, to be used 27240
exclusively for the deposit and maintenance of all rents, 27241
security deposits, escrow funds, and other moneys received by 27242
the broker in a fiduciary capacity in the course of managing 27243
real property. This account shall be separate and distinct from 27244
any other account maintained by the broker. The name, account 27245
number, and location of the depository shall be submitted in 27246
writing to the superintendent. This account may earn interest, 27247
which shall be paid to the property owners on a pro rata basis. 27248

Division (A) (27) of this section does not apply to brokers 27249
who are not engaged in the management of real property on behalf 27250
of real property owners. 27251

(28) Having failed to put definite expiration dates in all 27252
written agency agreements to which the broker is a party; 27253

(29) Having an unsatisfied final judgment or lien in any 27254
court of record against the licensee arising out of the 27255
licensee's conduct as a licensed broker or salesperson; 27256

(30) Failing to render promptly upon demand a full and 27257

complete statement of the expenditures by the broker or 27258
salesperson of funds advanced by or on behalf of a party to a 27259
real estate transaction to the broker or salesperson for the 27260
purpose of performing duties as a licensee under this chapter in 27261
conjunction with the real estate transaction; 27262

(31) Failure within a reasonable time, after the receipt 27263
of the commission by the broker, to render an accounting to and 27264
pay a real estate salesperson the salesperson's earned share of 27265
it; 27266

(32) Performing any service for another constituting the 27267
practice of law, as determined by any court of law; 27268

(33) Having been adjudicated incompetent for the purpose 27269
of holding the license by a court, as provided in section 27270
5122.301 of the Revised Code. A license revoked or suspended 27271
under this division shall be reactivated upon proof to the 27272
commission of the removal of the disability. 27273

(34) Having authorized or permitted a person to act as an 27274
agent in the capacity of a real estate broker, or a real estate 27275
salesperson, who was not then licensed as a real estate broker 27276
or real estate salesperson under this chapter or who was not 27277
then operating as an out-of-state commercial real estate broker 27278
or salesperson under section 4735.022 of the Revised Code; 27279

(35) Having knowingly inserted or participated in 27280
inserting any materially inaccurate term in a document, 27281
including naming a false consideration; 27282

(36) Having failed to inform the licensee's client of the 27283
existence of an offer or counteroffer or having failed to 27284
present an offer or counteroffer in a timely manner, unless 27285
otherwise instructed by the client, provided the instruction of 27286

the client does not conflict with any state or federal law; 27287

(37) Having failed to comply with section 4735.24 of the 27288
Revised Code; 27289

(38) Having acted as a broker without authority, impeded 27290
the ability of a principal broker to perform any of the duties 27291
described in section 4735.081 of the Revised Code, or impeded 27292
the ability a management level licensee to perform the 27293
licensee's duties. 27294

(B) Whenever the commission, pursuant to section 4735.051 27295
of the Revised Code, imposes disciplinary sanctions for any 27296
violation of this section, the commission also may impose such 27297
sanctions upon the broker with whom the salesperson is 27298
affiliated if the commission finds that the broker had knowledge 27299
of the salesperson's actions that violated this section. 27300

(C) The commission shall, pursuant to section 4735.051 of 27301
the Revised Code, impose disciplinary sanctions upon any foreign 27302
real estate dealer or salesperson who, in that capacity or in 27303
handling the dealer's or salesperson's own property, is found 27304
guilty of any of the acts or omissions specified or comprehended 27305
in division (A) of this section insofar as the acts or omissions 27306
pertain to foreign real estate. If the commission imposes such 27307
sanctions upon a foreign real estate salesperson for a violation 27308
of this section, the commission also may suspend or revoke the 27309
license of the foreign real estate dealer with whom the 27310
salesperson is affiliated if the commission finds that the 27311
dealer had knowledge of the salesperson's actions that violated 27312
this section. 27313

(D) The commission may suspend, in whole or in part, the 27314
imposition of the penalty of suspension of a license under this 27315

section. 27316

Sec. 4735.27. (A) An application to act as a foreign real 27317
estate dealer shall be in writing and filed with the 27318
superintendent of real estate. It shall be in the form the 27319
superintendent prescribes and shall contain the following 27320
information: 27321

(1) The name and address of the applicant; 27322

(2) A description of the applicant, including, if the 27323
applicant is a partnership, unincorporated association, or any 27324
similar form of business organization, the names and the 27325
residence and business addresses of all partners, officers, 27326
directors, trustees, or managers of the organization, and the 27327
limitation of the liability of any partner or member; and if the 27328
applicant is a corporation, a list of its officers and 27329
directors, and the residence and business addresses of each, 27330
and, if it is a foreign corporation, a copy of its articles of 27331
incorporation in addition; 27332

(3) The location and addresses of the principal office and 27333
all other offices of the applicant; 27334

(4) A general description of the business of the applicant 27335
prior to the application, including a list of states in which 27336
the applicant is a licensed foreign real estate dealer; 27337

(5) The names and addresses of all ~~salesmen~~ salespersons 27338
of the applicant at the date of the application; 27339

(6) The nature of the business of the applicant, and its 27340
places of business, for the ten-year period preceding the date 27341
of application. 27342

(B) Every nonresident applicant shall name a person within 27343

this state upon whom process against the applicant may be served 27344
and shall give the complete residence and business address of 27345
the person designated. Every applicant shall file an irrevocable 27346
written consent, executed and acknowledged by an individual duly 27347
authorized to give such consent, that actions growing out of a 27348
fraud committed by the applicant in connection with the sale in 27349
this state of foreign real estate may be commenced against it, 27350
in the proper court of any county in this state in which a cause 27351
of action for such fraud may arise or in which the plaintiff in 27352
such action may reside, by serving on the secretary of state any 27353
proper process or pleading authorized by the laws of this state, 27354
in the event that the applicant if a resident of this state, or 27355
the person designated by the nonresident applicant, cannot be 27356
found at the address given. The consent shall stipulate that the 27357
service of process on the secretary of state shall be taken in 27358
all courts to be as valid and binding as if service had been 27359
made upon the foreign real estate dealer. If the applicant is a 27360
corporation or an unincorporated association, the consent shall 27361
be accompanied by a certified copy of the resolution of the 27362
board of directors, trustees, or managers of the corporation or 27363
association, authorizing such individual to execute the consent. 27364

(C) The superintendent may investigate any applicant for a 27365
dealer's license, and may require any additional information ~~he~~ 27366
the superintendent considers necessary to determine the ~~business~~ 27367
~~repute and~~ qualifications of the applicant to act as a foreign 27368
real estate dealer. If the application for a dealer's license 27369
involves investigation outside this state, the superintendent 27370
may require the applicant to advance sufficient funds to pay any 27371
of the actual expenses of the investigation, and an itemized 27372
statement of such expense shall be furnished to the applicant. 27373

(D) Every applicant shall take a written examination, 27374

prescribed and conducted by the superintendent, which covers ~~his~~ 27375
the applicant's knowledge of the principles of real estate 27376
practice, real estate law, financing and appraisal, real estate 27377
transactions and instruments relating to them, canons of 27378
business ethics relating to real estate transactions, and the 27379
duties of foreign real estate dealers and ~~salesmen~~ salespersons. 27380
The fee for the examination, when administered by the 27381
superintendent, is seventy-five dollars. If the applicant does 27382
not appear for the examination, the fee shall be forfeited and a 27383
new application and fee shall be filed, unless good cause for 27384
the failure to appear is shown to the superintendent. The 27385
requirement of an examination may be waived in whole or in part 27386
by the superintendent if an applicant is licensed as a real 27387
estate broker by any state. 27388

Any applicant who fails the examination twice shall wait 27389
six months before applying to retake the examination. 27390

(E) No person shall take the foreign real estate dealer's 27391
examination who has not established to the satisfaction of the 27392
superintendent that ~~he~~ the person: 27393

(1) Has not been convicted of a ~~felony or a crime of moral~~ 27394
~~turpitude or, if he has been so convicted, the superintendent~~ 27395
~~has disregarded the conviction because the applicant has proven~~ 27396
~~to the superintendent, by a preponderance of the evidence, that~~ 27397
~~his activities and employment record since the conviction show~~ 27398
~~that he is honest, truthful, and of good reputation, and there~~ 27399
~~is no basis in fact for believing that he again will violate the~~ 27400
~~laws involved~~ disqualifying offense, as specified under section 27401
9.79 of the Revised Code; 27402

(2) Has not been finally adjudged by a court to have 27403
violated any municipal, state, or federal civil rights laws 27404

relevant to the protection of purchasers or sellers of real 27405
estate or, if ~~he~~ the applicant has been so adjudged, at least 27406
two years have passed since the court decision and the 27407
superintendent has disregarded the adjudication because the 27408
applicant has proven, by a preponderance of the evidence, that 27409
~~his~~ the applicant's activities and employment record since the 27410
adjudication show that ~~he~~ the applicant is honest, and truthful, ~~and~~ 27411
~~and of good reputation,~~ and there is no basis in fact for 27412
believing that ~~he~~ the applicant again will violate the laws 27413
involved; 27414

(3) Has not, during any period for which ~~he~~ the applicant 27415
was licensed under this chapter or any former section of the 27416
Revised Code applicable to licensed foreign real estate dealers 27417
or ~~salesmen~~ salespersons, violated any provision of, or any rule 27418
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 27419
applicant has violated any such provision or rule, has 27420
established to the satisfaction of the superintendent that ~~he~~ 27421
the applicant will not again violate the provision or rule. 27422

(F) If the superintendent finds that an applicant for a 27423
license as a foreign real estate dealer, or each named member, 27424
manager, or officer of a partnership, association, or corporate 27425
applicant is at least eighteen years of age, ~~is of good business~~ 27426
~~repute,~~ has passed the examination required under this section 27427
or has had the requirement of an examination waived, and appears 27428
otherwise qualified, the superintendent shall issue a license to 27429
the applicant to engage in business in this state as a foreign 27430
real estate dealer. Dealers licensed pursuant to this section 27431
shall employ as ~~salesmen~~ salespersons of foreign real estate 27432
only persons licensed pursuant to section 4735.28 of the Revised 27433
Code. If at any time such ~~salesmen~~ salespersons resign or are 27434
discharged or new ~~salesmen~~ salespersons are added, the dealer 27435

forthwith shall notify the superintendent and shall file with 27436
the division of real estate the names and addresses of new 27437
~~salesmen~~ salespersons. 27438

(G) If the applicant merely is renewing ~~his~~ the 27439
applicant's license for the previous year, the application need 27440
contain only the information required by divisions (A) (2), (3), 27441
and (6) of this section. 27442

Sec. 4735.28. (A) An application to act as a foreign real 27443
estate ~~salesman~~ salesperson shall be in writing and filed with 27444
the superintendent of real estate. It shall be in the form the 27445
superintendent prescribes and shall contain the following 27446
information: 27447

(1) The name and complete residence and business addresses 27448
of the applicant; 27449

(2) The name of the foreign real estate dealer who is 27450
employing the applicant or who intends to employ ~~him~~ the 27451
applicant; 27452

(3) The age and education of the applicant, and ~~his~~ the 27453
applicant's experience in the sale of foreign real estate; 27454
whether ~~he~~ the applicant has ever been licensed by the 27455
superintendent, and if so, when; whether ~~he~~ the applicant has 27456
ever been refused a license by the superintendent; and whether 27457
~~he~~ the applicant has ever been licensed or refused a license or 27458
any similar permit by any division or superintendent of real 27459
estate, by whatsoever name known or designated, anywhere; 27460

(4) The nature of the employment, and the names and 27461
addresses of the employers, of the applicant for the period of 27462
ten years immediately preceding the date of the application. 27463

(B) Every applicant shall take a written examination, 27464

prescribed and conducted by the superintendent, which covers ~~his-~~ 27465
the applicant's knowledge of the principles of real estate 27466
practice, real estate law, financing and appraisal, real estate 27467
transactions and instruments relating to them, canons of 27468
business ethics relating to real estate transactions, and the 27469
duties of foreign real estate ~~salesmen~~ salespersons. The fee for 27470
the examination, when administered by the superintendent, is 27471
fifty dollars. If the applicant does not appear for the 27472
examination, the fee shall be forfeited and a new application 27473
and fee shall be filed, unless good cause for the failure to 27474
appear is shown to the superintendent. The requirement of an 27475
examination may be waived in whole or in part by the 27476
superintendent if an applicant is licensed as a real estate 27477
broker or ~~salesman~~ salesperson by any state. 27478

Any applicant who fails the examination twice shall wait 27479
six months before applying to retake the examination. 27480

(C) No person shall take the foreign real estate 27481
~~salesman's~~ salesperson's examination who has not established to 27482
the satisfaction of the superintendent that ~~he~~ the person: 27483

(1) Has not been convicted of a ~~felony or a crime of moral~~ 27484
~~turpitude or, if he has been so convicted, the superintendent~~ 27485
~~has disregarded the conviction because the applicant has proven~~ 27486
~~to the superintendent, by a preponderance of the evidence, that~~ 27487
~~his activities and employment record since the conviction show~~ 27488
~~that he is honest, truthful, and of good reputation, and there~~ 27489
~~is no basis in fact for believing that he again will violate the~~ 27490
~~laws involved~~ disqualifying offense, as specified under section 27491
9.79 of the Revised Code; 27492

(2) Has not been finally adjudged by a court to have 27493
violated any municipal, state, or federal civil rights laws 27494

relevant to the protection of purchasers or sellers of real 27495
estate or, if ~~he~~ the applicant has been so adjudged, at least 27496
two years have passed since the court decision and the 27497
superintendent has disregarded the adjudication because the 27498
applicant has proven, by a preponderance of the evidence, that 27499
~~his~~ the applicant's activities and employment record since the 27500
adjudication show that ~~he~~ the applicant is honest, and truthful, ~~and~~ 27501
~~and of good reputation~~, and there is no basis in fact for 27502
believing that ~~he~~ the applicant will again violate the laws; 27503

(3) Has not, during any period for which ~~he~~ the applicant 27504
was licensed under this chapter or any former section of the 27505
Revised Code ~~aplicable~~ applicable to licensed foreign real estate 27506
dealers or ~~salesmen~~ salespersons, violated any provision of, or 27507
any rule adopted pursuant to, this chapter or that section, or, 27508
if ~~he~~ the applicant has violated any such provision or rule, has 27509
established to the satisfaction of the superintendent that ~~he~~ 27510
the applicant will not again violate the provision or rule. 27511

(D) Every ~~salesman~~ salesperson of foreign real estate 27512
shall be licensed by the superintendent of real estate and shall 27513
be employed only by the licensed foreign real estate dealer 27514
specified on ~~his~~ the salesperson's license. 27515

(E) If the superintendent finds that the applicant ~~is of~~ 27516
~~good business repute~~, appears to be qualified to act as a 27517
foreign real estate ~~salesman~~, salesperson and has fully complied 27518
with the provisions of this chapter, and that the dealer in the 27519
application is a licensed foreign real estate dealer, the 27520
superintendent, upon payment of the fees prescribed by section 27521
4735.15 of the Revised Code, shall issue a license to the 27522
applicant authorizing ~~him~~ the applicant to act as ~~salesman~~ a 27523
salesperson for the dealer named in the application. 27524

Sec. 4736.08. An application for registration as a 27525
sanitarian shall be made to the director of health on a form 27526
prescribed by the director and accompanied by the application 27527
fee prescribed in section 4736.12 of the Revised Code. The 27528
director shall register an applicant if the applicant ~~is of good~~ 27529
~~moral character,~~ passes an examination conducted by the director 27530
in accordance with section 4736.09 of the Revised Code, and 27531
meets the education and experience requirements of division (A), 27532
(B), or (C) of this section: 27533

(A) Graduated from an accredited college or university 27534
with at least a baccalaureate degree, including at least forty- 27535
five quarter units or thirty semester units of science courses 27536
approved by the director; and completed at least two years of 27537
full-time employment as a sanitarian; 27538

(B) Graduated from an accredited college or university 27539
with at least a baccalaureate degree, completed a major in 27540
environmental health science which included an internship 27541
program approved by the director; and completed at least one 27542
year of full-time employment as a sanitarian; 27543

(C) Graduated from an accredited college or university 27544
with a degree higher than a baccalaureate degree, including at 27545
least forty-five quarter units or thirty semester units of 27546
science courses approved by the director; and completed at least 27547
one year of full-time employment as a sanitarian. 27548

Sec. 4737.99. (A) Except as specified in divisions (B), 27549
(C), (D), (E), and (F) of this section, whoever violates 27550
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 27551
not less than twenty-five nor more than one thousand dollars and 27552
the costs of prosecution. 27553

(B) Whoever violates division (F) (2) of section 4737.10 of the Revised Code is guilty of a misdemeanor of the fourth degree. 27554
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(C) Whoever fails to comply with or violates section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender one time previously has violated or failed to comply with section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code, the violation or failure is a felony of the fifth degree. If the offender two or more times previously has violated or failed to comply with section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code, the violation or failure is a felony of the fourth degree. ~~For any second or subsequent violation of or failure to comply with section 4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code, a court may suspend the registration issued to the scrap metal dealer or bulk merchandise container dealer under section 4737.045 of the Revised Code for a period of ninety days, during which time period the person shall not engage in the business of a scrap metal dealer or a bulk merchandise container dealer, as applicable.~~ 27557
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(D) Whoever violates division (B) (1) of section 4737.04 of the Revised Code is guilty of a felony of the fifth degree. ~~The court also shall enjoin the person from engaging in the business of a scrap metal dealer or a bulk merchandise dealer.~~ 27581
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(E) Whoever violates division (B) (2) of section 4737.04 of the Revised Code is guilty of a felony of the fifth degree for the first offense and a felony of the third degree for any subsequent offense.

(F) Any motor vehicle used in the theft or illegal transportation of metal shall be impounded for at least thirty days and not more than sixty days. If the same motor vehicle is used in connection with a second or subsequent theft or illegal transportation of metal, the motor vehicle shall be impounded for at least sixty days and not more than one hundred eighty days. Any motor vehicle used in the theft or illegal transportation of a special purchase article or bulk merchandise container shall be impounded for at least ninety days and not more than three hundred sixty days. A motor vehicle impounded pursuant to this division shall be stored at a municipal corporation impound lot, if available, or at a lot owned by a private entity or another governmental unit that the municipal corporation utilizes for the purpose of impounding a motor vehicle. An impounded motor vehicle may be recovered from the impound lot at the end of the impound term upon payment of fees.

Sec. 4738.04. Each person applying for a motor vehicle salvage dealer license or a salvage motor vehicle auction license or a salvage motor vehicle pool license shall make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each county in which the business is to be conducted. The application for each type of license shall be in the form prescribed by the registrar and shall be signed and sworn to by the applicant. The application for a license for a motor vehicle salvage dealer, a salvage motor vehicle auction, or salvage motor vehicle pool, in addition to other information

as is required by the registrar, shall include the following: 27616

(A) Name of applicant and location of principal place of 27617
business; 27618

(B) Name or style under which business is to be conducted 27619
and, if a corporation, the state of incorporation; 27620

(C) Name and address of each owner or partner and, if a 27621
corporation, the names of the officers and directors; 27622

(D) The county in which the business is to be conducted 27623
and the address of each place of business therein; 27624

(E) A financial statement of the applicant showing the 27625
true financial condition as of a date not earlier than six 27626
months prior to the date of the application; 27627

(F) A statement of the previous history, record, and 27628
association of the applicant and of each owner, partner, 27629
officer, and director, which statement shall be sufficient to 27630
establish to the satisfaction of the registrar the reputation in 27631
business of the applicant; 27632

(G) A statement showing whether the applicant has 27633
previously been convicted of ~~a crime of moral turpitude or a~~ 27634
disqualifying offense as ~~those terms are defined in~~ specified 27635
under section 4776.10-9.79 of the Revised Code; 27636

(H) A statement showing whether the applicant has 27637
previously applied for a license under this chapter and the 27638
result of the application, and whether the applicant has ever 27639
been the holder of any such license which was revoked or 27640
suspended; 27641

(I) If the applicant is a corporation or partnership, a 27642
statement showing whether any of the partners, officers, or 27643

directors have been refused a license under this chapter, or 27644
have been the holder of any such license which was revoked or 27645
suspended. 27646

Sec. 4738.07. (A) Except as otherwise provided in division 27647
(B) of this section, the registrar of motor vehicles shall deny 27648
the application of any person for a license under this chapter 27649
and refuse to issue the person a license if the registrar finds 27650
that the applicant: 27651

(1) Has made false statement of a material fact in the 27652
individual's application; 27653

(2) Has not complied with sections 4738.01 to 4738.15 of 27654
the Revised Code: 27655

(3) ~~Is of bad business repute or has~~ Has habitually 27656
defaulted on financial obligations; 27657

(4) Has been convicted of ~~or pleaded guilty to a crime of~~ 27658
~~moral turpitude or a disqualifying offense as defined in~~ 27659
specified under section 4776.10-9.79 of the Revised Code; 27660

(5) Has been guilty of a fraudulent act in connection with 27661
dealing in salvage motor vehicles or when operating as a motor 27662
vehicle salvage dealer, salvage motor vehicle auction, or 27663
salvage motor vehicle pool; 27664

(6) Is insolvent; 27665

(7) Is of insufficient responsibility to assure the prompt 27666
payment of any final judgments which might reasonably be entered 27667
against the individual because of the transaction of the 27668
individual's business during the period of the license applied 27669
for; 27670

(8) Has no established place of business; or 27671

(9) Has less than twelve months prior to said application, 27672
been denied a license under this chapter. 27673

~~(B) (1) Except as otherwise provided in this division, the 27674
registrar of motor vehicles may grant, but is not required to 27675
grant, the application of any person for a license under this 27676
chapter if the registrar finds that the applicant has been 27677
convicted of or pleaded guilty to either of the following: 27678~~

~~(a) A misdemeanor that is not a crime of moral turpitude 27679
or a disqualifying offense less than a year prior to the 27680
person's initial application; 27681~~

~~(b) A felony that is not a crime of moral turpitude or a 27682
disqualifying offense less than three years prior to the 27683
person's application. 27684~~

~~(2) The provisions in division (B) (1) of this section do 27685
not apply with respect to any offense unless the registrar, 27686
prior to the effective date of this amendment, was required or 27687
authorized to deny the registration based on that offense. 27688~~

~~(3) In considering a renewal of an individual's license, 27689
the registrar shall not consider any conviction or plea of 27690
guilty prior to the initial licensing. However, the registrar 27691
may consider a conviction or plea of guilty if it occurred after 27692
the individual was initially licensed, or after the most recent 27693
license renewal. 27694~~

(C) The registrar may grant a person a conditional license 27695
that lasts for one year. After the one-year period has expired, 27696
the license is no longer considered conditional, and the person 27697
shall be considered fully licensed. 27698

(D) If the applicant is a corporation or partnership, the 27699
registrar may refuse to issue a license if any officer, 27700

director, or partner of the applicant has been guilty of any ~~act~~ 27701
~~or omission which would be cause for refusing or revoking a~~ 27702
~~license issued to the officer, director, or partner as an~~ 27703
~~individual~~ disqualifying offense, as specified under section 27704
9.79 of the Revised Code. The registrar's finding may be based 27705
upon facts contained in the application or upon any other 27706
information which ~~he~~ the registrar may have. Immediately upon 27707
denying an application for any of the reasons in this section, 27708
the registrar shall enter a final order together with the 27709
registrar's findings and certify the same to the motor vehicle 27710
salvage dealer's licensing board. 27711

(E) If the registrar refuses an application for a license, 27712
the reasons for such refusal shall be put in writing. An 27713
applicant who has been refused a license may appeal from the 27714
action of the registrar to the motor vehicle salvage dealer's 27715
licensing board in the manner prescribed in section 4738.12 of 27716
the Revised Code. 27717

(F) The registrar of motor vehicles shall not adopt, 27718
maintain, renew, or enforce any rule, or otherwise preclude in 27719
any way, an individual from receiving or renewing a license 27720
under this chapter due to any past criminal activity ~~or~~ 27721
~~interpretation of moral character,~~ except as pursuant to 27722
~~division~~ divisions (A) (4), (5), and (B) of this section. If the 27723
registrar denies an individual a license or license renewal, the 27724
reasons for such denial shall be put in writing. 27725

Sec. 4738.12. The motor vehicle salvage dealer's licensing 27726
board shall hear appeals which may be taken from an order of the 27727
registrar of motor vehicles, refusing to issue a license. All 27728
appeals from any order of the registrar refusing to issue any 27729
license upon proper application made must be taken within thirty 27730

days from the date of the order, or the order is final and 27731
conclusive. All appeals from orders of the registrar must be by 27732
petition in writing and verified under oath by the applicant 27733
whose application for license has been denied, and must set 27734
forth the reason why, in the petitioner's opinion, the order of 27735
the registrar is not correct. In appeals the board may make 27736
investigation to determine the correctness and legality of the 27737
order of the registrar. 27738

The board may make rules governing its actions relative to 27739
the suspension and revocation of licenses and may, upon its own 27740
motion, and shall, upon the verified complaint in writing of any 27741
person, investigate the conduct of any licensee under this 27742
chapter. The board shall suspend or revoke or notify the 27743
registrar to refuse to renew any license if any ground existed 27744
upon which the license would have been refused, or if a ground 27745
exists which would be cause for refusal to issue a license. 27746

The board may suspend or revoke any license if the 27747
licensee has in any manner violated the rules issued pursuant to 27748
sections 4738.01 to 4738.16 of the Revised Code, or has been 27749
convicted of ~~committing a felony disqualifying offense, as~~ 27750
specified under section 9.79 of the Revised Code, or violating 27751
any law which in any way relates to the theft of motor vehicles. 27752

Sec. 4740.05. Each specialty section of the Ohio 27753
construction industry licensing board, other than the 27754
administrative section, shall do all of the following: 27755

(A) Adopt rules in accordance with Chapter 119. of the 27756
Revised Code that are limited to the following: 27757

(1) Criteria for the section to use in evaluating the 27758
qualifications of an individual; 27759

- (2) Criteria for the section to use in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license; 27760
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- (3) The determinations and approvals the section makes under the reciprocity provision of section 4740.08 of the Revised Code; 27763
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- (4) Criteria for continuing education courses conducted pursuant to this chapter; 27766
27767
- (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; 27768
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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; 27773
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- (7) A list of disqualifying offenses pursuant to sections 9.79, 4740.06, and 4740.10, ~~and 4776.10~~ of the Revised Code. 27777
27778
- (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; 27779
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27782
- (C) Maintain a record of its proceedings; 27783
- (D) Grant approval to a training agency to offer continuing education courses pursuant to rules the board adopts; 27784
27785
- (E) As required, do all things necessary to carry out this chapter; 27786
27787

(F) Establish or approve a continuing education curriculum 27788
for license renewal for each class of contractors for which the 27789
section has primary responsibility. No curriculum may require 27790
more than five hours per year in specific course requirements. 27791
No contractor may be required to take more than ten hours per 27792
year in continuing education courses. The ten hours shall be the 27793
aggregate of hours of continuing education for all licenses the 27794
contractor holds. 27795

(G) Design the examination for the type of contractor the 27796
specialty section licenses to determine an applicant's 27797
competence to perform that type of contracting. 27798

Sec. 4740.06. (A) Any individual who applies for a license 27799
shall file a written application with the appropriate specialty 27800
section of the Ohio construction industry licensing board, 27801
accompanied with the application fee as determined pursuant to 27802
section 4740.09 of the Revised Code. The application shall be on 27803
the form the section prescribes and verified by the applicant's 27804
oath. The applicant shall provide information satisfactory to 27805
the section showing that the applicant meets the requirements of 27806
division (B) of this section. 27807

(B) To qualify to take an examination, an individual 27808
shall: 27809

(1) Be at least eighteen years of age; 27810

(2) Be a United States citizen or legal alien who produces 27811
valid documentation to demonstrate the individual is a legal 27812
resident of the United States; 27813

(3) Either have been a tradesperson in the type of 27814
licensed trade for which the application is filed for not less 27815
than five years immediately prior to the date the application is 27816

filed, be a currently registered engineer in this state with 27817
three years of business experience in the construction industry 27818
in the trade for which the engineer is applying to take an 27819
examination, or have other experience acceptable to the 27820
appropriate specialty section of the board; 27821

(4) Maintain contractor's liability insurance in an amount 27822
the appropriate specialty section of the board determines and 27823
only in one contracting company name; 27824

(5) Not have done any of the following: 27825

(a) Been convicted of ~~or pleaded guilty to a crime of~~ 27826
~~moral turpitude or a~~ disqualifying offense as ~~those terms are~~ 27827
~~defined in specified under~~ section ~~4776.10-9.79~~ of the Revised 27828
Code; 27829

(b) Violated this chapter or any rule adopted pursuant to 27830
it; 27831

(c) Obtained or renewed a license issued pursuant to this 27832
chapter, or any order, ruling, or authorization of the board or 27833
a section of the board by fraud, misrepresentation, or 27834
deception; 27835

(d) Engaged in fraud, misrepresentation, or deception in 27836
the conduct of business. 27837

(C) When an applicant for licensure as a contractor in a 27838
licensed trade meets the qualifications set forth in division 27839
(B) of this section and passes the required examination, the 27840
appropriate specialty section of the board, within ninety days 27841
after the application was filed, shall authorize the 27842
administrative section of the board to license the applicant for 27843
the type of contractor's license for which the applicant 27844
qualifies. A specialty section of the board may withdraw its 27845

authorization to the administrative section for issuance of a 27846
license for good cause shown, on the condition that notice of 27847
that withdrawal is given prior to the administrative section's 27848
issuance of the license. 27849

(D) (1) Except as provided in division (D) (2) of this 27850
section, if an applicant does not pass the required examination, 27851
the applicant may retake the examination not less than sixty 27852
days after the applicant's most recent examination. 27853

(2) An applicant who does not pass the required 27854
examination after taking the examination five times under this 27855
section shall reapply for a license under division (A) of this 27856
section before retaking the required examination any subsequent 27857
time. 27858

(E) All licenses a contractor holds pursuant to this 27859
chapter shall expire annually on the same date, which shall be 27860
the expiration date of the original license the contractor 27861
holds. An individual holding a valid, unexpired license may 27862
renew the license, without reexamination, by submitting an 27863
application to the appropriate specialty section of the board 27864
not more than ninety calendar days before the expiration of the 27865
license, along with the renewal fee the specialty section 27866
requires and proof of compliance with the applicable continuing 27867
education requirements. The applicant shall provide information 27868
in the renewal application satisfactory to demonstrate to the 27869
appropriate specialty section that the applicant continues to 27870
meet the requirements of division (B) of this section. 27871

Upon application and within one calendar year after a 27872
license has expired, a section may waive any of the requirements 27873
for renewal of a license upon finding that an applicant 27874
substantially meets the renewal requirements or that failure to 27875

timely apply for renewal is due to excusable neglect. A section 27876
that waives requirements for renewal of a license may impose 27877
conditions upon the licensee and assess a late filing fee of not 27878
more than double the usual renewal fee. An applicant shall 27879
satisfy any condition the section imposes before a license is 27880
reissued. 27881

(F) An individual holding a valid license may request the 27882
section of the board that authorized that license to place the 27883
license in inactive status under conditions, and for a period of 27884
time, as that section determines. 27885

(G) Except for the ninety-day extension provided for a 27886
license assigned to a contracting company under division (D) of 27887
section 4740.07 of the Revised Code, a license held by an 27888
individual immediately terminates upon the death of the 27889
individual. 27890

(H) Nothing in any license issued by the Ohio construction 27891
industry licensing board shall be construed to limit or 27892
eliminate any requirement of or any license issued by the Ohio 27893
fire marshal. 27894

(I) (1) Subject to divisions (I) (2), (3), and (4) of this 27895
section, no specialty section of the board shall adopt, 27896
maintain, renew, or enforce any rule, or otherwise preclude in 27897
any way, an individual from receiving or renewing a license 27898
under this chapter due to any past criminal activity ~~or~~ 27899
~~interpretation of moral character~~, except as pursuant to 27900
division (B) (5) (a) of this section. If the specialty section 27901
denies an individual a license or license renewal, the reasons 27902
for such denial shall be put in writing. 27903

(2) ~~Except as otherwise provided in this division, if an~~ 27904

~~individual applying for a license has been convicted of or
pleaded guilty to a misdemeanor that is not a crime of moral
turpitude or a disqualifying offense less than one year prior to
making the application, the section may use its discretion in
granting or denying the individual 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 section may use its discretion in granting or denying the
individual a license. The provisions in this paragraph do not
apply with respect to any offense unless the section, prior to
September 28, 2012, was required or authorized to deny the
application based on that offense.~~

~~In all other circumstances, the section shall follow the
procedures it adopts by rule that conform to division (I)(1) of
this section.~~

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

~~(4)~~ (3) The section 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.

~~(I)~~ (J) Notwithstanding divisions ~~(D)~~ (E) and ~~(H)~~ (I) of this
section and sections 4740.04 and 4740.05 of the Revised Code,
the board may establish rules that amend the continuing

education requirements and license renewal schedule for 27935
licensees as provided in or adopted pursuant to those sections 27936
for the purpose of establishing a compliance incentive program. 27937
These rules may include provisions for the creation of the 27938
program and the qualifications, continuing education 27939
requirements, and renewal schedule for the program. 27940

Sec. 4740.10. (A) A specialty section of the Ohio 27941
construction industry licensing board may impose any of the 27942
following, or any combination of the following, disciplinary 27943
actions against an applicant or license holder for committing an 27944
act listed in division (B) of this section: 27945

(1) Suspend, revoke, or refuse to issue any license; 27946

(2) Require additional continuing education hours; 27947

(3) Issue a fine. 27948

(B)(1) An applicant or licensee shall be subject to 27949
disciplinary action as prescribed under division (A) of this 27950
section for any of the following: 27951

(a) Having been convicted of ~~or pleading guilty to a crime~~ 27952
~~of moral turpitude or disqualifying offense as those terms are~~ 27953
~~defined in specified under section 4776.10-9.79~~ of the Revised 27954
Code; 27955

(b) Violating any provision of this chapter; 27956

(c) Violating any rule adopted pursuant to this chapter; 27957

(d) Obtaining or attempting to obtain a license or a 27958
renewal of such license pursuant to this chapter by means of 27959
fraud, deception, or misrepresentation; 27960

(e) Obtaining an order, ruling, or authorization from any 27961

section of the board by means of fraud or misrepresentation;	27962
(f) Engaging in fraud, misrepresentation, or deception in the conduct of business;	27963 27964
(g) Transferring the person's license to another person without the approval of the appropriate specialty section;	27965 27966
(h) (i) Allowing the person's license to be used by an unlicensed person or entity;	27967 27968
(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.	27969 27970 27971
(i) Failing to comply with a disciplinary action imposed by the appropriate specialty section;	27972 27973
(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.	27974 27975 27976
(2) The appropriate specialty section of the board may take disciplinary action against an applicant or license holder as prescribed under division (A) of this section upon receiving notice that a municipal corporation or any other governmental agency has suspended or revoked the local contracting license or registration of an individual or contracting company that also holds a license pursuant to this chapter.	27977 27978 27979 27980 27981 27982 27983
(C) The appropriate specialty sections shall direct the administrative section to refuse to issue any license to an applicant upon a finding by the appropriate specialty section that the applicant has done either of the following:	27984 27985 27986 27987
(1) Had another person take the required examination for the applicant;	27988 27989

(2) Failed to pass the required examination.	27990
(D) If an individual fails to request a hearing within thirty days after the date a specialty section, in accordance with section 119.07 of the Revised Code, notifies the individual of the board's intent to impose a disciplinary action against the individual under division (A) of this section, the specialty section, by a majority vote of a quorum of the section members, may impose the action against the individual without holding an adjudication hearing.	27991 27992 27993 27994 27995 27996 27997 27998
Sec. 4740.12. (A) No political subdivision, district, or agency of the state may adopt an ordinance or rule that requires contractor registration and the assessment of a registration or license fee unless that ordinance or rule also requires any contractor who registers and pays the registration or license fee to be licensed in the contractor's trade pursuant to this chapter.	27999 28000 28001 28002 28003 28004 28005
(B) Except as provided in division (A) of this section, nothing <u>Nothing</u> in this chapter shall be construed to limit the operation of any statute or rule of this state or any ordinance or rule of any political subdivision, district, or agency of the state that does either of the following:	28006 28007 28008 28009 28010
(1) <u>(A)</u> Regulates the installation, repair, maintenance, or alteration of plumbing systems, hydronics systems, electrical systems, heating, ventilating, and air conditioning systems, or refrigeration systems;	28011 28012 28013 28014
(2) Requires <u>(B) Subject to section 9.78 of the Revised Code, requires</u> the registration and assessment of a registration or license fee of tradespersons who perform heating, ventilating, and air conditioning, refrigeration, electrical,	28015 28016 28017 28018

plumbing, or hydronics construction, improvement, renovation, 28019
repair, or maintenance. 28020

Sec. 4740.14. (A) There is hereby created within the 28021
department of commerce the residential construction advisory 28022
committee consisting of nine persons the director of commerce 28023
appoints. The advisory committee shall be made up of the 28024
following members: 28025

(1) Three shall be general contractors who have recognized 28026
ability and experience in the construction of residential 28027
buildings. 28028

(2) Two shall be building officials who have experience 28029
administering and enforcing a residential building code. 28030

(3) One, chosen from a list of three names the Ohio fire 28031
chief's association submits, shall be from the fire service 28032
certified as a fire safety inspector who has at least ten years 28033
of experience enforcing fire or building codes. 28034

(4) One shall be a residential contractor who has 28035
recognized ability and experience in the remodeling and 28036
construction of residential buildings. 28037

(5) One shall be an architect registered pursuant to 28038
Chapter 4703. of the Revised Code, with recognized ability and 28039
experience in the architecture of residential buildings. 28040

(6) One, chosen from a list of three names the Ohio 28041
municipal league submits to the director, shall be a mayor of a 28042
municipal corporation in which the Ohio residential building 28043
code is being enforced in the municipal corporation by a 28044
certified building department. 28045

(B) Terms of office shall be for three years, with each 28046

term ending on the date three years after the date of 28047
appointment. Each member shall hold office from the date of 28048
appointment until the end of the term for which the member was 28049
appointed. Vacancies shall be filled in the manner provided for 28050
initial appointments. Any member appointed to fill a vacancy in 28051
an unexpired term shall hold office for the remainder of that 28052
term. 28053

(C) The advisory committee shall do all of the following: 28054

(1) Recommend to the board of building standards a 28055
building code for residential buildings. The committee shall 28056
recommend a code that it may model on a residential building 28057
code a national model code organization issues, with adaptations 28058
necessary to implement the code in this state. If the board of 28059
building standards decides not to adopt a code the committee 28060
recommends, the committee shall revise the code and resubmit it 28061
until the board adopts a code the committee recommends as the 28062
state residential building code; 28063

(2) Advise the board regarding the establishment of 28064
standards for certification of building officials who enforce 28065
the state residential building code; 28066

(3) Assist the board in providing information and guidance 28067
to residential contractors and building officials who enforce 28068
the state residential building code; 28069

(4) Advise the board regarding the interpretation of the 28070
state residential building code; 28071

(5) Provide other assistance the committee considers 28072
necessary; 28073

(6) Provide the board with a written report of the 28074
committee's findings for each consideration required by division 28075

(D) of this section. 28076

(D) The committee shall not make its recommendation to the 28077
board pursuant to divisions (C)(1), (2), and (4) of this section 28078
until the advisory committee has considered all of the 28079
following: 28080

(1) The impact that the state residential building code 28081
may have upon the health, safety, and welfare of the public; 28082

(2) The economic reasonableness of the residential 28083
building code; 28084

(3) The technical feasibility of the residential building 28085
code; 28086

(4) The financial impact that the residential building 28087
code may have on the public's ability to purchase affordable 28088
housing. 28089

(E) The advisory committee may provide the board with any 28090
rule the committee recommends to update or amend the state 28091
residential building code or any rule that the committee 28092
recommends to update or amend the state residential building 28093
code after receiving a petition described in division (A)(2) of 28094
section 3781.12 of the Revised Code. 28095

(F) Members of the advisory committee shall receive no 28096
salary for the performance of their duties as members, but shall 28097
receive their actual and necessary expenses incurred in the 28098
performance of their duties as members of the advisory committee 28099
and shall receive a per diem for each day in attendance at an 28100
official meeting of the committee, to be paid from the 28101
industrial compliance operating fund in the state treasury, 28102
using fees collected in connection with residential buildings 28103
pursuant to division ~~(F)~~(D)(2) of section 3781.102 of the 28104

Revised Code and deposited in that fund. 28105

(G) The advisory committee is not subject to sections 28106
101.82 to 101.87 of the Revised Code. 28107

(H) Serving as a member of the residential construction 28108
advisory committee does not constitute holding a public office 28109
or position of employment under the laws of this state and 28110
service on the committee does not constitute grounds for 28111
removing a committee member from a public office or position of 28112
employment. 28113

Sec. 4741.12. The state veterinary medical licensing board 28114
may issue a license to practice veterinary medicine without the 28115
examination required pursuant to section 4741.11 of the Revised 28116
Code to an applicant from another state, territory, country, or 28117
the District of Columbia who furnishes satisfactory proof to the 28118
board that the applicant meets all of the following criteria: 28119

(A) The applicant is a graduate of a veterinary college 28120
accredited by the American veterinary medical association or 28121
holds a certificate issued, on or after May 1, 1987, by the 28122
education commission for foreign veterinary graduates of the 28123
American veterinary medical association or issued by any other 28124
nationally recognized certification program the board approves 28125
by rule. 28126

(B) The applicant holds a license, which is not under 28127
suspension, revocation, or other disciplinary action, issued by 28128
an agency similar to this board of another state, territory, 28129
country, or the District of Columbia, having requirements 28130
equivalent to those of this state, provided the laws of such 28131
state, territory, country, or district accord equal rights to 28132
the holder of a license to practice in this state who removes to 28133

such state, territory, country, or district. 28134

~~(C) The applicant is of good moral character, as
determined by the board.~~ 28135
28136

~~(D)~~The applicant is not under investigation for an act 28137
which would constitute a violation of this chapter that would 28138
require the revocation of or refusal to renew a license. 28139

~~(E)~~(D) The applicant has a thorough knowledge of the laws 28140
and rules governing the practice of veterinary medicine in this 28141
state, as determined by the board. 28142

Sec. 4741.22. (A) The state veterinary medical licensing 28143
board may refuse to issue or renew a license, limited license, 28144
registration, or temporary permit to or of any applicant who, 28145
and may issue a reprimand to, suspend or revoke the license, 28146
limited license, registration, or the temporary permit of, or 28147
impose a civil penalty pursuant to this section upon any person 28148
holding a license, limited license, or temporary permit to 28149
practice veterinary medicine or any person registered as a 28150
registered veterinary technician who: 28151

(1) In the conduct of the person's practice does not 28152
conform to the rules of the board or the standards of the 28153
profession governing proper, humane, sanitary, and hygienic 28154
methods to be used in the care and treatment of animals; 28155

(2) Uses fraud, misrepresentation, or deception in any 28156
application or examination for licensure, or any other 28157
documentation created in the course of practicing veterinary 28158
medicine; 28159

(3) Is found to be physically or psychologically addicted 28160
to alcohol or an illegal or controlled substance, as defined in 28161
section 3719.01 of the Revised Code, to such a degree as to 28162

render the person unfit to practice veterinary medicine;	28163
(4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;	28164 28165
(5) Obtains a fee on the assurance that an incurable disease can be cured;	28166 28167
(6) Advertises in a manner that violates section 4741.21 of the Revised Code;	28168 28169
(7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;	28170 28171 28172
(8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;	28173 28174 28175
(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs <u>a disqualifying offense, as specified under section 9.79 of the Revised Code,</u> or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs <u>such an offense;</u>	28176 28177 28178 28179 28180 28181 28182 28183
(10) Is convicted of any violation of section 959.13 of the Revised Code;	28184 28185
(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	28186 28187 28188
(12) <u>(11)</u> Fails to report promptly to the proper official any known reportable disease;	28189 28190

(13) <u>(12)</u> Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;	28191 28192
(14) <u>(13)</u> 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;	28193 28194 28195 28196
(15) <u>(14)</u> 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;	28197 28198 28199 28200
(16) <u>(15)</u> Is guilty of gross incompetence or gross negligence;	28201 28202
(17) <u>(16)</u> 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;	28203 28204 28205 28206 28207 28208
(18) <u>(17)</u> Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;	28209 28210
(19) <u>(18)</u> Represents self as a specialist unless certified as a specialist by the board;	28211 28212
(20) <u>(19)</u> 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;	28213 28214 28215 28216 28217 28218

(21) <u>(20)</u> Fails to use reasonable care in the	28219
administration of drugs or acceptable scientific methods in the	28220
selection of those drugs or other modalities for treatment of a	28221
disease or in conduct of surgery;	28222
(22) <u>(21)</u> Makes available a dangerous drug, as defined in	28223
section 4729.01 of the Revised Code, to any person other than	28224
for the specific treatment of an animal patient;	28225
(23) <u>(22)</u> Refuses to permit a board investigator or the	28226
board's designee to inspect the person's business premises	28227
during regular business hours, except as provided in division	28228
(A) of section 4741.26 of the Revised Code;	28229
(24) <u>(23)</u> Violates any order of the board or fails to	28230
comply with a subpoena of the board;	28231
(25) <u>(24)</u> Fails to maintain medical records as required by	28232
rule of the board;	28233
(26) <u>(25)</u> Engages in cruelty to animals;	28234
(27) <u>(26)</u> Uses, prescribes, or sells any veterinary	28235
prescription drug or biologic, or prescribes any extra-label use	28236
of any over-the-counter drug or dangerous drug in the absence of	28237
a valid veterinary-client-patient relationship.	28238
(B) Except as provided in division (D) of this section,	28239
before the board may revoke, deny, refuse to renew, or suspend a	28240
license, registration, or temporary permit or otherwise	28241
discipline the holder of a license, registration, or temporary	28242
permit, the executive director shall file written charges with	28243
the board. The board shall conduct a hearing on the charges as	28244
provided in Chapter 119. of the Revised Code.	28245
(C) If the board, after a hearing conducted pursuant to	28246

Chapter 119. of the Revised Code, revokes, refuses to renew, or 28247
suspends a license, registration, or temporary permit for a 28248
violation of this section, section 4741.23, division (C) or (D) 28249
of section 4741.19, or division (B), (C), or (D) of section 28250
4741.21 of the Revised Code, the board may impose a civil 28251
penalty upon the holder of the license, permit, or registration 28252
of not less than one hundred dollars or more than one thousand 28253
dollars. In addition to the civil penalty and any other 28254
penalties imposed pursuant to this chapter, the board may assess 28255
any holder of a license, permit, or registration the costs of 28256
the hearing conducted under this section if the board determines 28257
that the holder has violated any provision for which the board 28258
may impose a civil penalty under this section. 28259

(D) The executive director may recommend that the board 28260
suspend an individual's certificate of license without a prior 28261
hearing if the executive director determines both of the 28262
following: 28263

(1) There is clear and convincing evidence that division 28264
(A) (3), (9), ~~(14)~~(13), ~~(22)~~(21), or ~~(26)~~(25) of this section 28265
applies to the individual. 28266

(2) The individual's continued practice presents a danger 28267
of immediate and serious harm to the public. 28268

The executive director shall prepare written allegations 28269
for consideration by the board. The board, upon review of those 28270
allegations and by an affirmative vote of not fewer than four of 28271
its members, may suspend the certificate without a prior 28272
hearing. A telephone conference call may be utilized for 28273
reviewing the allegations and taking the vote on the suspension. 28274

The board shall issue a written order of suspension by 28275

certified mail or in person in accordance with section 119.07 of 28276
the Revised Code. If the individual subject to the suspension 28277
requests an adjudicatory hearing by the board, the date set for 28278
the hearing shall be not later than fifteen days, but not 28279
earlier than seven days after the individual requests the 28280
hearing unless otherwise agreed to by both the board and the 28281
individual. 28282

A suspension imposed under this division shall remain in 28283
effect, unless reversed on appeal, until a final adjudicative 28284
order issued by the board under this section and Chapter 119. of 28285
the Revised Code becomes effective. The board shall issue its 28286
final adjudicative order not later than ninety days after 28287
completion of its hearing. Failure to issue the order within 28288
ninety days results in dissolution of the suspension order, but 28289
does not invalidate any subsequent, final adjudicative order. 28290

(E) A license or registration issued to an individual 28291
under this chapter is automatically suspended upon that 28292
individual's conviction of ~~or plea of guilty to or upon a~~ 28293
~~judicial finding with regard to any of the following: aggravated~~ 28294
~~murder, murder, voluntary manslaughter, felonious assault,~~ 28295
~~kidnapping, rape, sexual battery, gross sexual imposition,~~ 28296
~~aggravated arson, aggravated robbery, or aggravated burglary a~~ 28297
disqualifying offense, as specified under section 9.79 of the 28298
Revised Code. The suspension shall remain in effect from the 28299
date of the conviction, ~~plea, or finding~~ until an adjudication 28300
is held under Chapter 119. of the Revised Code. If the board has 28301
knowledge that an automatic suspension has occurred, it shall 28302
notify the individual subject to the suspension. If the 28303
individual is notified and either fails to request an 28304
adjudication within the time periods established by Chapter 119. 28305
of the Revised Code or fails to participate in the adjudication, 28306

the board shall enter a final order permanently revoking the 28307
individual's license or registration. 28308

Sec. 4747.04. The state speech and hearing professionals 28309
board shall: 28310

(A) Design and prepare qualifying examinations for 28311
licensing of hearing aid dealers, fitters, and trainees; 28312

(B) Determine whether persons holding similar valid 28313
licenses from other states or jurisdictions shall be required to 28314
take and successfully pass the appropriate qualifying 28315
examination as a condition for licensing in this state; 28316

(C) Determine whether charges made against any licensee 28317
warrant a hearing before the board; 28318

(D) Hold hearings to determine the truth and circumstances 28319
of all charges filed in writing with the board against any 28320
licensee and determine whether any license held by any person 28321
shall be revoked, suspended, or reissued; 28322

(E) Determine and specify the length of time each license 28323
that is suspended or revoked shall remain suspended or revoked; 28324

(F) Advise and assist the department of health in all 28325
matters relating to this chapter; 28326

(G) Deposit all payments collected under this chapter into 28327
the state treasury to the credit of the occupational licensing 28328
and regulatory fund created in section 4743.05 of the Revised 28329
Code; 28330

(H) Establish a list of disqualifying offenses for 28331
licensure as a hearing aid dealer or fitter, or for a hearing 28332
aid dealer or fitter trainee permit, pursuant to sections 9.79, 28333
4747.05, 4747.10, and 4747.12, ~~and 4776.10~~ of the Revised Code. 28334

Nothing in this section shall be interpreted as granting 28335
to the board the right to restrict advertising which is not 28336
false or misleading, or to prohibit or in any way restrict a 28337
hearing aid dealer or fitter from renting or leasing space from 28338
any person, firm or corporation in a mercantile establishment 28339
for the purpose of using such space for the lawful sale of 28340
hearing aids or to prohibit a mercantile establishment from 28341
selling hearing aids if the sale would be otherwise lawful under 28342
this chapter. 28343

Sec. 4747.05. (A) The state speech and hearing 28344
professionals board shall issue to each applicant, within sixty 28345
days of receipt of a properly completed application and payment 28346
of two hundred sixty-two dollars, a hearing aid dealer's or 28347
fitter's license if the applicant: 28348

(1) In the case of an individual, the individual is at 28349
least eighteen years of age, has not ~~committed~~ been convicted of 28350
a disqualifying offense ~~or a crime of moral turpitude~~, as ~~those~~ 28351
~~terms are defined in~~ specified under section ~~4776.10~~ 9.79 of the 28352
Revised Code, is free of contagious or infectious disease, and 28353
has successfully passed a qualifying examination specified and 28354
administered by the board. 28355

(2) In the case of a firm, partnership, association, or 28356
corporation, the application, in addition to such information as 28357
the board requires, is accompanied by an application for a 28358
license for each person, whether owner or employee, of the firm, 28359
partnership, association, or corporation, who engages in dealing 28360
in or fitting of hearing aids, or contains a statement that such 28361
applications are submitted separately. No firm, partnership, 28362
association, or corporation licensed pursuant to this chapter 28363
shall permit any unlicensed person to sell or fit hearing aids. 28364

(B) (1) Subject to divisions (B) (2), and (3), ~~and (4)~~ of 28365
this section, the board shall not adopt, maintain, renew, or 28366
enforce any rule that precludes an individual from receiving or 28367
renewing a license issued under this chapter due to any past 28368
criminal activity ~~or interpretation of moral character~~, unless 28369
the individual has ~~committed a crime of moral turpitude or been~~
convicted of a disqualifying offense as ~~those terms are defined~~ 28370
in specified under section 4776.10-9.79 of the Revised Code. If 28371
the board denies an individual a license or license renewal, the 28372
reasons for such denial shall be put in writing. 28373
28374

~~(2) Except as otherwise provided in this division, if an 28375
individual applying for a license has been convicted of or 28376
pleaded guilty to a misdemeanor that is not a crime of moral 28377
turpitude or a disqualifying offense less than one year prior to 28378
making the application, the board may use the board's discretion 28379
in granting or denying the individual a license. Except as 28380
otherwise provided in this division, if an individual applying 28381
for a license has been convicted of or pleaded guilty to a 28382
felony that is not a crime of moral turpitude or a disqualifying 28383
offense less than three years prior to making the application, 28384
the board may use the board's discretion in granting or denying 28385
the individual a license. The provisions in this paragraph do 28386
not apply with respect to any offense unless the board, prior to 28387
September 28, 2012, was required or authorized to deny the 28388
application based on that offense. 28389~~

~~In all other circumstances, the board shall follow the 28390
procedures it adopts by rule that conform to division (B) (1) of 28391
this section. 28392~~

~~(3) In considering a renewal of an individual's license, 28393
the board shall not consider any conviction or plea of guilty 28394~~

prior to the initial licensing. However, the board may consider 28395
a conviction ~~or plea of guilty~~ if it occurred after the 28396
individual was initially licensed, or after the most recent 28397
license renewal. 28398

~~(4)~~ (3) The board may grant an individual a conditional 28399
license that lasts for one year. After the one-year period has 28400
expired, the license is no longer considered conditional, and 28401
the individual shall be considered fully licensed. 28402

(C) Each license issued expires on the thirtieth day of 28403
January of the year following that in which it was issued. 28404

Sec. 4747.10. Each person currently engaged in training to 28405
become a licensed hearing aid dealer or fitter shall apply to 28406
the state speech and hearing professionals board for a hearing 28407
aid dealer's and fitter's trainee permit. The board shall issue 28408
to each applicant within thirty days of receipt of a properly 28409
completed application and payment of one hundred fifty dollars, 28410
a trainee permit if such applicant meets all of the following 28411
criteria: 28412

(A) Is at least eighteen years of age; 28413

(B) Is the holder of a diploma from an accredited high 28414
school or a certificate of high school equivalence issued by the 28415
department of education; 28416

(C) Has not ~~committed~~ been convicted of a disqualifying 28417
offense ~~or a crime of moral turpitude~~, as those terms are 28418
~~defined in~~ specified under section ~~4776.10-9.79~~ of the Revised 28419
Code; 28420

(D) Is free of contagious or infectious disease. 28421

Subject to the next paragraph, the board shall not deny a 28422

trainee permit issued under this section to any individual based 28423
on the individual's past criminal history ~~or an interpretation~~ 28424
~~of moral character~~ unless the individual has ~~committed a~~ been 28425
convicted of a disqualifying offense ~~or crime of moral turpitude~~ 28426
as ~~those terms are defined in~~ specified under section 4776.10- 28427
9.79 of the Revised Code. ~~Except as otherwise provided in this~~ 28428
~~paragraph, if an individual applying for a trainee permit has~~ 28429
~~been convicted of or pleaded guilty to a misdemeanor that is not~~ 28430
~~a crime of moral turpitude or a disqualifying offense less than~~ 28431
~~one year prior to making the application, the board may use the~~ 28432
~~board's discretion in granting or denying the individual a~~ 28433
~~trainee permit. Except as otherwise provided in this paragraph,~~ 28434
~~if an individual applying for a trainee permit has been~~ 28435
~~convicted of or pleaded guilty to a felony that is not a crime~~ 28436
~~of moral turpitude or a disqualifying offense less than three~~ 28437
~~years prior to making the application, the board may use the~~ 28438
~~board's discretion in granting or denying the individual a~~ 28439
~~trainee permit. The provisions in this paragraph do not apply~~ 28440
~~with respect to any offense unless the board, prior to September~~ 28441
~~28, 2012, was required or authorized to deny the application~~ 28442
~~based on that offense.~~ 28443

~~In all other circumstances not described in the preceding~~ 28444
~~paragraph, the board shall follow the procedures it adopts by~~ 28445
~~rule that conform to this section.~~ 28446

In considering a renewal of an individual's trainee 28447
permit, the board shall not consider any conviction ~~or plea of~~ 28448
~~guilty~~ prior to the issuance of the initial trainee permit. 28449
However, the board may consider a conviction ~~or plea of guilty~~ 28450
if it occurred after the individual was initially granted the 28451
trainee permit, or after the most recent trainee permit renewal. 28452
If the board denies an individual for a trainee permit or 28453

renewal, the reasons for such denial shall be put in writing. 28454
Additionally, the board may grant an individual a conditional 28455
trainee permit that lasts for one year. After the one-year 28456
period has expired, the permit is no longer considered 28457
conditional, and the individual shall be considered to be 28458
granted a full trainee permit. 28459

Each trainee permit issued by the board expires one year 28460
from the date it was first issued, and may be renewed once if 28461
the trainee has not successfully completed the qualifying 28462
requirements for licensing as a hearing aid dealer or fitter 28463
before the expiration date of such permit. The board shall issue 28464
a renewed permit to each applicant upon receipt of a properly 28465
completed application and payment of one hundred five dollars. 28466
No person holding a trainee permit shall engage in the practice 28467
of dealing in or fitting of hearing aids except while under 28468
supervision by a licensed hearing aid dealer or fitter. 28469

Sec. 4747.12. The state speech and hearing professionals 28470
board may revoke or suspend a license or permit if the person 28471
who holds such license or permit: 28472

(A) Is convicted of a disqualifying offense ~~or a crime of~~ 28473
~~moral turpitude as those terms are defined in specified under~~ 28474
section ~~4776.10-9.79~~ of the Revised Code. The record of 28475
conviction, or a copy thereof certified by the clerk of the 28476
court or by the judge in whose court the conviction occurs, is 28477
conclusive evidence of such conviction; 28478

(B) Procured a license or permit by fraud or deceit 28479
practiced upon the board; 28480

(C) Obtained any fee or made any sale of a hearing aid by 28481
fraud or misrepresentation; 28482

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

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

(F) Advertised a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the specified model or type of hearing aid;

(G) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not accurate;

~~(H) Is found by the board to be a person of habitual intemperance or gross immorality;~~

~~(I)~~ Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist;

~~(J)~~ (I) 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;

(K) <u>(J)</u> Engaged in the fitting and sale of hearing aids	28512
under a false name or an alias;	28513
(L) <u>(K)</u> Engaged in the practice of dealing in or fitting	28514
of hearing aids while suffering from a contagious or infectious	28515
disease;	28516
(M) <u>(L)</u> Was found by the board to be guilty of gross	28517
incompetence or negligence in the fitting or sale of hearing	28518
aids;	28519
(N) <u>(M)</u> Permitted another person to use the licensee's	28520
license;	28521
(O) <u>(N)</u> Violate the code of ethical practice adopted under	28522
section 4744.50 of the Revised Code.	28523
Sec. 4749.03. (A) (1) Any individual, including a partner	28524
in a partnership, may be licensed as a private investigator	28525
under a class B license, or as a security guard provider under a	28526
class C license, or as a private investigator and a security	28527
guard provider under a class A license, if the individual meets	28528
all of the following requirements:	28529
(a) Has a good reputation for integrity, has not been	28530
convicted of a disqualifying offense as defined in specified	28531
<u>under section 4776.10-9.79</u> of the Revised Code within the last	28532
three years or any crime of moral turpitude as that term is	28533
defined in section 4776.10 of the Revised Code, and has not been	28534
adjudicated incompetent for the purpose of holding the license,	28535
as provided in section 5122.301 of the Revised Code, without	28536
having been restored to legal capacity for that purpose.	28537
(b) Depending upon the class of license for which	28538
application is made, for a continuous period of at least two	28539
years immediately preceding application for a license, has been	28540

engaged in investigatory or security services work for a law 28541
enforcement or other public agency engaged in investigatory 28542
activities, or for a private investigator or security guard 28543
provider, or engaged in the practice of law, or has acquired 28544
equivalent experience as determined by rule of the director of 28545
public safety. 28546

(c) Demonstrates competency as a private investigator or 28547
security guard provider by passing an examination devised for 28548
this purpose by the director, except that any individually 28549
licensed person who qualifies a corporation for licensure shall 28550
not be required to be reexamined if the person qualifies the 28551
corporation in the same capacity that the person was 28552
individually licensed. 28553

(d) Submits evidence of comprehensive general liability 28554
insurance coverage, or other equivalent guarantee approved by 28555
the director in such form and in principal amounts satisfactory 28556
to the director, but not less than one hundred thousand dollars 28557
for each person and three hundred thousand dollars for each 28558
occurrence for bodily injury liability, and one hundred thousand 28559
dollars for property damage liability. 28560

(e) Pays the requisite examination and license fees. 28561

(2) A corporation may be licensed as a private 28562
investigator under a class B license, or as a security guard 28563
provider under a class C license, or as a private investigator 28564
and a security guard provider under a class A license, if an 28565
application for licensure is filed by an officer of the 28566
corporation and the officer, another officer, or the qualifying 28567
agent of the corporation satisfies the requirements of divisions 28568
(A) (1) and (F) (1) of this section. Officers and the statutory 28569
agent of a corporation shall be determined in accordance with 28570

Chapter 1701. of the Revised Code. 28571

(3) At least one partner in a partnership shall be 28572
licensed as a private investigator, or as a security guard 28573
provider, or as a private investigator and a security guard 28574
provider. Partners in a partnership shall be determined as 28575
provided for in Chapter 1775. or 1776. of the Revised Code. 28576

(B) An application for a class A, B, or C license shall be 28577
completed in the form the director prescribes. In the case of an 28578
individual, the application shall state the applicant's name, 28579
birth date, citizenship, physical description, current 28580
residence, residences for the preceding ten years, current 28581
employment, employment for the preceding seven years, experience 28582
qualifications, the location of each of the applicant's offices 28583
in this state, and any other information that is necessary in 28584
order for the director to comply with the requirements of this 28585
chapter. In the case of a corporation, the application shall 28586
state the name of the officer or qualifying agent filing the 28587
application; the state in which the corporation is incorporated 28588
and the date of incorporation; the states in which the 28589
corporation is authorized to transact business; the name of its 28590
qualifying agent; the name of the officer or qualifying agent of 28591
the corporation who satisfies the requirements of divisions (A) 28592
(1) and (F) (1) of this section and the birth date, citizenship, 28593
physical description, current residence, residences for the 28594
preceding ten years, current employment, employment for the 28595
preceding seven years, and experience qualifications of that 28596
officer or qualifying agent; and other information that the 28597
director requires. A corporation may specify in its application 28598
information relative to one or more individuals who satisfy the 28599
requirements of divisions (A) (1) and (F) (1) of this section. 28600

The application described in this division shall be 28601
accompanied by all of the following: 28602

(1) One recent full-face photograph of the applicant or, 28603
in the case of a corporation, of each officer or qualifying 28604
agent specified in the application as satisfying the 28605
requirements of divisions (A) (1) and (F) (1) of this section; 28606

(2) ~~Character references~~ References from at least five 28607
reputable citizens for the applicant or, in the case of a 28608
corporation, for each officer or qualifying agent specified in 28609
the application as satisfying the requirements of divisions (A) 28610
(1) and (F) (1) of this section, each of whom has known the 28611
applicant, officer, or qualifying agent for at least five years 28612
preceding the application, and none of whom are connected with 28613
the applicant, officer, or qualifying agent by blood or 28614
marriage; 28615

(3) An examination fee of twenty-five dollars for the 28616
applicant or, in the case of a corporation, for each officer or 28617
qualifying agent specified in the application as satisfying the 28618
requirements of divisions (A) (1) and (F) (1) of this section, and 28619
a license fee in the amount the director determines, not to 28620
exceed three hundred seventy-five dollars. The license fee shall 28621
be refunded if a license is not issued. 28622

(C) (1) Each individual applying for a license and each 28623
individual specified by a corporation as an officer or 28624
qualifying agent in an application shall submit one complete set 28625
of fingerprints directly to the superintendent of the bureau of 28626
criminal identification and investigation for the purpose of 28627
conducting a criminal records check. The individual shall 28628
provide the fingerprints using a method the superintendent 28629
prescribes pursuant to division (C) (2) of section 109.572 of the 28630

Revised Code and fill out the form the superintendent prescribes 28631
pursuant to division (C) (1) of section 109.572 of the Revised 28632
Code. An applicant who intends to carry a firearm as defined in 28633
section 2923.11 of the Revised Code in the course of business or 28634
employment shall so notify the superintendent. This notification 28635
is in addition to any other requirement related to carrying a 28636
firearm that applies to the applicant. The individual or 28637
corporation requesting the criminal records check shall pay the 28638
fee the superintendent prescribes. 28639

(2) The superintendent shall conduct the criminal records 28640
check as set forth in division (B) of section 109.572 of the 28641
Revised Code. If an applicant intends to carry a firearm in the 28642
course of business or employment, the superintendent shall make 28643
a request to the federal bureau of investigation for any 28644
information and review the information the bureau provides 28645
pursuant to division (B) (2) of section 109.572 of the Revised 28646
Code. The superintendent shall submit all results of the 28647
completed investigation to the director of public safety. 28648

(3) If the director determines that the applicant, 28649
officer, or qualifying agent meets the requirements of divisions 28650
(A) (1) (a), (b), and (d) of this section and that an officer or 28651
qualifying agent meets the requirement of division (F) (1) of 28652
this section, the director shall notify the applicant, officer, 28653
or agent of the time and place for the examination. If the 28654
director determines that an applicant does not meet the 28655
requirements of divisions (A) (1) (a), (b), and (d) of this 28656
section, the director shall notify the applicant that the 28657
applicant's application is refused and refund the license fee. 28658
If the director determines that none of the individuals 28659
specified in the application of a corporation as satisfying the 28660
requirements of divisions (A) (1) and (F) (1) of this section meet 28661

the requirements of divisions (A) (1) (a), (b), and (d) and (F) (1) 28662
of this section, the director shall notify the corporation that 28663
its application is refused and refund the license fee. If the 28664
bureau assesses the director a fee for any investigation, the 28665
director, in addition to any other fee assessed pursuant to this 28666
chapter, may assess the applicant, officer, or qualifying agent, 28667
as appropriate, a fee that is equal to the fee assessed by the 28668
bureau. 28669

(4) (a) Subject to divisions (C) (4) (b), (c), and (d) of 28670
this section, the director shall not adopt, maintain, renew, or 28671
enforce any rule, or otherwise preclude in any way, an 28672
individual from receiving or renewing a license under this 28673
chapter due to any past criminal activity ~~or interpretation of~~ 28674
~~moral character~~, except as pursuant to division (A) (1) (a) of 28675
this section. If the director denies an individual a license or 28676
license renewal, the reasons for such denial shall be put in 28677
writing. 28678

(b) ~~Except as otherwise provided in this division, if an~~ 28679
~~individual applying for a license has been convicted of or~~ 28680
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 28681
~~turpitude or a disqualifying offense less than one year prior to~~ 28682
~~making the application, the director may use the director's~~ 28683
~~discretion in granting or denying the individual a license.~~ 28684
~~Except as otherwise provided in this division, if an individual~~ 28685
~~applying for a license has been convicted of or pleaded guilty~~ 28686
~~to a felony that is not a crime of moral turpitude or a~~ 28687
~~disqualifying offense less than three years prior to making the~~ 28688
~~application, the director may use the director's discretion in~~ 28689
~~granting or denying the individual a license. The provisions in~~ 28690
~~this paragraph do not apply with respect to any offense unless~~ 28691
~~the director, prior to the effective date of this amendment, was~~ 28692

~~required or authorized to deny the application based on that offense.~~ 28693
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~~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.~~ 28695
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~~(e)~~ In considering a renewal of an individual's license, 28698
the director shall not consider any conviction ~~or plea of guilty~~ 28699
prior to the initial licensing. However, the director may 28700
consider a conviction ~~or plea of guilty~~ if it occurred after the 28701
individual was initially licensed, or after the most recent 28702
license renewal. 28703

~~(d)~~ (c) The director may grant an individual a conditional 28704
license that lasts for one year. After the one-year period has 28705
expired, the license is no longer considered conditional, and 28706
the individual shall be considered fully licensed. 28707

(D) If upon application, investigation, and examination, 28708
the director finds that the applicant or, in the case of a 28709
corporation, any officer or qualifying agent specified in the 28710
application as satisfying the requirements of divisions (A) (1) 28711
and (F) (1) of this section, meets the applicable requirements, 28712
the director shall issue the applicant or the corporation a 28713
class A, B, or C license. The director also shall issue an 28714
identification card to an applicant, but not an officer or 28715
qualifying agent of a corporation, who meets the applicable 28716
requirements. The license and identification card shall state 28717
the licensee's name, the classification of the license, the 28718
location of the licensee's principal place of business in this 28719
state, and the expiration date of the license, and, in the case 28720
of a corporation, it also shall state the name of each officer 28721
or qualifying agent who satisfied the requirements of divisions 28722

(A) (1) and (F) (1) of this section. 28723

Licenses expire on the first day of March following the 28724
date of initial issue, and on the first day of March of each 28725
year thereafter. Annual renewals shall be according to the 28726
standard renewal procedures contained in Chapter 4745. of the 28727
Revised Code, upon payment of an annual renewal fee the director 28728
determines, not to exceed two hundred seventy-five dollars. No 28729
license shall be renewed if the licensee or, in the case of a 28730
corporation, each officer or qualifying agent who qualified the 28731
corporation for licensure no longer meets the applicable 28732
requirements of this section. No license shall be renewed unless 28733
the licensee provides evidence of workers' compensation risk 28734
coverage and unemployment compensation insurance coverage, other 28735
than for clerical employees and excepting sole proprietors who 28736
are exempted therefrom, as provided for in Chapters 4123. and 28737
4141. of the Revised Code, respectively, as well as the 28738
licensee's state tax identification number. No reexamination 28739
shall be required for renewal of a current license. 28740

For purposes of this chapter, a class A, B, or C license 28741
issued to a corporation shall be considered as also having 28742
licensed the individuals who qualified the corporation for 28743
licensure, for as long as they are associated with the 28744
corporation. 28745

For purposes of this division, "sole proprietor" means an 28746
individual licensed under this chapter who does not employ any 28747
other individual. 28748

(E) The director may issue a duplicate copy of a license 28749
issued under this section for the purpose of replacement of a 28750
lost, spoliated, or destroyed license, upon payment of a fee the 28751
director determines, not exceeding twenty-five dollars. Any 28752

change in license classification requires new application and 28753
application fees. 28754

(F) (1) In order to qualify a corporation for a class A, B, 28755
or C license, an officer or qualifying agent may qualify another 28756
corporation for similar licensure, provided that the officer or 28757
qualifying agent is actively engaged in the business of both 28758
corporations. 28759

(2) Each officer or qualifying agent who qualifies a 28760
corporation for class A, B, or C licensure shall surrender any 28761
personal license of a similar nature that the officer or 28762
qualifying agent possesses. 28763

(3) Upon written notification to the director, completion 28764
of an application similar to that for original licensure, 28765
surrender of the corporation's current license, and payment of a 28766
twenty-five-dollar fee, a corporation's class A, B, or C license 28767
may be transferred to another corporation. 28768

(4) Upon written notification to the director, completion 28769
of an application similar to that for an individual seeking 28770
class A, B, or C licensure, payment of a twenty-five-dollar fee, 28771
and, if the individual was the only individual that qualified a 28772
corporation for licensure, surrender of the corporation's 28773
license, any officer or qualifying agent who qualified a 28774
corporation for licensure under this chapter may obtain a 28775
similar license in the individual's own name without 28776
reexamination. A request by an officer or qualifying agent for 28777
an individual license shall not affect a corporation's license 28778
unless the individual is the only individual that qualified the 28779
corporation for licensure or all the other individuals who 28780
qualified the corporation for licensure submit such requests. 28781

(G) If a corporation is for any reason no longer 28782
associated with an individual who qualified it for licensure 28783
under this chapter, an officer of the corporation shall notify 28784
the director of that fact by certified mail, return receipt 28785
requested, within ten days after the association terminates. If 28786
the notification is so given, the individual was the only 28787
individual that qualified the corporation for licensure, and the 28788
corporation submits the name of another officer or qualifying 28789
agent to qualify the corporation for the license within thirty 28790
days after the association terminates, the corporation may 28791
continue to operate in the business of private investigation, 28792
the business of security services, or both businesses in this 28793
state under that license for ninety days after the association 28794
terminates. If the officer or qualifying agent whose name is 28795
submitted satisfies the requirements of divisions (A) (1) and (F) 28796
(1) of this section, the director shall issue a new license to 28797
the corporation within that ninety-day period. The names of more 28798
than one individual may be submitted. 28799

Sec. 4749.04. (A) The director of public safety may 28800
revoke, suspend, or refuse to renew, when a renewal form has 28801
been submitted, the license of any private investigator or 28802
security guard provider, or the registration of any employee of 28803
a private investigator or security guard provider, for any of 28804
the following: 28805

(1) Violation of any of the provisions of division (B) or 28806
(C) of section 4749.13 of the Revised Code; 28807

(2) Conviction of a disqualifying offense as ~~defined in-~~ 28808
~~specified under section 4776.10-9.79~~ of the Revised Code ~~if the~~ 28809
~~offense occurred within the last three years;~~ 28810

~~(3) Conviction of a crime involving moral turpitude as-~~ 28811

~~defined in section 4776.10 of the Revised Code;~~ 28812

~~(4) Conviction of an offense that occurred after the individual was initially licensed, or after the most recent renewal.;~~ 28813
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~~(5)~~ (3) Violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services; 28816
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~~(6)~~ (4) Testifying falsely under oath, or suborning perjury, in any judicial proceeding; 28819
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~~(7)~~ (5) Failure to satisfy the requirements specified in division (D) of section 4749.03 of the Revised Code. 28821
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Any person whose license or registration is revoked, suspended, or not renewed when a renewal form is submitted may appeal in accordance with Chapter 119. of the Revised Code. 28823
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(B) In lieu of suspending, revoking, or refusing to renew the class A, B, or C license, or of suspending, revoking, or refusing to renew the registration of an employee of a class A, B, or C licensee, the director may impose a civil penalty of not more than one hundred dollars for each calendar day of a violation of any of the provisions of this section or of division (B) or (C) of section 4749.13 of the Revised Code or of a violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services. 28826
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Sec. 4749.06. (A) Each class A, B, or C licensee shall register the licensee's investigator or security guard employees, with the department of public safety, which shall maintain a record of each licensee and registered employee and make it available, upon request, to any law enforcement agency. 28836
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The class A, B, or C licensee shall file an application to 28841
register a new employee no sooner than three days nor later than 28842
seven calendar days after the date on which the employee is 28843
hired. 28844

(B) (1) Each employee's registration application shall be 28845
accompanied by one recent photograph of the employee, the 28846
employee's physical description, and the registration fee the 28847
director determines, not to exceed forty dollars. 28848

(2) The employee shall submit one complete set of 28849
fingerprints directly to the superintendent of the bureau of 28850
criminal identification and investigation for the purpose of 28851
conducting a criminal records check. The employee shall provide 28852
the fingerprints using a method the superintendent prescribes 28853
pursuant to division (C) (2) of section 109.572 of the Revised 28854
Code and fill out the form the superintendent prescribes 28855
pursuant to division (C) (1) of section 109.572 of the Revised 28856
Code. An employee who intends to carry a firearm as defined in 28857
section 2923.11 of the Revised Code in the course of business or 28858
employment shall so notify the superintendent. This notification 28859
is in addition to any other requirement related to carrying a 28860
firearm that applies to the employee. The individual or 28861
corporation requesting the criminal records check shall pay the 28862
fee the superintendent prescribes. 28863

The superintendent shall conduct the criminal records 28864
check as set forth in division (B) of section 109.572 of the 28865
Revised Code. If an employee intends to carry a firearm in the 28866
course of business or employment, pursuant to division (B) (2) of 28867
section 109.572 of the Revised Code the superintendent shall 28868
make a request of the federal bureau of investigation for any 28869
information and review the information the bureau provides. The 28870

superintendent shall submit all results of the completed 28871
investigation to the director of public safety. 28872

(3) If, after investigation, the bureau finds that the 28873
employee has not been convicted of a disqualifying offense as 28874
~~defined in~~ specified under section ~~4776.10-9.79~~ of the Revised 28875
Code within the last three years, the director shall issue to 28876
the employee an identification card bearing the license number 28877
and signature of the licensee, which in the case of a 28878
corporation shall be the signature of its president or its 28879
qualifying agent, and containing the employee's name, address, 28880
age, physical description, and right thumb print or other 28881
identifying mark as the director prescribes, a recent photograph 28882
of the employee, and the employee's signature. The director may 28883
issue a duplicate of a lost, spoliated, or destroyed 28884
identification card issued under this section, upon payment of a 28885
fee fixed by the director, not exceeding five dollars. 28886

(C) Except as provided in division (E) of this section, no 28887
class A, B, or C licensee shall permit an employee, other than 28888
an individual who qualified a corporation for licensure, to 28889
engage in the business of private investigation, the business of 28890
security services, or both businesses until the employee 28891
receives an identification card from the department, except that 28892
pending the issuance of an identification card, a class A, B, or 28893
C licensee may offer for hire security guard or investigator 28894
employees provided the licensee obtains a waiver from the person 28895
who receives, for hire, security guard or investigative 28896
services, acknowledging that the person is aware the employees 28897
have not completed their registration and agreeing to their 28898
employment. 28899

(D) If a class A, B, or C licensee, or a registered 28900

employee of a class A, B, or C licensee, intends to carry a 28901
firearm, as defined in section 2923.11 of the Revised Code, in 28902
the course of engaging in the business or employment, the 28903
licensee or registered employee shall satisfactorily complete a 28904
firearms basic training program that includes twenty hours of 28905
handgun training and five hours of training in the use of other 28906
firearms, if any other firearm is to be used, or equivalency 28907
training, if authorized, or shall be a former peace officer who 28908
previously had successfully completed a firearms training 28909
course, shall receive a certificate of satisfactory completion 28910
of that program or written evidence of approval of the 28911
equivalency training, shall file an application for 28912
registration, shall receive a firearm-bearer notation on the 28913
licensee's or registered employee's identification card, and 28914
shall annually requalify on a firearms range, all as described 28915
in division (A) of section 4749.10 of the Revised Code. A 28916
private investigator, security guard provider, or employee is 28917
authorized to carry a firearm only in accordance with that 28918
division. 28919

(E) This section does not apply to commissioned peace 28920
officers, as defined in division (B) of section 2935.01 of the 28921
Revised Code, working for, either as an employee or independent 28922
contractor, a class A, B, or C licensee. For purposes of this 28923
chapter, a commissioned peace officer is an employee exempt from 28924
registration. 28925

(F) The registration of an investigator or security guard 28926
employee expires annually on the anniversary date of its initial 28927
issuance. Annual renewals shall be made pursuant to procedures 28928
the director establishes by rule and upon payment of a renewal 28929
fee the director determines, not to exceed thirty-five dollars. 28930
The director shall not renew the registration of any 28931

investigator or security guard employee who no longer meets the 28932
requirements of this section. No background check is required 28933
for annual renewal, but an investigator or security guard 28934
employee shall report any conviction of a disqualifying offense 28935
to the employer and the director of public safety as a condition 28936
of continued registration. 28937

~~Sec. 4749.09. Any class A, B, or C licensee, or registered 28938
employee of a class A, B, or C licensee, who operates in a 28939
municipal corporation that provides by ordinance for the 28940
licensing, registering, or regulation of private investigators, 28941
security guard providers, or their employees shall conform to 28942
those ordinances insofar as they do not conflict with this 28943
chapter. No license or registration fees shall be charged by the 28944
state or any of its subdivisions for conducting the business of 28945
private investigation, the business of security services, or 28946
both businesses other than as provided in this chapter. 28947~~

Sec. 4751.04. (A) The board of executives of long-term 28948
services and supports shall: 28949

(1) Develop, adopt, impose, and enforce regulations 28950
prescribing standards which must be met by individuals in order 28951
to receive a license as a nursing home administrator, which 28952
standards shall be designed to ensure that nursing home 28953
administrators ~~are of good character and are otherwise suitable,~~ 28954
~~and who,~~ by training and experience, are qualified to serve as 28955
nursing home administrators; 28956

(2) Develop and apply appropriate techniques, including 28957
examinations and investigations, for determining whether an 28958
individual meets such standards; 28959

(3) Issue licenses and registrations to individuals 28960

determined, after application of such techniques, to meet such standards; 28961
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(4) Revoke or suspend licenses or registrations previously issued by the board or impose a civil penalty, fine, or any other sanction authorized by the board on an individual holding a license or registration, in any case where the individual is determined to have failed substantially to conform to the requirements of such standards; 28963
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(5) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during any period that they serve as such, comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder; 28969
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(6) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder; 28975
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(7) Take such other actions as may be necessary to enable the state to meet the requirements set forth in the "Social Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g; 28980
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(8) Pay all license and registration fees, civil penalties, and fines collected under Chapter 4751. of the Revised Code into the board of executives of long-term services and supports fund created by section 4751.14 of the Revised Code to be used in administering and enforcing this chapter and the rules adopted under it; 28984
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(9) Administer, or contract with a government or private	28990
entity to administer, examinations for licensure as a nursing	28991
home administrator. If the board contracts with a government or	28992
private entity to administer the examinations, the contract may	28993
authorize the entity to collect and keep, as all or part of the	28994
entity's compensation under the contract, any fee an applicant	28995
for licensure pays to take an examination. The entity is not	28996
required to deposit the fee into the state treasury;	28997
(10) Enter into a contract with the department of aging as	28998
required under section 4751.042 of the Revised Code;	28999
(11) Create opportunities for the education, training, and	29000
credentialing of nursing home administrators, persons in	29001
leadership positions who practice in long-term services and	29002
supports settings or who direct the practices of others in those	29003
settings, and persons interested in serving in those roles. In	29004
carrying out this function, the board shall do the following:	29005
(a) Identify core competencies and areas of knowledge that	29006
are appropriate for nursing home administrators, credentialed	29007
individuals, and others working within the long-term services	29008
and supports settings system, with an emphasis on all of the	29009
following:	29010
(i) Leadership;	29011
(ii) Person-centered care;	29012
(iii) Principles of management within both the business	29013
and regulatory environments;	29014
(iv) An understanding of all post-acute settings,	29015
including transitions from acute settings and between post-acute	29016
settings.	29017

(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration. 29018
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(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section 119.11 of the Revised Code. The court, at its discretion, may grant a stay of any regulation in its application against the person filing the notice of appeal. 29022
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Sec. 4751.05. (A) The board of executives of long-term services and supports, or a government or private entity under contract with the board to administer examinations for licensure as a nursing home administrator, shall admit to an examination any candidate who: 29032
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(1) Pays the application fee of fifty dollars; 29037

(2) ~~Submits evidence of good moral character and suitability;~~ 29038
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~~(3)~~ Is at least eighteen years of age; 29040

~~(4)~~ (3) Has completed educational requirements and work experience satisfactory to the board; 29041
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~~(5)~~ (4) Submits an application on forms prescribed by the board; 29043
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~~(6)~~ (5) Pays the examination fee charged by the board or 29045

government or private entity. 29046

(B) Nothing in Chapter 4751. of the Revised Code or the 29047
rules adopted thereunder shall be construed to require an 29048
applicant for licensure or a temporary license, who is employed 29049
by an institution for the care and treatment of the sick to 29050
demonstrate proficiency in any medical techniques or to meet any 29051
medical educational qualifications or medical standards not in 29052
accord with the remedial care and treatment provided by the 29053
institution if the institution is all of the following: 29054

(1) Operated exclusively for patients who use spiritual 29055
means for healing and for whom the acceptance of medical care is 29056
inconsistent with their religious beliefs; 29057

(2) Accredited by a national accrediting organization; 29058

(3) Exempt from federal income taxation under section 501 29059
of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 29060
U.S.C.A. 1, as amended; 29061

(4) Providing twenty-four hour nursing care pursuant to 29062
the exemption in division (E) of section 4723.32 of the Revised 29063
Code from the licensing requirements of Chapter 4723. of the 29064
Revised Code. 29065

(C) If a person fails three times to attain a passing 29066
grade on the examination, said person, before the person may 29067
again be admitted to examination, shall meet such additional 29068
education or experience requirements, or both, as may be 29069
prescribed by the board. 29070

Sec. 4751.10. The license or registration, or both, or the 29071
temporary license of any person practicing or offering to 29072
practice nursing home administration, shall be revoked or 29073
suspended by the board of executives of long-term services and 29074

supports if such licensee or temporary licensee: 29075

(A) Is unfit or incompetent by reason of negligence, 29076
habits, or other causes; 29077

(B) Has willfully or repeatedly violated any of the 29078
provisions of Chapter 4751. of the Revised Code or the 29079
regulations adopted thereunder; or willfully or repeatedly acted 29080
in a manner inconsistent with the health and safety of the 29081
patients of the nursing home in which the licensee or temporary 29082
licensee is the administrator; 29083

(C) Is guilty of fraud or deceit in the practice of 29084
nursing home administration or in the licensee's or temporary 29085
licensee's admission to such practice; 29086

(D) Has been convicted in a court of competent 29087
jurisdiction, either within or without this state, of a ~~felony~~ 29088
disqualifying offense, as specified under section 9.79 of the 29089
Revised Code. 29090

Sec. 4751.11. (A) The board of executives of long-term 29091
services and supports may, in its discretion, reissue a license 29092
or registration, or both, to any person whose license or 29093
registration, or both, has been revoked. 29094

(B) Application for the reissuance of a license or 29095
registration, or both, shall not be made prior to one year after 29096
revocation and shall be made in such manner as the board may 29097
direct. 29098

(C) If a person convicted of a ~~felony~~ disqualifying 29099
offense, as specified under section 9.79 of the Revised Code, is 29100
subsequently pardoned by the governor of the state where such 29101
conviction was had or by the president of the United States, or 29102
receives a final release granted by the adult parole authority 29103

of this state or its equivalent agency of another state, the 29104
board may, in its discretion, on application of such person and 29105
on the submission of evidence satisfactory to the board restore 29106
to such person the nursing home administrator's license or 29107
registration, or both. 29108

Sec. 4752.09. (A) The state board of pharmacy may, in 29109
accordance with Chapter 119. of the Revised Code, suspend or 29110
revoke a license issued under this chapter or discipline a 29111
license holder by imposing a fine of not more than five thousand 29112
dollars or taking other disciplinary action on any of the 29113
following grounds: 29114

(1) Violation of any provision of this chapter or an order 29115
or rule of the board, as those provisions, orders, or rules are 29116
applicable to persons licensed under this chapter; 29117

(2) ~~A plea of guilty to or a judicial finding of guilt of~~ 29118
~~a felony or a misdemeanor that involves dishonesty or is~~ 29119
~~directly related to the provision of home medical equipment~~ 29120
~~services conviction of a disqualifying offense, as specified~~ 29121
under section 9.79 of the Revised Code; 29122

(3) Making a material misstatement in furnishing 29123
information to the board; 29124

(4) Professional incompetence; 29125

(5) Being guilty of negligence or gross misconduct in 29126
providing home medical equipment services; 29127

(6) Aiding, assisting, or willfully permitting another 29128
person to violate any provision of this chapter or an order or 29129
rule of the board, as those provisions, orders, or rules are 29130
applicable to persons licensed under this chapter; 29131

(7) Failing, within sixty days, to provide information in response to a written request by the board;	29132 29133
(8) Engaging in conduct likely to deceive, defraud, or harm the public;	29134 29135
(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 jurisdiction;	29136 29137 29138 29139
(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;	29140 29141 29142
(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments;	29143 29144 29145 29146
(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers.	29147 29148 29149 29150 29151
(B) The state board of pharmacy immediately may suspend a license without a hearing if it determines that there is evidence that the license holder is subject to actions under this section and that there is clear and convincing evidence that continued operation by the license holder presents an immediate and serious harm to the public. The president and executive director of the board shall make a preliminary determination and describe, by telephone conference or any other method of communication, the evidence on which they made their	29152 29153 29154 29155 29156 29157 29158 29159 29160

determination to the other members of the board. The board may 29161
by resolution designate another board member to act in place of 29162
the president of the board or another employee to act in the 29163
place of the executive director, in the event that the board 29164
president or executive director is unavailable or unable to act. 29165
On review of the evidence, the board may by a vote of not less 29166
than seven of its members, suspend a license without a prior 29167
hearing. The board may vote on the suspension by way of a 29168
telephone conference call. 29169

Immediately following the decision to suspend a license 29170
under this division, the board shall issue a written order of 29171
suspension and cause it to be delivered in accordance with 29172
section 119.07 of the Revised Code. The order shall not be 29173
subject to suspension by the court during the pendency of any 29174
appeal filed under section 119.12 of the Revised Code. If the 29175
license holder requests an adjudication hearing, the date set 29176
for the hearing shall be within fifteen days but not earlier 29177
than seven days after the license holder requests the hearing, 29178
unless another date is agreed to by the license holder and the 29179
board. The suspension shall remain in effect, unless reversed by 29180
the board, until a final adjudication order issued by the board 29181
pursuant to this section and Chapter 119. of the Revised Code 29182
becomes effective. The board shall issue its final adjudication 29183
order not later than ninety days after completion of the 29184
hearing. The board's failure to issue the order by that day 29185
shall cause the summary suspension to end, but shall not affect 29186
the validity of any subsequent final adjudication order. 29187

Sec. 4753.10. In accordance with Chapter 119. of the 29188
Revised Code, the state speech and hearing professionals board 29189
may reprimand or place on probation a speech-language 29190
pathologist or audiologist or suspend, revoke, or refuse to 29191

issue or renew the license of a speech-language pathologist or audiologist. Disciplinary actions may be taken by the board for	29192
conduct that may result from but not necessarily be limited to:	29193
	29194
(A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license;	29195
	29196
(B) Fraud, deception, or misrepresentation in using a license;	29197
	29198
(C) Altering a license;	29199
(D) Aiding or abetting unlicensed practice;	29200
(E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:	29201
	29202
	29203
(1) Making or filing a false report or record in the practice of speech-language pathology or audiology;	29204
	29205
(2) Submitting a false statement to collect a fee;	29206
(3) Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.	29207
	29208
	29209
(F) 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;	29210
	29211
	29212
	29213
(G) Falsely representing the use or availability of services or advice of a physician;	29214
	29215
(H) 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	29216
	29217
	29218

obtained from an accredited institution;	29219
(I) Committing any act of dishonorable, immoral, or	29220
unprofessional conduct while engaging in the practice of speech-	29221
language pathology or audiology;	29222
(J) Engaging in illegal, incompetent, or habitually	29223
negligent practice;	29224
(K) Providing professional services while:	29225
(1) Mentally incompetent;	29226
(2) Under the influence of alcohol;	29227
(3) Using any narcotic or controlled substance or other	29228
drug that is in excess of therapeutic amounts or without valid	29229
medical indication.	29230
(L) Providing services or promoting the sale of devices,	29231
appliances, or products to a person who cannot reasonably be	29232
expected to benefit from such services, devices, appliances, or	29233
products in accordance with results obtained utilizing	29234
appropriate assessment procedures and instruments;	29235
(M) Violating this chapter or any lawful order given or	29236
rule adopted by the board;	29237
(N) Being convicted of or pleading guilty or nolo-	29238
contendere to a felony or to a crime involving moral turpitude,	29239
whether or not any appeal or other proceeding is pending to have-	29240
the conviction or plea set aside <u>disqualifying offense, as</u>	29241
<u>specified under section 9.79 of the Revised Code;</u>	29242
(O) Being disciplined by a licensing or disciplinary	29243
authority of this or any other state or country or convicted or	29244
disciplined by a court of this or any other state or country for	29245

an act that would be grounds for disciplinary action under this section. 29246
29247

After revocation of a license under this section, 29248
application may be made to the board for reinstatement. The 29249
board, in accordance with an order of revocation as issued under 29250
Chapter 119. of the Revised Code, may require an examination for 29251
reinstatement. 29252

If any person has engaged in any practice which 29253
constitutes an offense under the provisions of this chapter or 29254
rules promulgated thereunder by the board, the board may apply 29255
to the court of common pleas of the county for an injunction or 29256
other appropriate order restraining such conduct, and the court 29257
may issue such order. 29258

Any person who wishes to make a complaint against any 29259
person licensed pursuant to this chapter shall submit the 29260
complaint in writing to the board within one year from the date 29261
of the action or event upon which the complaint is based. The 29262
board shall determine whether the allegations in the complaint 29263
are of a sufficiently serious nature to warrant formal 29264
disciplinary charges against the licensee pursuant to this 29265
section. If the board determines that formal disciplinary 29266
charges are warranted, it shall proceed in accordance with the 29267
procedures established in Chapter 119. of the Revised Code. 29268

Sec. 4755.06. The occupational therapy section of the Ohio 29269
occupational therapy, physical therapy, and athletic trainers 29270
board may make reasonable rules in accordance with Chapter 119. 29271
of the Revised Code relating to, but not limited to, the 29272
following: 29273

(A) The form and manner for filing applications for 29274

licensure under sections 4755.04 to 4755.13 of the Revised Code;	29275
(B) The issuance, suspension, and revocation of the	29276
licenses and the conducting of investigations and hearings;	29277
(C) Standards for approval of courses of study relative to	29278
the practice of occupational therapy;	29279
(D) The time and form of examination for the licensure;	29280
(E) Standards of ethical conduct in the practice of	29281
occupational therapy;	29282
(F) The form and manner for filing applications for	29283
renewal and a schedule of deadlines for renewal;	29284
(G) The conditions under which a license of a licensee who	29285
files a late application for renewal will be reinstated;	29286
(H) Placing an existing license in escrow;	29287
(I) The amount, scope, and nature of continuing education	29288
activities required for license renewal, including waivers of	29289
the continuing education requirements;	29290
(J) Guidelines for limited permits;	29291
(K) Requirements for criminal records checks of applicants	29292
under section 4776.03 of the Revised Code;	29293
(L) Subject to section 4755.061 of the Revised Code, the	29294
amount for each fee specified in section 4755.12 of the Revised	29295
Code that the section charges;	29296
(M) The amount and content of corrective action courses	29297
required by the board under section 4755.11 of the Revised Code.	29298
The section may hear testimony in matters relating to the	29299
duties imposed upon it, and the chairperson and secretary of the	29300

section may administer oaths. The section may require proof, 29301
beyond the evidence found in the application, of the honesty,~~—~~ 29302
and truthfulness,~~—and good reputation~~ of any person named in an 29303
application for licensure, before admitting the applicant to an 29304
examination or issuing a license. 29305

Sec. 4755.07. No person shall qualify for licensure as an 29306
occupational therapist or as an occupational therapy assistant 29307
unless the person has shown to the satisfaction of the 29308
occupational therapy section of the Ohio occupational therapy, 29309
physical therapy, and athletic trainers board that the person: 29310

(A) ~~Is of good moral character;~~ 29311

~~(B)~~ Has successfully completed the academic requirements 29312
of an educational program recognized by the section, including a 29313
concentration of instruction in basic human sciences, the human 29314
development process, occupational tasks and activities, the 29315
health-illness-health continuum, and occupational therapy theory 29316
and practice; 29317

~~(C)~~ (B) Has successfully completed a period of supervised 29318
field work experience at a recognized educational institution or 29319
a training program approved by the educational institution where 29320
the person met the academic requirements. For an occupational 29321
therapist, a minimum of six months of supervised field work 29322
experience is required. For an occupational therapy assistant, a 29323
minimum of two months of supervised field work experience is 29324
required. 29325

~~(D)~~ (C) Has successfully passed a written examination 29326
testing the person's knowledge of the basic and clinical 29327
sciences relating to occupational therapy, and occupational 29328
therapy theory and practice, including the applicant's 29329

professional skills and judgment in the utilization of 29330
occupational therapy techniques and methods, and such other 29331
subjects as the section may consider useful to determine the 29332
applicant's fitness to practice. The section may require 29333
separate examinations of applicants for licensure as 29334
occupational therapy assistants and applicants for licensure as 29335
occupational therapists. 29336

Applicants for licensure shall be examined at a time and 29337
place and under such supervision as the section determines. 29338

Sec. 4755.08. The occupational therapy section of the Ohio 29339
occupational therapy, physical therapy, and athletic trainers 29340
board shall issue a license to every applicant who has passed 29341
the appropriate examination designated by the section and who 29342
otherwise complies with the licensure requirements of sections 29343
4755.04 to 4755.13 of the Revised Code. The license entitles the 29344
holder to practice occupational therapy or to assist in the 29345
practice of occupational therapy. The licensee shall display the 29346
license in a conspicuous place at the licensee's principal place 29347
of business. 29348

The section may issue a limited permit to persons who have 29349
satisfied the requirements of divisions (A) ~~to (C)~~ and (B) of 29350
section 4755.07 of the Revised Code. This permit allows the 29351
person to practice as an occupational therapist or occupational 29352
therapy assistant under the supervision of a licensed 29353
occupational therapist and is valid until the date on which the 29354
results of the examination are made public. This limited permit 29355
shall not be renewed if the applicant has failed the 29356
examination. 29357

Sec. 4755.11. (A) In accordance with Chapter 119. of the 29358
Revised Code, the occupational therapy section of the Ohio 29359

occupational therapy, physical therapy, and athletic trainers 29360
board may suspend, revoke, or refuse to issue or renew an 29361
occupational therapist license, occupational therapy assistant 29362
license, occupational therapist limited permit, occupational 29363
therapy assistant limited permit, or reprimand, fine, place a 29364
license or limited permit holder on probation, or require the 29365
license or limited permit holder to take corrective action 29366
courses, for any of the following: 29367

(1) Conviction of ~~an a disqualifying offense involving~~ 29368
~~moral turpitude or a felony, regardless of the state or country~~ 29369
~~in which the conviction occurred, as specified under section~~ 29370
9.79 of the Revised Code; 29371

(2) Violation of any provision of sections 4755.04 to 29372
4755.13 of the Revised Code; 29373

(3) Violation of any lawful order or rule of the 29374
occupational therapy section; 29375

(4) Obtaining or attempting to obtain a license or limited 29376
permit issued by the occupational therapy section by fraud or 29377
deception, including the making of a false, fraudulent, 29378
deceptive, or misleading ~~statements~~ statement in relation to 29379
these activities; 29380

(5) Negligence, unprofessional conduct, or gross 29381
misconduct in the practice of the profession of occupational 29382
therapy; 29383

(6) Accepting commissions or rebates or other forms of 29384
remuneration for referring persons to other professionals; 29385

(7) Communicating, without authorization, information 29386
received in professional confidence; 29387

- (8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder; 29388
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- (9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent; 29393
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- (10) Failing the licensing or Ohio jurisprudence examination; 29395
29396
- (11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy; 29397
29398
- (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; 29399
29400
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29402
- (13) Except as provided in division (B) of this section: 29403
- (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; 29404
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- (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. 29410
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- (14) Working or representing oneself as an occupational 29415

therapist, occupational therapy assistant, occupational 29416
therapist limited permit holder, or occupational therapy 29417
assistant limited permit holder without a current and valid 29418
license or limited permit issued by the occupational therapy 29419
section; 29420

(15) Engaging in a deceptive trade practice, as defined in 29421
section 4165.02 of the Revised Code; 29422

(16) Violation of the standards of ethical conduct in the 29423
practice of occupational therapy as identified by the 29424
occupational therapy section; 29425

(17) A departure from, or the failure to conform to, 29426
minimal standards of care required of licensees or limited 29427
permit holders, whether or not actual injury to a patient is 29428
established; 29429

(18) An adjudication by a court that the applicant, 29430
licensee, or limited permit holder is incompetent for the 29431
purpose of holding a license or limited permit and has not 29432
thereafter been restored to legal capacity for that purpose; 29433

(19) (a) Except as provided in division (A) (19) (b) of this 29434
section, failure to cooperate with an investigation conducted by 29435
the occupational therapy section, including failure to comply 29436
with a subpoena or orders issued by the section or failure to 29437
answer truthfully a question presented by the section at a 29438
deposition or in written interrogatories. 29439

(b) Failure to cooperate with an investigation does not 29440
constitute grounds for discipline under this section if a court 29441
of competent jurisdiction issues an order that either quashes a 29442
subpoena or permits the individual to withhold the testimony or 29443
evidence at issue. 29444

(20) Conviction of a misdemeanor reasonably related to the	29445
practice of occupational therapy, regardless of the state or	29446
country in which the conviction occurred;	29447
(21) Inability to practice according to acceptable and	29448
prevailing standards of care because of mental or physical	29449
illness, including physical deterioration that adversely affects	29450
cognitive, motor, or perception skills;	29451
(22) (21) Violation of conditions, limitations, or	29452
agreements placed by the occupational therapy section on a	29453
license or limited permit to practice;	29454
(23) (22) Making a false, fraudulent, deceptive, or	29455
misleading statement in the solicitation of or advertising for	29456
patients in relation to the practice of occupational therapy;	29457
(24) (23) Failure to complete continuing education	29458
requirements as prescribed in rules adopted by the occupational	29459
therapy section under section 4755.06 of the Revised Code.	29460
(B) Sanctions shall not be imposed under division (A) (13)	29461
of this section against any individual who waives deductibles	29462
and copayments as follows:	29463
(1) In compliance with the health benefit plan that	29464
expressly allows such a practice. Waiver of the deductibles or	29465
copayments shall be made only with the full knowledge and	29466
consent of the plan purchaser, payer, and third-party	29467
administrator. Documentation of the consent shall be made	29468
available to the section upon request.	29469
(2) For professional services rendered to any other person	29470
licensed pursuant to sections 4755.04 to 4755.13 of the Revised	29471
Code to the extent allowed by those sections and the rules of	29472
the occupational therapy section.	29473

(C) Except as provided in division (D) of this section, 29474
the suspension or revocation of a license or limited permit 29475
under this section is not effective until either the order for 29476
suspension or revocation has been affirmed following an 29477
adjudication hearing, or the time for requesting a hearing has 29478
elapsed. 29479

When a license or limited permit is revoked under this 29480
section, application for reinstatement may not be made sooner 29481
than one year after the date of revocation. The occupational 29482
therapy section may accept or refuse an application for 29483
reinstatement and may require that the applicant pass an 29484
examination as a condition of reinstatement. 29485

When a license or limited permit holder is placed on 29486
probation under this section, the occupational therapy section's 29487
probation order shall be accompanied by a statement of the 29488
conditions under which the individual may be removed from 29489
probation and restored to unrestricted practice. 29490

(D) On receipt of a complaint that a person who holds a 29491
license or limited permit issued by the occupational therapy 29492
section has committed any of the prohibited actions listed in 29493
division (A) of this section, the section may immediately 29494
suspend the license or limited permit prior to holding a hearing 29495
in accordance with Chapter 119. of the Revised Code if it 29496
determines, based on the complaint, that the licensee or limited 29497
permit holder poses an immediate threat to the public. The 29498
section may review the allegations and vote on the suspension by 29499
telephone conference call. If the section votes to suspend a 29500
license or limited permit under this division, the section shall 29501
issue a written order of summary suspension to the licensee or 29502
limited permit holder in accordance with section 119.07 of the 29503

Revised Code. If the individual whose license or limited permit is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license or limited permit. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(E) If any person other than a person who holds a license or limited permit issued under section 4755.08 of the Revised Code has engaged in any practice that is prohibited under sections 4755.04 to 4755.13 of the Revised Code or the rules of the occupational therapy section, the section may apply to the court of common pleas of the county in which the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

Sec. 4755.47. (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical

therapist assistant or, by an affirmative vote of not less than 29535
five members, may limit, suspend, or revoke the license of a 29536
physical therapist or physical therapist assistant or reprimand, 29537
fine, place a license holder on probation, or require the 29538
license holder to take corrective action courses, on any of the 29539
following grounds: 29540

(1) Habitual indulgence in the use of controlled 29541
substances, other habit-forming drugs, or alcohol to an extent 29542
that affects the individual's professional competency; 29543

(2) Conviction of a ~~felony or a crime involving moral~~ 29544
~~turpitude, regardless of the state or country in which the~~ 29545
~~conviction occurred~~ disqualifying offense, as specified under 29546
section 9.79 of the Revised Code; 29547

(3) Obtaining or attempting to obtain a license issued by 29548
the physical therapy section by fraud or deception, including 29549
the making of a false, fraudulent, deceptive, or misleading 29550
statement; 29551

(4) An adjudication by a court, as provided in section 29552
5122.301 of the Revised Code, that the applicant or licensee is 29553
incompetent for the purpose of holding the license and has not 29554
thereafter been restored to legal capacity for that purpose; 29555

(5) Subject to section 4755.471 of the Revised Code, 29556
violation of the code of ethics adopted by the physical therapy 29557
section; 29558

(6) Violating or attempting to violate, directly or 29559
indirectly, or assisting in or abetting the violation of or 29560
conspiring to violate sections 4755.40 to 4755.56 of the Revised 29561
Code or any order issued or rule adopted under those sections; 29562

(7) Failure of one or both of the examinations required 29563

under section 4755.43 or 4755.431 of the Revised Code;	29564
(8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;	29565 29566 29567
(9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	29568 29569 29570 29571
(10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;	29572 29573 29574 29575 29576 29577
(11) Willful betrayal of a professional confidence;	29578
(12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;	29579 29580 29581
(13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;	29582 29583 29584 29585
(14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	29586 29587 29588
(15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;	29589 29590 29591

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;	29592 29593
(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;	29594 29595 29596 29597
(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;	29598 29599 29600 29601
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	29602 29603 29604
(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;	29605 29606 29607 29608 29609 29610
(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;	29611 29612 29613 29614 29615 29616
(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;	29617 29618 29619 29620

~~(23) Conviction of a misdemeanor when the act that~~ 29621
~~constitutes the misdemeanor occurs during the practice of~~ 29622
~~physical therapy;~~ 29623

~~(24)~~(a) Except as provided in division (A) ~~(24)~~(23) (b) of 29624
this section, failure to cooperate with an investigation 29625
conducted by the physical therapy section, including failure to 29626
comply with a subpoena or orders issued by the section or 29627
failure to answer truthfully a question presented by the section 29628
at a deposition or in written interrogatories. 29629

(b) Failure to cooperate with an investigation does not 29630
constitute grounds for discipline under this section if a court 29631
of competent jurisdiction issues an order that either quashes a 29632
subpoena or permits the individual to withhold the testimony or 29633
evidence at issue. 29634

~~(25)~~(24) Regardless of whether the contact or verbal 29635
behavior is consensual, engaging with a patient other than the 29636
spouse of the physical therapist or physical therapist 29637
assistant, in any of the following: 29638

(a) Sexual contact, as defined in section 2907.01 of the 29639
Revised Code; 29640

(b) Verbal behavior that is sexually demeaning to the 29641
patient or may be reasonably interpreted by the patient as 29642
sexually demeaning. 29643

~~(26)~~(25) Failure to notify the physical therapy section 29644
of a change in name, business address, or home address within 29645
thirty days after the date of change; 29646

~~(27)~~(26) Except as provided in division (B) of this 29647
section: 29648

(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 physical 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;

(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 physical therapy, would otherwise be required to pay.

~~(28)~~ (27) Violation of any section of this chapter or rule adopted under it.

(B) Sanctions shall not be imposed under division (A) ~~(27)~~ (26) of this section against any individual 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 physical therapy section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section.

(C) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The physical therapy section

may accept or refuse an application for reinstatement and may 29678
require that the applicant pass an examination as a condition 29679
for reinstatement. 29680

When a license holder is placed on probation under this 29681
section, the physical therapy section's order for placement on 29682
probation shall be accompanied by a statement of the conditions 29683
under which the individual may be removed from probation and 29684
restored to unrestricted practice. 29685

(D) When an application for an initial or renewed license 29686
is refused under this section, the physical therapy section 29687
shall notify the applicant in writing of the section's decision 29688
to refuse issuance of a license and the reason for its decision. 29689

(E) On receipt of a complaint that a person licensed by 29690
the physical therapy section has committed any of the actions 29691
listed in division (A) of this section, the physical therapy 29692
section may immediately suspend the license of the physical 29693
therapist or physical therapist assistant prior to holding a 29694
hearing in accordance with Chapter 119. of the Revised Code if 29695
it determines, based on the complaint, that the person poses an 29696
immediate threat to the public. The physical therapy section may 29697
review the allegations and vote on the suspension by telephone 29698
conference call. If the physical therapy section votes to 29699
suspend a license under this division, the physical therapy 29700
section shall issue a written order of summary suspension to the 29701
person in accordance with section 119.07 of the Revised Code. If 29702
the person fails to make a timely request for an adjudication 29703
under Chapter 119. of the Revised Code, the physical therapy 29704
section shall enter a final order permanently revoking the 29705
person's license. Notwithstanding section 119.12 of the Revised 29706
Code, a court of common pleas shall not grant a suspension of 29707

the physical therapy section's order of summary suspension 29708
pending the determination of an appeal filed under that section. 29709
Any order of summary suspension issued under this division shall 29710
remain in effect, unless reversed on appeal, until a final 29711
adjudication order issued by the physical therapy section 29712
pursuant to division (A) of this section becomes effective. The 29713
physical therapy section shall issue its final adjudication 29714
order regarding an order of summary suspension issued under this 29715
division not later than ninety days after completion of its 29716
hearing. Failure to issue the order within ninety days shall 29717
result in immediate dissolution of the suspension order, but 29718
shall not invalidate any subsequent, final adjudication order. 29719

Sec. 4755.62. (A) No person shall claim to the public to 29720
be an athletic trainer or imply by words, actions, or letters 29721
that the person is an athletic trainer, or otherwise engage in 29722
the practice of athletic training, unless the person is licensed 29723
as an athletic trainer pursuant to this chapter. 29724

(B) Except as otherwise provided in division (B) of 29725
section 4755.65 of the Revised Code, no educational institution, 29726
partnership, association, or corporation shall advertise or 29727
otherwise offer to provide or convey the impression that it is 29728
providing athletic training unless an individual licensed as an 29729
athletic trainer pursuant to this chapter is employed by, or 29730
under contract to, the educational institution, partnership, 29731
association, or corporation and will be performing the athletic 29732
training services to which reference is made. 29733

(C) To qualify for an athletic trainers license, a person 29734
shall: 29735

(1) Have satisfactorily completed an application for 29736
licensure in accordance with rules adopted by the athletic 29737

trainers section of the Ohio occupational therapy, physical 29738
therapy, and athletic trainers board under section 4755.61 of 29739
the Revised Code; 29740

(2) Have paid the examination fee required under this 29741
section; 29742

(3) ~~Be of good moral character;~~ 29743

~~(4)~~ Have shown, to the satisfaction of the athletic 29744
trainers section, that the applicant has received a 29745
baccalaureate or higher degree from an institution of higher 29746
education, approved by the athletic trainers section of the 29747
board and the federal regional accreditation agency and 29748
recognized by the council on postsecondary accreditation, and 29749
has satisfactorily completed the educational course work 29750
requirements established by rule of the athletic trainers 29751
section under section 4755.61 of the Revised Code. 29752

~~(5)~~ (4) In addition to educational course work 29753
requirements, have obtained supervised clinical experience that 29754
meets the requirements established in rules adopted by the 29755
athletic trainers section under section 4755.61 of the Revised 29756
Code; 29757

~~(6)~~ (5) Have passed an examination adopted by the athletic 29758
trainers section under division (A) (8) of section 4755.61 of the 29759
Revised Code. Each applicant for licensure shall pay, at the 29760
time of application, the nonrefundable examination fee set by 29761
the athletic trainers section. 29762

(D) The section may waive the requirements of division (C) 29763
of this section for any applicant who presents proof of current 29764
licensure in another state whose standards for licensure, as 29765
determined by the section, are equal to or greater than those in 29766

effect in this state on the date of application. 29767

(E) The section shall issue a license to every applicant 29768
who complies with the requirements of division (C) of this 29769
section, files the required application form, and pays the fees 29770
required by section 4755.61 of the Revised Code. A license 29771
issued under this section entitles the holder to engage in the 29772
practice of athletic training, claim to the public to be an 29773
athletic trainer, or to imply by words or letters that the 29774
licensee is an athletic trainer. Each licensee shall display the 29775
licensee's license in a conspicuous place at the licensee's 29776
principal place of employment. 29777

Sec. 4755.64. (A) In accordance with Chapter 119. of the 29778
Revised Code, the athletic trainers section of the Ohio 29779
occupational therapy, physical therapy, and athletic trainers 29780
board may suspend, revoke, or refuse to issue or renew an 29781
athletic trainers license, or reprimand, fine, or place a 29782
licensee on probation, for any of the following: 29783

(1) Conviction of a ~~felony or disqualifying offense~~ 29784
~~involving moral turpitude, regardless of the state or country in~~ 29785
~~which the conviction occurred, as specified under section 9.79~~ 29786
of the Revised Code; 29787

(2) Violation of sections 4755.61 to 4755.65 of the 29788
Revised Code or any order issued or rule adopted thereunder; 29789

(3) Obtaining a license through fraud, false or misleading 29790
representation, or concealment of material facts; 29791

(4) Negligence or gross misconduct in the practice of 29792
athletic training; 29793

(5) Violating the standards of ethical conduct in the 29794
practice of athletic training as adopted by the athletic 29795

trainers section under section 4755.61 of the Revised Code;	29796
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	29797 29798 29799
(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;	29800 29801 29802 29803 29804 29805 29806
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	29807 29808 29809 29810
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	29811 29812 29813 29814
(10) Failing the licensing examination;	29815
(11) Aiding or abetting the unlicensed practice of athletic training;	29816 29817
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.	29818 29819 29820 29821
(B) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's	29822 29823

order for placement on probation shall be accompanied by a 29824
written statement of the conditions under which the person may 29825
be removed from probation and restored to unrestricted practice. 29826

(C) A licensee whose license has been revoked under 29827
division (A) of this section may apply to the athletic trainers 29828
section for reinstatement of the license one year following the 29829
date of revocation. The athletic trainers section may accept or 29830
deny the application for reinstatement and may require that the 29831
applicant pass an examination as a condition for reinstatement. 29832

(D) On receipt of a complaint that a person licensed by 29833
the athletic trainers section has committed any of the 29834
prohibited actions listed in division (A) of this section, the 29835
section may immediately suspend the license of a licensed 29836
athletic trainer prior to holding a hearing in accordance with 29837
Chapter 119. of the Revised Code if it determines, based on the 29838
complaint, that the licensee poses an immediate threat to the 29839
public. The section may review the allegations and vote on the 29840
suspension by telephone conference call. If the section votes to 29841
suspend a license under this division, the section shall issue a 29842
written order of summary suspension to the licensed athletic 29843
trainer in accordance with section 119.07 of the Revised Code. 29844
If the individual whose license is suspended fails to make a 29845
timely request for an adjudication under Chapter 119. of the 29846
Revised Code, the section shall enter a final order permanently 29847
revoking the individual's license. Notwithstanding section 29848
119.12 of the Revised Code, a court of common pleas shall not 29849
grant a suspension of the section's order of summary suspension 29850
pending the determination of an appeal filed under that section. 29851
Any order of summary suspension issued under this division shall 29852
remain in effect, unless reversed on appeal, until a final 29853
adjudication order issued by the section pursuant to division 29854

(A) of this section becomes effective. The section shall issue 29855
its final adjudication order regarding an order of summary 29856
suspension issued under this division not later than ninety days 29857
after completion of its hearing. Failure to issue the order 29858
within ninety days shall result in immediate dissolution of the 29859
suspension order, but shall not invalidate any subsequent, final 29860
adjudication order. 29861

Sec. 4757.10. The counselor, social worker, and marriage 29862
and family therapist board may adopt any rules necessary to 29863
carry out this chapter. 29864

The board shall adopt rules that do all of the following: 29865

(A) Concern intervention for and treatment of any impaired 29866
person holding a license or certificate of registration issued 29867
under this chapter; 29868

(B) Establish standards for training and experience of 29869
supervisors described in division (C) of section 4757.30 of the 29870
Revised Code; 29871

~~(C) Define the requirement that an applicant be of good 29872
moral character in order to be licensed or registered under this 29873
chapter;~~ 29874

~~(D) Establish requirements for criminal records checks of 29875
applicants under section 4776.03 of the Revised Code;~~ 29876

~~(E)~~ (D) Establish a graduated system of fines based on the 29877
scope and severity of violations and the history of compliance, 29878
not to exceed five hundred dollars per incident, that any 29879
professional standards committee of the board may charge for a 29880
disciplinary violation described in section 4757.36 of the 29881
Revised Code; 29882

(F) <u>(E)</u> Establish the amount and content of corrective	29883
action courses required by the board under section 4755.36 of	29884
the Revised Code;	29885
(G) <u>(F)</u> Provide for voluntary registration of all of the	29886
following:	29887
(1) Master's level counselor trainees enrolled in practice	29888
and internships;	29889
(2) Master's level social worker trainees enrolled in	29890
fieldwork, practice, and internships;	29891
(3) Master's level marriage and family therapist trainees	29892
enrolled in practice and internships.	29893
Rules adopted under division (G) <u>(F)</u> of this section shall	29894
not require a trainee to register with the board, and if a	29895
trainee has not registered, shall prohibit any adverse effect	29896
with respect to a trainee's application for licensure by the	29897
board.	29898
All rules adopted under this section shall be adopted in	29899
accordance with Chapter 119. of the Revised Code. When it adopts	29900
rules under this section or any other section of this chapter,	29901
the board may consider standards established by any national	29902
association or other organization representing the interests of	29903
those involved in professional counseling, social work, or	29904
marriage and family therapy.	29905
Sec. 4757.22. (A) The counselors professional standards	29906
committee of the counselor, social worker, and marriage and	29907
family therapist board shall issue a license to practice as a	29908
licensed professional clinical counselor to each applicant who	29909
submits a properly completed application, pays the fee	29910
established under section 4757.31 of the Revised Code, and meets	29911

the requirements specified in division (B) of this section. 29912

(B) (1) To be eligible for a licensed professional clinical 29913
counselor license, an individual must meet the following 29914
requirements: 29915

~~(a) The individual must be of good moral character.~~ 29916

~~(b)~~ The individual must hold from an accredited 29917
educational institution a graduate degree in counseling. 29918

~~(c)~~ ~~(b)~~ The individual must complete a minimum of ninety 29919
quarter hours or sixty semester hours of graduate credit in 29920
counselor training acceptable to the committee, including 29921
instruction in the following areas: 29922

(i) Clinical psychopathology, personality, and abnormal 29923
behavior; 29924

(ii) Evaluation of mental and emotional disorders; 29925

(iii) Diagnosis of mental and emotional disorders; 29926

(iv) Methods of prevention, intervention, and treatment of 29927
mental and emotional disorders. 29928

~~(d)~~ ~~(c)~~ The individual must complete, in either a private 29929
or clinical counseling setting, supervised experience in 29930
counseling that is of a type approved by the committee, is 29931
supervised by a licensed professional clinical counselor or 29932
other qualified professional approved by the committee, and is 29933
in the following amounts: 29934

(i) In the case of an individual holding only a master's 29935
degree, not less than two years of experience, which must be 29936
completed after the award of the master's degree; 29937

(ii) In the case of an individual holding a doctorate, not 29938

less than one year of experience, which must be completed after 29939
the award of the doctorate. 29940

~~(e)~~ (d) The individual must pass a field evaluation that 29941
meets the following requirements: 29942

(i) Has been completed by the applicant's instructors, 29943
employers, supervisors, or other persons determined by the 29944
committee to be competent to evaluate an individual's 29945
professional competence; 29946

(ii) Includes documented evidence of the quality, scope, 29947
and nature of the applicant's experience and competence in 29948
diagnosing and treating mental and emotional disorders. 29949

(f) The individual must pass an examination administered 29950
by the board for the purpose of determining ability to practice 29951
as a licensed professional clinical counselor. 29952

(2) To meet the requirement of division (B) (1) ~~(b)~~ (a) of 29953
this section, a graduate degree in counseling obtained from a 29954
mental health counseling program in this state after January 1, 29955
2018, must be from a clinical mental health counseling program, 29956
a clinical rehabilitation counseling program, or an addiction 29957
counseling program accredited by the council for accreditation 29958
of counseling and related educational programs. 29959

(3) All of the following meet the educational requirements 29960
of division (B) (1) ~~(e)~~ (b) of this section: 29961

(a) A clinical mental health counseling program accredited 29962
by the council for accreditation of counseling and related 29963
educational programs; 29964

(b) Until January 1, 2018, a mental health counseling 29965
program accredited by the council for accreditation of 29966

counseling and related educational programs; 29967

(c) A graduate degree in counseling issued by another 29968
state from a clinical mental health counseling program, a 29969
clinical rehabilitation counseling program, or an addiction 29970
counseling program that is accredited by the council for 29971
accreditation of counseling and related educational programs; 29972

(d) Any other accredited counseling programs accepted by 29973
the board in accordance with rules adopted under division (F) (3) 29974
of this section. 29975

(C) To be accepted by the committee for purposes of 29976
division (B) of this section, counselor training must include at 29977
least the following: 29978

(1) Instruction in human growth and development; 29979
counseling theory; counseling techniques; group dynamics, 29980
processing, and counseling; appraisal of individuals; research 29981
and evaluation; professional, legal, and ethical 29982
responsibilities; social and cultural foundations; and lifestyle 29983
and career development; 29984

(2) Participation in a supervised practicum and internship 29985
in counseling. 29986

(D) The committee may issue a temporary license to an 29987
applicant who meets all of the requirements to be licensed under 29988
this section, pending the receipt of transcripts or action by 29989
the committee to issue a license to practice as a licensed 29990
professional clinical counselor. 29991

(E) An individual may not sit for the licensing 29992
examination unless the individual meets the educational 29993
requirements to be licensed under this section. An individual 29994
who is denied admission to the licensing examination may appeal 29995

the denial in accordance with Chapter 119. of the Revised Code. 29996

(F) The board shall adopt any rules necessary for the 29997
committee to implement this section. The rules shall do all of 29998
the following: 29999

(1) Establish criteria for the committee to use in 30000
determining whether an applicant's training should be accepted 30001
and supervised experience approved; 30002

(2) Establish course content requirements for qualifying 30003
counseling degrees issued by institutions in other states from 30004
clinical mental health counseling programs, clinical 30005
rehabilitation counseling programs, and addiction counseling 30006
programs that are not accredited by the council for 30007
accreditation of counseling and related educational programs and 30008
for graduate degrees from other accredited counseling programs 30009
approved by the board in accordance with rules adopted under 30010
division (F) (3) of this section; 30011

(3) For purposes of divisions (B) (2) ~~(b)~~ and (3) of this 30012
section, establish requirements for acceptance by the committee 30013
of accredited counseling programs. 30014

Rules adopted under this division shall be adopted in 30015
accordance with Chapter 119. of the Revised Code. 30016

Sec. 4757.23. (A) The counselors professional standards 30017
committee of the counselor, social worker, and marriage and 30018
family therapist board shall issue a license as a licensed 30019
professional counselor to each applicant who submits a properly 30020
completed application, pays the fee established under section 30021
4757.31 of the Revised Code, and meets the requirements 30022
established under division (B) of this section. 30023

(B) (1) To be eligible for a license as a licensed 30024

professional counselor, an individual must meet the following	30025
requirements:	30026
(a) The individual must be of good moral character.	30027
(b) The individual must hold from an accredited	30028
educational institution a graduate degree in counseling.	30029
(c) <u>(b)</u> The individual must complete a minimum of ninety	30030
quarter hours or sixty semester hours of graduate credit in	30031
counselor training acceptable to the committee, which the	30032
individual may complete while working toward receiving a	30033
graduate degree in counseling, or subsequent to receiving the	30034
degree, and which shall include training in the following areas:	30035
(i) Clinical psychopathology, personality, and abnormal	30036
behavior;	30037
(ii) Evaluation of mental and emotional disorders;	30038
(iii) Diagnosis of mental and emotional disorders;	30039
(iv) Methods of prevention, intervention, and treatment of	30040
mental and emotional disorders.	30041
(d) <u>(c)</u> The individual must pass an examination	30042
administered by the board for the purpose of determining ability	30043
to practice as a licensed professional counselor.	30044
(2) To meet the requirement of division (B) (1) (b) <u>(a)</u> of	30045
this section, a graduate degree in counseling obtained from a	30046
mental health counseling program in this state after January 1,	30047
2018, must be from a clinical mental health counseling program,	30048
clinical rehabilitation counseling program, or addiction	30049
counseling program accredited by the council for accreditation	30050
of counseling and related educational programs.	30051

(3) All of the following meet the educational requirements	30052
of division (B) (1) (e) <u>(b)</u> of this section:	30053
(a) A clinical mental health counseling program accredited	30054
by the council for accreditation of counseling and related	30055
educational programs;	30056
(b) Until January 1, 2018, a mental health counseling	30057
program accredited by the council for accreditation of	30058
counseling and related educational programs;	30059
(c) A graduate degree in counseling issued by an	30060
institution in another state from a clinical mental health	30061
counseling program, a clinical rehabilitation counseling	30062
program, or an addiction counseling program that is accredited	30063
by the council for accreditation of counseling and related	30064
educational programs;	30065
(d) Any other accredited counseling programs accepted by	30066
the board in accordance with rules adopted under division (F) (3)	30067
of this section.	30068
(C) To be accepted by the committee for purposes of	30069
division (B) of this section, counselor training must include at	30070
least the following:	30071
(1) Instruction in human growth and development;	30072
counseling theory; counseling techniques; group dynamics,	30073
processing, and counseling; appraisal of individuals; research	30074
and evaluation; professional, legal, and ethical	30075
responsibilities; social and cultural foundations; and lifestyle	30076
and career development;	30077
(2) Participation in a supervised practicum and internship	30078
in counseling.	30079

(D) The committee may issue a temporary license to practice as a licensed professional counselor to an applicant who meets all of the requirements to be licensed under this section as follows:

(1) Pending the receipt of transcripts or action by the committee to issue a license as a licensed professional counselor;

(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.

On application to the committee, a temporary license issued under division (D)(2) of this section may be renewed for good cause shown.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

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

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

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from

clinical mental health counseling programs, clinical 30109
rehabilitation counseling programs, and addiction counseling 30110
programs that are not accredited by the council for 30111
accreditation of counseling and related educational programs and 30112
for graduate degrees from other accredited counseling programs 30113
accepted by the board in accordance with rules adopted under 30114
division (F) (3) of this section; 30115

(3) For purposes of divisions (B) ~~(2) (b)~~ and ~~(3) (C)~~ of 30116
this section, establish requirements for acceptance by the 30117
committee of accredited counseling programs. 30118

Rules adopted under this division shall be adopted in 30119
accordance with Chapter 119. of the Revised Code. 30120

Sec. 4757.27. (A) The social workers professional 30121
standards committee of the counselor, social worker, and 30122
marriage and family therapist board shall issue a license as an 30123
independent social worker to each applicant who submits a 30124
properly completed application, pays the fee established under 30125
section 4757.31 of the Revised Code, and meets the requirements 30126
specified in division (B) of this section. An independent social 30127
worker license shall clearly indicate each academic degree 30128
earned by the person to whom it has been issued. 30129

(B) To be eligible for a license as an independent social 30130
worker, an individual must meet the following requirements: 30131

~~(1) The individual must be of good moral character.~~ 30132

~~(2)~~The individual must hold a master's degree in social 30133
work from an educational institution accredited by the council 30134
on social work education or an educational institution in 30135
candidacy for accreditation by the council. 30136

~~(3)~~(2)The individual must complete at least two years of 30137

post-master's degree social work experience supervised by an 30138
independent social worker. 30139

~~(4)~~ (3) The individual must pass an examination 30140
administered by the board for the purpose of determining ability 30141
to practice as an independent social worker. 30142

(C) The committee may issue a temporary license to an 30143
applicant who meets all of the requirements to be licensed under 30144
this section, pending the receipt of transcripts or action by 30145
the committee to issue a license as an independent social 30146
worker. 30147

(D) The board shall adopt any rules necessary for the 30148
committee to implement this section, including criteria for the 30149
committee to use in determining whether an applicant's training 30150
should be accepted and supervised experience approved. Rules 30151
adopted under this division shall be adopted in accordance with 30152
Chapter 119. of the Revised Code. 30153

Sec. 4757.28. (A) The social workers professional 30154
standards committee of the counselor, social worker, and 30155
marriage and family therapist board shall issue a license as a 30156
social worker to each applicant who submits a properly completed 30157
application, pays the fee established under section 4757.31 of 30158
the Revised Code, and meets the requirements specified in 30159
division (B) of this section. A social worker license shall 30160
clearly indicate each academic degree earned by the person to 30161
whom it is issued. 30162

(B) To be eligible for a license as a social worker, an 30163
individual must meet the following requirements: 30164

~~(1) The individual must be of good moral character.~~ 30165

~~(2)~~ The individual must hold from an accredited 30166

educational institution one of the following:	30167
(a) A baccalaureate degree in social work;	30168
(b) A master's degree in social work;	30169
(c) A doctorate in social work.	30170
(3) <u>(2)</u> The individual must pass an examination	30171
administered by the board for the purpose of determining ability	30172
to practice as a social worker.	30173
(C) The committee may issue a temporary license to	30174
practice as a social worker as follows:	30175
(1) To an applicant who meets all of the requirements to	30176
be licensed under this section, pending the receipt of	30177
transcripts or action by the committee to issue a license as a	30178
social worker;	30179
(2) For a period not to exceed ninety days, to an	30180
applicant who provides the board with a statement from the	30181
applicant's academic institution indicating that the applicant	30182
has met the academic requirements for the applicant's degree,	30183
and the projected date the applicant will receive the	30184
applicant's transcript showing a conferred degree.	30185
On application to the committee, a temporary license	30186
issued under division (C) (2) of this section may be renewed for	30187
good cause shown.	30188
(D) The board shall adopt any rules necessary for the	30189
committee to implement this section, including criteria for the	30190
committee to use in determining whether an applicant's training	30191
should be accepted and supervised experience approved. Rules	30192
adopted under this division shall be adopted in accordance with	30193
Chapter 119. of the Revised Code.	30194

Sec. 4757.29. The social workers professional standards 30195
committee of the counselor, social worker, and marriage and 30196
family therapist board shall issue a certificate of registration 30197
as a social work assistant to each applicant who submits a 30198
properly completed application, pays the fee established under 30199
section 4757.31 of the Revised Code, ~~is of good moral character,~~ 30200
and holds from an accredited educational institution an 30201
associate degree in social service technology or a bachelor's 30202
degree that is equivalent to an associate degree in social 30203
service technology or a related bachelor's or higher degree that 30204
is approved by the committee. 30205

Sec. 4757.36. (A) The appropriate professional standards 30206
committee of the counselor, social worker, and marriage and 30207
family therapist board may, in accordance with Chapter 119. of 30208
the Revised Code, take any action specified in division (B) of 30209
this section for any reason described in division (C) of this 30210
section against an individual who has applied for or holds a 30211
license issued under this chapter; a master's level counselor 30212
trainee, social worker trainee, or marriage and family therapist 30213
trainee; or an individual or entity that is registered, or has 30214
applied for registration, in accordance with rules adopted under 30215
section 4757.33 of the Revised Code to provide continuing 30216
education programs approved by the board. 30217

(B) In its imposition of sanctions against an individual 30218
or entity specified in division (A) of this section, the board 30219
may do any of the following: 30220

(1) Refuse to issue or refuse to renew a license or 30221
certificate of registration; 30222

(2) Suspend, revoke, or otherwise restrict a license or 30223
certificate of registration; 30224

- (3) Reprimand an individual holding a license or certificate of registration; 30225
30226
- (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; 30227
30228
30229
- (5) Require an individual holding a license or certificate of registration to take corrective action courses. 30230
30231
- (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: 30232
30233
30234
- (1) Commission of an act that violates any provision of this chapter or rules adopted under it; 30235
30236
- (2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration; 30237
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30239
- (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; 30240
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- (4) A failure to comply with section 4757.13 of the Revised Code; 30247
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- (5) A conviction in this or any other state of a ~~crime~~ disqualifying offense, as specified under section 9.79 of the Revised Code; 30249
30250
30251
- (6) A failure to perform properly as a licensed 30252

professional clinical counselor, licensed professional 30253
counselor, independent marriage and family therapist, marriage 30254
and family therapist, social work assistant, social worker, or 30255
independent social worker due to the use of alcohol or other 30256
drugs or any other physical or mental condition; 30257

~~(7) A conviction in this state or in any other state of a 30258
misdemeanor committed in the course of practice as a licensed 30259
professional clinical counselor, licensed professional 30260
counselor, independent marriage and family therapist, marriage 30261
and family therapist, social work assistant, social worker, or 30262
independent social worker;~~ 30263

~~(8) Practicing outside the scope of practice applicable to 30264
that person;~~ 30265

~~(9)~~ (8) Practicing in violation of the supervision 30266
requirements specified under sections 4757.21 and 4757.26, and 30267
division (E) of section 4757.30, of the Revised Code; 30268

~~(10)~~ (9) A violation of the person's code of ethical 30269
practice adopted by rule of the board pursuant to section 30270
4757.11 of the Revised Code; 30271

~~(11)~~ (10) Revocation or suspension of a license or 30272
certificate of registration, other disciplinary action against a 30273
license holder or registration, or the voluntary surrender of a 30274
license or certificate of registration in another state or 30275
jurisdiction for an offense that would be a violation of this 30276
chapter. 30277

(D) A disciplinary action under division (B) of this 30278
section shall be taken pursuant to an adjudication under Chapter 30279
119. of the Revised Code, except that in lieu of an 30280
adjudication, the appropriate professional standards committee 30281

may enter into a consent agreement with an individual or entity 30282
specified in division (A) of this section to resolve an 30283
allegation of a violation of this chapter or any rule adopted 30284
under it. A consent agreement, when ratified by the appropriate 30285
professional standards committee, constitutes the findings and 30286
order of the board with respect to the matter addressed in the 30287
agreement. If a committee refuses to ratify a consent agreement, 30288
the admissions and findings contained in the consent agreement 30289
are of no force or effect. 30290

(E) In any instance in which a professional standards 30291
committee of the board is required by Chapter 119. of the 30292
Revised Code to give notice of the opportunity for a hearing and 30293
the individual or entity subject to the notice does not timely 30294
request a hearing in accordance with section 119.07 of the 30295
Revised Code, the committee may adopt a final order that 30296
contains the board's findings. In that final order, the 30297
committee may order any of the sanctions identified in division 30298
(B) of this section. 30299

(F) One year or more after the date of suspension or 30300
revocation of a license or certificate of registration under 30301
this section, application may be made to the appropriate 30302
professional standards committee for reinstatement. The 30303
committee may approve or deny an application for reinstatement. 30304
If a license has been suspended or revoked, the committee may 30305
require an examination for reinstatement. 30306

(G) On request of the board, the attorney general shall 30307
bring and prosecute to judgment a civil action to collect any 30308
fine imposed under division (B) (4) of this section that remains 30309
unpaid. 30310

(H) All fines collected under division (B) (4) of this 30311

section shall be deposited into the state treasury to the credit 30312
of the occupational licensing and regulatory fund. 30313

Sec. 4757.361. ~~(A) As used in this section, with regard to 30314
offenses committed in Ohio, "aggravated murder," "murder," 30315
"voluntary manslaughter," "felonious assault," "kidnapping," 30316
"rape," "sexual battery," "gross sexual imposition," "aggravated 30317
arson," "aggravated robbery," and "aggravated burglary" mean 30318
such offenses as defined in Title XXIX of the Revised Code; with 30319
regard to offenses committed in other jurisdictions, the terms 30320
mean offenses comparable to offenses defined in Title XXIX of 30321
the Revised Code. 30322~~

~~(B) When there is clear and convincing evidence that 30323
continued practice by an individual licensed under this chapter 30324
presents a danger of immediate and serious harm to the public, 30325
as determined on consideration of the evidence by the 30326
professional standards committees of the counselor, social 30327
worker, and marriage and family therapist board, the appropriate 30328
committee shall impose on the individual a summary suspension 30329
without a hearing. 30330~~

Immediately following the decision to impose a summary 30331
suspension, the appropriate committee shall issue a written 30332
order of suspension and cause it to be delivered by certified 30333
mail or in person in accordance with section 119.07 of the 30334
Revised Code. The order shall not be subject to suspension by 30335
the court during the pendency of any appeal filed under section 30336
119.12 of the Revised Code. If the individual subject to the 30337
suspension requests an adjudication, the date set for the 30338
adjudication shall be within fifteen days but not earlier than 30339
seven days after the individual makes the request, unless 30340
another date is agreed to by both the individual and the 30341

committee imposing the suspension. The summary suspension shall 30342
remain in effect, unless reversed by the committee, until a 30343
final adjudication order issued by the committee pursuant to 30344
this section and Chapter 119. of the Revised Code becomes 30345
effective. 30346

The committee shall issue its final adjudication order 30347
within ninety days after completion of the adjudication. If the 30348
committee does not issue a final order within the ninety-day 30349
period, the summary suspension shall be void, but any final 30350
adjudication order issued subsequent to the ninety-day period 30351
shall not be affected. 30352

~~(C) The license issued to an individual under this chapter 30353
is automatically suspended on that individual's conviction of, 30354
plea of guilty to, or judicial finding with regard to any of the 30355
following: aggravated murder, murder, voluntary manslaughter, 30356
felonious assault, kidnapping, rape, sexual battery, gross 30357
sexual imposition, aggravated arson, aggravated robbery, or 30358
aggravated burglary. The suspension shall remain in effect from 30359
the date of the conviction, plea, or finding until an 30360
adjudication is held under Chapter 119. of the Revised Code. If 30361
the appropriate committee has knowledge that an automatic 30362
suspension has occurred, it shall notify the individual subject 30363
to the suspension. If the individual is notified and either 30364
fails to request an adjudication within the time periods 30365
established by Chapter 119. of the Revised Code or fails to 30366
participate in the adjudication, the committee shall enter a 30367
final order permanently revoking the person's license or 30368
certificate. 30369~~

Sec. 4758.20. (A) The chemical dependency professionals 30370
board shall adopt rules to establish, specify, or provide for 30371

all of the following:	30372
(1) Fees for the purposes authorized by section 4758.21 of the Revised Code;	30373 30374
(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;	30375 30376 30377 30378 30379
(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;	30380 30381 30382 30383
(4) For the purpose of section 4758.24 of the Revised Code, all of the following:	30384 30385
(a) Good moral character requirements for an individual who seeks or holds a license, certificate, or endorsement issued under this chapter;	30386 30387 30388
(b) The documents that an individual seeking such a license, certificate, or endorsement must submit to the board;	30389 30390
(c) <u>(b)</u> Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships.	30391 30392 30393 30394 30395 30396
(d) <u>(c)</u> The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.	30397 30398 30399

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter;	30400 30401 30402 30403
(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;	30404 30405 30406 30407 30408 30409
(7) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement under division (B) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;	30410 30411 30412 30413 30414
(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;	30415 30416 30417 30418
(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;	30419 30420 30421
(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:	30422 30423 30424 30425 30426
(a) Theories of counseling and psychotherapy;	30427
(b) Counseling procedures;	30428

(c) Group process and techniques;	30429
(d) Relationship therapy;	30430
(e) Research methods and statistics;	30431
(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	30432 30433
(g) Psychopathology;	30434
(h) Human development;	30435
(i) Cultural competence in counseling;	30436
(j) Ethics.	30437
(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;	30438 30439 30440 30441 30442
(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 Revised Code, both of the following:	30443 30444 30445 30446
(a) The number of hours of training in chemical dependency an individual must have;	30447 30448
(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.	30449 30450 30451 30452
(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	30453 30454 30455

compensated work or supervised internship experience that an individual must have;

(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;

(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;

(16) For the purpose of division (A) of section 4758.43 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency counseling that an individual must have;

(b) Training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.

(17) For the purpose of division (A) (1) of section 4758.44 of the Revised Code, the number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services;

(18) For the purpose of division (A) (2) of section 4758.44

of the Revised Code, the field of study in which an individual 30485
must obtain at least a bachelor's degree; 30486

(19) For the purpose of division (A) (3) of section 30487
4758.44, division (A) (3) of section 4758.45, and division (D) of 30488
section 4758.46 of the Revised Code, both of the following: 30489

(a) The number of hours of prevention-related education 30490
that an individual must have; 30491

(b) Requirements for prevention-related education. 30492

(20) For the purpose of division (A) (4) of section 4758.44 30493
of the Revised Code, the number of hours of administrative or 30494
supervisory education that an individual must have; 30495

(21) For the purpose of division (A) (1) of section 4758.45 30496
of the Revised Code, the number of hours of compensated or 30497
volunteer work, field placement, intern, or practicum experience 30498
in prevention services that an individual must have and the 30499
number of those hours that must be in planning or delivering the 30500
services; 30501

(22) For the purpose of division (A) (2) of section 4758.45 30502
of the Revised Code, the field of study in which an individual 30503
must obtain at least an associate's degree; 30504

(23) For the purpose of division (C) of section 4758.46 of 30505
the Revised Code, the number of hours of compensated or 30506
volunteer work, field placement, intern, or practicum experience 30507
in prevention services that an individual must have; 30508

(24) Standards for the one hundred hours of compensated 30509
work or supervised internship in gambling disorder direct 30510
clinical experience required by division (B) (2) of section 30511
4758.48 of the Revised Code; 30512

(25) For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals who hold a license, certificate, or endorsement issued under this chapter;	30513 30514 30515 30516
(26) For the purpose of section 4758.51 of the Revised Code, the number of hours of continuing education that an individual must complete to have an expired license, certificate, or endorsement restored under section 4758.26 of the Revised Code;	30517 30518 30519 30520 30521
(27) For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for chemical dependency counseling;	30522 30523 30524
(28) The duties, which may differ, of all of the following:	30525 30526
(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code;	30527 30528 30529 30530
(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;	30531 30532 30533 30534 30535
(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.	30536 30537 30538 30539 30540 30541

(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. 30542
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(30) Anything else necessary to administer this chapter. 30547

(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. 30548
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(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. 30551
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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: 30555
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~~(1) Is of good moral character as determined in accordance with rules adopted under section 4758.20 of the Revised Code;~~ 30559
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~~(2) Except as provided in section 4758.241 of the Revised Code, submits a properly completed application and all other documentation specified in rules adopted under section 4758.20 of the Revised Code;~~ 30561
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~~(3)~~ (2) Except as provided in section 4758.241 of the Revised Code, pays the fee established under section 4758.21 of the Revised Code for the license, certificate, or endorsement that the individual seeks; 30565
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~~(4)~~ (3) Meets the requirements to obtain the license, 30569

certificate, or endorsement that the individual seeks as 30570
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 30571
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the 30572
Revised Code; 30573

~~(5)~~(4) Meets any additional requirements specified in 30574
rules adopted under section 4758.20 of the Revised Code to 30575
obtain the license, certificate, or endorsement that the 30576
individual seeks. 30577

(B) The board shall not do either of the following: 30578

(1) Issue a certificate to practice as a chemical 30579
dependency counselor I; 30580

(2) Issue a new registered applicant certificate to an 30581
individual whose previous registered applicant certificate has 30582
been expired for less than the period of time specified in rules 30583
adopted under section 4758.20 of the Revised Code. 30584

Sec. 4758.30. (A) The chemical dependency professionals 30585
board, in accordance with Chapter 119. of the Revised Code, may 30586
refuse to issue a license, certificate, or endorsement applied 30587
for under this chapter; refuse to renew or restore a license, 30588
certificate, or endorsement issued under this chapter; suspend, 30589
revoke, or otherwise restrict a license, certificate, or 30590
endorsement issued under this chapter; or reprimand an 30591
individual holding a license, certificate, or endorsement issued 30592
under this chapter. These actions may be taken by the board 30593
regarding the applicant for a license, certificate, or 30594
endorsement or the individual holding a license, certificate, or 30595
endorsement for one or more of the following reasons: 30596

(1) Violation of any provision of this chapter or rules 30597
adopted under it; 30598

(2) Knowingly making a false statement on an application 30599
for a license, certificate, or endorsement or for renewal, 30600
restoration, or reinstatement of a license, certificate, or 30601
endorsement; 30602

(3) Acceptance of a commission or rebate for referring an 30603
individual to a person who holds a license or certificate issued 30604
by, or who is registered with, an entity of state government, 30605
including persons practicing chemical dependency counseling, 30606
prevention services, gambling disorder counseling, or fields 30607
related to chemical dependency counseling, prevention services, 30608
or gambling disorder counseling; 30609

(4) Conviction in this or any other state of ~~any crime~~ 30610
~~that is a felony in this state;~~ 30611

~~(5) Conviction in this or any other state of a misdemeanor~~ 30612
~~committed in the course of practice as an independent chemical~~ 30613
~~dependency counselor-clinical supervisor, independent chemical~~ 30614
~~dependency counselor, chemical dependency counselor III,~~ 30615
~~chemical dependency counselor II, chemical dependency counselor~~ 30616
~~assistant, prevention consultant, gambling disorder endorsee,~~ 30617
~~prevention specialist, prevention specialist assistant, or~~ 30618
~~registered applicant, a disqualifying offense, as specified under~~ 30619
section 9.79 of the Revised Code; 30620

~~(6)~~ (5) Inability to practice as an independent chemical 30621
dependency counselor-clinical supervisor, independent chemical 30622
dependency counselor, chemical dependency counselor III, 30623
chemical dependency counselor II, chemical dependency counselor 30624
assistant, gambling disorder endorsee, prevention consultant, 30625
prevention specialist, prevention specialist assistant, or 30626
registered applicant due to abuse of or dependency on alcohol or 30627
other drugs or other physical or mental condition; 30628

(7) <u>(6)</u> Practicing outside the individual's scope of practice;	30629 30630
(8) <u>(7)</u> Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, 4758.61, or 4758.62 of the Revised Code;	30631 30632 30633
(9) <u>(8)</u> Violation of the code of ethical practice and professional conduct for chemical dependency counseling, prevention services, or gambling disorder counseling adopted by the board pursuant to section 4758.23 of the Revised Code;	30634 30635 30636 30637
(10) <u>(9)</u> Revocation of a license, certificate, or endorsement or voluntary surrender of a license, certificate, or endorsement in another state or jurisdiction for an offense that would be a violation of this chapter.	30638 30639 30640 30641
(B) An individual whose license, certificate, or endorsement has been suspended or revoked under this section may apply to the board for reinstatement after an amount of time the board shall determine in accordance with rules adopted under section 4758.20 of the Revised Code. The board may accept or refuse an application for reinstatement. The board may require an examination for reinstatement of a license, certificate, or endorsement that has been suspended or revoked.	30642 30643 30644 30645 30646 30647 30648 30649
Sec. 4759.02. (A) Except as otherwise provided in this section or in section 4759.10 of the Revised Code, no person shall practice, offer to practice, or hold self forth to practice dietetics unless the person has been licensed under section 4759.06 of the Revised Code.	30650 30651 30652 30653 30654
(B) Except for a licensed dietitian holding an inactive license who does not practice or offer to practice dietetics, or a person licensed under section 4759.06 of the Revised Code, or	30655 30656 30657

as otherwise provided in this section or in section 4759.10 of 30658
the Revised Code: 30659

(1) No person shall use the title "dietitian"; and 30660

(2) No person except for a person licensed under Chapters 30661
4701. to 4755. of the Revised Code, when acting within the scope 30662
of their practice, shall use any other title, designation, 30663
words, letters, abbreviation, or insignia or combination of any 30664
title, designation, words, letters, abbreviation, or insignia 30665
tending to indicate that the person is practicing dietetics. 30666

(C) Notwithstanding division (B) of this section, a person 30667
who is a dietitian registered by the commission on dietetic 30668
registration and who does not violate division (A) of this 30669
section may use the designation "registered dietitian" and the 30670
abbreviation "R.D." 30671

(D) Division (A) of this section does not apply to: 30672

(1) A student enrolled in an academic program that is in 30673
compliance with division (A) ~~(5)~~ (4) of section 4759.06 of the 30674
Revised Code who is engaging in the practice of dietetics under 30675
the supervision of a dietitian licensed under section 4759.06 of 30676
the Revised Code or a dietitian registered by the commission on 30677
dietetic registration, as part of the academic program; 30678

(2) A person participating in the pre-professional 30679
experience required by division (A) ~~(6)~~ (5) of section 4759.06 of 30680
the Revised Code; 30681

(3) A person holding a limited permit under division (F) 30682
of section 4759.06 of the Revised Code. 30683

(E) Divisions (A) and (B) of this section do not apply to 30684
a person who performs no more than fifteen days of dietetic 30685

practice in the state and who meets at least one of the 30686
following requirements: 30687

(1) The state medical board determines that the person is 30688
licensed in another state with licensure requirements equivalent 30689
to or more stringent than those set forth in this chapter; 30690

(2) The person is a dietitian registered by the commission 30691
on dietetic registration and resides in another state that 30692
either has no dietitian licensure requirements or has licensure 30693
requirements less stringent than those set forth in this 30694
chapter. 30695

Sec. 4759.051. (A) The state medical board shall appoint a 30696
dietetics advisory council for the purpose of advising the board 30697
on issues relating to the practice of dietetics and the 30698
investigation of complaints regarding the practice of dietetics. 30699
The advisory council shall consist of not more than seven 30700
individuals knowledgeable in the area of dietetics. A majority 30701
of the council members shall be individuals actively engaged in 30702
the practice of dietetics who meet the requirements for 30703
licensure under section 4759.06 of the Revised Code. The board 30704
shall include on the council one educator with a doctoral degree 30705
who holds a regular faculty appointment in a program that 30706
prepares students to meet the requirements of division (A) ~~(5)~~ 30707
(4) of section 4759.06 of the Revised Code and one member who is 30708
not affiliated with any health care profession, who shall be 30709
appointed to represent the interest of consumers. 30710

The Ohio academy of nutrition and dietetics, or its 30711
successor organization, may nominate the names of up to three 30712
qualified individuals for consideration by the board in making 30713
appointments for each vacancy on the council. 30714

(B) Not later than ninety days after ~~the effective date of~~ 30715
~~this section~~ January 21, 2018, the board shall make initial 30716
appointments to the council. Members shall serve three-year 30717
staggered terms of office in accordance with rules adopted by 30718
the board. Thereafter, terms of office shall be for three years, 30719
with each term ending on the same day of the same month as did 30720
the term that it succeeds. A council member shall continue in 30721
office subsequent to the expiration date of the member's term 30722
until a successor is appointed and takes office, or until a 30723
period of sixty days has elapsed, whichever occurs first. Each 30724
council member shall hold office from the date of appointment 30725
until the end of the term for which the member was appointed. 30726

(C) With approval from the director of administrative 30727
services, members may receive an amount fixed under division (J) 30728
of section 124.15 of the Revised Code for each day the member is 30729
performing the member's official duties and be reimbursed for 30730
actual and necessary expenses incurred in performing those 30731
duties. 30732

(D) The council shall meet at least four times per year 30733
and at such other times as may be necessary to carry out its 30734
responsibilities. 30735

(E) The council shall submit to the board recommendations 30736
concerning all of the following: 30737

(1) Requirements for issuing a license to practice as a 30738
dietician or as a limited permit holder, including the 30739
educational and experience requirements that must be met to 30740
receive the license or limited permit; 30741

(2) Existing and proposed rules pertaining to the practice 30742
of dietetics and the administration and enforcement of this 30743

chapter;	30744
(3) Standards for the approval of educational programs	30745
required to qualify for licensure and continuing education	30746
programs for licensure renewal;	30747
(4) Procedures for the issuance and renewal of licenses	30748
and limited permits;	30749
(5) Fees for the issuance and renewal of a license to	30750
practice dietetics as a licensee or as a limited permit holder;	30751
(6) Standards of practice and ethical conduct in the	30752
practice of dietetics;	30753
(7) Complaints concerning alleged violation of sections	30754
4759.02 to 4759.10 of the Revised Code or grounds for the	30755
suspension, revocation, refusal to issue, or issuance of	30756
probationary licenses or limited permits;	30757
(8) The safe and effective practice of dietetics.	30758
Sec. 4759.06. (A) The state medical board shall issue or	30759
renew a license to practice dietetics to an applicant who:	30760
(1) Has satisfactorily completed an application for	30761
licensure in accordance with division (A) of section 4759.05 of	30762
the Revised Code;	30763
(2) Has paid the fee required under division (A) of	30764
section 4759.08 of the Revised Code;	30765
(3) Is a resident of the state or performs or plans to	30766
perform dietetic services within the state;	30767
(4) Is of good moral character;	30768
(5) Has received a baccalaureate or higher degree from an	30769
institution of higher education that is approved by the board or	30770

a regional accreditation agency that is recognized by the 30771
council on postsecondary accreditation, and has completed a 30772
program consistent with the academic standards for dietitians 30773
established by the academy of nutrition and dietetics; 30774

~~(6)~~ (5) Has successfully completed a pre-professional 30775
dietetic experience approved by the academy of nutrition and 30776
dietetics, or experience approved by the board under division 30777
(A) (3) of section 4759.05 of the Revised Code; 30778

~~(7)~~ (6) Has passed the examination approved by the board 30779
under division (A) (1) of section 4759.05 of the Revised Code; 30780

~~(8)~~ (7) Is an applicant for renewal of a license, and has 30781
fulfilled the continuing education requirements adopted under 30782
division (A) (6) of section 4759.05 of the Revised Code. 30783

(B) The board shall waive the requirements of divisions 30784
(4), (5), and (6), ~~and (7)~~ of this section and any rules 30785
adopted under division (A) (7) of section 4759.05 of the Revised 30786
Code if the applicant presents satisfactory evidence to the 30787
board of current registration as a registered dietitian with the 30788
commission on dietetic registration. 30789

(C) The board shall waive the requirements of division (A) 30790
~~(7)~~ (6) of this section if the application for renewal is made 30791
within two years after the date of license expiration. 30792

(D) The board may waive the requirements of division (A) 30793
(4), (5), or (6), ~~or (7)~~ of this section or any rules adopted 30794
under division (A) (7) of section 4759.05 of the Revised Code, if 30795
the applicant presents satisfactory evidence of education, 30796
experience, or passing an examination in another state or a 30797
foreign country, that the board considers the equivalent of the 30798
requirements stated in those divisions or rules. 30799

(E) The board shall issue an initial license to practice dietetics to an applicant who meets the requirements of division (A) of this section. An initial license shall be valid from the date of issuance through the thirtieth day of June following issuance of the license. Each subsequent license shall be valid from the first day of July through the thirtieth day of June. The board shall renew the license of an applicant who is licensed to practice dietetics and who meets the continuing education requirements of division (A) (6) of section 4759.05 of the Revised Code. The renewal shall be pursuant to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(F) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A) ~~(5)~~ (4) and ~~(6)~~ (5) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A) (1) of section 4759.05 of the Revised Code. A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

(G) A licensed dietitian may place the license in inactive status.

Sec. 4759.07. (A) The state medical board may, in accordance with Chapter 119. of the Revised Code, refuse to issue, review, or renew, or may suspend, revoke, or impose probationary conditions upon any license or permit to practice dietetics, if the applicant has:

(1) Violated sections 4759.02 to 4759.10 of the Revised Code or rules adopted under those sections;

(2) Knowingly made a false statement in an application for licensure or license renewal; 30829
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(3) Been convicted of ~~any crime constituting a felony a~~ disqualifying offense, as specified under section 9.79 of the Revised Code, in this or any other state; 30831
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(4) Been impaired in ability to perform as a licensed dietitian due to the use of a controlled substance or alcoholic beverage; 30834
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~~(5) Been convicted of a misdemeanor committed in the course of work as a dietitian in this or any other state;~~ 30837
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~~(6)~~ A record of incompetent or negligent conduct in the practice of dietetics. 30839
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(B) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice dietetics, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 30841
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For purposes of division (A)(4) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit 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. 30848
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Failure to submit to a mental or physical examination 30858
ordered by the board constitutes an admission of the allegations 30859
against the individual unless the failure is due to 30860
circumstances beyond the individual's control, and a default and 30861
final order may be entered without the taking of testimony or 30862
presentation of evidence. If the board determines that the 30863
individual's ability to practice is impaired, the board shall 30864
suspend the individual's license or permit or deny the 30865
individual's application and shall require the individual, as a 30866
condition for initial, continued, reinstated, or renewed 30867
licensure, to submit to treatment. 30868

Before being eligible to apply for reinstatement of a 30869
license or permit suspended under this division, the dietitian 30870
shall demonstrate to the board the ability to resume practice in 30871
compliance with acceptable and prevailing standards of care. The 30872
demonstration shall include the following: 30873

(1) Certification from a treatment provider approved under 30874
section 4731.25 of the Revised Code that the individual has 30875
successfully completed any required inpatient treatment; 30876

(2) Evidence of continuing full compliance with an 30877
aftercare contract or consent agreement; 30878

(3) Two written reports indicating that the individual's 30879
ability to practice has been assessed and that the individual 30880
has been found capable of practicing according to acceptable and 30881
prevailing standards of care. The reports shall be made by 30882
individuals or providers approved by the board for making such 30883
assessments and shall describe the basis for their 30884
determination. 30885

The board may reinstate a license or permit suspended 30886

under this division after such demonstration and after the 30887
individual has entered into a written consent agreement. 30888

When the impaired dietitian resumes practice, the board 30889
shall require continued monitoring of the dietitian. The 30890
monitoring shall include compliance with the written consent 30891
agreement entered into before reinstatement or with conditions 30892
imposed by board order after a hearing, and, upon termination of 30893
the consent agreement, submission to the board for at least two 30894
years of annual written progress reports made under penalty of 30895
falsification stating whether the dietitian has maintained 30896
sobriety. 30897

(C) One year or more after the date of suspension or 30898
revocation of a license or permit under division (A) (1), (2), 30899
(3), or (5), ~~or (6)~~ of this section, an application for 30900
reinstatement of the license or permit may be made to the board. 30901
The board shall grant or deny reinstatement with a hearing, at 30902
the request of the applicant, in accordance with Chapter 119. of 30903
the Revised Code and may impose conditions upon the 30904
reinstatement, including the requirement of passing an 30905
examination approved by the board. 30906

Sec. 4760.03. (A) An individual seeking a certificate to 30907
practice as an anesthesiologist assistant shall file with the 30908
state medical board a written application on a form prescribed 30909
and supplied by the board. The application shall include all of 30910
the following information: 30911

(1) Evidence satisfactory to the board that the applicant 30912
is at least twenty-one years of age ~~and of good moral character;~~ 30913

(2) Evidence satisfactory to the board that the applicant 30914
has successfully completed the training necessary to prepare 30915

individuals to practice as anesthesiologist assistants, as 30916
specified in section 4760.031 of the Revised Code; 30917

(3) Evidence satisfactory to the board that the applicant 30918
holds current certification from the national commission for 30919
certification of anesthesiologist assistants and that the 30920
requirements for receiving the certification included passage of 30921
an examination to determine the individual's competence to 30922
practice as an anesthesiologist assistant; 30923

(4) Any other information the board considers necessary to 30924
process the application and evaluate the applicant's 30925
qualifications. 30926

(B) At the time of making application for a certificate to 30927
practice, the applicant shall pay the board a fee of one hundred 30928
dollars, no part of which shall be returned. 30929

(C) The board shall review all applications received under 30930
this section. Not later than sixty days after receiving a 30931
complete application, the board shall determine whether an 30932
applicant meets the requirements to receive a certificate to 30933
practice. The affirmative vote of not fewer than six members of 30934
the board is required to determine that an applicant meets the 30935
requirements for a certificate. The board shall not issue a 30936
certificate to an applicant unless the applicant is certified by 30937
the national commission for certification of anesthesiologist 30938
assistants or a successor organization that is recognized by the 30939
board. 30940

Sec. 4760.13. (A) The state medical board, by an 30941
affirmative vote of not fewer than six members, may revoke or 30942
may refuse to grant a certificate to practice as an 30943
anesthesiologist assistant to a person found by the board to 30944

have committed fraud, misrepresentation, or deception in 30945
applying for or securing the certificate. 30946

(B) The board, by an affirmative vote of not fewer than 30947
six members, shall, to the extent permitted by law, limit, 30948
revoke, or suspend an individual's certificate to practice as an 30949
anesthesiologist assistant, refuse to issue a certificate to an 30950
applicant, refuse to renew a certificate, refuse to reinstate a 30951
certificate, or reprimand or place on probation the holder of a 30952
certificate for any of the following reasons: 30953

(1) Permitting the holder's name or certificate to be used 30954
by another person; 30955

(2) Failure to comply with the requirements of this 30956
chapter, Chapter 4731. of the Revised Code, or any rules adopted 30957
by the board; 30958

(3) Violating or attempting to violate, directly or 30959
indirectly, or assisting in or abetting the violation of, or 30960
conspiring to violate, any provision of this chapter, Chapter 30961
4731. of the Revised Code, or the rules adopted by the board; 30962

(4) A departure from, or failure to conform to, minimal 30963
standards of care of similar practitioners under the same or 30964
similar circumstances whether or not actual injury to the 30965
patient is established; 30966

(5) Inability to practice according to acceptable and 30967
prevailing standards of care by reason of mental illness or 30968
physical illness, including physical deterioration that 30969
adversely affects cognitive, motor, or perceptive skills; 30970

(6) Impairment of ability to practice according to 30971
acceptable and prevailing standards of care because of habitual 30972
or excessive use or abuse of drugs, alcohol, or other substances 30973

that impair ability to practice;	30974
(7) Willfully betraying a professional confidence;	30975
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate to practice as an anesthesiologist assistant.	30976 30977 30978
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.	30979 30980 30981 30982 30983 30984 30985 30986
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	30987 30988 30989
(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;	30990 30991 30992
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	30993 30994 30995
(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;	30996 30997 30998 30999
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of	31000 31001

conviction for, a misdemeanor involving moral turpitude;	31002
(14) Commission of an act in the course of practice that	31003
constitutes a misdemeanor in this state, regardless of the	31004
jurisdiction in which the act was committed;	31005
(15) Commission of an act involving moral turpitude that	31006
constitutes a misdemeanor in this state, regardless of the	31007
jurisdiction in which the act was committed;	31008
(16) A plea of guilty to, a judicial finding of guilt of,	31009
or a judicial finding of eligibility for intervention in lieu of	31010
conviction for violating any state or federal law regulating the	31011
possession, distribution, or use of any drug, including	31012
trafficking in drugs <u>conviction of a disqualifying offense, as</u>	31013
<u>specified under section 9.79 of the Revised Code;</u>	31014
(17) <u>(11)</u> Any of the following actions taken by the state	31015
agency responsible for regulating the practice of	31016
anesthesiologist assistants in another jurisdiction, for any	31017
reason other than the nonpayment of fees: the limitation,	31018
revocation, or suspension of an individual's license to	31019
practice; acceptance of an individual's license surrender;	31020
denial of a license; refusal to renew or reinstate a license;	31021
imposition of probation; or issuance of an order of censure or	31022
other reprimand;	31023
(18) <u>(12)</u> Violation of the conditions placed by the board	31024
on a certificate to practice;	31025
(19) <u>(13)</u> Failure to use universal blood and body fluid	31026
precautions established by rules adopted under section 4731.051	31027
of the Revised Code;	31028
(20) <u>(14)</u> Failure to cooperate in an investigation	31029
conducted by the board under section 4760.14 of the Revised	31030

Code, including failure to comply with a subpoena or order 31031
issued by the board or failure to answer truthfully a question 31032
presented by the board at a deposition or in written 31033
interrogatories, except that failure to cooperate with an 31034
investigation shall not constitute grounds for discipline under 31035
this section if a court of competent jurisdiction has issued an 31036
order that either quashes a subpoena or permits the individual 31037
to withhold the testimony or evidence in issue; 31038

~~(21)~~ (15) Failure to comply with any code of ethics 31039
established by the national commission for the certification of 31040
anesthesiologist assistants; 31041

~~(22)~~ (16) Failure to notify the state medical board of the 31042
revocation or failure to maintain certification from the 31043
national commission for certification of anesthesiologist 31044
assistants. 31045

(C) Disciplinary actions taken by the board under 31046
divisions (A) and (B) of this section shall be taken pursuant to 31047
an adjudication under Chapter 119. of the Revised Code, except 31048
that in lieu of an adjudication, the board may enter into a 31049
consent agreement with an anesthesiologist assistant or 31050
applicant to resolve an allegation of a violation of this 31051
chapter or any rule adopted under it. A consent agreement, when 31052
ratified by an affirmative vote of not fewer than six members of 31053
the board, shall constitute the findings and order of the board 31054
with respect to the matter addressed in the agreement. If the 31055
board refuses to ratify a consent agreement, the admissions and 31056
findings contained in the consent agreement shall be of no force 31057
or effect. 31058

~~(D) For purposes of divisions (B) (11), (14), and (15) of
this section, the commission of the act may be established by a~~ 31059
31060

~~finding by the board, pursuant to an adjudication under Chapter 31061
119. of the Revised Code, that the applicant or certificate 31062
holder committed the act in question. The board shall have no 31063
jurisdiction under these divisions in cases where the trial 31064
court renders a final judgment in the certificate holder's favor 31065
and that judgment is based upon an adjudication on the merits. 31066
The board shall have jurisdiction under these divisions in cases 31067
where the trial court issues an order of dismissal on technical 31068
or procedural grounds. 31069~~

~~(E)~~ The sealing of conviction records by any court shall 31070
have no effect on a prior board order entered under the 31071
provisions of this section or on the board's jurisdiction to 31072
take action under the provisions of this section if, based upon 31073
a plea of guilty, a judicial finding of guilt, or a judicial 31074
finding of eligibility for intervention in lieu of conviction of 31075
a disqualifying offense, as specified under section 9.79 of the 31076
Revised Code, the board issued a notice of opportunity for a 31077
hearing prior to the court's order to seal the records. The 31078
board shall not be required to seal, destroy, redact, or 31079
otherwise modify its records to reflect the court's sealing of 31080
conviction records. 31081

~~(F)~~ ~~(E)~~ For purposes of this division, any individual who 31082
holds a certificate to practice issued under this chapter, or 31083
applies for a certificate to practice, shall be deemed to have 31084
given consent to submit to a mental or physical examination when 31085
directed to do so in writing by the board and to have waived all 31086
objections to the admissibility of testimony or examination 31087
reports that constitute a privileged communication. 31088

(1) In enforcing division (B) (5) of this section, the 31089
board, on a showing of a possible violation, may compel any 31090

individual who holds a certificate to practice issued under this 31091
chapter or who has applied for a certificate to practice 31092
pursuant to this chapter to submit to a mental or physical 31093
examination, or both. A physical examination may include an HIV 31094
test. The expense of the examination is the responsibility of 31095
the individual compelled to be examined. Failure to submit to a 31096
mental or physical examination or consent to an HIV test ordered 31097
by the board constitutes an admission of the allegations against 31098
the individual unless the failure is due to circumstances beyond 31099
the individual's control, and a default and final order may be 31100
entered without the taking of testimony or presentation of 31101
evidence. If the board finds an anesthesiologist assistant 31102
unable to practice because of the reasons set forth in division 31103
(B) (5) of this section, the board shall require the 31104
anesthesiologist assistant to submit to care, counseling, or 31105
treatment by physicians approved or designated by the board, as 31106
a condition for an initial, continued, reinstated, or renewed 31107
certificate to practice. An individual affected by this division 31108
shall be afforded an opportunity to demonstrate to the board the 31109
ability to resume practicing in compliance with acceptable and 31110
prevailing standards of care. 31111

(2) For purposes of division (B) (6) of this section, if 31112
the board has reason to believe that any individual who holds a 31113
certificate to practice issued under this chapter or any 31114
applicant for a certificate to practice suffers such impairment, 31115
the board may compel the individual to submit to a mental or 31116
physical examination, or both. The expense of the examination is 31117
the responsibility of the individual compelled to be examined. 31118
Any mental or physical examination required under this division 31119
shall be undertaken by a treatment provider or physician 31120
qualified to conduct such examination and chosen by the board. 31121

Failure to submit to a mental or physical examination 31122
ordered by the board constitutes an admission of the allegations 31123
against the individual unless the failure is due to 31124
circumstances beyond the individual's control, and a default and 31125
final order may be entered without the taking of testimony or 31126
presentation of evidence. If the board determines that the 31127
individual's ability to practice is impaired, the board shall 31128
suspend the individual's certificate or deny the individual's 31129
application and shall require the individual, as a condition for 31130
an initial, continued, reinstated, or renewed certificate to 31131
practice, to submit to treatment. 31132

Before being eligible to apply for reinstatement of a 31133
certificate suspended under this division, the anesthesiologist 31134
assistant shall demonstrate to the board the ability to resume 31135
practice in compliance with acceptable and prevailing standards 31136
of care. The demonstration shall include the following: 31137

(a) Certification from a treatment provider approved under 31138
section 4731.25 of the Revised Code that the individual has 31139
successfully completed any required inpatient treatment; 31140

(b) Evidence of continuing full compliance with an 31141
aftercare contract or consent agreement; 31142

(c) Two written reports indicating that the individual's 31143
ability to practice has been assessed and that the individual 31144
has been found capable of practicing according to acceptable and 31145
prevailing standards of care. The reports shall be made by 31146
individuals or providers approved by the board for making such 31147
assessments and shall describe the basis for their 31148
determination. 31149

The board may reinstate a certificate suspended under this 31150

division after such demonstration and after the individual has 31151
entered into a written consent agreement. 31152

When the impaired anesthesiologist assistant resumes 31153
practice, the board shall require continued monitoring of the 31154
anesthesiologist assistant. The monitoring shall include 31155
monitoring of compliance with the written consent agreement 31156
entered into before reinstatement or with conditions imposed by 31157
board order after a hearing, and, on termination of the consent 31158
agreement, submission to the board for at least two years of 31159
annual written progress reports made under penalty of 31160
falsification stating whether the anesthesiologist assistant has 31161
maintained sobriety. 31162

~~(G)~~ (F) If the secretary and supervising member determine 31163
that there is clear and convincing evidence that an 31164
anesthesiologist assistant has violated division (B) of this 31165
section and that the individual's continued practice presents a 31166
danger of immediate and serious harm to the public, they may 31167
recommend that the board suspend the individual's certificate 31168
without a prior hearing. Written allegations shall be prepared 31169
for consideration by the board. 31170

The board, on review of the allegations and by an 31171
affirmative vote of not fewer than six of its members, excluding 31172
the secretary and supervising member, may suspend a certificate 31173
without a prior hearing. A telephone conference call may be 31174
utilized for reviewing the allegations and taking the vote on 31175
the summary suspension. 31176

The board shall issue a written order of suspension by 31177
certified mail or in person in accordance with section 119.07 of 31178
the Revised Code. The order shall not be subject to suspension 31179
by the court during pendency of any appeal filed under section 31180

119.12 of the Revised Code. If the anesthesiologist assistant 31181
requests an adjudicatory hearing by the board, the date set for 31182
the hearing shall be within fifteen days, but not earlier than 31183
seven days, after the anesthesiologist assistant requests the 31184
hearing, unless otherwise agreed to by both the board and the 31185
certificate holder. 31186

A summary suspension imposed under this division shall 31187
remain in effect, unless reversed on appeal, until a final 31188
adjudicative order issued by the board pursuant to this section 31189
and Chapter 119. of the Revised Code becomes effective. The 31190
board shall issue its final adjudicative order within sixty days 31191
after completion of its hearing. Failure to issue the order 31192
within sixty days shall result in dissolution of the summary 31193
suspension order, but shall not invalidate any subsequent, final 31194
adjudicative order. 31195

~~(H) (G) If the board takes action under division (B) (11),~~ 31196
~~(13), or (14) (10) of this section, and the judicial finding of~~ 31197
~~guilt, guilty plea, or judicial finding of eligibility for~~ 31198
~~intervention in lieu of conviction is overturned on appeal, on~~ 31199
exhaustion of the criminal appeal, a petition for 31200
reconsideration of the order may be filed with the board along 31201
with appropriate court documents. On receipt of a petition and 31202
supporting court documents, the board shall reinstate the 31203
certificate to practice. ~~The board may then hold an adjudication~~ 31204
~~under Chapter 119. of the Revised Code to determine whether the~~ 31205
~~individual committed the act in question. Notice of opportunity~~ 31206
~~for hearing shall be given in accordance with Chapter 119. of~~ 31207
~~the Revised Code. If the board finds, pursuant to an~~ 31208
~~adjudication held under this division, that the individual~~ 31209
~~committed the act, or if no hearing is requested, it may order~~ 31210
~~any of the sanctions specified in division (B) of this section.~~ 31211

~~(I) The certificate to practice of an anesthesiologist- 31212
assistant and the assistant's practice in this state are- 31213
automatically suspended as of the date the anesthesiologist- 31214
assistant pleads guilty to, is found by a judge or jury to be- 31215
guilty of, or is subject to a judicial finding of eligibility- 31216
for intervention in lieu of conviction in this state or- 31217
treatment of intervention in lieu of conviction in another- 31218
jurisdiction for any of the following criminal offenses in this- 31219
state or a substantially equivalent criminal offense in another- 31220
jurisdiction: aggravated murder, murder, voluntary manslaughter,- 31221
felonious assault, kidnapping, rape, sexual battery, gross- 31222
sexual imposition, aggravated arson, aggravated robbery, or- 31223
aggravated burglary. Continued practice after the suspension- 31224
shall be considered practicing without a certificate.- 31225~~

~~The board shall notify the individual subject to the- 31226
suspension by certified mail or in person in accordance with- 31227
section 119.07 of the Revised Code. If an individual whose- 31228
certificate is suspended under this division fails to make a- 31229
timely request for an adjudication under Chapter 119. of the- 31230
Revised Code, the board shall enter a final order permanently- 31231
revoking the individual's certificate to practice.- 31232~~

~~(J)-(H) In any instance in which the board is required by 31233
Chapter 119. of the Revised Code to give notice of opportunity 31234
for hearing and the individual subject to the notice does not 31235
timely request a hearing in accordance with section 119.07 of 31236
the Revised Code, the board is not required to hold a hearing, 31237
but may adopt, by an affirmative vote of not fewer than six of 31238
its members, a final order that contains the board's findings. 31239
In the final order, the board may order any of the sanctions 31240
identified under division (A) or (B) of this section. 31241~~

~~(K)~~ (I) Any action taken by the board under division (B) 31242
of this section resulting in a suspension shall be accompanied 31243
by a written statement of the conditions under which the 31244
anesthesiologist assistant's certificate may be reinstated. The 31245
board shall adopt rules in accordance with Chapter 119. of the 31246
Revised Code governing conditions to be imposed for 31247
reinstatement. Reinstatement of a certificate suspended pursuant 31248
to division (B) of this section requires an affirmative vote of 31249
not fewer than six members of the board. 31250

~~(L)~~ (J) When the board refuses to grant or issue a 31251
certificate to practice as an anesthesiologist assistant to an 31252
applicant, revokes an individual's certificate, refuses to renew 31253
an individual's certificate, or refuses to reinstate an 31254
individual's certificate, the board may specify that its action 31255
is permanent. An individual subject to a permanent action taken 31256
by the board is forever thereafter ineligible to hold a 31257
certificate to practice as an anesthesiologist assistant and the 31258
board shall not accept an application for reinstatement of the 31259
certificate or for issuance of a new certificate. 31260

~~(M)~~ (K) Notwithstanding any other provision of the Revised 31261
Code, all of the following apply: 31262

(1) The surrender of a certificate to practice issued 31263
under this chapter is not effective unless or until accepted by 31264
the board. Reinstatement of a certificate surrendered to the 31265
board requires an affirmative vote of not fewer than six members 31266
of the board. 31267

(2) An application made under this chapter for a 31268
certificate to practice may not be withdrawn without approval of 31269
the board. 31270

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

Sec. 4760.15. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

~~(B) Whenever any person holding a valid certificate issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the certificate under section 4760.13 of the Revised Code.~~

~~(C) The prosecutor in any case against any person holding a valid certificate to practice issued pursuant to this chapter, on forms prescribed and provided by the state medical board, shall notify the board of any of the following:~~

~~(1) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;~~

~~(2) A plea of guilty to, a finding of guilt by a jury or~~

~~court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;~~

~~(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude~~ the person's conviction of any criminal offense.

The report shall include the name and address of the certificate holder, the nature of the offense for which the action was taken, and the certified court documents recording the action.

Sec. 4761.04. (A) Except as provided in division (B) of this section, no person is eligible for licensure as a respiratory care professional unless the person has shown, to the satisfaction of the state medical board, ~~all~~ both of the following:

~~(1) That the person is of good moral character;~~

~~(2)~~ That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical sciences, pharmacology, respiratory care theory, procedures, and clinical practice, and cardiopulmonary rehabilitation techniques;

~~(3)~~ (2) That the person has passed an examination 31329
administered by the board that tests the applicant's knowledge 31330
of the basic and clinical sciences relating to respiratory care 31331
theory and practice, professional skills and judgment in the 31332
utilization of respiratory care techniques, and such other 31333
subjects as the board considers useful in determining fitness to 31334
practice. 31335

(B) The board may waive the requirements of division (A) 31336
of this section with respect to any applicant who presents proof 31337
of ~~current~~ either of the following: 31338

(1) Current licensure in another state whose standards for 31339
licensure are at least equal to those in effect in this state on 31340
the date of application. ~~The board may waive the requirements of~~ 31341
~~divisions (A) (2) and (3) of this section with respect to any~~ 31342
~~applicant who presents proof of having;~~ 31343

(2) Having successfully completed any examination 31344
recognized by the board as meeting the requirements of division 31345
(A) ~~(3)~~ (2) of this section. 31346

Sec. 4761.05. (A) The state medical board shall issue a 31347
license to any applicant who complies with the requirements of 31348
section 4761.04 of the Revised Code, files the prescribed 31349
application form, and pays the fee or fees required under 31350
section 4761.07 of the Revised Code. The license entitles the 31351
holder to practice respiratory care. The licensee shall display 31352
the license in a conspicuous place at the licensee's principal 31353
place of business. 31354

(B) (1) The board shall issue a limited permit to any 31355
applicant who ~~meets the requirements of division (A) (1) of~~ 31356
~~section 4761.04 of the Revised Code,~~ files the prescribed 31357

application form, pays the fee required under section 4761.07 of 31358
the Revised Code, and meets either of the following 31359
requirements: 31360

(a) Is enrolled in and is in good standing in a 31361
respiratory care educational program approved by the board that 31362
meets the requirements of division (A) ~~(2)~~ (1) of section 4761.04 31363
of the Revised Code leading to a degree or certificate of 31364
completion or is a graduate of the program; 31365

(b) Is employed as a provider of respiratory care in this 31366
state and was employed as a provider of respiratory care in this 31367
state prior to March 14, 1989. 31368

(2) The limited permit authorizes the holder to provide 31369
respiratory care under the supervision of a respiratory care 31370
professional. A person issued a limited permit under division 31371
(B) (1) (a) of this section may practice respiratory care under 31372
the limited permit for not more than the earliest of the 31373
following: 31374

(a) Three years after the date the limited permit is 31375
issued; 31376

(b) One year following the date of receipt of a 31377
certificate of completion from a board-approved respiratory care 31378
education program; 31379

(c) Until the holder discontinues participation in the 31380
educational program. 31381

The board may extend the term of a limited permit in cases 31382
of unusual hardship. The holder seeking an extension shall 31383
petition the board in the form and manner prescribed by the 31384
board in rules adopted under section 4761.03 of the Revised 31385
Code. This division does not require a student enrolled in an 31386

educational program leading to a degree or certificate of 31387
completion in respiratory care approved by the board to obtain a 31388
limited permit to perform any duties that are part of the 31389
required course of study. 31390

(3) A person issued a limited permit under division (B) (1) 31391
(b) of this section may practice under a limited permit for not 31392
more than three years, except that this restriction does not 31393
apply to a permit holder who, on March 14, 1989, has been 31394
employed as a provider of respiratory care for an average of not 31395
less than twenty-five hours per week for a period of not less 31396
than five years by a hospital. 31397

(C) All holders of licenses and limited permits issued 31398
under this section shall display, in a conspicuous place on 31399
their persons, information that identifies the type of 31400
authorization under which they practice. 31401

Sec. 4761.06. (A) Each license to practice respiratory 31402
care shall be renewed biennially. Each limited permit to 31403
practice respiratory care shall be renewed annually. Each person 31404
holding a license or limited permit to practice respiratory care 31405
shall apply to the state medical board on the form and according 31406
to the schedule prescribed by the board for renewal of the 31407
license or limited permit. Licenses and limited permits shall be 31408
renewed in accordance with the standard renewal procedure of 31409
Chapter 4745. of the Revised Code. The board shall renew a 31410
license upon the payment of the license renewal fee prescribed 31411
under section 4761.07 of the Revised Code and proof of 31412
satisfactory completion of the continuing education or 31413
reexamination requirements of division (B) of this section. The 31414
board shall renew a limited permit upon payment of the limited 31415
permit renewal fee prescribed under section 4761.07 of the 31416

Revised Code and submission of one of the following: 31417

(1) If the limited permit was issued on the basis of 31418
division (B) (1) (a) of section 4761.05 of the Revised Code, proof 31419
acceptable to the board of enrollment and good standing in an 31420
educational program that meets the requirements of division (A) 31421
~~(2)~~ (1) of section 4761.04 of the Revised Code or of graduation 31422
from such a program; 31423

(2) If the limited permit was issued on the basis of 31424
division (B) (1) (b) of section 4761.05 of the Revised Code, proof 31425
acceptable to the board of employment as a provider of 31426
respiratory care. 31427

(B) On and after March 14, 1991, and every year 31428
thereafter, on or before the annual renewal date, the holder of 31429
a limited permit issued under division (B) (1) (b) of section 31430
4761.05 of the Revised Code shall submit proof to the board that 31431
the holder has satisfactorily completed the number of hours of 31432
continuing education required by the board, which shall not be 31433
less than three nor more than ten hours of continuing education 31434
acceptable to the board. 31435

On or before the biennial renewal date, a license holder 31436
shall submit proof to the board that the license holder has 31437
satisfactorily completed the number of hours of continuing 31438
education required by the board, which shall be not less than 31439
six nor more than twenty hours of continuing education 31440
acceptable to the board, or has passed a reexamination in 31441
accordance with the board's renewal requirements. The board may 31442
waive all or part of the continuing education requirement for a 31443
license holder who has held the license for less than two years. 31444

Sec. 4761.07. (A) The state medical board shall charge any 31445

license applicant or holder who is to take an examination 31446
required under division (A) ~~(3)~~ (2) of section 4761.04 or a 31447
reexamination required under division (B) of section 4761.06 of 31448
the Revised Code for license renewal or under section 4761.09 of 31449
the Revised Code for license reinstatement, a nonrefundable 31450
examination fee, not to exceed the amount necessary to cover the 31451
expense of administering the examination. The license applicant 31452
or holder shall pay the fee at the time of application for 31453
licensure or renewal. 31454

(B) The board shall establish the following additional 31455
nonrefundable fees and penalty: 31456

(1) An initial license fee, not to exceed seventy-five 31457
dollars; 31458

(2) A biennial license renewal fee, not to exceed one 31459
hundred dollars; 31460

(3) A limited permit fee, not to exceed twenty dollars; 31461

(4) A limited permit renewal fee, not to exceed ten 31462
dollars; 31463

(5) A late renewal penalty, not to exceed fifty per cent 31464
of the renewal fee; 31465

(6) A fee for accepting and storing hyperbaric 31466
technologist certifications filed with the board under division 31467
(A) (11) of section 4761.11 of the Revised Code, not to exceed 31468
twenty dollars. 31469

(C) Notwithstanding division (B) (4) of this section, after 31470
the third renewal of a limited permit that meets the exception 31471
in division (B) (3) of section 4761.05 of the Revised Code, the 31472
limited permit renewal fee shall be one-half the amount of the 31473

biennial license renewal fee established under division (B) (2) 31474
of this section and section 4761.08 of the Revised Code. 31475

(D) The board shall adjust the fees biennially and within 31476
the limits established by division (B) of this section to 31477
provide sufficient revenues to meet its expenses. 31478

(E) The board may, by rule, provide for the waiver of all 31479
or part of a license fee when the license is issued less than 31480
eighteen months before its expiration date. 31481

(F) All fees received by the board shall be deposited into 31482
the state treasury to the credit of the state medical board 31483
operating fund pursuant to section 4731.24 of the Revised Code. 31484

Sec. 4761.09. (A) The state medical board may refuse to 31485
issue or renew a license or a limited permit, may issue a 31486
reprimand, may suspend or permanently revoke a license or 31487
limited permit, or may place a license or limited permit holder 31488
on probation, on any of the following grounds: 31489

(1) ~~A plea of guilty to, a judicial finding of guilt of,~~ 31490
~~or a judicial finding of eligibility for intervention in lieu of~~ 31491
~~conviction for an offense involving moral turpitude or of a~~ 31492
felony conviction of a disqualifying offense, as specified under 31493
section 9.79 of the Revised Code, in which case a certified copy 31494
of the court record shall be conclusive evidence of the matter; 31495

(2) Violating any provision of this chapter or an order or 31496
rule of the board; 31497

(3) Assisting another person in that person's violation of 31498
any provision of this chapter or an order or rule of the board; 31499

(4) Obtaining a license or limited permit by means of 31500
fraud, false or misleading representation, or concealment of 31501

material facts or making any other material misrepresentation to the board;	31502 31503
(5) Being guilty of negligence or gross misconduct in the practice of respiratory care;	31504 31505
(6) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;	31506 31507
(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;	31508 31509 31510
(8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;	31511 31512 31513 31514
(9) Practicing respiratory care while mentally incompetent;	31515 31516
(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;	31517 31518
(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	31519 31520 31521 31522
(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	31523 31524 31525
(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;	31526 31527 31528

~~(14) Assisting suicide as defined in section 3795.01 of
the Revised Code.~~ 31529
31530

Before the board may take any action under this section, 31531
other than issuance of a summary suspension order under division 31532
(C) of this section, the executive director of the board shall 31533
prepare and file written charges with the board. Disciplinary 31534
actions taken by the board under this section shall be taken 31535
pursuant to an adjudication under Chapter 119. of the Revised 31536
Code, except that in lieu of an adjudication, the board may 31537
enter into a consent agreement to resolve an allegation of a 31538
violation of this chapter or any rule adopted under it. A 31539
consent agreement, when ratified by the board, shall constitute 31540
the findings and order of the board with respect to the matter 31541
addressed in the agreement. If the board refuses to ratify a 31542
consent agreement, the admissions and findings contained in the 31543
consent agreement shall be of no effect. 31544

(B) If the board orders a license or limited permit holder 31545
placed on probation, the order shall be accompanied by a written 31546
statement of the conditions under which the person may be 31547
restored to practice. 31548

The person may reapply to the board for original issuance 31549
of a license after one year following the date the license was 31550
denied. 31551

Except as otherwise provided in division (D) of this 31552
section, a person may apply to the board for the reinstatement 31553
of a license or limited permit after one year following the date 31554
of suspension or refusal to renew. The board may accept or 31555
refuse the application for reinstatement and may require that 31556
the applicant pass a reexamination as a condition of eligibility 31557
for reinstatement. 31558

(C) If the president and secretary of the board determine 31559
that there is clear and convincing evidence that a license or 31560
limited permit holder has committed an act that is grounds for 31561
board action under division (A) of this section and that 31562
continued practice by the license or permit holder presents a 31563
danger of immediate and serious harm to the public, the 31564
president and secretary may recommend that the board suspend the 31565
license or limited permit without a prior hearing. The president 31566
and secretary shall submit in writing to the board the 31567
allegations causing them to recommend the suspension. 31568

On review of the allegations, the board, by a vote of not 31569
less than seven of its members, may suspend a license or limited 31570
permit without a prior hearing. The board may review the 31571
allegations and vote on the suspension by a telephone conference 31572
call. 31573

If the board votes to suspend a license or limited permit 31574
under this division, the board shall issue a written order of 31575
summary suspension to the license or limited permit holder in 31576
accordance with section 119.07 of the Revised Code. If the 31577
license or limited permit holder requests a hearing by the 31578
board, the board shall conduct the hearing in accordance with 31579
Chapter 119. of the Revised Code. Notwithstanding section 119.12 31580
of the Revised Code, a court of common pleas shall not grant a 31581
suspension of the board's order of summary suspension pending 31582
determination of an appeal filed under that section. 31583

Any order of summary suspension issued under this division 31584
shall remain in effect until a final adjudication order issued 31585
by the board pursuant to division (A) of this section becomes 31586
effective. The board shall issue its final adjudication order 31587
regarding an order of summary suspension issued under this 31588

division not later than sixty days after completion of its 31589
hearing. Failure to issue the order within sixty days shall 31590
result in immediate dissolution of the suspension order, but 31591
shall not invalidate any subsequent, final adjudication order. 31592

(D) For purposes of this division, any individual who 31593
holds a license or permit issued under this chapter, or applies 31594
for a license or permit to practice respiratory care, is deemed 31595
to have given consent to submit to a mental or physical 31596
examination when directed to do so in writing by the board and 31597
to have waived all objections to the admissibility of testimony 31598
or examination reports that constitute a privileged 31599
communication. 31600

For purposes of division (A) (8) of this section, if the 31601
board has reason to believe that any individual who holds a 31602
license or permit issued under this chapter or any applicant for 31603
a license or permit suffers such impairment, the board may 31604
compel the individual to submit to a mental or physical 31605
examination, or both. The expense of the examination is the 31606
responsibility of the individual compelled to be examined. Any 31607
mental or physical examination required under this division 31608
shall be undertaken by a treatment provider or physician 31609
qualified to conduct such examination and chosen by the board. 31610

Failure to submit to a mental or physical examination 31611
ordered by the board constitutes an admission of the allegations 31612
against the individual unless the failure is due to 31613
circumstances beyond the individual's control, and a default and 31614
final order may be entered without the taking of testimony or 31615
presentation of evidence. If the board determines that the 31616
individual's ability to practice is impaired, the board shall 31617
suspend the individual's license or permit or deny the 31618

individual's application and shall require the individual, as a 31619
condition for initial, continued, reinstated, or renewed 31620
licensure, to submit to treatment. 31621

Before being eligible to apply for reinstatement of a 31622
license or permit suspended under this division, the respiratory 31623
care professional shall demonstrate to the board the ability to 31624
resume practice in compliance with acceptable and prevailing 31625
standards of care. The demonstration shall include the 31626
following: 31627

(1) Certification from a treatment provider approved under 31628
section 4731.25 of the Revised Code that the individual has 31629
successfully completed any required inpatient treatment; 31630

(2) Evidence of continuing full compliance with an 31631
aftercare contract or consent agreement; 31632

(3) Two written reports indicating that the individual's 31633
ability to practice has been assessed and that the individual 31634
has been found capable of practicing according to acceptable and 31635
prevailing standards of care. The reports shall be made by 31636
individuals or providers approved by the board for making such 31637
assessments and shall describe the basis for their 31638
determination. 31639

The board may reinstate a license or permit suspended 31640
under this division after such demonstration and after the 31641
individual has entered into a written consent agreement. 31642

When the impaired respiratory care professional resumes 31643
practice, the board shall require continued monitoring of the 31644
respiratory care professional. The monitoring shall include 31645
compliance with the written consent agreement entered into 31646
before reinstatement or with conditions imposed by board order 31647

after a hearing, and, upon termination of the consent agreement, 31648
submission to the board for at least two years of annual written 31649
progress reports made under penalty of falsification stating 31650
whether the respiratory care professional has maintained 31651
sobriety. 31652

Sec. 4761.11. (A) Nothing in this chapter shall be 31653
construed to prevent or restrict the practice, services, or 31654
activities of any person who: 31655

(1) Is a health care professional licensed by this state 31656
providing respiratory care services included in the scope of 31657
practice established by the license held, as long as the person 31658
does not represent that the person is engaged in the practice of 31659
respiratory care; 31660

(2) Is employed as a respiratory care professional by an 31661
agency of the United States government and provides respiratory 31662
care solely under the direction or control of the employing 31663
agency; 31664

(3) Is a student enrolled in a respiratory care education 31665
program approved by the state medical board leading to a 31666
certificate of completion in respiratory care and is performing 31667
duties that are part of a supervised course of study; 31668

(4) Is a nonresident of this state practicing or offering 31669
to practice respiratory care, if the respiratory care services 31670
are offered for not more than thirty days in a year, services 31671
are provided under the supervision of a respiratory care 31672
professional licensed under this chapter, and the nonresident 31673
registers with the board in accordance with rules adopted by the 31674
board under section 4761.03 of the Revised Code and meets either 31675
of the following requirements: 31676

- (a) Qualifies for licensure under this chapter, except for passage of the examination required under division (A) ~~(3)~~ (2) of section 4761.04 of the Revised Code; 31677
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- (b) Holds a valid license issued by a state that has licensure requirements considered by the board to be comparable to those of this state and has not been issued a license in another state that has been revoked or is currently under suspension or on probation. 31680
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- (5) Provides respiratory care only to relatives or in medical emergencies; 31685
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- (6) Provides gratuitous care to friends or personal family members; 31687
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- (7) Provides only self care; 31689
- (8) Is employed in the office of a physician and renders medical assistance under the physician's direct supervision without representing that the person is engaged in the practice of respiratory care; 31690
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- (9) Is employed in a clinical chemistry or arterial blood gas laboratory and is supervised by a physician without representing that the person is engaged in the practice of respiratory care; 31694
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- (10) Is engaged in the practice of respiratory care as an employee of a person or governmental entity located in another state and provides respiratory care services for less than seventy-two hours to patients being transported into, out of, or through this state; 31698
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- (11) Is employed as a certified hyperbaric technologist, has filed with the board a copy of the person's current 31703
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certification as a hyperbaric technologist in accordance with 31705
the rules adopted by the board under section 4761.03 of the 31706
Revised Code, has paid the fee established pursuant to section 31707
4761.07 of the Revised Code, and administers hyperbaric oxygen 31708
therapy under the direct supervision of a physician, a 31709
podiatrist acting in compliance with section 4731.511 of the 31710
Revised Code, a physician assistant, or an advanced practice 31711
registered nurse and without representing that the person is 31712
engaged in the practice of respiratory care. 31713

(B) Nothing in this chapter shall be construed to prevent 31714
any person from advertising, describing, or offering to provide 31715
respiratory care or billing for respiratory care when the 31716
respiratory care services are provided by a health care 31717
professional licensed by this state practicing within the scope 31718
of practice established by the license held. Nothing in this 31719
chapter shall be construed to prevent a hospital or nursing 31720
facility from advertising, describing, or offering to provide 31721
respiratory care, or billing for respiratory care rendered by a 31722
person licensed under this chapter or persons who may provide 31723
limited aspects of respiratory care or respiratory care tasks 31724
pursuant to division (B) of section 4761.10 of the Revised Code. 31725

(C) Notwithstanding division (A) of section 4761.10 of the 31726
Revised Code, in a life-threatening situation, in the absence of 31727
licensed personnel, unlicensed persons shall not be prohibited 31728
from taking life-saving measures. 31729

(D) Nothing in this chapter shall be construed as 31730
authorizing a respiratory care professional to practice medicine 31731
and surgery or osteopathic medicine and surgery. This division 31732
does not prohibit a respiratory care professional from 31733
administering topical or intradermal medications for the purpose 31734

of producing localized decreased sensation as part of a 31735
procedure or task that is within the scope of practice of a 31736
respiratory care professional. 31737

Sec. 4761.13. (A) As used in this section, "prosecutor" 31738
has the same meaning as in section 2935.01 of the Revised Code. 31739

(B) The prosecutor in any case against any respiratory 31740
care professional or an individual holding a limited permit 31741
issued under this chapter shall promptly notify the state 31742
medical board of ~~any of the following:~~ 31743

~~(1) A plea of guilty to, or a finding of guilt by a jury~~ 31744
~~or court of, a felony, or a case in which the trial court issues~~ 31745
~~an order of dismissal upon technical or procedural grounds of a~~ 31746
~~felony charge;~~ 31747

~~(2) A plea of guilty to, or a finding of guilt by a jury~~ 31748
~~or court of, a misdemeanor committed in the course of practice,~~ 31749
~~or a case in which the trial court issues an order of dismissal~~ 31750
~~upon technical or procedural grounds of a charge of a~~ 31751
~~misdemeanor, if the alleged act was committed in the course of~~ 31752
~~practice;~~ 31753

~~(3) A plea of guilty to, or a finding of guilt by a jury~~ 31754
~~or court of, a misdemeanor involving moral turpitude, or a case~~ 31755
~~in which the trial court issues an order of dismissal upon~~ 31756
~~technical or procedural grounds of a charge of a misdemeanor~~ 31757
~~involving moral turpitude~~ the individual's conviction of any 31758
criminal offense. 31759

(C) The report shall include the name and address of the 31760
respiratory care professional or person holding a limited 31761
permit, the nature of the offense for which the action was 31762
taken, and the certified court documents recording the action. 31763

The board may prescribe and provide forms for prosecutors to 31764
make reports under this section. The form may be the same as the 31765
form required to be provided under section 2929.42 of the 31766
Revised Code. 31767

Sec. 4762.03. (A) An individual seeking a certificate to 31768
practice as an oriental medicine practitioner or certificate to 31769
practice as an acupuncturist shall file with the state medical 31770
board a written application on a form prescribed and supplied by 31771
the board. 31772

(B) To be eligible for the certificate to practice, an 31773
applicant shall meet all of the following conditions, as 31774
applicable: 31775

(1) The applicant shall submit evidence satisfactory to 31776
the board that the applicant is at least eighteen years of age 31777
~~and of good moral character.~~ 31778

(2) In the case of an applicant seeking a certificate to 31779
practice as an oriental medicine practitioner, the applicant 31780
shall submit evidence satisfactory to the board of both of the 31781
following: 31782

(a) That the applicant holds a current and active 31783
designation from the national certification commission for 31784
acupuncture and oriental medicine as either a diplomate in 31785
oriental medicine or diplomate of acupuncture and Chinese 31786
herbology; 31787

(b) That the applicant has successfully completed, in the 31788
two-year period immediately preceding application for the 31789
certificate to practice, one course approved by the commission 31790
on federal food and drug administration dispensary and 31791
compounding guidelines and procedures. 31792

(3) In the case of an applicant seeking a certificate 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 acupuncture and Chinese herbology, or diplomate in acupuncture;

(c) Submitting evidence satisfactory to the board that the applicant, in seeking a designation from the national certification commission for acupuncture and oriental medicine as a diplomate of oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate of acupuncture, has successfully completed in English the examination required for such a designation by the national certification commission for acupuncture and oriental medicine;

(d) In the case of an applicant seeking a certificate to practice as an oriental medicine practitioner, submitting evidence satisfactory to the board that the applicant has previously held a certificate to practice as an acupuncturist

issued under section 4762.04 of the Revised Code. 31822

(5) The applicant shall submit to the board any other 31823
information the board requires. 31824

(6) The applicant shall pay to the board a fee of one 31825
hundred dollars, no part of which may be returned to the 31826
applicant. 31827

(C) The board shall review all applications received under 31828
this section. The board shall determine whether an applicant 31829
meets the requirements to receive a certificate to practice not 31830
later than sixty days after receiving a complete application. 31831
The affirmative vote of not fewer than six members of the board 31832
is required to determine that an applicant meets the 31833
requirements for a certificate. 31834

Sec. 4762.13. (A) The state medical board, by an 31835
affirmative vote of not fewer than six members, may revoke or 31836
may refuse to grant a certificate to practice as an oriental 31837
medicine practitioner or certificate to practice as an 31838
acupuncturist to a person found by the board to have committed 31839
fraud, misrepresentation, or deception in applying for or 31840
securing the certificate. 31841

(B) The board, by an affirmative vote of not fewer than 31842
six members, shall, to the extent permitted by law, limit, 31843
revoke, or suspend an individual's certificate to practice, 31844
refuse to issue a certificate to an applicant, refuse to renew a 31845
certificate, refuse to reinstate a certificate, or reprimand or 31846
place on probation the holder of a certificate for any of the 31847
following reasons: 31848

(1) Permitting the holder's name or certificate to be used 31849
by another person; 31850

- (2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 31851
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- (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; 31854
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- (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; 31858
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- (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 31862
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- (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 31866
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- (7) Willfully betraying a professional confidence; 31870
- (8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist. 31871
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- As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or 31876
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is likely to create false or unjustified expectations of 31880
favorable results, or includes representations or implications 31881
that in reasonable probability will cause an ordinarily prudent 31882
person to misunderstand or be deceived. 31883

(9) Representing, with the purpose of obtaining 31884
compensation or other advantage personally or for any other 31885
person, that an incurable disease or injury, or other incurable 31886
condition, can be permanently cured; 31887

(10) The obtaining of, or attempting to obtain, money or a 31888
thing of value by fraudulent misrepresentations in the course of 31889
practice; 31890

~~(11) A plea of guilty to, a judicial finding of guilt of, 31891
or a judicial finding of eligibility for intervention in lieu of 31892
conviction for, a felony; 31893~~

~~(12) Commission of an act that constitutes a felony in 31894
this state, regardless of the jurisdiction in which the act was 31895
committed; 31896~~

~~(13) A plea of guilty to, a judicial finding of guilt of, 31897
or a judicial finding of eligibility for intervention in lieu of 31898
conviction for, a misdemeanor committed in the course of 31899
practice; 31900~~

~~(14) A plea of guilty to, a judicial finding of guilt of, 31901
or a judicial finding of eligibility for intervention in lieu of 31902
conviction for, a misdemeanor involving moral turpitude; 31903~~

~~(15) Commission of an act in the course of practice that 31904
constitutes a misdemeanor in this state, regardless of the 31905
jurisdiction in which the act was committed; 31906~~

~~(16) Commission of an act involving moral turpitude that 31907~~

~~constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;~~ 31908
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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, conviction of a disqualifying offense, as specified under section 9.79 of the Revised Code;~~ 31910
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~~(18)~~ (12) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture 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; 31916
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~~(19)~~ (13) Violation of the conditions placed by the board on a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist; 31925
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~~(20)~~ (14) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 31928
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~~(21)~~ (15) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an 31931
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investigation shall not constitute grounds for discipline under 31937
this section if a court of competent jurisdiction has issued an 31938
order that either quashes a subpoena or permits the individual 31939
to withhold the testimony or evidence in issue; 31940

~~(22)~~ (16) Failure to comply with the standards of the 31941
national certification commission for acupuncture and oriental 31942
medicine regarding professional ethics, commitment to patients, 31943
commitment to the profession, and commitment to the public; 31944

~~(23)~~ (17) Failure to have adequate professional liability 31945
insurance coverage in accordance with section 4762.22 of the 31946
Revised Code; 31947

~~(24)~~ (18) Failure to maintain a current and active 31948
designation as a diplomate in oriental medicine, diplomate of 31949
acupuncture and Chinese herbology, or diplomate in acupuncture, 31950
as applicable, from the national certification commission for 31951
acupuncture and oriental medicine, including revocation by the 31952
commission of the individual's designation, failure by the 31953
individual to meet the commission's requirements for 31954
redesignation, or failure to notify the board that the 31955
appropriate designation has not been maintained. 31956

(C) Disciplinary actions taken by the board under 31957
divisions (A) and (B) of this section shall be taken pursuant to 31958
an adjudication under Chapter 119. of the Revised Code, except 31959
that in lieu of an adjudication, the board may enter into a 31960
consent agreement with an oriental medicine practitioner or 31961
acupuncturist or applicant to resolve an allegation of a 31962
violation of this chapter or any rule adopted under it. A 31963
consent agreement, when ratified by an affirmative vote of not 31964
fewer than six members of the board, shall constitute the 31965
findings and order of the board with respect to the matter 31966

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) For purposes of divisions (B) (12), (15), and (16) 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 certificate 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 certificate 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 upon technical or procedural grounds.~~

~~(E)~~ The sealing of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon 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 of a disqualifying offense, as specified under section 9.79 of the Revised Code, the board issued a notice of opportunity for a hearing or entered into a consent agreement 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)~~ (E) For purposes of this division, any individual who holds a certificate to practice issued under this chapter, or applies for a certificate to practice, shall be deemed to have given consent to submit to a mental or physical examination when

directed to do so in writing by the board and to have waived all 31997
objections to the admissibility of testimony or examination 31998
reports that constitute a privileged communication. 31999

(1) In enforcing division (B) (5) of this section, the 32000
board, upon a showing of a possible violation, may compel any 32001
individual who holds a certificate to practice issued under this 32002
chapter or who has applied for a certificate pursuant to this 32003
chapter to submit to a mental examination, physical examination, 32004
including an HIV test, or both a mental and physical 32005
examination. The expense of the examination is the 32006
responsibility of the individual compelled to be examined. 32007
Failure to submit to a mental or physical examination or consent 32008
to an HIV test ordered by the board constitutes an admission of 32009
the allegations against the individual unless the failure is due 32010
to circumstances beyond the individual's control, and a default 32011
and final order may be entered without the taking of testimony 32012
or presentation of evidence. If the board finds an oriental 32013
medicine practitioner or acupuncturist unable to practice 32014
because of the reasons set forth in division (B) (5) of this 32015
section, the board shall require the individual to submit to 32016
care, counseling, or treatment by physicians approved or 32017
designated by the board, as a condition for an initial, 32018
continued, reinstated, or renewed certificate to practice. An 32019
individual affected by this division shall be afforded an 32020
opportunity to demonstrate to the board the ability to resume 32021
practicing in compliance with acceptable and prevailing 32022
standards of care. 32023

(2) For purposes of division (B) (6) of this section, if 32024
the board has reason to believe that any individual who holds a 32025
certificate to practice issued under this chapter or any 32026
applicant for a certificate suffers such impairment, the board 32027

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 certificate or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed certificate, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the oriental medicine practitioner or acupuncturist shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

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

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

(c) Two written reports indicating that the individual's

ability to practice has been assessed and that the individual 32057
has been found capable of practicing according to acceptable and 32058
prevailing standards of care. The reports shall be made by 32059
individuals or providers approved by the board for making such 32060
assessments and shall describe the basis for their 32061
determination. 32062

The board may reinstate a certificate suspended under this 32063
division after such demonstration and after the individual has 32064
entered into a written consent agreement. 32065

When the impaired individual resumes practice, the board 32066
shall require continued monitoring of the individual. The 32067
monitoring shall include monitoring of compliance with the 32068
written consent agreement entered into before reinstatement or 32069
with conditions imposed by board order after a hearing, and, 32070
upon termination of the consent agreement, submission to the 32071
board for at least two years of annual written progress reports 32072
made under penalty of falsification stating whether the 32073
individual has maintained sobriety. 32074

~~(G)~~ (F) If the secretary and supervising member determine 32075
both of the following, they may recommend that the board suspend 32076
an individual's certificate to practice without a prior hearing: 32077

(1) That there is clear and convincing evidence that an 32078
oriental medicine practitioner or acupuncturist has violated 32079
division (B) of this section; 32080

(2) That the individual's continued practice presents a 32081
danger of immediate and serious harm to the public. 32082

Written allegations shall be prepared for consideration by 32083
the board. The board, upon review of the allegations and by an 32084
affirmative vote of not fewer than six of its members, excluding 32085

the secretary and supervising member, may suspend a certificate 32086
without a prior hearing. A telephone conference call may be 32087
utilized for reviewing the allegations and taking the vote on 32088
the summary suspension. 32089

The board shall issue a written order of suspension by 32090
certified mail or in person in accordance with section 119.07 of 32091
the Revised Code. The order shall not be subject to suspension 32092
by the court during pendency of any appeal filed under section 32093
119.12 of the Revised Code. If the oriental medicine 32094
practitioner or acupuncturist requests an adjudicatory hearing 32095
by the board, the date set for the hearing shall be within 32096
fifteen days, but not earlier than seven days, after the hearing 32097
is requested, unless otherwise agreed to by both the board and 32098
the certificate holder. 32099

A summary suspension imposed under this division shall 32100
remain in effect, unless reversed on appeal, until a final 32101
adjudicative order issued by the board pursuant to this section 32102
and Chapter 119. of the Revised Code becomes effective. The 32103
board shall issue its final adjudicative order within sixty days 32104
after completion of its hearing. Failure to issue the order 32105
within sixty days shall result in dissolution of the summary 32106
suspension order, but shall not invalidate any subsequent, final 32107
adjudicative order. 32108

~~(H)~~ (G) If the board takes action under division (B) (11), ~~—~~ 32109
~~(13), or (14) of this section, and the judicial finding of~~ 32110
~~guilt, guilty plea, or judicial finding of eligibility for~~ 32111
~~intervention in lieu of conviction is overturned on appeal, upon~~ 32112
exhaustion of the criminal appeal, a petition for 32113
reconsideration of the order may be filed with the board along 32114
with appropriate court documents. Upon receipt of a petition and 32115

supporting court documents, the board shall reinstate the 32116
certificate to practice. ~~The board may then hold an adjudication-~~ 32117
~~under Chapter 119. of the Revised Code to determine whether the-~~ 32118
~~individual committed the act in question. Notice of opportunity-~~ 32119
~~for hearing shall be given in accordance with Chapter 119. of-~~ 32120
~~the Revised Code. If the board finds, pursuant to an-~~ 32121
~~adjudication held under this division, that the individual-~~ 32122
~~committed the act, or if no hearing is requested, it may order-~~ 32123
~~any of the sanctions specified in division (B) of this section.-~~ 32124

~~(I) The certificate to practice of an oriental medicine-~~ 32125
~~practitioner or acupuncturist and the practitioner's or-~~ 32126
~~acupuncturist's practice in this state are automatically-~~ 32127
~~suspended as of the date the practitioner or acupuncturist-~~ 32128
~~pleads guilty to, is found by a judge or jury to be guilty of,-~~ 32129
~~or is subject to a judicial finding of eligibility for-~~ 32130
~~intervention in lieu of conviction in this state or treatment or-~~ 32131
~~intervention in lieu of conviction in another jurisdiction for-~~ 32132
~~any of the following criminal offenses in this state or a-~~ 32133
~~substantially equivalent criminal offense in another-~~ 32134
~~jurisdiction: aggravated murder, murder, voluntary manslaughter,-~~ 32135
~~felonious assault, kidnapping, rape, sexual battery, gross-~~ 32136
~~sexual imposition, aggravated arson, aggravated robbery, or-~~ 32137
~~aggravated burglary. Continued practice after the suspension-~~ 32138
~~shall be considered practicing without a certificate.-~~ 32139

~~The board shall notify the individual subject to the-~~ 32140
~~suspension by certified mail or in person in accordance with-~~ 32141
~~section 119.07 of the Revised Code. If an individual whose-~~ 32142
~~certificate is suspended under this division fails to make a-~~ 32143
~~timely request for an adjudication under Chapter 119. of the-~~ 32144
~~Revised Code, the board shall enter a final order permanently-~~ 32145
~~revoking the individual's certificate to practice.-~~ 32146

~~(J)~~ (H) 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)~~ (I) 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 certificate to practice 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 certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

~~(L)~~ (J) When the board refuses to grant or issue a certificate to practice to an applicant, revokes an individual's certificate, refuses to renew an individual's certificate, or refuses to reinstate an individual's certificate, 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 certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

~~(M)~~ (K) Notwithstanding any other provision of the Revised

Code, all of the following apply: 32177

(1) The surrender of a certificate to practice as an 32178
oriental medicine practitioner or certificate to practice as an 32179
acupuncturist issued under this chapter is not effective unless 32180
or until accepted by the board. Reinstatement of a certificate 32181
surrendered to the board requires an affirmative vote of not 32182
fewer than six members of the board. 32183

(2) An application made under this chapter for a 32184
certificate may not be withdrawn without approval of the board. 32185

(3) Failure by an individual to renew a certificate in 32186
accordance with section 4762.06 of the Revised Code shall not 32187
remove or limit the board's jurisdiction to take disciplinary 32188
action under this section against the individual. 32189

Sec. 4762.15. (A) As used in this section, "prosecutor" 32190
has the same meaning as in section 2935.01 of the Revised Code. 32191

(B) ~~Whenever any person holding a valid certificate to~~ 32192
~~practice as an oriental medicine practitioner or valid~~ 32193
~~certificate to practice as an acupuncturist issued pursuant to~~ 32194
~~this chapter pleads guilty to, is subject to a judicial finding~~ 32195
~~of guilt of, or is subject to a judicial finding of eligibility~~ 32196
~~for intervention in lieu of conviction for a violation of~~ 32197
~~Chapter 2907., 2925., or 3719. of the Revised Code or of any~~ 32198
~~substantively comparable ordinance of a municipal corporation in~~ 32199
~~connection with the person's practice, the prosecutor in the~~ 32200
~~case, on forms prescribed and provided by the state medical~~ 32201
~~board, shall promptly notify the board of the conviction. Within~~ 32202
~~thirty days of receipt of that information, the board shall~~ 32203
~~initiate action in accordance with Chapter 119. of the Revised~~ 32204
~~Code to determine whether to suspend or revoke the certificate~~ 32205

~~under section 4762.13 of the Revised Code.~~ 32206

~~(C) The prosecutor in any case against any person holding a valid certificate to practice issued pursuant to this chapter, on forms prescribed and provided by the state medical board, shall notify the board of any of the following:~~ 32207
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~~(1) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;~~ 32211
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~~(2) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;~~ 32216
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~~(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude~~ 32223
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the person's conviction of any criminal offense. 32228
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The report shall include the name and address of the certificate holder, the nature of the offense for which the action was taken, and the certified court documents recording the action. 32230
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Sec. 4763.05. (A) (1) (a) A person shall make application 32234

for an initial state-certified general real estate appraiser 32235
certificate, an initial state-certified residential real estate 32236
appraiser certificate, an initial state-licensed residential 32237
real estate appraiser license, or an initial state-registered 32238
real estate appraiser assistant registration in writing to the 32239
superintendent of real estate on a form the superintendent 32240
prescribes. The application shall include the address of the 32241
applicant's principal place of business and all other addresses 32242
at which the applicant currently engages in the business of 32243
preparing real estate appraisals and the address of the 32244
applicant's current residence. The superintendent shall retain 32245
the applicant's current residence address in a separate record 32246
which does not constitute a public record for purposes of 32247
section 149.43 of the Revised Code. The application shall 32248
indicate whether the applicant seeks certification as a general 32249
real estate appraiser or as a residential real estate appraiser, 32250
licensure as a residential real estate appraiser, or 32251
registration as a real estate appraiser assistant and be 32252
accompanied by the prescribed examination and certification, 32253
registration, or licensure fees set forth in section 4763.09 of 32254
the Revised Code. The application also shall include a pledge, 32255
signed by the applicant, that the applicant will comply with the 32256
standards set forth in this chapter; and a statement that the 32257
applicant understands the types of misconduct for which 32258
disciplinary proceedings may be initiated against the applicant 32259
pursuant to this chapter. 32260

(b) Upon the filing of an application and payment of any 32261
examination and certification, registration, or licensure fees, 32262
the superintendent of real estate shall request the 32263
superintendent of the bureau of criminal identification and 32264
investigation, or a vendor approved by the bureau, to conduct a 32265

criminal records check based on the applicant's fingerprints in 32266
accordance with section 109.572 of the Revised Code. 32267
Notwithstanding division (K) of section 121.08 of the Revised 32268
Code, the superintendent of real estate shall request that 32269
criminal record information from the federal bureau of 32270
investigation be obtained as part of the criminal records check. 32271
Any fee required under division (C) (3) of section 109.572 of the 32272
Revised Code shall be paid by the applicant. 32273

(2) For purposes of providing funding for the real estate 32274
appraiser recovery fund established by section 4763.16 of the 32275
Revised Code, the real estate appraiser board shall levy an 32276
assessment against each person issued an initial certificate, 32277
registration, or license and against current licensees, 32278
registrants, and certificate holders, as required by board rule. 32279
The assessment is in addition to the application and examination 32280
fees for initial applicants required by division (A) (1) of this 32281
section and the renewal fees required for current certificate 32282
holders, registrants, and licensees. The superintendent of real 32283
estate shall deposit the assessment into the state treasury to 32284
the credit of the real estate appraiser recovery fund. The 32285
assessment for initial certificate holders, registrants, and 32286
licensees shall be paid prior to the issuance of a certificate, 32287
registration, or license, and for current certificate holders, 32288
registrants, and licensees, at the time of renewal. 32289

(B) An applicant for an initial general real estate 32290
appraiser certificate, residential real estate appraiser 32291
certificate, or residential real estate appraiser license shall 32292
possess experience in real estate appraisal as the board 32293
prescribes by rule. In addition to any other information 32294
required by the board, the applicant shall furnish, under oath, 32295
a detailed listing of the appraisal reports or file memoranda 32296

for each year for which experience is claimed and, upon request 32297
of the superintendent or the board, shall make available for 32298
examination a sample of the appraisal reports prepared by the 32299
applicant in the course of the applicant's practice. 32300

(C) An applicant for an initial certificate, registration, 32301
or license shall be at least eighteen years of age, honest, and 32302
truthful, ~~and of good reputation~~ and shall present satisfactory 32303
evidence to the superintendent that the applicant has 32304
successfully completed any education requirements the board 32305
prescribes by rule. 32306

(D) An applicant for an initial general real estate 32307
appraiser or residential real estate appraiser certificate or 32308
residential real estate appraiser license shall take and 32309
successfully complete a written examination in order to qualify 32310
for the certificate or license. 32311

The board shall prescribe the examination requirements by 32312
rule. 32313

(E) (1) A nonresident, natural person of this state who has 32314
complied with this section may obtain a certificate, 32315
registration, or license. The board shall adopt rules relating 32316
to the certification, registration, and licensure of a 32317
nonresident applicant whose state of residence the board 32318
determines to have certification, registration, or licensure 32319
requirements that are substantially similar to those set forth 32320
in this chapter and the rules adopted thereunder. 32321

(2) The board shall recognize on a temporary basis a 32322
certification or license issued in another state and shall 32323
register on a temporary basis an appraiser who is certified or 32324
licensed in another state if all of the following apply: 32325

(a) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction. 32326
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(b) The appraiser's business in this state is of a temporary nature. 32328
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(c) The appraiser registers with the board pursuant to this division. 32330
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An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction. 32332
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The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. 32336
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(3) In addition to any other information required to be submitted with the nonresident applicant's or appraiser's application for a certificate, registration, license, or temporary recognition of a certificate or license, each nonresident applicant or appraiser shall submit a statement consenting to the service of process upon the nonresident applicant or appraiser by means of delivering that process to the secretary of state if, in an action against the applicant, certificate holder, registrant, or licensee arising from the applicant's, certificate holder's, registrant's, or licensee's activities as a certificate holder, registrant, or licensee, the 32344
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plaintiff, in the exercise of due diligence, cannot effect 32355
personal service upon the applicant, certificate holder, 32356
registrant, or licensee. 32357

(F) The superintendent shall not issue a certificate, 32358
registration, or license to, or recognize on a temporary basis 32359
an appraiser from another state that is a corporation, 32360
partnership, or association. This prohibition shall not be 32361
construed to prevent a certificate holder or licensee from 32362
signing an appraisal report on behalf of a corporation, 32363
partnership, or association. 32364

(G) Every person licensed, registered, or certified under 32365
this chapter shall notify the superintendent, on a form provided 32366
by the superintendent, of a change in the address of the 32367
licensee's, registrant's, or certificate holder's principal 32368
place of business or residence within thirty days of the change. 32369
If a licensee's, registrant's, or certificate holder's license, 32370
registration, or certificate is revoked or not renewed, the 32371
licensee, registrant, or certificate holder immediately shall 32372
return the annual and any renewal certificate, registration, or 32373
license to the superintendent. 32374

(H) (1) The superintendent shall not issue a certificate, 32375
registration, or license to any person, or recognize on a 32376
temporary basis an appraiser from another state, who does not 32377
meet applicable minimum criteria for state certification, 32378
registration, or licensure prescribed by federal law or rule. 32379

(2) The superintendent shall not issue a general real 32380
estate appraiser certificate, residential real estate appraiser 32381
certificate, residential real estate appraiser license, or real 32382
estate appraiser assistant registration to any person who has 32383
been convicted of ~~or pleaded guilty to any criminal offense~~ 32384

~~involving theft, receiving stolen property, embezzlement,~~ 32385
~~forgery, fraud, passing bad checks, money laundering, or drug~~ 32386
~~trafficking, or any criminal offense involving money or~~ 32387
~~securities~~ a disqualifying offense, as specified under section 32388
9.79 of the Revised Code, including a violation of an existing 32389
or former law of this state, any other state, or the United 32390
States that substantially is equivalent to such an offense. 32391
However, if the applicant has ~~pleaded guilty to or been~~ 32392
convicted of such an offense, the superintendent shall not 32393
consider the offense if the applicant has proven to the 32394
superintendent, by a preponderance of the evidence, that the 32395
applicant's activities and employment record since the 32396
conviction show that the applicant is honest, and truthful, ~~and~~ 32397
~~of good reputation,~~ and there is no basis in fact for believing 32398
that the applicant will commit such an offense again. 32399

Sec. 4763.06. (A) A person licensed, registered, or 32400
certified under this chapter may obtain a renewal certificate, 32401
registration, or license by filing a renewal application with 32402
and paying the renewal fee set forth in section 4763.09 of the 32403
Revised Code and any amount assessed pursuant to division (A) (2) 32404
of section 4763.05 of the Revised Code to the superintendent of 32405
real estate. The renewal application shall include a statement, 32406
signed by the certificate holder, registrant, or licensee, that 32407
the certificate holder, registrant, or licensee has not, during 32408
the immediately preceding twelve-month period, been convicted of 32409
~~or pleaded guilty to any criminal offense described in division~~ 32410
~~(H) (2) of section 4763.05~~ a disqualifying offense, as specified 32411
under section 9.79 of the Revised Code. The certificate holder, 32412
registrant, or licensee shall file the renewal application at 32413
least thirty days, but no earlier than one hundred twenty days, 32414
prior to expiration of the certificate holder's, registrant's, 32415

or licensee's current certificate, registration, or license. 32416

(B) A certificate holder, registrant, or licensee who 32417
fails to renew a certificate, registration, or license prior to 32418
its expiration is ineligible to obtain a renewal certificate, 32419
registration, or license and shall comply with section 4763.05 32420
of the Revised Code in order to regain certification, 32421
registration, or licensure, except that a certificate holder, 32422
registrant, or licensee may renew the certificate, registration, 32423
or license without having to comply with section 4763.05 of the 32424
Revised Code by doing either of the following: 32425

(1) Filing a renewal application and submitting payment of 32426
all fees for renewal and payment of the late filing fee set 32427
forth in section 4763.09 of the Revised Code within three months 32428
after the expiration of the certificate holder's, registrant's, 32429
or licensee's certificate, registration, or license; 32430

(2) Obtaining a medical exception under division (C) of 32431
this section, filing a renewal application, and submitting 32432
payment of all fees for renewal and payment of the late filing 32433
fee set forth in section 4763.09 of the Revised Code. A 32434
certificate holder, registrant, or licensee who applies for late 32435
renewal of the certificate holder's, registrant's, or licensee's 32436
certificate, registration, or license may not engage in any 32437
activities permitted by the certification, registration, or 32438
license being renewed during the three-month period following 32439
the certificate's, registration's, or license's normal 32440
expiration date, or during the time period for which a medical 32441
exception applies, until all renewal fees and the late filing 32442
fee have been paid. 32443

(C) The superintendent may grant a medical exception upon 32444
application by a person certified, registered, or licensed under 32445

this chapter. To receive an exception, the certificate holder, 32446
registrant, or licensee shall submit a request to the 32447
superintendent with proof satisfactory that a medical exception 32448
is warranted. If the superintendent makes a determination that 32449
satisfactory proof has not been presented, within fifteen days 32450
of the date of the denial of the medical exception the 32451
certificate holder, registrant, or licensee may file with the 32452
division of real estate a request that the real estate appraiser 32453
board review the determination. The board may adopt reasonable 32454
rules in accordance with Chapter 119. of the Revised Code to 32455
implement this division. 32456

Sec. 4763.11. (A) Within ten business days after a person 32457
files a written complaint against a person certified, 32458
registered, or licensed under this chapter with the division of 32459
real estate, the superintendent of real estate shall acknowledge 32460
receipt of the complaint by sending notice to the certificate 32461
holder, registrant, or licensee that includes a copy of the 32462
complaint. The acknowledgement to the complainant and the notice 32463
to the certificate holder, registrant, or licensee may state 32464
that an informal mediation meeting will be held with the 32465
complainant, the certificate holder, registrant, or licensee, 32466
and an investigator from the investigation and audit section of 32467
the division, if the complainant and certificate holder, 32468
registrant, or licensee both file a request for such a meeting 32469
within twenty calendar days after the acknowledgment and notice 32470
are mailed. 32471

(B) If the complainant and certificate holder, registrant, 32472
or licensee both file with the division requests for an informal 32473
mediation meeting, the superintendent shall notify the 32474
complainant and certificate holder, registrant, or licensee of 32475
the date of the meeting, by regular mail. If the complainant and 32476

certificate holder, registrant, or licensee reach an 32477
accommodation at an informal mediation meeting, the investigator 32478
shall report the accommodation to the superintendent, the 32479
complainant, and the certificate holder, registrant, or licensee 32480
and the complaint file shall be closed upon the superintendent 32481
receiving satisfactory notice that the accommodation has been 32482
fulfilled. 32483

(C) If the complainant and certificate holder, registrant, 32484
or licensee fail to agree to an informal mediation meeting or 32485
fail to reach an accommodation agreement, or fail to fulfill an 32486
accommodation agreement, the superintendent shall assign the 32487
complaint to an investigator for an investigation into the 32488
conduct of the certificate holder, registrant, or licensee 32489
against whom the complaint is filed. 32490

(D) Upon the conclusion of the investigation, the 32491
investigator shall file a written report of the results of the 32492
investigation with the superintendent. The superintendent shall 32493
review the report and determine whether there exists reasonable 32494
and substantial evidence of a violation of division (G) of this 32495
section by the certificate holder, registrant, or licensee. If 32496
the superintendent finds such evidence exists, the 32497
superintendent shall notify the complainant and certificate 32498
holder, registrant, or licensee of the determination. The 32499
certificate holder, registrant, or licensee may request a 32500
hearing pursuant to Chapter 119. of the Revised Code. If a 32501
formal hearing is conducted, the hearing examiner shall file a 32502
report of findings of fact and conclusions of law with the 32503
superintendent, the board, the complainant and the certificate 32504
holder, licensee, or registrant after the conclusion of the 32505
formal hearing. Within ten calendar days of receipt of the copy 32506
of the hearing examiner's finding of fact and conclusions of 32507

law, the certificate holder, licensee, or registrant or the 32508
division may file with the board written objections to the 32509
hearing examiner's report, which shall be considered by the 32510
board before approving, modifying, or rejecting the hearing 32511
examiner's report. If the superintendent finds that such 32512
evidence does not exist, the superintendent shall notify the 32513
complainant and certificate holder, registrant, or licensee of 32514
that determination and the basis for the determination. Within 32515
fifteen business days after the superintendent notifies the 32516
complainant and certificate holder, registrant, or licensee that 32517
such evidence does not exist, the complainant may file with the 32518
division a request that the real estate appraiser board review 32519
the determination. If the complainant files such request, the 32520
board shall review the determination at the next regularly 32521
scheduled meeting held at least fifteen business days after the 32522
request is filed but no longer than six months after the request 32523
is filed. The board may hear the testimony of the complainant, 32524
certificate holder, registrant, or licensee at the meeting upon 32525
the request of that party. If the board affirms the 32526
determination of the superintendent, the superintendent shall 32527
notify the complainant and the certificate holder, registrant, 32528
or licensee within five business days thereafter. If the board 32529
reverses the determination of the superintendent, a hearing 32530
before a hearing examiner shall be held and the complainant and 32531
certificate holder, registrant, or licensee notified as provided 32532
in this division. 32533

(E) The board shall review the referee's or hearing 32534
examiner's report and the evidence at the next regularly 32535
scheduled board meeting held at least fifteen business days 32536
after receipt of the referee's or examiner's report. The board 32537
may hear the testimony of the complainant, certificate holder, 32538

registrant, or licensee upon request. If the complainant is the 32539
Ohio civil rights commission, the board shall review the 32540
complaint. 32541

(F) If the board determines that a licensee, registrant, 32542
or certificate holder has violated this chapter for which 32543
disciplinary action may be taken under division (G) of this 32544
section, after review of the referee's or examiner's report and 32545
the evidence as provided in division (E) of this section, the 32546
board shall order the disciplinary action the board considers 32547
appropriate, which may include, but is not limited to, any of 32548
the following: 32549

(1) Reprimand of the certificate holder, registrant, or 32550
licensee; 32551

(2) Imposition of a fine, not exceeding, two thousand five 32552
hundred dollars per violation; 32553

(3) Requirement of the completion of additional education 32554
courses. Any course work imposed pursuant to this section shall 32555
not count toward continuing education requirements or prelicense 32556
or precertification requirements set forth in section 4763.05 of 32557
the Revised Code. 32558

(4) Suspension of the certificate, registration, or 32559
license for a specific period of time; 32560

(5) Revocation of the certificate, registration, or 32561
license. 32562

The decision and order of the board is final, subject to 32563
review in the manner provided for in Chapter 119. of the Revised 32564
Code and appeal to any court of common pleas. 32565

(G) The board shall take any disciplinary action 32566

authorized by this section against a certificate holder, 32567
registrant, or licensee who is found to have committed any of 32568
the following acts, omissions, or violations during the 32569
appraiser's certification, registration, or licensure: 32570

(1) Procuring or attempting to procure a certificate, 32571
registration, or license pursuant to this chapter by knowingly 32572
making a false statement, submitting false information, refusing 32573
to provide complete information in response to a question in an 32574
application for certification, registration, or licensure, or by 32575
any means of fraud or misrepresentation; 32576

(2) Paying, or attempting to pay, anything of value, other 32577
than the fees or assessments required by this chapter, to any 32578
member or employee of the board for the purpose of procuring a 32579
certificate, registration, or license; 32580

(3) Being convicted in a criminal proceeding ~~for a felony~~ 32581
~~or a crime involving moral turpitude~~ of a disqualifying offense, 32582
as specified under section 9.79 of the Revised Code; 32583

(4) Dishonesty, fraud, or misrepresentation, with the 32584
intent to either benefit the certificate holder, registrant, or 32585
licensee or another person or injure another person; 32586

(5) Violation of any of the standards for the development, 32587
preparation, communication, or reporting of an appraisal report 32588
set forth in this chapter and rules of the board; 32589

(6) Failure or refusal to exercise reasonable diligence in 32590
developing, preparing, or communicating an appraisal report; 32591

(7) Negligence or incompetence in developing, preparing, 32592
communicating, or reporting an appraisal report; 32593

(8) Violating or willfully disregarding this chapter or 32594

the rules adopted thereunder;	32595
(9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment;	32596 32597 32598 32599 32600 32601
(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency;	32602 32603 32604 32605
(11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in the making of any appraisal of real estate;	32606 32607 32608 32609
(12) Violating any federal or state civil rights law;	32610
(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;	32611 32612 32613 32614
(14) Failing to provide copies of records to the superintendent or failing to maintain records as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C) (1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G) (14) of section 4763.11 of the Revised Code.	32615 32616 32617 32618 32619 32620 32621
(15) Failing to provide notice to the board as required in division (I) of this section.	32622 32623

(H) The board immediately shall notify the superintendent 32624
of real estate of any disciplinary action taken under this 32625
section against a certificate holder, registrant, or licensee 32626
who also is licensed under Chapter 4735. of the Revised Code, 32627
and also shall notify any other federal, state, or local agency 32628
and any other public or private association that the board 32629
determines is responsible for licensing or otherwise regulating 32630
the professional or business activity of the appraiser. 32631
Additionally, the board shall notify the complainant and any 32632
other party who may have suffered financial loss because of the 32633
certificate holder's, registrant's, or licensee's violations, 32634
that the complainant or other party may sue for recovery under 32635
section 4763.16 of the Revised Code. The notice provided under 32636
this division shall specify the conduct for which the 32637
certificate holder, registrant, or licensee was disciplined and 32638
the disciplinary action taken by the board and the result of 32639
that conduct. 32640

(I) A certificate holder, registrant, or licensee shall 32641
notify the board within fifteen days of the agency's issuance of 32642
an order revoking or permanently surrendering any professional 32643
license, certificate, or registration by any public entity other 32644
than the division of real estate. A certificate holder, 32645
registrant, or licensee who is convicted of a ~~felony or crime of~~ 32646
~~moral turpitude~~ disqualifying offense as described in division 32647
(G) (3) of this section shall notify the board of the conviction 32648
within fifteen days of the conviction. 32649

(J) If the board determines that a certificate holder, 32650
registrant, or licensee has violated this chapter for which 32651
disciplinary action may be taken under division (G) of this 32652
section as a result of an investigation conducted by the 32653
superintendent upon the superintendent's own motion or upon the 32654

request of the board, the superintendent shall notify the 32655
certificate holder, registrant, or licensee of the certificate 32656
holder's, registrant's, or licensee's right to a hearing 32657
pursuant to Chapter 119. of the Revised Code and to an appeal of 32658
a final determination of such administrative proceedings to any 32659
court of common pleas. 32660

(K) All notices, written reports, and determinations 32661
issued pursuant to this section shall be mailed via certified 32662
mail, return receipt requested. If the certified notice is 32663
returned because of failure of delivery or was unclaimed, the 32664
notice, written reports, or determinations are deemed served if 32665
the superintendent sends the notice, written reports, or 32666
determination via regular mail and obtains a certificate of 32667
mailing of the notice, written reports, or determination. 32668
Refusal of delivery by personal service or by mail is not 32669
failure of delivery and service is deemed to be complete. 32670

Sec. 4765.112. (A) The state board of emergency medical, 32671
fire, and transportation services, by an affirmative vote of the 32672
majority of its members, may suspend without a prior hearing a 32673
certificate to practice issued under this chapter if the board 32674
determines that there is clear and convincing evidence that 32675
continued practice by the certificate holder presents a danger 32676
of immediate and serious harm to the public and that the 32677
certificate holder has done any of the following: 32678

(1) Furnished false, fraudulent, or misleading information 32679
to the board; 32680

(2) Engaged in activities that exceed those permitted by 32681
the individual's certificate; 32682

(3) In a court of this or any other state or federal court 32683

been convicted of, ~~pleaded guilty to, or been the subject of a~~ 32684
~~judicial finding of guilt of, a judicial finding of guilt~~ 32685
~~resulting from a plea of no contest to, or a judicial finding of~~ 32686
~~eligibility for intervention in lieu of conviction for, a felony~~ 32687
~~or for a misdemeanor committed in the course of practice or~~ 32688
~~involving gross immorality or moral turpitude~~ a disqualifying 32689
offense, as specified under section 9.79 of the Revised Code. 32690

(B) Immediately following the decision to impose a summary 32691
suspension, the board, in accordance with section 119.07 of the 32692
Revised Code, shall issue a written order of suspension, cause 32693
it to be delivered to the certificate holder, and notify the 32694
certificate holder of the opportunity for a hearing. If timely 32695
requested by the certificate holder, a hearing shall be 32696
conducted in accordance with section 4765.115 of the Revised 32697
Code. 32698

Sec. 4765.115. (A) A suspension order issued under section 32699
4765.112 ~~or automatic suspension under section 4765.114~~ of the 32700
Revised Code is not subject to suspension by a court prior to a 32701
hearing under this section or during the pendency of any appeal 32702
filed under section 119.12 of the Revised Code. 32703

(B) A suspension order issued under section 4765.112 ~~or~~ 32704
~~automatic suspension under section 4765.114 of the Revised Code~~ 32705
remains in effect, unless reversed by the state board of 32706
emergency medical, fire, and transportation services, until a 32707
final adjudication order issued by the board pursuant to this 32708
section becomes effective. 32709

(C) Hearings requested pursuant to section 4765.112 ~~or~~ 32710
~~4765.114~~ of the Revised Code shall be conducted under this 32711
section in accordance with Chapter 119. of the Revised Code. 32712

(D) A hearing under this section shall be held not later than forty-five days but not earlier than forty days after the certificate holder requests it, unless another date is agreed to by the certificate holder and the board.

(E) After completion of an adjudication hearing, the board may adopt, by an affirmative vote of the majority of its members, a final adjudication order that imposes any of the following sanctions:

(1) Suspension of the holder's certificate to practice;

(2) Revocation of the holder's certificate to practice;

(3) Issuance of a written reprimand;

(4) A refusal to renew or a limitation on the holder's certificate to practice.

The board shall issue its final adjudication order not later than forty-five days after completion of an adjudication hearing. If the board does not issue a final order within that time period, the suspension order is void, but any final adjudication order subsequently issued is not affected.

(F) Any action taken by the board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the certificate to practice may be reinstated. Reinstatement of a certificate suspended under this section requires an affirmative vote by the majority of the members of the board.

(G) When the board revokes or refuses to reinstate a certificate to practice, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a certificate of the

type revoked or refused, and the board shall not accept from the 32741
individual an application for reinstatement of the certificate 32742
or for a new certificate. 32743

Sec. 4765.116. If a certificate holder subject to a 32744
suspension order issued by the state board of emergency medical, 32745
fire, and transportation services under section 4765.112 ~~or an~~ 32746
~~automatic suspension order under section 4765.114~~ of the Revised 32747
Code fails to make a timely request for a hearing, the following 32748
apply: 32749

(A) In the case of a certificate holder subject to a 32750
summary suspension order, the board is not required to hold a 32751
hearing, but may adopt, by an affirmative vote of a majority of 32752
its members, a final order that contains the board's findings. 32753
In the final order, the board may order any of the sanctions 32754
listed in division (E) of section 4765.115 of the Revised Code. 32755

(B) In the case of a certificate holder subject to an 32756
automatic suspension order, the board may adopt, by an 32757
affirmative vote of a majority of its members, a final order 32758
that permanently revokes the holder's certificate to practice. 32759

Sec. 4765.17. (A) The state board of emergency medical, 32760
fire, and transportation services shall issue the appropriate 32761
certificate of accreditation or certificate of approval to an 32762
applicant who ~~is of good reputation and~~ meets the requirements 32763
of section 4765.16 of the Revised Code. The board shall grant or 32764
deny a certificate of accreditation or certificate of approval 32765
within one hundred twenty days of receipt of the application. 32766
The board may issue or renew a certificate of accreditation or 32767
certificate of approval on a provisional basis to an applicant 32768
who is of good reputation and is in substantial compliance with 32769
the requirements of section 4765.16 of the Revised Code. The 32770

board shall inform an applicant receiving such a certificate of 32771
the conditions that must be met to complete compliance with 32772
section 4765.16 of the Revised Code. 32773

(B) Except as provided in division (C) of this section, a 32774
certificate of accreditation or certificate of approval is valid 32775
for up to five years and may be renewed by the board pursuant to 32776
procedures and standards established in rules adopted under 32777
section 4765.11 of the Revised Code. An application for renewal 32778
shall be accompanied by the appropriate renewal fee established 32779
in rules adopted under section 4765.11 of the Revised Code. 32780

(C) A certificate of accreditation or certificate of 32781
approval issued on a provisional basis is valid for the length 32782
of time established by the board. If the board finds that the 32783
holder of such a certificate has met the conditions it specifies 32784
under division (A) of this section, the board shall issue the 32785
appropriate certificate of accreditation or certificate of 32786
approval. 32787

(D) A certificate of accreditation is valid only for the 32788
emergency medical services training program or programs for 32789
which it is issued. The holder of a certificate of accreditation 32790
may apply to operate additional training programs in accordance 32791
with rules adopted by the board under section 4765.11 of the 32792
Revised Code. Any additional training programs shall expire on 32793
the expiration date of the applicant's current certificate. A 32794
certificate of approval is valid only for the emergency medical 32795
services continuing education program for which it is issued. 32796
Neither is transferable. 32797

(E) The holder of a certificate of accreditation or a 32798
certificate of approval may offer courses at more than one 32799
location in accordance with rules adopted under section 4765.11 32800

of the Revised Code. 32801

Sec. 4765.18. The state board of emergency medical, fire, 32802
and transportation services may suspend or revoke a certificate 32803
of accreditation or a certificate of approval issued under 32804
section 4765.17 of the Revised Code for any of the following 32805
reasons: 32806

(A) Violation of this chapter or any rule adopted under 32807
it; 32808

(B) Furnishing of false, misleading, or incomplete 32809
information to the board; 32810

(C) The signing of an application or the holding of a 32811
certificate of accreditation by a person who has ~~pleaded guilty~~ 32812
~~to or has been convicted of a felony, or has pleaded guilty to~~ 32813
~~or been convicted of a crime involving moral turpitude~~ 32814
disqualifying offense, as specified under section 9.79 of the 32815
Revised Code; 32816

(D) The signing of an application or the holding of a 32817
certificate of accreditation by a person who is addicted to the 32818
use of any controlled substance or has been adjudicated 32819
incompetent for that purpose by a court, as provided in section 32820
5122.301 of the Revised Code; 32821

(E) Violation of any commitment made in an application for 32822
a certificate of accreditation or certificate of approval; 32823

(F) Presentation to prospective students of misleading, 32824
false, or fraudulent information relating to the emergency 32825
medical services training program or emergency medical services 32826
continuing education program, employment opportunities, or 32827
opportunities for enrollment in accredited institutions of 32828
higher education after entering or completing courses offered by 32829

the operator of a program; 32830

(G) Failure to maintain in a safe and sanitary condition 32831
premises and equipment used in conducting courses of study; 32832

(H) Failure to maintain financial resources adequate for 32833
the satisfactory conduct of courses of study or to retain a 32834
sufficient number of certified instructors; 32835

(I) Discrimination in the acceptance of students upon the 32836
basis of race, color, religion, sex, or national origin. 32837

Sec. 4765.301. (A) An appointing authority may request the 32838
superintendent of BCII to conduct a criminal records check with 32839
respect to any person who is under consideration for appointment 32840
or employment as an emergency medical technician-basic, an 32841
emergency medical technician-intermediate, or an emergency 32842
medical technician-paramedic. 32843

(B) (1) The appointing authority may request that the 32844
superintendent of BCII obtain information from the federal 32845
bureau of investigation as a part of the criminal records check 32846
requested pursuant to division (A) of this section. 32847

(2) An appointing authority authorized by division (A) of 32848
this section to request a criminal records check shall provide 32849
to each person for whom the appointing authority intends to 32850
request a criminal records check a copy of the form prescribed 32851
pursuant to division (C) (1) of section 109.578 of the Revised 32852
Code and a standard impression sheet to obtain fingerprint 32853
impressions prescribed pursuant to division (C) (2) of section 32854
109.578 of the Revised Code, obtain the completed form and 32855
impression sheet from the person, and forward the completed form 32856
and impression sheet to the superintendent of BCII at the time 32857
the criminal records check is requested. 32858

(3) Any person subject to a criminal records check who 32859
receives a copy of the form and a copy of the impression sheet 32860
pursuant to division (B) (2) of this section and who is requested 32861
to complete the form and provide a set of fingerprint 32862
impressions shall complete the form or provide all the 32863
information necessary to complete the form and shall provide the 32864
impression sheet with the impressions of the person's 32865
fingerprints. If a person fails to provide the information 32866
necessary to complete the form or fails to provide impressions 32867
of the person's fingerprints, the appointing authority shall not 32868
appoint or employ the person as an emergency medical technician- 32869
basic, an emergency medical technician-intermediate, or an 32870
emergency medical technician-paramedic. 32871

(C) (1) Except as otherwise provided in division (C) (2) of 32872
this section, an appointing authority shall not appoint or 32873
employ a person as an emergency medical technician-basic, an 32874
emergency medical technician-intermediate, or an emergency 32875
medical technician-paramedic if the appointing authority has 32876
requested a criminal records check pursuant to division (A) of 32877
this section and the criminal records check indicates that the 32878
person previously has been convicted of ~~or pleaded guilty to any~~ 32879
~~of the following:~~ 32880

~~(a) A felony;~~ 32881

~~(b) A violation of section 2909.03 of the Revised Code;~~ 32882

~~(c) A violation of an existing or former law of this~~ 32883
~~state, any other state, or the United States that is~~ 32884
~~substantially equivalent to any of the offenses described in~~ 32885
~~division (C) (1) (a) or (b) of this section~~ a disqualifying 32886
offense, as specified under section 9.79 of the Revised Code. 32887

(2) Notwithstanding division (C) (1) of this section, an 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 if all of the following apply:

(a) The appointing authority has requested a criminal records check pursuant to division (A) of this section.

(b) The criminal records check indicates that the person previously has been convicted of ~~or pleaded guilty to any of the offenses described in division (C) (1) of this section~~ a disqualifying offense, as specified under section 9.79 of the Revised Code.

(c) The person meets rehabilitation standards established in rules adopted under division (E) of this section.

(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.

(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 32917
with that section. The appointing authority may charge the 32918
applicant who is subject to the criminal records check a fee for 32919
the costs the appointing authority incurs in obtaining the 32920
criminal records check. A fee charged under this division shall 32921
not exceed the amount of fees the appointing authority pays for 32922
the criminal records check. If a fee is charged under this 32923
division, the appointing authority shall notify the applicant at 32924
the time of the applicant's initial application for appointment 32925
or employment of the amount of the fee and that, unless the fee 32926
is paid, the applicant will not be considered for appointment or 32927
employment. 32928

(E) The appointing authority shall adopt rules in 32929
accordance with Chapter 119. of the Revised Code to implement 32930
this section. The rules shall include rehabilitation standards a 32931
person who has been convicted of ~~or pleaded guilty to an a~~ 32932
disqualifying offense listed in division (C) (1) of this section 32933
must meet for the appointing authority to appoint or employ the 32934
person as an emergency medical technician-basic, an emergency 32935
medical technician-intermediate, or an emergency medical 32936
technician-paramedic. 32937

(F) An appointing authority that intends to request a 32938
criminal records check for an applicant shall inform each 32939
applicant, at the time of the person's initial application for 32940
appointment or employment, that the applicant is required to 32941
provide a set of impressions of the person's fingerprints and 32942
that the appointing authority requires a criminal records check 32943
to be conducted and satisfactorily completed in accordance with 32944
section 109.578 of the Revised Code. 32945

(G) As used in this section: 32946

(1) "Appointing authority" means any person or body that 32947
has the authority to hire, appoint, or employ emergency medical 32948
technicians-basic, emergency medical technicians-intermediate, 32949
or emergency medical technicians-paramedic. 32950

(2) "Criminal records check" has the same meaning as in 32951
section 109.578 of the Revised Code. 32952

(3) "Superintendent of BCII" has the same meaning as in 32953
section 2151.86 of the Revised Code. 32954

Sec. 4765.55. (A) The executive director of the state 32955
board of emergency medical, fire, and transportation services, 32956
with the advice and counsel of the firefighter and fire safety 32957
inspector training committee of the state board of emergency 32958
medical, fire, and transportation services, shall assist in the 32959
establishment and maintenance by any state agency, or any 32960
county, township, city, village, school district, or educational 32961
service center of a fire service training program for the 32962
training of all persons in positions of any fire training 32963
certification level approved by the executive director, 32964
including full-time paid firefighters, part-time paid 32965
firefighters, volunteer firefighters, and fire safety inspectors 32966
in this state. The executive director, with the advice and 32967
counsel of the committee, shall adopt rules to regulate those 32968
firefighter and fire safety inspector training programs, and 32969
other training programs approved by the executive director. The 32970
rules may include, but need not be limited to, training 32971
curriculum, certification examinations, training schedules, 32972
minimum hours of instruction, attendance requirements, required 32973
equipment and facilities, basic physical requirements, and 32974
methods of training for all persons in positions of any fire 32975
training certification level approved by the executive director, 32976

including full-time paid firefighters, part-time paid 32977
firefighters, volunteer firefighters, and fire safety 32978
inspectors. The rules adopted to regulate training programs for 32979
volunteer firefighters shall not require more than thirty-six 32980
hours of training. 32981

The executive director, with the advice and counsel of the 32982
committee, shall provide for the classification and chartering 32983
of fire service training programs in accordance with rules 32984
adopted under division (B) of this section, and may take action 32985
against any chartered training program or applicant, in 32986
accordance with rules adopted under divisions (B) (4) and (5) of 32987
this section, for failure to meet standards set by the adopted 32988
rules. 32989

(B) The executive director, with the advice and counsel of 32990
the firefighter and fire safety inspector training committee of 32991
the state board of emergency medical, fire, and transportation 32992
services, shall adopt, and may amend or rescind, rules under 32993
Chapter 119. of the Revised Code that establish all of the 32994
following: 32995

(1) Requirements for, and procedures for chartering, the 32996
training programs regulated by this section; 32997

(2) Requirements for, and requirements and procedures for 32998
obtaining and renewing, an instructor certificate to teach the 32999
training programs and continuing education classes regulated by 33000
this section; 33001

(3) Requirements for, and requirements and procedures for 33002
obtaining and renewing, any of the fire training certificates 33003
regulated by this section; 33004

(4) Grounds and procedures for suspending, revoking, 33005

restricting, or refusing to issue or renew any of the 33006
certificates or charters regulated by this section, which 33007
grounds shall be limited to one of the following: 33008

(a) Failure to satisfy the education or training 33009
requirements of this section; 33010

(b) Conviction of a ~~felony offense;~~ 33011

~~(c) Conviction of a misdemeanor involving moral turpitude;~~ 33012

~~(d) Conviction of a misdemeanor committed in the course of~~ 33013
~~practice disqualifying offense, as specified under section 9.79~~ 33014
~~of the Revised Code;~~ 33015

~~(e)~~ (c) In the case of a chartered training program or 33016
applicant, failure to meet standards set by the rules adopted 33017
under this division. 33018

(5) Grounds and procedures for imposing and collecting 33019
fines, not to exceed one thousand dollars, in relation to 33020
actions taken under division (B) (4) of this section against 33021
persons holding certificates and charters regulated by this 33022
section, the fines to be deposited into the trauma and emergency 33023
medical services fund established under section 4513.263 of the 33024
Revised Code; 33025

(6) Continuing education requirements for certificate 33026
holders, including a requirement that credit shall be granted 33027
for in-service training programs conducted by local entities; 33028

(7) Procedures for considering the granting of an 33029
extension or exemption of fire service continuing education 33030
requirements; 33031

(8) Certification cycles for which the certificates and 33032
charters regulated by this section are valid. 33033

(C) The executive director, 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 issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against an instructor certificate holder or applicant in accordance with rules adopted under division (B) of this section. The executive director, with the advice and counsel of the committee, shall charter or renew the charter of any training program that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against the holder of a charter in accordance with rules adopted under division (B) of this section.

(D) The executive director shall issue or renew a fire training certificate for a firefighter, a fire safety inspector, or another position of any fire training certification level approved by the executive director, to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section and may take disciplinary actions against a certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(E) Certificates issued under this section shall be on a form prescribed by the executive director, 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.

(F) (1) The executive director, with the advice and counsel 33065
of the firefighter and fire safety inspector training committee 33066
of the state board of emergency medical, fire, and 33067
transportation services, shall establish criteria for evaluating 33068
the standards maintained by other states and the branches of the 33069
United States military for firefighter, fire safety inspector, 33070
and fire instructor training programs, and other training 33071
programs recognized by the executive director, to determine 33072
whether the standards are equivalent to those established under 33073
this section and shall establish requirements and procedures for 33074
issuing a certificate to each person who presents proof to the 33075
executive director of having satisfactorily completed a training 33076
program that meets those standards. 33077

(2) The executive director, with the committee's advice 33078
and counsel, shall adopt rules establishing requirements and 33079
procedures for issuing a fire training certificate in lieu of 33080
completing a chartered training program. 33081

(G) Nothing in this section invalidates any other section 33082
of the Revised Code relating to the fire training academy. 33083
Section 4765.11 of the Revised Code does not affect any powers 33084
and duties granted to the executive director under this section. 33085

Sec. 4771.18. (A) The Ohio athletic commission may refuse 33086
to grant or renew a registration, or may suspend or revoke a 33087
registration of an athlete agent upon proof satisfactory to the 33088
commission that the athlete agent or an employee or 33089
representative of the athlete agent has done any of the 33090
following: 33091

(1) Made false or misleading statements of a material 33092
nature in an application for registration as an athlete agent; 33093

(2) Been convicted of ~~or pleaded guilty to an a~~ 33094
~~disqualifying offense in connection with the person's service as~~ 33095
~~an athlete agent in this or another state, as specified under~~ 33096
section 9.79 of the Revised Code; 33097

(3) ~~Been convicted of or pleaded guilty to an offense~~ 33098
~~involving illegal gambling;~~ 33099

~~(4)~~ Engaged in conduct that has a significant adverse 33100
impact on the applicant's credibility, integrity, or competence 33101
to serve in a fiduciary capacity; 33102

~~(5)~~ (4) Misappropriated funds or engaged in other specific 33103
conduct that would render the applicant unfit to serve in a 33104
fiduciary capacity, ~~including being convicted of or pleading~~ 33105
~~guilty to offenses involving embezzlement, theft, or fraud;~~ 33106

~~(6)~~ (5) Violated a provision of this chapter or a rule 33107
adopted under this chapter. 33108

(B) Upon receiving a complaint of a violation of this 33109
chapter or a rule adopted under it, the commission shall conduct 33110
an investigation of the complaint. If the commission finds 33111
reasonable cause to believe a violation occurred, the commission 33112
shall conduct a hearing in accordance with Chapter 119. of the 33113
Revised Code to determine if a violation occurred. If the 33114
commission finds a violation occurred, the commission may 33115
suspend or revoke, or refuse to issue or renew, the registration 33116
of an athlete agent for such period of time as the commission 33117
finds appropriate. 33118

Upon completion of an investigation, if the commission 33119
finds no reasonable grounds to believe a violation occurred, the 33120
commission shall certify without a hearing that no violation 33121
occurred. The commission shall serve the certification on all 33122

parties addressed in the complaint by certified mail, return 33123
receipt requested. The certification shall be considered a final 33124
resolution of the matter if no objection to the certification is 33125
filed. A party involved in the complaint may file an objection 33126
to the certification with the commission within ten days after 33127
the date the certification is mailed. If a party files an 33128
objection to the certification within the prescribed period, the 33129
commission, within its discretion, may conduct a hearing in 33130
accordance with Chapter 119. of the Revised Code to determine if 33131
a violation occurred. 33132

Sec. 4773.03. (A) Each individual seeking a license to 33133
practice as a general x-ray machine operator, radiographer, 33134
radiation therapy technologist, or nuclear medicine technologist 33135
shall apply to the department of health on a form the department 33136
shall prescribe and provide. The application shall be 33137
accompanied by the appropriate license application fee 33138
established in rules adopted under section 4773.08 of the 33139
Revised Code. 33140

(B) The department shall review all applications received 33141
and issue the appropriate general x-ray machine operator, 33142
radiographer, radiation therapy technologist, or nuclear 33143
medicine technologist license to each applicant who meets all of 33144
the following requirements: 33145

(1) Is eighteen years of age or older; 33146

(2) ~~Is of good moral character;~~ 33147

~~(3)~~ Except as provided in division (C) of this section, 33148
passes the examination administered under section 4773.04 of the 33149
Revised Code for the applicant's area of practice; 33150

~~(4)~~ (3) Complies with any other licensing standards 33151

established in rules adopted under section 4773.08 of the Revised Code. 33152
33153

(C) An applicant is not required to take a licensing examination if one of the following applies to the applicant: 33154
33155

(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. 33156
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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. 33161
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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. 33164
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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. 33168
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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. 33172
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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. 33176
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(D) A license issued under this section expires biennially 33180
on the license holder's birthday, except for an initial license 33181
which expires on the license holder's birthday following two 33182
years after it is issued. For an initial license, the fee 33183
established in rules adopted under section 4773.08 of the 33184
Revised Code may be increased in proportion to the amount of 33185
time beyond two years that the license may be valid. 33186

A license may be renewed. To be eligible for renewal, the 33187
license holder must complete the continuing education 33188
requirements specified in rules adopted by the department under 33189
section 4773.08 of the Revised Code. Applications for license 33190
renewal shall be accompanied by the appropriate renewal fee 33191
established in rules adopted under section 4773.08 of the 33192
Revised Code. Renewals shall be made in accordance with the 33193
standard renewal procedure established under Chapter 4745. of 33194
the Revised Code. 33195

(E) (1) A license that has lapsed or otherwise become 33196
inactive may be reinstated. An individual seeking reinstatement 33197
of a license shall apply to the department on a form the 33198
department shall prescribe and provide. The application shall be 33199
accompanied by the appropriate reinstatement fee established in 33200
rules adopted under section 4773.08 of the Revised Code. 33201

(2) To be eligible for reinstatement, both of the 33202
following apply: 33203

(a) An applicant must continue to meet the conditions for 33204
receiving an initial license, including the examination or 33205
certification requirements specified in division (B) or (C) of 33206
this section. In the case of an applicant seeking reinstatement 33207
based on having passed an examination administered under section 33208
4773.04 of the Revised Code, the length of time that has elapsed 33209

since the examination was passed is not a consideration in 33210
determining whether the applicant is eligible for reinstatement. 33211

(b) The applicant must complete the continuing education 33212
requirements for reinstatement established in rules adopted 33213
under section 4773.08 of the Revised Code. 33214

(F) The department shall refuse to issue, renew, or 33215
reinstate and may suspend or revoke a general x-ray machine 33216
operator, radiographer, radiation therapy technologist, or 33217
nuclear medicine technologist license if the applicant or 33218
license holder does not comply with the applicable requirements 33219
of this chapter or rules adopted under it. 33220

Sec. 4774.03. (A) An individual seeking a certificate to 33221
practice as a radiologist assistant shall file with the state 33222
medical board a written application on a form prescribed and 33223
supplied by the board. The application shall include all the 33224
information the board considers necessary to process the 33225
application, including evidence satisfactory to the board that 33226
the applicant meets the requirements specified in division (B) 33227
of this section. 33228

At the time an application is submitted, the applicant 33229
shall pay the board the application fee specified by the board 33230
in rules adopted under section 4774.11 of the Revised Code. No 33231
part of the fee shall be returned. 33232

(B) To be eligible to receive a certificate to practice as 33233
a radiologist assistant, an applicant shall meet all of the 33234
following requirements: 33235

(1) Be at least eighteen years of age ~~and of good moral~~ 33236
~~character;~~ 33237

(2) Hold a current, valid license as a radiographer under 33238

Chapter 4773. of the Revised Code;	33239
(3) Have attained a baccalaureate degree or	33240
postbaccalaureate certificate from an advanced academic program	33241
encompassing a nationally recognized radiologist assistant	33242
curriculum that includes a radiologist-directed clinical	33243
preceptorship;	33244
(4) Hold current certification as a registered radiologist	33245
assistant from the American registry of radiologic technologists	33246
and have attained the certification by meeting the standard	33247
certification requirements established by the registry,	33248
including the registry's requirements for documenting clinical	33249
education in the form of a clinical portfolio and passing an	33250
examination to determine competence to practice;	33251
(5) Hold current certification in advanced cardiac life	33252
support.	33253
(C) The board shall review all applications received under	33254
this section. Not later than sixty days after receiving an	33255
application the board considers to be complete, the board shall	33256
determine whether the applicant meets the requirements to	33257
receive a certificate to practice as a radiologist assistant.	33258
The affirmative vote of not fewer than six members of the board	33259
is required to determine that the applicant meets the	33260
requirements for a certificate to practice as a radiologist	33261
assistant.	33262
Sec. 4774.06. (A) An individual seeking to renew a	33263
certificate to practice as a radiologist assistant shall, on or	33264
before the thirty-first day of January of each even-numbered	33265
year, apply for renewal of the certificate. The state medical	33266
board shall provide renewal notices at least one month prior to	33267

the expiration date. 33268

Renewal applications shall be submitted to the board in a 33269
manner prescribed by the board. Each application shall be 33270
accompanied by a biennial renewal fee specified by the board in 33271
rules adopted under section 4774.11 of the Revised Code. 33272

The applicant shall report any criminal offense that 33273
constitutes grounds for refusing to issue a certificate under 33274
section 4774.13 of the Revised Code ~~to which the applicant has~~ 33275
~~pleaded guilty, of which the applicant has been found guilty, or~~ 33276
~~for which the applicant has been found eligible for intervention~~ 33277
~~in lieu of conviction, convicted~~ since last signing an 33278
application for a certificate to practice as a radiologist 33279
assistant. 33280

(B) To be eligible for renewal, a radiologist assistant 33281
shall certify to the board that the assistant has maintained 33282
both of the following: 33283

(1) A license as a radiographer under Chapter 4773. of the 33284
Revised Code; 33285

(2) Certification as a registered radiologist assistant 33286
from the American registry of radiologic technologists by 33287
meeting the registry's requirements for annual registration, 33288
including completion of the continuing education requirements 33289
established by the registry. 33290

(C) If an applicant submits a renewal application that the 33291
board considers to be complete and qualifies for renewal 33292
pursuant to division (B) of this section, the board shall issue 33293
to the applicant a renewed certificate to practice as a 33294
radiologist assistant. 33295

(D) A certificate to practice that is not renewed on or 33296

before its expiration date is automatically suspended on its 33297
expiration date, subject to the provisions of section 119.06 of 33298
the Revised Code specifying that an applicant who appropriately 33299
files a renewal application is not required to discontinue 33300
practicing merely because the board has failed to act on the 33301
application. If a certificate has been suspended pursuant to 33302
this division for two years or less, the board shall reinstate 33303
the certificate upon an applicant's submission of a renewal 33304
application, the biennial renewal fee, and the applicable 33305
monetary penalty. The penalty for reinstatement is twenty-five 33306
dollars. If a certificate has been suspended pursuant to this 33307
division for more than two years, it may be restored upon an 33308
applicant's submission of a restoration application, the 33309
biennial renewal fee, and the applicable monetary penalty and 33310
compliance with sections 4776.01 to 4776.04 of the Revised Code. 33311
The board shall not restore a certificate unless the board, in 33312
its discretion, decides that the results of the criminal records 33313
check do not make the applicant ineligible for a certificate 33314
issued pursuant to section 4774.04 of the Revised Code. The 33315
penalty for restoration is fifty dollars. 33316

Sec. 4774.13. (A) The state medical board, by an 33317
affirmative vote of not fewer than six members, may revoke or 33318
may refuse to grant a certificate to practice as a radiologist 33319
assistant to an individual found by the board to have committed 33320
fraud, misrepresentation, or deception in applying for or 33321
securing the certificate. 33322

(B) The board, by an affirmative vote of not fewer than 33323
six members, shall, to the extent permitted by law, limit, 33324
revoke, or suspend an individual's certificate to practice as a 33325
radiologist assistant, refuse to issue a certificate to an 33326
applicant, refuse to renew a certificate, refuse to reinstate a 33327

certificate, or reprimand or place on probation the holder of a	33328
certificate for any of the following reasons:	33329
(1) Permitting the holder's name or certificate to be used	33330
by another person;	33331
(2) Failure to comply with the requirements of this	33332
chapter, Chapter 4731. of the Revised Code, or any rules adopted	33333
by the board;	33334
(3) Violating or attempting to violate, directly or	33335
indirectly, or assisting in or abetting the violation of, or	33336
conspiring to violate, any provision of this chapter, Chapter	33337
4731. of the Revised Code, or the rules adopted by the board;	33338
(4) A departure from, or failure to conform to, minimal	33339
standards of care of similar practitioners under the same or	33340
similar circumstances whether or not actual injury to the	33341
patient is established;	33342
(5) Inability to practice according to acceptable and	33343
prevailing standards of care by reason of mental illness or	33344
physical illness, including physical deterioration that	33345
adversely affects cognitive, motor, or perceptive skills;	33346
(6) Impairment of ability to practice according to	33347
acceptable and prevailing standards of care because of habitual	33348
or excessive use or abuse of drugs, alcohol, or other substances	33349
that impair ability to practice;	33350
(7) Willfully betraying a professional confidence;	33351
(8) Making a false, fraudulent, deceptive, or misleading	33352
statement in securing or attempting to secure a certificate to	33353
practice as a radiologist assistant.	33354
As used in this division, "false, fraudulent, deceptive,	33355

or misleading statement" means a statement that includes a 33356
misrepresentation of fact, is likely to mislead or deceive 33357
because of a failure to disclose material facts, is intended or 33358
is likely to create false or unjustified expectations of 33359
favorable results, or includes representations or implications 33360
that in reasonable probability will cause an ordinarily prudent 33361
person to misunderstand or be deceived. 33362

(9) The obtaining of, or attempting to obtain, money or a 33363
thing of value by fraudulent misrepresentations in the course of 33364
practice; 33365

~~(10) A plea of guilty to, a judicial finding of guilt of, 33366
or a judicial finding of eligibility for intervention in lieu of 33367
conviction for, a felony; 33368~~

~~(11) Commission of an act that constitutes a felony in 33369
this state, regardless of the jurisdiction in which the act was 33370
committed; 33371~~

~~(12) A plea of guilty to, a judicial finding of guilt of, 33372
or a judicial finding of eligibility for intervention in lieu of 33373
conviction for, a misdemeanor committed in the course of 33374
practice; 33375~~

~~(13) A plea of guilty to, a judicial finding of guilt of, 33376
or a judicial finding of eligibility for intervention in lieu of 33377
conviction for, a misdemeanor involving moral turpitude; 33378~~

~~(14) Commission of an act in the course of practice that 33379
constitutes a misdemeanor in this state, regardless of the 33380
jurisdiction in which the act was committed; 33381~~

~~(15) Commission of an act involving moral turpitude that 33382
constitutes a misdemeanor in this state, regardless of the 33383
jurisdiction in which the act was committed; 33384~~

~~(16)~~ A plea of guilty to, a judicial finding of guilt of, 33385
~~or a judicial finding of eligibility for intervention in lieu of~~ 33386
~~conviction for violating any state or federal law regulating the~~ 33387
~~possession, distribution, or use of any drug, including~~ 33388
~~trafficking in drugs~~ conviction of a disqualifying offense, as 33389
specified under section 9.79 of the Revised Code; 33390

~~(17)~~ (11) Any of the following actions taken by the state 33391
agency responsible for regulating the practice of radiologist 33392
assistants in another jurisdiction, for any reason other than 33393
the nonpayment of fees: the limitation, revocation, or 33394
suspension of an individual's license to practice; acceptance of 33395
an individual's license surrender; denial of a license; refusal 33396
to renew or reinstate a license; imposition of probation; or 33397
issuance of an order of censure or other reprimand; 33398

~~(18)~~ (12) Violation of the conditions placed by the board 33399
on a certificate to practice as a radiologist assistant; 33400

~~(19)~~ (13) Failure to use universal blood and body fluid 33401
precautions established by rules adopted under section 4731.051 33402
of the Revised Code; 33403

~~(20)~~ (14) Failure to cooperate in an investigation 33404
conducted by the board under section 4774.14 of the Revised 33405
Code, including failure to comply with a subpoena or order 33406
issued by the board or failure to answer truthfully a question 33407
presented by the board at a deposition or in written 33408
interrogatories, except that failure to cooperate with an 33409
investigation shall not constitute grounds for discipline under 33410
this section if a court of competent jurisdiction has issued an 33411
order that either quashes a subpoena or permits the individual 33412
to withhold the testimony or evidence in issue; 33413

~~(21)~~ (15) Failure to maintain a license as a radiographer 33414
under Chapter 4773. of the Revised Code; 33415

~~(22)~~ (16) Failure to maintain certification as a 33416
registered radiologist assistant from the American registry of 33417
radiologic technologists, including revocation by the registry 33418
of the assistant's certification or failure by the assistant to 33419
meet the registry's requirements for annual registration, or 33420
failure to notify the board that the certification as a 33421
registered radiologist assistant has not been maintained; 33422

~~(23)~~ (17) Failure to comply with any of the rules of 33423
ethics included in the standards of ethics established by the 33424
American registry of radiologic technologists, as those rules 33425
apply to an individual who holds the registry's certification as 33426
a registered radiologist assistant. 33427

(C) Disciplinary actions taken by the board under 33428
divisions (A) and (B) of this section shall be taken pursuant to 33429
an adjudication under Chapter 119. of the Revised Code, except 33430
that in lieu of an adjudication, the board may enter into a 33431
consent agreement with a radiologist assistant or applicant to 33432
resolve an allegation of a violation of this chapter or any rule 33433
adopted under it. A consent agreement, when ratified by an 33434
affirmative vote of not fewer than six members of the board, 33435
shall constitute the findings and order of the board with 33436
respect to the matter addressed in the agreement. If the board 33437
refuses to ratify a consent agreement, the admissions and 33438
findings contained in the consent agreement shall be of no force 33439
or effect. 33440

~~(D) For purposes of divisions (B) (11), (14), and (15) of~~ 33441
~~this section, the commission of the act may be established by a~~ 33442
~~finding by the board, pursuant to an adjudication under Chapter~~ 33443

~~119. of the Revised Code, that the applicant or certificate- 33444
holder committed the act in question. The board shall have no- 33445
jurisdiction under these divisions in cases where the trial- 33446
court renders a final judgment in the certificate holder's favor- 33447
and that judgment is based upon an adjudication on the merits.- 33448
The board shall have jurisdiction under these divisions in cases- 33449
where the trial court issues an order of dismissal on technical- 33450
or procedural grounds.- 33451~~

~~(E)~~ The sealing of conviction records by any court shall 33452
have no effect on a prior board order entered under the 33453
provisions of this section or on the board's jurisdiction to 33454
take action under the provisions of this section if, based upon 33455
a plea of guilty, a judicial finding of guilt, or a judicial- 33456
finding of eligibility for intervention in lieu of conviction of 33457
a disqualifying offense, as specified under section 9.79 of the 33458
Revised Code, the board issued a notice of opportunity for a 33459
hearing prior to the court's order to seal the records. The 33460
board shall not be required to seal, destroy, redact, or 33461
otherwise modify its records to reflect the court's sealing of 33462
conviction records. 33463

~~(F)~~ (E) For purposes of this division, any individual who 33464
holds a certificate to practice as a radiologist assistant 33465
issued under this chapter, or applies for a certificate to 33466
practice, shall be deemed to have given consent to submit to a 33467
mental or physical examination when directed to do so in writing 33468
by the board and to have waived all objections to the 33469
admissibility of testimony or examination reports that 33470
constitute a privileged communication. 33471

(1) In enforcing division (B) (5) of this section, the 33472
board, on a showing of a possible violation, may compel any 33473

individual who holds a certificate to practice as a radiologist 33474
assistant issued under this chapter or who has applied for a 33475
certificate to practice to submit to a mental or physical 33476
examination, or both. A physical examination may include an HIV 33477
test. The expense of the examination is the responsibility of 33478
the individual compelled to be examined. Failure to submit to a 33479
mental or physical examination or consent to an HIV test ordered 33480
by the board constitutes an admission of the allegations against 33481
the individual unless the failure is due to circumstances beyond 33482
the individual's control, and a default and final order may be 33483
entered without the taking of testimony or presentation of 33484
evidence. If the board finds a radiologist assistant unable to 33485
practice because of the reasons set forth in division (B) (5) of 33486
this section, the board shall require the radiologist assistant 33487
to submit to care, counseling, or treatment by physicians 33488
approved or designated by the board, as a condition for an 33489
initial, continued, reinstated, or renewed certificate to 33490
practice. An individual affected by this division shall be 33491
afforded an opportunity to demonstrate to the board the ability 33492
to resume practicing in compliance with acceptable and 33493
prevailing standards of care. 33494

(2) For purposes of division (B) (6) of this section, if 33495
the board has reason to believe that any individual who holds a 33496
certificate to practice as a radiologist assistant issued under 33497
this chapter or any applicant for a certificate to practice 33498
suffers such impairment, the board may compel the individual to 33499
submit to a mental or physical examination, or both. The expense 33500
of the examination is the responsibility of the individual 33501
compelled to be examined. Any mental or physical examination 33502
required under this division shall be undertaken by a treatment 33503
provider or physician qualified to conduct such examination and 33504

chosen by the board. 33505

Failure to submit to a mental or physical examination 33506
ordered by the board constitutes an admission of the allegations 33507
against the individual unless the failure is due to 33508
circumstances beyond the individual's control, and a default and 33509
final order may be entered without the taking of testimony or 33510
presentation of evidence. If the board determines that the 33511
individual's ability to practice is impaired, the board shall 33512
suspend the individual's certificate or deny the individual's 33513
application and shall require the individual, as a condition for 33514
an initial, continued, reinstated, or renewed certificate to 33515
practice, to submit to treatment. 33516

Before being eligible to apply for reinstatement of a 33517
certificate suspended under this division, the radiologist 33518
assistant shall demonstrate to the board the ability to resume 33519
practice in compliance with acceptable and prevailing standards 33520
of care. The demonstration shall include the following: 33521

(a) Certification from a treatment provider approved under 33522
section 4731.25 of the Revised Code that the individual has 33523
successfully completed any required inpatient treatment; 33524

(b) Evidence of continuing full compliance with an 33525
aftercare contract or consent agreement; 33526

(c) Two written reports indicating that the individual's 33527
ability to practice has been assessed and that the individual 33528
has been found capable of practicing according to acceptable and 33529
prevailing standards of care. The reports shall be made by 33530
individuals or providers approved by the board for making such 33531
assessments and shall describe the basis for their 33532
determination. 33533

The board may reinstate a certificate suspended under this 33534
division after such demonstration and after the individual has 33535
entered into a written consent agreement. 33536

When the impaired radiologist assistant resumes practice, 33537
the board shall require continued monitoring of the radiologist 33538
assistant. The monitoring shall include monitoring of compliance 33539
with the written consent agreement entered into before 33540
reinstatement or with conditions imposed by board order after a 33541
hearing, and, on termination of the consent agreement, 33542
submission to the board for at least two years of annual written 33543
progress reports made under penalty of falsification stating 33544
whether the radiologist assistant has maintained sobriety. 33545

~~(G)~~ (F) If the secretary and supervising member determine 33546
that there is clear and convincing evidence that a radiologist 33547
assistant has violated division (B) of this section and that the 33548
individual's continued practice presents a danger of immediate 33549
and serious harm to the public, they may recommend that the 33550
board suspend the individual's certificate to practice without a 33551
prior hearing. Written allegations shall be prepared for 33552
consideration by the board. 33553

The board, on review of the allegations and by an 33554
affirmative vote of not fewer than six of its members, excluding 33555
the secretary and supervising member, may suspend a certificate 33556
without a prior hearing. A telephone conference call may be 33557
utilized for reviewing the allegations and taking the vote on 33558
the summary suspension. 33559

The board shall issue a written order of suspension by 33560
certified mail or in person in accordance with section 119.07 of 33561
the Revised Code. The order shall not be subject to suspension 33562
by the court during pendency of any appeal filed under section 33563

119.12 of the Revised Code. If the radiologist assistant 33564
requests an adjudicatory hearing by the board, the date set for 33565
the hearing shall be within fifteen days, but not earlier than 33566
seven days, after the radiologist assistant requests the 33567
hearing, unless otherwise agreed to by both the board and the 33568
certificate holder. 33569

A summary suspension imposed under this division shall 33570
remain in effect, unless reversed on appeal, until a final 33571
adjudicative order issued by the board pursuant to this section 33572
and Chapter 119. of the Revised Code becomes effective. The 33573
board shall issue its final adjudicative order within sixty days 33574
after completion of its hearing. Failure to issue the order 33575
within sixty days shall result in dissolution of the summary 33576
suspension order, but shall not invalidate any subsequent, final 33577
adjudicative order. 33578

~~(H) (G) If the board takes action under division (B) (10),~~ 33579
~~(12), or (13) of this section, and the judicial finding of~~ 33580
~~guilt, guilty plea, or judicial finding of eligibility for~~ 33581
~~intervention in lieu of conviction is overturned on appeal, on~~ 33582
exhaustion of the criminal appeal, a petition for 33583
reconsideration of the order may be filed with the board along 33584
with appropriate court documents. On receipt of a petition and 33585
supporting court documents, the board shall reinstate the 33586
certificate to practice as a radiologist assistant. ~~The board~~ 33587
~~may then hold an adjudication under Chapter 119. of the Revised~~ 33588
~~Code to determine whether the individual committed the act in~~ 33589
~~question. Notice of opportunity for hearing shall be given in~~ 33590
~~accordance with Chapter 119. of the Revised Code. If the board~~ 33591
~~finds, pursuant to an adjudication held under this division,~~ 33592
~~that the individual committed the act, or if no hearing is~~ 33593
~~requested, it may order any of the sanctions specified in~~ 33594

~~division (B) of this section.~~ 33595

~~(I) The certificate to practice of a radiologist assistant and the assistant's practice in this state are automatically suspended as of the date the radiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a certificate.~~ 33596
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~~The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.~~ 33610
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~~(J)~~ (H) 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 33617
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identified under division (A) or (B) of this section. 33625

~~(K)~~ (I) Any action taken by the board under division (B) 33626
of this section resulting in a suspension shall be accompanied 33627
by a written statement of the conditions under which the 33628
radiologist assistant's certificate may be reinstated. The board 33629
shall adopt rules in accordance with Chapter 119. of the Revised 33630
Code governing conditions to be imposed for reinstatement. 33631
Reinstatement of a certificate suspended pursuant to division 33632
(B) of this section requires an affirmative vote of not fewer 33633
than six members of the board. 33634

~~(L)~~ (J) When the board refuses to grant or issue a 33635
certificate to practice as a radiologist assistant to an 33636
applicant, revokes an individual's certificate, refuses to renew 33637
an individual's certificate, or refuses to reinstate an 33638
individual's certificate, the board may specify that its action 33639
is permanent. An individual subject to a permanent action taken 33640
by the board is forever thereafter ineligible to hold a 33641
certificate to practice as a radiologist assistant and the board 33642
shall not accept an application for reinstatement of the 33643
certificate or for issuance of a new certificate. 33644

~~(M)~~ (K) Notwithstanding any other provision of the Revised 33645
Code, all of the following apply: 33646

(1) The surrender of a certificate to practice as a 33647
radiologist assistant issued under this chapter is not effective 33648
unless or until accepted by the board. Reinstatement of a 33649
certificate surrendered to the board requires an affirmative 33650
vote of not fewer than six members of the board. 33651

(2) An application made under this chapter for a 33652
certificate to practice may not be withdrawn without approval of 33653

the board. 33654

(3) Failure by an individual to renew a certificate to 33655
practice in accordance with section 4774.06 of the Revised Code 33656
shall not remove or limit the board's jurisdiction to take 33657
disciplinary action under this section against the individual. 33658

Sec. 4774.15. (A) As used in this section, "prosecutor" 33659
has the same meaning as in section 2935.01 of the Revised Code. 33660

~~(B) Whenever any person holding a valid certificate to 33661
practice as a radiologist assistant issued under this chapter 33662
pleads guilty to, is subject to a judicial finding of guilt of, 33663
or is subject to a judicial finding of eligibility for 33664
intervention in lieu of conviction for a violation of Chapter 33665
2907., 2925., or 3719. of the Revised Code or of any 33666
substantively comparable ordinance of a municipal corporation in 33667
connection with the person's practice, the prosecutor in the 33668
case, on forms prescribed and provided by the state medical 33669
board, shall promptly notify the board of the conviction. Within 33670
thirty days of receipt of that information, the board shall 33671
initiate action in accordance with Chapter 119. of the Revised 33672
Code to determine whether to suspend or revoke the certificate 33673
under section 4774.13 of the Revised Code. 33674~~

~~(C) The prosecutor in any case against any person holding 33675
a valid certificate to practice issued under this chapter, on 33676
forms prescribed and provided by the state medical board, shall 33677
notify the board of any of the following: 33678~~

~~(1) A plea of guilty to, a finding of guilt by a jury or 33679
court of, or judicial finding of eligibility for intervention in 33680
lieu of conviction for a felony, or a case in which the trial 33681
court issues an order of dismissal upon technical or procedural 33682~~

~~grounds of a felony charge;~~ 33683

~~(2) A plea of guilty to, a finding of guilt by a jury or 33684
court of, or judicial finding of eligibility for intervention in 33685
lieu of conviction for a misdemeanor committed in the course of 33686
practice, or a case in which the trial court issues an order of 33687
dismissal upon technical or procedural grounds of a charge of a 33688
misdemeanor, if the alleged act was committed in the course of 33689
practice;~~ 33690

~~(3) A plea of guilty to, a finding of guilt by a jury or 33691
court of, or judicial finding of eligibility for intervention in 33692
lieu of conviction for a misdemeanor involving moral turpitude, 33693
or a case in which the trial court issues an order of dismissal 33694
upon technical or procedural grounds of a charge of a 33695
misdemeanor involving moral turpitude the person's conviction of 33696
any criminal offense. 33697~~

The report shall include the name and address of the 33698
certificate holder, the nature of the offense for which the 33699
action was taken, and the certified court documents recording 33700
the action. 33701

Sec. 4775.11. ~~It is the intent of the general assembly to 33702
preempt any local ordinance, resolution, or other law adopted or 33703
enacted after December 18, 1997, that is limited to the 33704
registration of persons engaged in business as motor vehicle 33705
repair operators in a manner corresponding to the provisions of 33706
this chapter. This chapter does not preempt any local law 33707
adopted or enacted prior to December 18, 1997, for motor vehicle 33708
collision repair operators or the effective date of this 33709
amendment for motor vehicle window tint operators, or that may 33710
require registration or licensure as a component of imposing 33711
additional requirements on persons engaged in business as motor 33712~~

~~vehicle repair operators or technicians. Nor does it preempt the~~ 33713
enforcement of any local law regulating motor vehicle repair 33714
operators or technicians, including building, zoning, health, 33715
safety, or other similar codes or laws. 33716

Sec. 4776.04. The results of any criminal records check 33717
conducted pursuant to a request made under this chapter and any 33718
report containing those results, including any information the 33719
federal bureau of investigation provides, are not public records 33720
for purposes of section 149.43 of the Revised Code and shall not 33721
be made available to any person or for any purpose other than as 33722
follows: 33723

(A) If the request for the criminal records check was 33724
submitted by an applicant for an initial license or restored 33725
license, as follows: 33726

(1) The superintendent of the bureau of criminal 33727
identification and investigation shall make the results 33728
available to the licensing agency for use in determining, under 33729
the agency's authorizing chapter of the Revised Code and section 33730
9.79 of the Revised Code, whether the applicant who is the 33731
subject of the criminal records check should be granted a 33732
license under that chapter and that section. 33733

(2) The licensing agency shall make the results available 33734
to the applicant who is the subject of the criminal records 33735
check. 33736

(B) If the request for the criminal records check was 33737
submitted by a person seeking to satisfy the requirements to be 33738
an employee of a pain management clinic as specified in section 33739
4729.552 of the Revised Code or a person seeking to satisfy the 33740
requirements to be an employee of a facility, clinic, or other 33741

location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification, the superintendent of the bureau of criminal identification and investigation shall make the results available in accordance with the following:

(1) The superintendent shall make the results of the criminal records check, including any information the federal bureau of investigation provides, available to the person who submitted the request and is the subject of the criminal records check.

(2) The superintendent shall make the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code available to the employer or potential employer specified in the request of the person who submitted the request and shall send a letter of the type described in division (B)(2) of section 4776.02 of the Revised Code to that employer or potential employer regarding the information provided by the federal bureau of investigation that contains one of the types of statements described in that division.

(C) If the request for the criminal records check was submitted by an applicant for a trainee license under section 4776.021 of the Revised Code, as follows:

(1) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency or other agency identified in division (B) of section 4776.021 of the Revised Code for use in determining, under the agency's authorizing chapter of the Revised Code ~~and~~, division (D) of section 4776.021 of the

Revised Code, and section 9.79 of the Revised Code, whether the 33772
applicant who is the subject of the criminal records check 33773
should be granted a trainee license under that chapter ~~and~~, that 33774
division, and that section. 33775

(2) The licensing agency or other agency identified in 33776
division (B) of section 4776.021 of the Revised Code shall make 33777
the results available to the applicant who is the subject of the 33778
criminal records check. 33779

Sec. 4776.20. (A) As used in this section: 33780

(1) "Licensing agency" means, in addition to each board 33781
identified in division (C) of section 4776.01 of the Revised 33782
Code, the board or other government entity authorized to issue a 33783
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 33784
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 33785
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 33786
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 33787
"Licensing agency" includes an administrative officer that has 33788
authority to issue a license. 33789

(2) ~~"Licensee" means, in addition to a licensee as~~ 33790
~~described in division (B) of section 4776.01 of the Revised~~ 33791
~~Code, the person to whom a license is issued by the board or~~ 33792
~~other government entity authorized to issue a license under~~ 33793
~~Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727.,~~ 33794
~~4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747.,~~ 33795
~~4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766.,~~ 33796
~~4771., 4773., and 4781. of the Revised Code.~~ 33797

~~(3)~~ "Prosecutor" has the same meaning as in section 33798
2935.01 of the Revised Code. 33799

(B) ~~On a licensee's conviction of, plea of guilty to,~~ 33800

~~judicial finding of guilt of, or judicial finding of guilt— 33801
resulting from a plea of no contest to the offense of— 33802
trafficking in persons in violation of section 2905.32 of the— 33803
Revised Code, the prosecutor in the case shall promptly notify— 33804
the licensing agency of the conviction, plea, or finding and— 33805
provide the licensee's name and residential address. On receipt— 33806
of this notification, the licensing agency shall immediately— 33807
suspend the licensee's license.— 33808~~

~~(C) If there is a conviction of, plea of guilty to, 33809
judicial finding of guilt of, or judicial finding of guilt 33810
resulting from a plea of no contest to the offense of 33811
trafficking in persons in violation of section 2905.32 of the 33812
Revised Code and all or part of the violation occurred on the 33813
premises of a facility that is licensed by a licensing agency, 33814
the prosecutor in the case shall promptly notify the licensing 33815
agency of the conviction, plea, or finding and provide the 33816
facility's name and address and the offender's name and 33817
residential address. On receipt of this notification, the 33818
licensing agency shall immediately suspend the facility's 33819
license. 33820~~

~~(D) (C) Notwithstanding any provision of the Revised Code 33821
to the contrary, the suspension of a license under division (B) 33822
or (C) of this section shall be implemented by a licensing 33823
agency without a prior hearing. After the suspension, the 33824
licensing agency shall give written notice to the subject of the 33825
suspension of the right to request a hearing under Chapter 119. 33826
of the Revised Code. After a hearing is held, the licensing 33827
agency shall either revoke or permanently revoke the license of 33828
the subject of the suspension, unless it determines that the 33829
license holder has not been convicted of, pleaded guilty to, 33830
been found guilty of, or been found guilty based on a plea of no 33831~~

contest to the offense of trafficking in persons in violation of 33832
section 2905.32 of the Revised Code. 33833

Sec. 4778.02. (A) (1) Except as provided in division (B) of 33834
this section, no person shall practice as a genetic counselor 33835
unless the person holds a current, valid license to practice as 33836
a genetic counselor issued under this chapter. 33837

(2) No person shall use the title "genetic counselor," or 33838
otherwise hold the person out as a genetic counselor, unless the 33839
person holds a current, valid license to practice as a genetic 33840
counselor issued under this chapter. 33841

(B) Division (A) (1) of this section does not apply to 33842
either of the following: 33843

(1) A student performing an activity as part of a genetic 33844
counseling graduate program described in division (B) ~~(1)~~ ~~(b)~~ (2) 33845
of section 4778.03 of the Revised Code; 33846

(2) A person who is authorized pursuant to another 33847
provision of the Revised Code to perform any of the activities 33848
that a genetic counselor is authorized to perform. 33849

Sec. 4778.03. (A) An individual seeking a license to 33850
practice as a genetic counselor shall file with the state 33851
medical board an application in a manner prescribed by the 33852
board. The application shall include all the information the 33853
board considers necessary to process the application, including 33854
evidence satisfactory to the board that the applicant meets the 33855
requirements specified in division (B) of this section. 33856

At the time an application is submitted, the applicant 33857
shall pay the board an application fee of two hundred dollars. 33858
No part of the fee shall be returned to the applicant or 33859
transferred for purposes of another application. 33860

(B) ~~(1)~~ To be eligible to receive a license to practice as
a genetic counselor, an applicant shall demonstrate to the board
that the applicant meets all of the following requirements:

~~(a) (1) Is at least eighteen years of age and of good
moral character;~~

~~(b) Except as provided in division (B) (2) of this section,
has (2) Has attained a master's degree or higher degree from a
genetic counseling graduate program accredited by the American
board of genetic counseling, inc.;~~

~~(c) (3) Is a certified genetic counselor;~~

~~(d) (4) Has satisfied any other requirements established
by the board in rules adopted under section 4778.12 of the
Revised Code.~~

~~(2) In the case of an applicant who files an application
not later than December 31, 2013, and meets all eligibility
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. The affirmative vote of not
fewer than six members of the board is required to determine
that the applicant meets the requirements for the license.

Sec. 4778.06. (A) An individual seeking to renew a license

to practice as a genetic counselor shall, on or before the 33890
thirty-first day of January of each even-numbered year, apply 33891
for renewal of the license. The state medical board shall 33892
provide renewal notices at least one month prior to the 33893
expiration date. 33894

Renewal applications shall be submitted to the board in a 33895
manner prescribed by the board. Each application shall be 33896
accompanied by a biennial renewal fee of one hundred fifty 33897
dollars. 33898

The applicant shall report any criminal offense ~~to which~~ 33899
~~the applicant has pleaded guilty,~~ of which the applicant has 33900
~~been found guilty convicted, or for which the applicant has been~~ 33901
~~found eligible for intervention in lieu of conviction,~~ since 33902
last signing an application for a license to practice as a 33903
genetic counselor. 33904

(B) To be eligible for renewal, a genetic counselor shall 33905
certify to the board that the counselor has done both of the 33906
following: 33907

(1) Maintained the counselor's status as a certified 33908
genetic counselor; 33909

(2) Completed at least thirty hours of continuing 33910
education in genetic counseling that has been approved by the 33911
national society of genetic counselors or American board of 33912
genetic counseling. 33913

(C) If an applicant submits a renewal application that the 33914
board considers to be complete and qualifies for renewal 33915
pursuant to division (B) of this section, the board shall issue 33916
to the applicant a renewed license to practice as a genetic 33917
counselor. 33918

(D) The board may require a random sample of genetic 33919
counselors to submit materials documenting that their status as 33920
certified genetic counselors has been maintained and that the 33921
number of hours of continuing education required under division 33922
(B) (2) of this section has been completed. 33923

If a genetic counselor certifies that the genetic 33924
counselor has completed the number of hours and type of 33925
continuing education required for renewal of a license, and the 33926
board finds through the random sample or any other means that 33927
the genetic counselor did not complete the requisite continuing 33928
education, the board may impose a civil penalty of not more than 33929
five thousand dollars. If a civil penalty is imposed in addition 33930
to any other action the board takes under section 4778.14 of the 33931
Revised Code, the board's finding shall be made pursuant to an 33932
adjudication under Chapter 119. of the Revised Code and by an 33933
affirmative vote of not fewer than six members. A civil penalty 33934
imposed under this division may be in addition to or in lieu of 33935
any other action the board may take under section 4778.14 of the 33936
Revised Code. The board shall deposit civil penalties in 33937
accordance with section 4731.24 of the Revised Code. 33938

Sec. 4778.14. (A) The state medical board, by an 33939
affirmative vote of not fewer than six members, may revoke or 33940
may refuse to grant a license to practice as a genetic counselor 33941
to an individual found by the board to have committed fraud, 33942
misrepresentation, or deception in applying for or securing the 33943
license. 33944

(B) The board, by an affirmative vote of not fewer than 33945
six members, shall, to the extent permitted by law, limit, 33946
revoke, or suspend an individual's license to practice as a 33947
genetic counselor, refuse to issue a license to an applicant, 33948

refuse to renew a license, refuse to reinstate a license, or	33949
reprimand or place on probation the holder of a license for any	33950
of the following reasons:	33951
(1) Permitting the holder's name or license to be used by	33952
another person;	33953
(2) Failure to comply with the requirements of this	33954
chapter, Chapter 4731. of the Revised Code, or any rules adopted	33955
by the board;	33956
(3) Violating or attempting to violate, directly or	33957
indirectly, or assisting in or abetting the violation of, or	33958
conspiring to violate, any provision of this chapter, Chapter	33959
4731. of the Revised Code, or the rules adopted by the board;	33960
(4) A departure from, or failure to conform to, minimal	33961
standards of care of similar practitioners under the same or	33962
similar circumstances whether or not actual injury to the	33963
patient is established;	33964
(5) Inability to practice according to acceptable and	33965
prevailing standards of care by reason of mental illness or	33966
physical illness, including physical deterioration that	33967
adversely affects cognitive, motor, or perceptive skills;	33968
(6) Impairment of ability to practice according to	33969
acceptable and prevailing standards of care because of habitual	33970
or excessive use or abuse of drugs, alcohol, or other substances	33971
that impair ability to practice;	33972
(7) Willfully betraying a professional confidence;	33973
(8) Making a false, fraudulent, deceptive, or misleading	33974
statement in securing or attempting to secure a license to	33975
practice as a genetic counselor.	33976

As used in this division, "false, fraudulent, deceptive, 33977
or misleading statement" means a statement that includes a 33978
misrepresentation of fact, is likely to mislead or deceive 33979
because of a failure to disclose material facts, is intended or 33980
is likely to create false or unjustified expectations of 33981
favorable results, or includes representations or implications 33982
that in reasonable probability will cause an ordinarily prudent 33983
person to misunderstand or be deceived. 33984

(9) The obtaining of, or attempting to obtain, money or a 33985
thing of value by fraudulent misrepresentations in the course of 33986
practice; 33987

~~(10) A plea of guilty to, a judicial finding of guilt of, 33988
or a judicial finding of eligibility for intervention in lieu of 33989
conviction for, a felony; 33990~~

~~(11) Commission of an act that constitutes a felony in 33991
this state, regardless of the jurisdiction in which the act was 33992
committed; 33993~~

~~(12) A plea of guilty to, a judicial finding of guilt of, 33994
or a judicial finding of eligibility for intervention in lieu of 33995
conviction for, a misdemeanor committed in the course of 33996
practice; 33997~~

~~(13) A plea of guilty to, a judicial finding of guilt of, 33998
or a judicial finding of eligibility for intervention in lieu of 33999
conviction for, a misdemeanor involving moral turpitude; 34000~~

~~(14) Commission of an act in the course of practice that 34001
constitutes a misdemeanor in this state, regardless of the 34002
jurisdiction in which the act was committed; 34003~~

~~(15) Commission of an act involving moral turpitude that 34004
constitutes a misdemeanor in this state, regardless of the 34005~~

~~jurisdiction in which the act was committed;~~ 34006

~~(16) A plea of guilty to, a judicial finding of guilt of,~~ 34007
~~or a judicial finding of eligibility for intervention in lieu of~~ 34008
~~conviction for violating any state or federal law regulating the~~ 34009
~~possession, distribution, or use of any drug, including~~ 34010
~~trafficking in drugs conviction of a disqualifying offense, as~~ 34011
~~specified under section 9.79 of the Revised Code;~~ 34012

~~(17)~~(11) Any of the following actions taken by an agency 34013
responsible for authorizing, certifying, or regulating an 34014
individual to practice a health care occupation or provide 34015
health care services in this state or in another jurisdiction, 34016
for any reason other than the nonpayment of fees: the 34017
limitation, revocation, or suspension of an individual's license 34018
to practice; acceptance of an individual's license surrender; 34019
denial of a license; refusal to renew or reinstate a license; 34020
imposition of probation; or issuance of an order of censure or 34021
other reprimand; 34022

~~(18)~~(12) Violation of the conditions placed by the board 34023
on a license to practice as a genetic counselor; 34024

~~(19)~~(13) Failure to cooperate in an investigation 34025
conducted by the board under section 4778.18 of the Revised 34026
Code, including failure to comply with a subpoena or order 34027
issued by the board or failure to answer truthfully a question 34028
presented by the board at a deposition or in written 34029
interrogatories, except that failure to cooperate with an 34030
investigation shall not constitute grounds for discipline under 34031
this section if a court of competent jurisdiction has issued an 34032
order that either quashes a subpoena or permits the individual 34033
to withhold the testimony or evidence in issue; 34034

~~(20)~~ (14) Failure to maintain the individual's status as a certified genetic counselor; 34035
34036

~~(21)~~ (15) Failure to comply with the code of ethics established by the national society of genetic counselors. 34037
34038

(C) Disciplinary actions taken by the board under 34039
divisions (A) and (B) of this section shall be taken pursuant to 34040
an adjudication under Chapter 119. of the Revised Code, except 34041
that in lieu of an adjudication, the board may enter into a 34042
consent agreement with a genetic counselor or applicant to 34043
resolve an allegation of a violation of this chapter or any rule 34044
adopted under it. A consent agreement, when ratified by an 34045
affirmative vote of not fewer than six members of the board, 34046
shall constitute the findings and order of the board with 34047
respect to the matter addressed in the agreement. If the board 34048
refuses to ratify a consent agreement, the admissions and 34049
findings contained in the consent agreement shall be of no force 34050
or effect. 34051

A telephone conference call may be utilized for 34052
ratification of a consent agreement that revokes or suspends an 34053
individual's license. The telephone conference call shall be 34054
considered a special meeting under division (F) of section 34055
121.22 of the Revised Code. 34056

~~(D) 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~~ 34057
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~~board shall have jurisdiction under these divisions in cases— 34065
where the trial court issues an order of dismissal on technical— 34066
or procedural grounds.— 34067~~

~~(E)~~—The sealing of conviction records by any court shall 34068
have no effect on a prior board order entered under the 34069
provisions of this section or on the board's jurisdiction to 34070
take action under the provisions of this section if, based upon 34071
a plea of guilty, a judicial finding of guilt, or a judicial— 34072
~~finding of eligibility for intervention in lieu of conviction of~~ 34073
a disqualifying offense, as specified under section 9.79 of the 34074
Revised Code, the board issued a notice of opportunity for a 34075
hearing or took other formal action under Chapter 119. of the 34076
Revised Code prior to the court's order to seal the records. The 34077
board shall not be required to seal, destroy, redact, or 34078
otherwise modify its records to reflect the court's sealing of 34079
conviction records. 34080

~~(F)~~ (E) For purposes of this division, any individual who 34081
holds a license to practice as a genetic counselor, or applies 34082
for a license, shall be deemed to have given consent to submit 34083
to a mental or physical examination when directed to do so in 34084
writing by the board and to have waived all objections to the 34085
admissibility of testimony or examination reports that 34086
constitute a privileged communication. 34087

(1) In enforcing division (B) (5) of this section, the 34088
board, on a showing of a possible violation, may compel any 34089
individual who holds a license to practice as a genetic 34090
counselor or who has applied for a license to practice as a 34091
genetic counselor to submit to a mental or physical examination, 34092
or both. A physical examination may include an HIV test. The 34093
expense of the examination is the responsibility of the 34094

individual compelled to be examined. Failure to submit to a 34095
mental or physical examination or consent to an HIV test ordered 34096
by the board constitutes an admission of the allegations against 34097
the individual unless the failure is due to circumstances beyond 34098
the individual's control, and a default and final order may be 34099
entered without the taking of testimony or presentation of 34100
evidence. If the board finds a genetic counselor unable to 34101
practice because of the reasons set forth in division (B) (5) of 34102
this section, the board shall require the genetic counselor to 34103
submit to care, counseling, or treatment by physicians approved 34104
or designated by the board, as a condition for an initial, 34105
continued, reinstated, or renewed license to practice. An 34106
individual affected by this division shall be afforded an 34107
opportunity to demonstrate to the board the ability to resume 34108
practicing in compliance with acceptable and prevailing 34109
standards of care. 34110

(2) For purposes of division (B) (6) of this section, if 34111
the board has reason to believe that any individual who holds a 34112
license to practice as a genetic counselor or any applicant for 34113
a license suffers such impairment, the board may compel the 34114
individual to submit to a mental or physical examination, or 34115
both. The expense of the examination is the responsibility of 34116
the individual compelled to be examined. Any mental or physical 34117
examination required under this division shall be undertaken by 34118
a treatment provider or physician qualified to conduct such 34119
examination and chosen by the board. 34120

Failure to submit to a mental or physical examination 34121
ordered by the board constitutes an admission of the allegations 34122
against the individual unless the failure is due to 34123
circumstances beyond the individual's control, and a default and 34124
final order may be entered without the taking of testimony or 34125

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 submit to treatment.

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

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

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

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

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

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance

with the written consent agreement entered into before 34155
reinstatement or with conditions imposed by board order after a 34156
hearing, and, on termination of the consent agreement, 34157
submission to the board for at least two years of annual written 34158
progress reports made under penalty of falsification stating 34159
whether the genetic counselor has maintained sobriety. 34160

~~(G)~~ (F) If the secretary and supervising member determine 34161
both of the following, they may recommend that the board suspend 34162
an individual's license to practice without a prior hearing: 34163

(1) That there is clear and convincing evidence that a 34164
genetic counselor has violated division (B) of this section; 34165

(2) That the individual's continued practice presents a 34166
danger of immediate and serious harm to the public. 34167

Written allegations shall be prepared for consideration by 34168
the board. The board, on review of the allegations and by an 34169
affirmative vote of not fewer than six of its members, excluding 34170
the secretary and supervising member, may suspend a license 34171
without a prior hearing. A telephone conference call may be 34172
utilized for reviewing the allegations and taking the vote on 34173
the summary suspension. 34174

The board shall issue a written order of suspension by 34175
certified mail or in person in accordance with section 119.07 of 34176
the Revised Code. The order shall not be subject to suspension 34177
by the court during pendency of any appeal filed under section 34178
119.12 of the Revised Code. If the genetic counselor requests an 34179
adjudicatory hearing by the board, the date set for the hearing 34180
shall be within fifteen days, but not earlier than seven days, 34181
after the genetic counselor requests the hearing, unless 34182
otherwise agreed to by both the board and the genetic counselor. 34183

A summary suspension imposed under this division shall 34184
remain in effect, unless reversed on appeal, until a final 34185
adjudicative order issued by the board pursuant to this section 34186
and Chapter 119. of the Revised Code becomes effective. The 34187
board shall issue its final adjudicative order within sixty days 34188
after completion of its hearing. Failure to issue the order 34189
within sixty days shall result in dissolution of the summary 34190
suspension order, but shall not invalidate any subsequent, final 34191
adjudicative order. 34192

~~(H)~~ (G) If the board takes action under division (B) (10), ~~7~~ 34193
~~(12), or (13)~~ of this section, ~~7~~ and the ~~judicial finding of~~ 34194
~~guilt, guilty plea, or judicial finding of eligibility for~~ 34195
~~intervention in lieu of conviction is overturned on appeal, on~~ 34196
exhaustion of the criminal appeal, a petition for 34197
reconsideration of the order may be filed with the board along 34198
with appropriate court documents. On receipt of a petition and 34199
supporting court documents, the board shall reinstate the 34200
license to practice as a genetic counselor. ~~The board may then~~ 34201
~~hold an adjudication under Chapter 119. of the Revised Code to~~ 34202
~~determine whether the individual committed the act in question.~~ 34203
~~Notice of opportunity for hearing shall be given in accordance~~ 34204
~~with Chapter 119. of the Revised Code. If the board finds,~~ 34205
~~pursuant to an adjudication held under this division, that the~~ 34206
~~individual committed the act, or if no hearing is requested, it~~ 34207
~~may order any of the sanctions specified in division (B) of this~~ 34208
~~section.~~ 34209

~~(I)~~ The license to practice as a genetic counselor and the 34210
counselor's practice in this state are automatically suspended 34211
as of the date the genetic counselor pleads guilty to, is found 34212
by a judge or jury to be guilty of, or is subject to a judicial 34213
finding of eligibility for intervention in lieu of conviction in 34214

~~this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.~~

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

~~(J)~~ (H) 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)~~ (I) 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 license of the genetic counselor 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 34245
this section requires an affirmative vote of not fewer than six 34246
members of the board. 34247

~~(I)~~ (J) When the board refuses to grant or issue a license 34248
to practice as a genetic counselor to an applicant, revokes an 34249
individual's license, refuses to renew an individual's license, 34250
or refuses to reinstate an individual's license, the board may 34251
specify that its action is permanent. An individual subject to a 34252
permanent action taken by the board is forever thereafter 34253
ineligible to hold a license to practice as a genetic counselor 34254
and the board shall not accept an application for reinstatement 34255
of the license or for issuance of a new license. 34256

~~(M)~~ (K) Notwithstanding any other provision of the Revised 34257
Code, all of the following apply: 34258

(1) The surrender of a license to practice as a genetic 34259
counselor is not effective unless or until accepted by the 34260
board. A telephone conference call may be utilized for 34261
acceptance of the surrender of an individual's license. The 34262
telephone conference call shall be considered a special meeting 34263
under division (F) of section 121.22 of the Revised Code. 34264
Reinstatement of a license surrendered to the board requires an 34265
affirmative vote of not fewer than six members of the board. 34266

(2) An application made under this chapter for a license 34267
to practice may not be withdrawn without approval of the board. 34268

(3) Failure by an individual to renew a license in 34269
accordance with section 4778.06 of the Revised Code shall not 34270
remove or limit the board's jurisdiction to take disciplinary 34271
action under this section against the individual. 34272

Sec. 4778.19. (A) As used in this section, "prosecutor" 34273

has the same meaning as in section 2935.01 of the Revised Code. 34274

~~(B) Whenever any individual holding a valid license to practice as a genetic counselor pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the license under section 4778.16 of the Revised Code.~~ 34275
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~~(C) The prosecutor in any case against any person holding a valid license to practice as a genetic counselor, on forms prescribed and provided by the state medical board, shall notify the board of any of the following:~~ 34288
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~~(1) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;~~ 34292
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~~(2) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;~~ 34297
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~~(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude~~ the person's conviction of any criminal offense.

The report shall include the name and address of the license holder, the nature of the offense for which the action was taken, and the certified court documents recording the action.

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;	34333 34334
(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;	34335 34336 34337
(4) In the case of an applicant for a license to practice pedorthics, the requirements of section 4779.13 of the Revised Code.	34338 34339 34340
Sec. 4779.18. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a temporary license to an individual who meets all of the following requirements:	34341 34342 34343 34344
(1) Applies to the board in accordance with rules adopted under section 4779.08 of the Revised Code and pays the application fee specified in the rules;	34345 34346 34347
(2) Is eighteen years of age or older;	34348
(3) Is of good moral character;	34349
(4) One of the following applies:	34350
(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (B) and (C) of section 4779.10 of the Revised Code.	34351 34352 34353
(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (B) and (C) of section 4779.11 of the Revised Code.	34354 34355 34356
(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (B) and (C) of section 4779.12 of the Revised Code.	34357 34358 34359

(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(B) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice.

(C) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.28. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board may, pursuant to an adjudication under Chapter 119. of the Revised Code, limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons:

(1) Conviction of, ~~or a plea of guilty to, a misdemeanor or felony involving moral turpitude~~ disqualifying offense, as specified under section 9.79 of the Revised Code;

(2) Any violation of this chapter;

(3) Committing fraud, misrepresentation, or deception in applying for or securing a license issued under this chapter;

(4) Habitual use of drugs or intoxicants to the extent

that it renders the person unfit to practice;	34388
(5) Violation of any rule adopted by the board under section 4779.08 of the Revised Code;	34389 34390
(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;	34391 34392 34393 34394 34395
(7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice;	34396 34397
(8) Publishing a false, fraudulent, deceptive, or misleading statement;	34398 34399
(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;	34400 34401 34402 34403 34404 34405
(10) Advertising that a person who holds a license issued under this chapter will waive 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, that covers the person's services, would otherwise be required to pay.	34406 34407 34408 34409 34410
(B) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.	34411 34412 34413 34414 34415 34416

Sec. 4781.09. (A) The division of industrial compliance	34417
may deny, suspend, revoke, or refuse to renew the license of any	34418
manufactured home installer for any of the following reasons:	34419
(1) Failure to satisfy the requirements of section 4781.08	34420
or 4781.10 of the Revised Code;	34421
(2) Violation of this chapter or any rule adopted pursuant	34422
to it;	34423
(3) Making a material misstatement in an application for a	34424
license;	34425
(4) Installing manufactured housing without a license or	34426
without being under the supervision of a licensed manufactured	34427
housing installer;	34428
(5) Failure to appear for a hearing before the division or	34429
to comply with any final adjudication order of the division	34430
issued pursuant to this chapter;	34431
(6) Conviction of a felony or a crime involving moral	34432
turpitude <u>disqualifying offense, as specified under section 9.79</u>	34433
<u>of the Revised Code;</u>	34434
(7) Having had a license revoked, suspended, or denied by	34435
the division during the preceding two years;	34436
(8) Having had a license revoked, suspended, or denied by	34437
another state or jurisdiction during the preceding two years;	34438
(9) Engaging in conduct in another state or jurisdiction	34439
that would violate this chapter if committed in this state.	34440
(10) Failing to provide written notification of an	34441
installation pursuant to division (D) of section 4781.11 of the	34442
Revised Code to a county treasurer or county auditor.	34443

(B) (1) Any person whose license or license application is 34444
revoked, suspended, denied, or not renewed or upon whom a civil 34445
penalty is imposed may request an adjudication hearing on the 34446
matter within thirty days after receipt of the notice of the 34447
action. The hearing shall be held in accordance with Chapter 34448
119. of the Revised Code. 34449

(2) Any licensee or applicant may appeal an order made 34450
pursuant to an adjudication hearing in the manner provided in 34451
section 119.12 of the Revised Code. 34452

(C) A person whose license is suspended, revoked, or not 34453
renewed may apply for a new license two years after the date on 34454
which the license was suspended, revoked, or not renewed. 34455

Sec. 4781.14. (A) The division of industrial compliance 34456
has exclusive authority to regulate ~~manufactured home-~~ 34457
~~installers,~~ the installation of manufactured housing, and 34458
manufactured housing foundations and support systems in this 34459
state. It is the intent of the general assembly to preempt 34460
municipal corporations and other political subdivisions from 34461
~~regulating and licensing manufactured housing installers and~~ 34462
regulating and inspecting the installation of manufactured 34463
housing and manufactured housing foundations and support 34464
systems. 34465

(B) The division has exclusive power to adopt rules of 34466
uniform application throughout the state governing installation 34467
of manufactured housing, the inspection of manufactured housing 34468
foundations and support systems, the inspection of the 34469
installation of manufactured housing, ~~the training and licensing-~~ 34470
~~of manufactured housing installers,~~ and the investigation of 34471
complaints concerning manufactured housing installers. 34472

(C) The rules the division adopts pursuant to this chapter 34473
are the exclusive rules governing the installation of 34474
manufactured housing, and the design, construction, and approval 34475
of foundations for manufactured housing, ~~the licensure of~~ 34476
~~manufactured home installers, and the fees charged for licensure~~ 34477
~~of manufactured home installers.~~ No political subdivision of the 34478
state or any department or agency of the state may establish any 34479
other standards governing the installation of manufactured 34480
housing, or manufactured housing foundations and support 34481
systems, ~~the licensure of manufactured housing installers, or~~ 34482
~~fees charged for the licensure of manufactured housing~~ 34483
~~installers.~~ 34484

(D) Nothing in this section limits the authority of the 34485
attorney general to enforce Chapter 1345. of the Revised Code or 34486
to take any action permitted by the Revised Code against 34487
manufactured housing installers, retailers, or manufacturers. 34488

Sec. 4781.21. (A) The division of real estate may make 34489
rules governing actions relative to the suspension and 34490
revocation of manufactured housing dealers', manufactured 34491
housing brokers', and manufactured housing salespersons' 34492
licenses, and may, upon its own motion, and shall, upon the 34493
verified complaint in writing of any person, investigate the 34494
conduct of any licensee under this chapter. The division shall 34495
suspend, revoke, or refuse to renew any manufactured housing 34496
dealer's, manufactured housing broker's, or manufactured housing 34497
salesperson's license, if any ground existed upon which the 34498
license might have been refused, or if a ground exists that 34499
would be cause for refusal to issue a license. 34500

The division of real estate may suspend or revoke any 34501
license if the licensee has in any manner violated the rules 34502

adopted by the division under this chapter, or has been 34503
convicted of ~~committing a felony or violating any law that in~~ 34504
~~any way relates to the selling, taxing, licensing, or regulation~~ 34505
~~of sales of manufactured or mobile homes~~ a disqualifying 34506
offense, as specified under section 9.79 of the Revised Code. 34507

(B) Any salesperson's license shall be suspended upon the 34508
termination, suspension, or revocation of the license of the 34509
manufactured housing dealer or manufactured housing broker for 34510
whom the salesperson is acting, or upon the salesperson leaving 34511
the service of the manufactured housing dealer or manufactured 34512
housing broker. Upon the termination, suspension, or revocation 34513
of the license of the manufactured housing dealer or 34514
manufactured housing broker for whom the salesperson is acting, 34515
or upon the salesperson leaving the service of a licensed 34516
manufactured housing or manufactured housing broker, the 34517
licensed salesperson may make application to the division of 34518
real estate, in such form as the division prescribes, to have 34519
the salesperson's license reinstated, transferred, and 34520
registered as a salesperson for another dealer or broker. If the 34521
information contained in the application is satisfactory to the 34522
division of real estate, the division shall reinstate, transfer, 34523
or register the salesperson's license as a salesperson for the 34524
other dealer or broker. The division shall establish the fee for 34525
the reinstatement and transfer of license. No license issued to 34526
a dealer, broker, or salesperson under this chapter may be 34527
transferred to any other person. 34528

(C) Any person whose manufactured housing dealer's 34529
license, manufactured housing broker's license, or manufactured 34530
housing salesperson's license is revoked, suspended, denied, or 34531
not renewed may request an adjudication hearing on the matter 34532
within thirty days after receipt of the notice of the action. If 34533

no appeal is taken within thirty days after receipt of the 34534
order, the order is final and conclusive. All appeals must be by 34535
petition in writing and verified under oath by the applicant 34536
whose application for license has been revoked, suspended, 34537
denied, or not renewed and must set forth the reason for the 34538
appeal and the reason why, in the petitioner's opinion, the 34539
order is not correct. The hearing shall be held in accordance 34540
with Chapter 119. of the Revised Code. 34541

Sec. 4783.04. (A) An individual seeking a certificate to 34542
practice as a certified Ohio behavior analyst shall file with 34543
the state board of psychology a written application on a form 34544
prescribed and supplied by the board. To be eligible for a 34545
certificate, the individual shall do all of the following: 34546

(1) Demonstrate that the applicant ~~is of good moral~~ 34547
~~character and~~ conducts the applicant's professional activities 34548
in accordance with accepted professional and ethical standards; 34549

(2) Comply with sections 4776.01 to 4776.04 of the Revised 34550
Code; 34551

(3) Demonstrate an understanding of the law regarding 34552
behavioral health practice; 34553

(4) Demonstrate current certification as a board certified 34554
behavior analyst by the behavior analyst certification board or 34555
its successor organization or demonstrate completion of 34556
equivalent requirements and passage of a psychometrically valid 34557
examination administered by a nationally accredited 34558
credentialing organization; 34559

(5) Pay the fee established by the state board of 34560
psychology. 34561

(B) The state board of psychology shall review all 34562

applications received under this section. The state board of 34563
psychology shall not grant a certificate to an applicant for an 34564
initial certificate unless the applicant complies with sections 34565
4776.01 to 4776.04 of the Revised Code and the state board of 34566
psychology, in its discretion and in accordance with section 34567
9.79 of the Revised Code, decides that the results of the 34568
criminal records check do not make the applicant ineligible for 34569
a certificate issued pursuant to section 4783.09 of the Revised 34570
Code. If the state board of psychology determines that an 34571
applicant satisfies the requirements for a certificate to 34572
practice as a certified Ohio behavior analyst, the state board 34573
of psychology shall issue the applicant a certificate. 34574

Sec. 4783.09. (A) The state board of psychology may refuse 34575
to issue a certificate to any applicant, may issue a reprimand, 34576
or suspend or revoke the certificate of any certified Ohio 34577
behavior analyst, on any of the following grounds: 34578

(1) Conviction of a ~~felony, or of any offense involving~~ 34579
~~moral turpitude~~ disqualifying offense, as specified under 34580
section 9.79 of the Revised Code, in a court of this or any 34581
other state or in a federal court; 34582

(2) Using fraud or deceit in the procurement of the 34583
certificate to practice applied behavior analysis or knowingly 34584
assisting another in the procurement of such a certificate 34585
through fraud or deceit; 34586

(3) Accepting commissions or rebates or other forms of 34587
remuneration for referring persons to other professionals; 34588

(4) Willful, unauthorized communication of information 34589
received in professional confidence; 34590

(5) Being negligent in the practice of applied behavior 34591

analysis;	34592
(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;	34593 34594 34595 34596
(7) Violating any rule of professional conduct promulgated by the board;	34597 34598
(8) Practicing in an area of applied behavior analysis for which the person is clearly untrained or incompetent;	34599 34600
(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;	34601 34602 34603
(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;	34604 34605 34606 34607 34608 34609 34610
(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.	34611 34612 34613 34614 34615
(B) 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	34616 34617 34618 34619 34620

may require an examination prior to such issuance or 34621
restoration. 34622

(C) Notwithstanding divisions (A) (10) and (11) of this 34623
section, sanctions shall not be imposed against any certificate 34624
holder who waives deductibles and copayments: 34625

(1) In compliance with the health benefit plan that 34626
expressly allows such a practice. Waiver of the deductibles or 34627
copays shall be made only with the full knowledge and consent of 34628
the plan purchaser, payer, and third-party administrator. Such 34629
consent shall be made available to the board upon request. 34630

(2) For professional services rendered to any other person 34631
holding a certificate issued pursuant to this chapter to the 34632
extent allowed by this chapter and the rules of the board. 34633

(D) Except as provided in section 4783.10 of the Revised 34634
Code, before the board may deny, suspend, or revoke a 34635
certificate under this section, or otherwise discipline the 34636
holder of a certificate, written charges shall be filed with the 34637
board by the secretary and a hearing shall be had thereon in 34638
accordance with Chapter 119. of the Revised Code. 34639

Sec. 4973.17. (A) (1) Upon the application of any bank; 34640
savings and loan association; savings bank; credit union; or 34641
association of banks, savings and loan associations, savings 34642
banks, or credit unions in this state, the secretary of state 34643
may appoint and commission any persons that the bank; savings 34644
and loan association; savings bank; credit union; or association 34645
of banks, savings and loan associations, savings banks, or 34646
credit unions designates, or as many of those persons as the 34647
secretary of state considers proper, to act as police officers 34648
for and on the premises of that bank; savings and loan 34649

association; savings bank; credit union; or association of 34650
banks, savings and loan associations, savings banks, or credit 34651
unions; or elsewhere, when directly in the discharge of their 34652
duties. Police officers so appointed shall be citizens of this 34653
state ~~and of good character~~. Police officers so appointed who 34654
start to perform their duties on or after April 14, 2006, shall 34655
successfully complete a training program approved by the Ohio 34656
peace officer training commission described in section 109.71 of 34657
the Revised Code and be certified by the commission within six 34658
months after starting to perform their duties. Police officers 34659
so appointed shall hold office for three years, unless, for good 34660
cause shown, their commission is revoked by the secretary of 34661
state, or by the bank; savings and loan association; savings 34662
bank; credit union; or association of banks, savings and loan 34663
associations, savings banks, or credit unions, as provided by 34664
law. 34665

(2) Persons commissioned as police officers pursuant to 34666
division (A) of this section prior to April 14, 2006, who have 34667
not successfully completed a training program approved by the 34668
Ohio peace officer training commission, and who have not been 34669
certified by the commission, may be reappointed and re- 34670
commissioned by the secretary of state only during the person's 34671
continuous employment as a police officer by the institution for 34672
which the person was employed on April 14, 2006, or by a 34673
successor institution to the institution for which the person 34674
was employed on April 14, 2006. The secretary of state shall 34675
note on such appointments and commissions that the person is not 34676
a peace officer as defined in section 109.71 of the Revised 34677
Code. 34678

(3) For the exclusive purpose of assigning break in 34679
service update training as prescribed in rule 109:2-1-12 (D) of 34680

the Administrative Code, a police officer appointed under 34681
division (A) of this section, who began performing police 34682
officer duties on or before April 14, 2006, shall be credited as 34683
holding a valid peace officer appointment retroactive to the 34684
date on which the officer began performing these duties. 34685

(B) Upon the application of a company owning or using a 34686
railroad in this state and subject to section 4973.171 of the 34687
Revised Code, the secretary of state may appoint and commission 34688
any persons that the railroad company designates, or as many of 34689
those persons as the secretary of state considers proper, to act 34690
as police officers for and on the premises of the railroad 34691
company, its affiliates or subsidiaries, or elsewhere, when 34692
directly in the discharge of their duties. Police officers so 34693
appointed, within the time set by the Ohio peace officer 34694
training commission, shall successfully complete a commission 34695
approved training program and be certified by the commission. 34696
They shall hold office for three years, unless, for good cause 34697
shown, their commission is revoked by the secretary of state, or 34698
railroad company, as provided by law. 34699

Any person holding a similar commission in another state 34700
may be commissioned and may hold office in this state without 34701
completing the approved training program required by this 34702
division provided that the person has completed a substantially 34703
equivalent training program in the other state. The Ohio peace 34704
officer training commission shall determine whether a training 34705
program in another state meets the requirements of this 34706
division. 34707

(C) Upon the application of any company under contract 34708
with the United States atomic energy commission for the 34709
construction or operation of a plant at a site owned by the 34710

commission, the secretary of state may appoint and commission 34711
persons the company designates, not to exceed one hundred fifty, 34712
to act as police officers for the company at the plant or site 34713
owned by the commission. Police officers so appointed shall be 34714
citizens of this state ~~and of good character~~. They shall hold 34715
office for three years, unless, for good cause shown, their 34716
commission is revoked by the secretary of state or by the 34717
company, as provided by law. 34718

(D) (1) Upon the application of any hospital that is 34719
operated by a public hospital agency or a nonprofit hospital 34720
agency and that employs and maintains its own proprietary police 34721
department or security department and subject to section 34722
4973.171 of the Revised Code, the secretary of state may appoint 34723
and commission any persons that the hospital designates, or as 34724
many of those persons as the secretary of state considers 34725
proper, to act as police officers for the hospital. No person 34726
who is appointed as a police officer under this division shall 34727
engage in any duties or activities as a police officer for the 34728
hospital or any affiliate or subsidiary of the hospital unless 34729
all of the following apply: 34730

(a) The chief of police of the municipal corporation in 34731
which the hospital is located or, if the hospital is located in 34732
the unincorporated area of a county, the sheriff of that county 34733
has granted approval to the hospital to permit persons appointed 34734
as police officers under this division to engage in those duties 34735
and activities. The approval required by this division is 34736
general in nature and is intended to cover in the aggregate all 34737
persons appointed as police officers for the hospital under this 34738
division; a separate approval is not required for each appointee 34739
on an individual basis. 34740

(b) Subsequent to the grant of approval described in 34741
division (D) (1) (a) of this section, the hospital has entered 34742
into a written agreement with the chief of police of the 34743
municipal corporation in which the hospital is located or, if 34744
the hospital is located in the unincorporated area of a county, 34745
with the sheriff of that county, that sets forth the standards 34746
and criteria to govern the interaction and cooperation between 34747
persons appointed as police officers for the hospital under this 34748
division and law enforcement officers serving the agency 34749
represented by the chief of police or sheriff who signed the 34750
agreement in areas of their concurrent jurisdiction. The written 34751
agreement shall be signed by the appointing authority of the 34752
hospital and by the chief of police or sheriff. The standards 34753
and criteria may include, but are not limited to, provisions 34754
governing the reporting of offenses discovered by hospital 34755
police officers to the agency represented by the chief of police 34756
or sheriff, provisions governing investigatory responsibilities 34757
relative to offenses committed on hospital property, and 34758
provisions governing the processing and confinement of persons 34759
arrested for offenses committed on hospital property. The 34760
agreement required by this division is intended to apply in the 34761
aggregate to all persons appointed as police officers for the 34762
hospital under this division; a separate agreement is not 34763
required for each appointee on an individual basis. 34764

(c) The person has successfully completed a training 34765
program approved by the Ohio peace officer training commission 34766
and has been certified by the commission. A person appointed as 34767
a police officer under this division may attend a training 34768
program approved by the commission and be certified by the 34769
commission regardless of whether the appropriate chief of police 34770
or sheriff has granted the approval described in division (D) (1) 34771

(a) of this section and regardless of whether the hospital has entered into the written agreement described in division (D)(1)(b) of this section with the appropriate chief of police or sheriff.

(2) (a) A person who is appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division (D)(1)(a) of this section and upon the person's and the hospital's compliance with the requirements of divisions (D)(1)(b) and (c) of this section, to act as a police officer for the hospital on the premises of the hospital and of its affiliates and subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the written agreement described in division (D)(1)(b) of this section, whichever is applicable, and anywhere else within the territory of that municipal corporation or within the unincorporated area of that county. The authority to act as a police officer as described in this division is granted only if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the hospital. The authority to act as a police officer as described in this division shall be exercised in accordance with the standards and criteria set forth in the written agreement described in division (D)(1)(b) of this section.

(b) Additionally, a person appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division (D)(1)(a) of this section and upon the person's and the hospital's compliance with the requirements of divisions (D)(1)(b) and (c) of this section, to act as a police officer elsewhere, within the territory of a municipal corporation or within the unincorporated area of a

county, if the chief of police of that municipal corporation or 34803
the sheriff of that county, respectively, has granted approval 34804
for that activity to the hospital, police department, or 34805
security department served by the person as a police officer and 34806
if the person, when engaging in that activity, is directly in 34807
the discharge of the person's duties as a police officer for the 34808
hospital. The approval described in this division may be general 34809
in nature or may be limited in scope, duration, or 34810
applicability, as determined by the chief of police or sheriff 34811
granting the approval. 34812

(3) Police officers appointed under division (D) (1) of 34813
this section shall hold office for three years, unless, for good 34814
cause shown, their commission is revoked by the secretary of 34815
state or by the hospital, as provided by law. As used in 34816
divisions (D) (1) to (3) of this section, "public hospital 34817
agency" and "nonprofit hospital agency" have the same meanings 34818
as in section 140.01 of the Revised Code. 34819

(E) (1) Upon the application of any owner or operator of an 34820
amusement park that has an average yearly attendance in excess 34821
of six hundred thousand guests and that employs and maintains 34822
its own proprietary police department or security department and 34823
subject to section 4973.171 of the Revised Code, any judge of 34824
the municipal court or county court that has territorial 34825
jurisdiction over the amusement park may appoint and commission 34826
any persons that the owner or operator designates, or as many of 34827
those persons as the judge considers proper, to act as police 34828
officers for the amusement park. If the amusement park is 34829
located in more than one county, any judge of the municipal 34830
court or county court of any of those counties may make the 34831
appointments and commissions as described in this division. No 34832
person who is appointed as a police officer under this division 34833

shall engage in any duties or activities as a police officer for 34834
the amusement park or any affiliate or subsidiary of the owner 34835
or operator of the amusement park unless all of the following 34836
apply: 34837

(a) The appropriate chief or chiefs of police of the 34838
political subdivision or subdivisions in which the amusement 34839
park is located as specified in this division have granted 34840
approval to the owner or operator of the amusement park to 34841
permit persons appointed as police officers under this division 34842
to engage in those duties and activities. If the amusement park 34843
is located in a single municipal corporation or a single 34844
township, the chief of police of that municipal corporation or 34845
township is the appropriate chief of police for the grant of 34846
approval under this division. If the amusement park is located 34847
in two or more townships, two or more municipal corporations, or 34848
one or more townships and one or more municipal corporations, 34849
the chiefs of police of all of the affected townships and 34850
municipal corporations are the appropriate chiefs of police for 34851
the grant of approval under this division, and the approval must 34852
be jointly granted by all of those chiefs of police. The 34853
approval required by this division is general in nature and is 34854
intended to cover in the aggregate all persons appointed as 34855
police officers for the amusement park under this division. A 34856
separate approval is not required for each appointee on an 34857
individual basis. 34858

(b) Subsequent to the grant of approval described in 34859
division (E) (1) (a) of this section, the owner or operator has 34860
entered into a written agreement with the appropriate chief or 34861
chiefs of police of the political subdivision or subdivisions in 34862
which the amusement park is located as specified in this 34863
division and has provided the sheriff of the county in which the 34864

political subdivision or subdivisions are located with a copy of 34865
the agreement. If the amusement park is located in a single 34866
municipal corporation or a single township, the chief of police 34867
of that municipal corporation or township is the appropriate 34868
chief of police for entering into the written agreement under 34869
this division. If the amusement park is located in two or more 34870
townships, two or more municipal corporations, or one or more 34871
townships and one or more municipal corporations, the chiefs of 34872
police of all of the affected townships and municipal 34873
corporations are the appropriate chiefs of police for entering 34874
into the written agreement under this division, and the written 34875
agreement must be jointly entered into by all of those chiefs of 34876
police. The written agreement between the owner or operator and 34877
the chief or chiefs of police shall address the scope of 34878
activities, the duration of the agreement, and mutual aid 34879
arrangements and shall set forth the standards and criteria to 34880
govern the interaction and cooperation between persons appointed 34881
as police officers for the amusement park under this division 34882
and law enforcement officers serving the agency represented by 34883
the chief of police who signed the agreement. The written 34884
agreement shall be signed by the owner or operator and by the 34885
chief or chiefs of police who enter into it. The standards and 34886
criteria may include, but are not limited to, provisions 34887
governing the reporting of offenses discovered by the amusement 34888
park's police officers to the agency represented by the chief of 34889
police of the municipal corporation or township in which the 34890
offense occurred, provisions governing investigatory 34891
responsibilities relative to offenses committed on amusement 34892
park property, and provisions governing the processing and 34893
confinement of persons arrested for offenses committed on 34894
amusement park property. The agreement required by this division 34895
is intended to apply in the aggregate to all persons appointed 34896

as police officers for the amusement park under this division. A 34897
separate agreement is not required for each appointee on an 34898
individual basis. 34899

(c) The person has successfully completed a training 34900
program approved by the Ohio peace officer training commission 34901
and has been certified by the commission. A person appointed as 34902
a police officer under this division may attend a training 34903
program approved by the commission and be certified by the 34904
commission regardless of whether the appropriate chief of police 34905
has granted the approval described in division (E) (1) (a) of this 34906
section and regardless of whether the owner or operator of the 34907
amusement park has entered into the written agreement described 34908
in division (E) (1) (b) of this section with the appropriate chief 34909
of police. 34910

(2) (a) A person who is appointed as a police officer under 34911
division (E) (1) of this section is entitled, upon the grant of 34912
approval described in section (E) (1) (a) of this section and upon 34913
the person's and the owner or operator's compliance with the 34914
requirements of division (E) (1) (b) and (c) of this section, to 34915
act as a police officer for the amusement park and its 34916
affiliates and subsidiaries that are within the territory of the 34917
political subdivision or subdivisions served by the chief of 34918
police, or respective chiefs of police, who signed the written 34919
agreement described in division (E) (1) (b) of this section, and 34920
upon any contiguous real property of the amusement park that is 34921
covered by the written agreement, whether within or adjacent to 34922
the political subdivision or subdivisions. The authority to act 34923
as a police officer as described in this division is granted 34924
only if the person, when engaging in that activity, is directly 34925
in the discharge of the person's duties as a police officer for 34926
the amusement park. The authority to act as a police officer as 34927

described in this division shall be exercised in accordance with 34928
the standards and criteria set forth in the written agreement 34929
described in division (E) (1) (b) of this section. 34930

(b) In addition to the authority granted under division 34931
(E) (2) (a) of this section, a person appointed as a police 34932
officer under division (E) (1) of this section is entitled, upon 34933
the grant of approval described in division (E) (1) (a) of this 34934
section and upon the person's and the owner or operator's 34935
compliance with the requirements of divisions (E) (1) (b) and (c) 34936
of this section, to act as a police officer elsewhere within the 34937
territory of a municipal corporation or township if the chief of 34938
police of that municipal corporation or township has granted 34939
approval for that activity to the owner or operator served by 34940
the person as a police officer and if the person, when engaging 34941
in that activity, is directly in the discharge of the person's 34942
duties as a police officer for the amusement park. The approval 34943
described in this division may be general in nature or may be 34944
limited in scope, duration, or applicability, as determined by 34945
the chief of police granting the approval. 34946

(3) Police officers appointed under division (E) (1) of 34947
this section shall hold office for five years, unless, for good 34948
cause shown, their commission is revoked by the appointing judge 34949
or the judge's successor or by the owner or operator, as 34950
provided by law. 34951

(F) A fee of fifteen dollars for each commission applied 34952
for under this section shall be paid at the time the application 34953
is made, and this amount shall be returned if for any reason a 34954
commission is not issued. 34955

Sec. 4973.171. (A) As used in this section, ~~"felony" has~~ 34956
~~the same meaning as in~~ "disqualifying offense" means a 34957

disqualifying offense as specified under section 109.511-9.79 of 34958
the Revised Code with respect to a person who has been awarded a 34959
certificate attesting to the satisfactory completion of a peace 34960
officer basic training program under section 109.77 of the 34961
Revised Code. 34962

(B) (1) The secretary of state shall not appoint or 34963
commission a person as a police officer for a bank, savings and 34964
loan association, credit union, or association of banks, savings 34965
and loan associations, or credit unions under division (A) of 34966
section 4973.17 of the Revised Code; for a railroad company 34967
under division (B) of section 4973.17 of the Revised Code; or 34968
for a hospital under division (D) of section 4973.17 of the 34969
Revised Code on a permanent basis, on a temporary basis, for a 34970
probationary term, or on other than a permanent basis if the 34971
person previously has been convicted of ~~or has pleaded guilty to~~ 34972
~~a felony~~ a disqualifying offense. 34973

(2) (a) The secretary of state shall revoke the appointment 34974
or commission of a person appointed or commissioned as a police 34975
officer for a bank, savings and loan association, credit union, 34976
or association of banks, savings and loan associations, or 34977
credit unions; for a railroad company; or for a hospital under 34978
division (A), (B), or (D) of section 4973.17 of the Revised Code 34979
if that person does either of the following: 34980

(i) Pleads guilty to ~~a felony~~ disqualifying offense; 34981

(ii) Pleads guilty to ~~a misdemeanor~~ an offense other than 34982
a disqualifying offense pursuant to a negotiated plea agreement 34983
as provided in division (D) of section 2929.43 of the Revised 34984
Code in which the person agrees to surrender the certificate 34985
awarded to that person under section 109.77 of the Revised Code. 34986

(b) The secretary of state shall suspend the appointment 34987
or commission of a person appointed or commissioned as a police 34988
officer for a bank, savings and loan association, credit union, 34989
or association of banks, savings and loan associations, or 34990
credit unions; for a railroad company; or for a hospital under 34991
division (A), (B), or (D) of section 4973.17 of the Revised Code 34992
if that person is convicted, after trial, of a ~~felony~~ 34993
disqualifying offense. If the person files an appeal from that 34994
conviction and the conviction is upheld by the highest court to 34995
which the appeal is taken or if the person does not file a 34996
timely appeal, the secretary of state shall revoke the 34997
appointment or commission of that person as a police officer for 34998
a bank, savings and loan association, credit union, or 34999
association of banks, savings and loan associations, or credit 35000
unions; for a railroad company; or for a hospital. If the person 35001
files an appeal that results in that person's acquittal of the 35002
~~felony~~ disqualifying offense or conviction of a ~~misdemeanor~~ an 35003
offense other than a disqualifying offense, or in the dismissal 35004
of the ~~felony~~ charge of the disqualifying offense against that 35005
person, the secretary of state shall reinstate the appointment 35006
or commission of that person as a police officer for a bank, 35007
savings and loan association, credit union, or association of 35008
banks, savings and loan associations, or credit unions; for a 35009
railroad company; or for a hospital. A person whose appointment 35010
or commission is reinstated under division (B)(2)(b) of this 35011
section shall not receive any back pay unless that person's 35012
conviction of the ~~felony~~ disqualifying offense was reversed on 35013
appeal, or the ~~felony~~ charge of the disqualifying offense was 35014
dismissed, because the court found insufficient evidence to 35015
convict the person of the ~~felony~~ disqualifying offense. 35016

(3) Division (B) of this section does not apply regarding 35017

an offense that was committed prior to January 1, 1997. 35018

(4) The suspension or revocation of the appointment or 35019
commission of a person as a police officer for a bank, savings 35020
and loan association, credit union, or association of banks, 35021
savings and loan associations, or credit unions; for a railroad 35022
company; or for a hospital under division (B) (2) of this section 35023
shall be in accordance with Chapter 119. of the Revised Code. 35024

(C) (1) A judge of a municipal court or county court that 35025
has territorial jurisdiction over an amusement park shall not 35026
appoint or commission a person as a police officer for the 35027
amusement park under division (E) of section 4973.17 of the 35028
Revised Code on a permanent basis, on a temporary basis, for a 35029
probationary term, or on other than a permanent basis if the 35030
person previously has been convicted of ~~or has pleaded guilty to~~ 35031
a felony a disqualifying offense. 35032

(2) The judge shall revoke the appointment or commission 35033
of a person appointed or commissioned as a police officer for an 35034
amusement park under division (E) of section 4973.17 of the 35035
Revised Code if that person does either of the following: 35036

(a) Pleads guilty to ~~a felony~~ disqualifying offense; 35037

(b) Pleads guilty to ~~a misdemeanor an offense other than a~~ 35038
disqualifying offense pursuant to a negotiated plea agreement as 35039
provided in division (D) of section 2929.43 of the Revised Code 35040
in which the person agrees to surrender the certificate awarded 35041
to that person under section 109.77 of the Revised Code. 35042

(3) The judge shall suspend the appointment or commission 35043
of a person appointed or commissioned as a police officer for an 35044
amusement park under division (E) of section 4973.17 of the 35045
Revised Code if that person is convicted, after trial, of a 35046

~~felony disqualifying offense~~. If the person files an appeal from 35047
that conviction and that conviction is upheld by the highest 35048
court to which the appeal is taken or if the person does not 35049
file a timely appeal, the judge shall revoke the appointment or 35050
commission of that person as a police officer for an amusement 35051
park. If the person files an appeal that results in that 35052
person's acquittal of the ~~felony disqualifying offense~~ or 35053
conviction of a ~~misdemeanor~~ an offense other than a 35054
disqualifying offense or in the dismissal of the ~~felony~~ charge 35055
of the disqualifying offense against that person, the judge 35056
shall reinstate the appointment or commission of that person as 35057
a police officer for an amusement park. A person whose 35058
appointment or commission is reinstated under division (C) (3) of 35059
this section shall not receive any back pay unless that person's 35060
conviction of the ~~felony disqualifying offense~~ was reversed on 35061
appeal, or the ~~felony~~ charge of the disqualifying offense was 35062
dismissed, because the court found insufficient evidence to 35063
convict the person of a ~~felony disqualifying offense~~. 35064

(4) Division (C) of this section does not apply regarding 35065
an offense that was committed prior to January 1, 1997. 35066

(5) The suspension or revocation of the appointment or 35067
commission of a person as a police officer for an amusement park 35068
under division (C) (2) of this section shall be in accordance 35069
with Chapter 119. of the Revised Code. 35070

Sec. 5104.013. (A) (1) At the times specified in division 35071
(A) (3) of this section, the director of job and family services, 35072
as part of the process of licensure of child day-care centers, 35073
type A family day-care homes, and type B family day-care homes 35074
shall request the superintendent of the bureau of criminal 35075
identification and investigation to conduct a criminal records 35076

check with respect to the following persons: 35077

(a) Any owner, licensee, or administrator of a center; 35078

(b) Any owner, licensee, or administrator of a type A home 35079
or type B home and any person eighteen years of age or older who 35080
resides in a type A home or type B home. 35081

(2) At the time specified in division (A)(3) of this 35082
section, the director of a county department of job and family 35083
services, as part of the process of certification of in-home 35084
aides, shall request the superintendent of the bureau of 35085
criminal identification and investigation to conduct a criminal 35086
records check with respect to any in-home aide. 35087

(3) The director of job and family services shall request 35088
a criminal records check pursuant to division (A)(1) of this 35089
section at the time of the initial application for licensure and 35090
every five years thereafter. The director of a county department 35091
of job and family services shall request a criminal records 35092
check pursuant to division (A)(2) of this section at the time of 35093
the initial application for certification and every five years 35094
thereafter. When the director of job and family services or the 35095
director of a county department of job and family services 35096
requests pursuant to division (A)(1) or (2) of this section a 35097
criminal records check for a person at the time of the person's 35098
initial application for licensure or certification, the director 35099
shall request that the superintendent of the bureau of criminal 35100
identification and investigation obtain information from the 35101
federal bureau of investigation as a part of the criminal 35102
records check for the person, including fingerprint-based checks 35103
of national crime information databases as described in 42 35104
U.S.C. 671 for the person subject to the criminal records check. 35105
In all other cases in which the director of job and family 35106

services or the director of a county department of job and 35107
family services requests a criminal records check for an 35108
applicant pursuant to division (A) (1) or (2) of this section, 35109
the director may request that the superintendent include 35110
information from the federal bureau of investigation in the 35111
criminal records check, including fingerprint-based checks of 35112
national crime information databases as described in 42 U.S.C. 35113
671. 35114

(4) The director of job and family services shall review 35115
the results of a criminal records check subsequent to a request 35116
made pursuant to divisions (A) (1) and (3) of this section prior 35117
to approval of a license. The director of a county department of 35118
job and family services shall review the results of a criminal 35119
records check subsequent to a request made pursuant to divisions 35120
(A) (2) and (3) of this section prior to approval of 35121
certification. 35122

(B) The director of job and family services or the 35123
director of a county department of job and family services shall 35124
provide to each person for whom a criminal records check is 35125
required under this section a copy of the form prescribed 35126
pursuant to division (C) (1) of section 109.572 of the Revised 35127
Code and a standard impression sheet to obtain fingerprint 35128
impressions prescribed pursuant to division (C) (2) of that 35129
section, obtain the completed form and impression sheet from 35130
that person, and forward the completed form and impression sheet 35131
to the superintendent of the bureau of criminal identification 35132
and investigation. 35133

(C) A person who receives pursuant to division (B) of this 35134
section a copy of the form and standard impression sheet 35135
described in that division and who is requested to complete the 35136

form and provide a set of fingerprint impressions shall complete 35137
the form or provide all the information necessary to complete 35138
the form and shall provide the impression sheet with the 35139
impressions of the person's fingerprints. If the person, upon 35140
request, fails to provide the information necessary to complete 35141
the form or fails to provide impressions of the person's 35142
fingerprints, the director may consider the failure as a reason 35143
to deny licensure or certification. 35144

(D) Except as provided in rules adopted under division (N) 35145
of this section: 35146

(1) The director of job and family services shall not 35147
grant a license to a center, type A home, or type B home and a 35148
county director of job and family services shall not certify an 35149
in-home aide if a person for whom a criminal records check was 35150
required in connection with the center or home previously has 35151
been convicted of ~~or pleaded guilty to any of the violations~~ 35152
~~described in division (A) (5) of a disqualifying offense, as~~ 35153
specified under section 109.572-9.79 of the Revised Code. 35154

(2) The director of job and family services shall not 35155
grant a license to a type A home or type B home if a resident of 35156
the type A home or type B home is under eighteen years of age 35157
and has been adjudicated a delinquent child for committing a 35158
~~violation of any section listed in division (A) (5) of~~ 35159
disqualifying offense, as specified under section 109.572-9.79 35160
of the Revised Code. 35161

(E) Each center, type A home, and type B home shall pay to 35162
the bureau of criminal identification and investigation the fee 35163
prescribed pursuant to division (C) (3) of section 109.572 of the 35164
Revised Code for each criminal records check conducted in 35165
accordance with that section upon a request made pursuant to 35166

division (A) of this section. 35167

(F) (1) At the times specified in division (F) (2) of this 35168
section, the administrator of a center, type A home or licensed 35169
type B home shall request the superintendent of the bureau of 35170
criminal identification and investigation to conduct a criminal 35171
records check with respect to any applicant who has applied to 35172
the center, type A home, or licensed type B home for employment. 35173

(2) The administrator shall request a criminal records 35174
check pursuant to division (F) (1) of this section at the time of 35175
the applicant's initial application for employment and every 35176
five years thereafter. When the administrator requests pursuant 35177
to division (F) (1) of this section a criminal records check for 35178
an applicant at the time of the applicant's initial application 35179
for employment, the administrator shall request that the 35180
superintendent obtain information from the federal bureau of 35181
investigation as a part of the criminal records check for the 35182
applicant, including fingerprint-based checks of national crime 35183
information databases as described in 42 U.S.C. 671, for the 35184
person subject to the criminal records check. In all other cases 35185
in which the administrator requests a criminal records check for 35186
an applicant pursuant to division (F) (1) of this section, the 35187
administrator may request that the superintendent include 35188
information from the federal bureau of investigation in the 35189
criminal records check, including fingerprint-based checks of 35190
national crime information databases as described in 42 U.S.C. 35191
671. 35192

(G) Any person required by division (F) of this section to 35193
request a criminal records check shall inform each person, at 35194
the time of the person's initial application for employment, 35195
that the person is required to provide a set of impressions of 35196

the person's fingerprints and that a criminal records check is 35197
required to be conducted and satisfactorily completed in 35198
accordance with section 109.572 of the Revised Code if the 35199
person comes under final consideration for appointment or 35200
employment as a precondition to employment for that position. 35201

(H) A person required by division (F) of this section to 35202
request a criminal records check shall provide to each applicant 35203
a copy of the form prescribed pursuant to division (C) (1) of 35204
section 109.572 of the Revised Code, provide to each applicant a 35205
standard impression sheet to obtain fingerprint impressions 35206
prescribed pursuant to division (C) (2) of section 109.572 of the 35207
Revised Code, obtain the completed form and impression sheet 35208
from each applicant, and forward the completed form and 35209
impression sheet to the superintendent of the bureau of criminal 35210
identification and investigation at the time the person requests 35211
a criminal records check pursuant to division (F) of this 35212
section. 35213

(I) An applicant who receives pursuant to division (H) of 35214
this section a copy of the form prescribed pursuant to division 35215
(C) (1) of section 109.572 of the Revised Code and a copy of an 35216
impression sheet prescribed pursuant to division (C) (2) of that 35217
section and who is requested to complete the form and provide a 35218
set of fingerprint impressions shall complete the form or 35219
provide all the information necessary to complete the form and 35220
shall provide the impression sheet with the impressions of the 35221
applicant's fingerprints. If an applicant, upon request, fails 35222
to provide the information necessary to complete the form or 35223
fails to provide impressions of the applicant's fingerprints, 35224
the center or type A home shall not employ that applicant for 35225
any position for which a criminal records check is required by 35226
division (F) of this section. 35227

(J) (1) Except as provided in rules adopted under division 35228
(N) of this section, no center, type A home, or licensed type B 35229
home shall employ or contract with another entity for the 35230
services of a person if the person previously has been convicted 35231
of or pleaded guilty to any of the violations described in 35232
division (A) (5) of section 109.572 of the Revised Code. 35233

(2) A center, type A home, or licensed type B home may 35234
employ an applicant conditionally until the criminal records 35235
check required by this section is completed and the center or 35236
home receives the results of the criminal records check. If the 35237
results of the criminal records check indicate that, pursuant to 35238
division (J) (1) of this section, the applicant does not qualify 35239
for employment, the center, type A home, or licensed type B home 35240
shall release the applicant from employment. 35241

(3) The administrator of a center, type A home, or 35242
licensed type B home shall review the results of the criminal 35243
records check before an applicant has sole responsibility for 35244
the care, custody, or control of any child. 35245

(K) (1) Each center, type A home, and licensed type B home 35246
shall pay to the bureau of criminal identification and 35247
investigation the fee prescribed pursuant to division (C) (3) of 35248
section 109.572 of the Revised Code for each criminal records 35249
check conducted in accordance with that section upon the request 35250
pursuant to division (F) of this section of the administrator of 35251
the center, type A home, or licensed type B home. 35252

(2) A center, type A home, or licensed type B home may 35253
charge an applicant a fee for the costs it incurs in obtaining a 35254
criminal records check under this section. A fee charged under 35255
this division shall not exceed the amount of fees the center, 35256
type A home, or licensed type B home pays under division (K) (1) 35257

of this section. If a fee is charged under this division, the 35258
center, type A home, or licensed type B home shall notify the 35259
applicant at the time of the applicant's initial application for 35260
employment of the amount of the fee and that, unless the fee is 35261
paid, the center, type A home, or licensed type B home will not 35262
consider the applicant for employment. 35263

(L) The report of any criminal records check conducted by 35264
the bureau of criminal identification and investigation in 35265
accordance with section 109.572 of the Revised Code and pursuant 35266
to a request made under division (A) or (F) of this section is 35267
not a public record for the purposes of section 149.43 of the 35268
Revised Code and shall not be made available to any person other 35269
than the person who is the subject of the criminal records check 35270
or the person's representative, the director of job and family 35271
services, the director of a county department of job and family 35272
services, the center, type A home, or type B home involved, and 35273
any court, hearing officer, or other necessary individual 35274
involved in a case dealing with a denial of licensure or 35275
certification related to the criminal records check. 35276

(M) (1) Each of the following persons shall sign a 35277
statement on forms prescribed by the director of job and family 35278
services attesting to the fact that the person has not been 35279
convicted of ~~or pleaded guilty to any a disqualifying offense~~ 35280
~~set forth~~, as specified under section 9.79 or in division (A) 35281
(5) of section 109.572 of the Revised Code, as applicable, and 35282
that no child has been removed from the person's home pursuant 35283
to section 2151.353 of the Revised Code: 35284

(a) An employee of a center, type A home, or licensed type 35285
B home; 35286

(b) A person eighteen years of age or older who resides in 35287

a type A home or licensed type B home;	35288
(c) An in-home aide;	35289
(d) An owner, licensee, or administrator of a center, type A home, or licensed type B home.	35290 35291
(2) Each licensee of a type A home or type B home shall sign a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of <u>disqualifying offense, as specified under section 109.572-9.79</u> of the Revised Code.	35292 35293 35294 35295 35296 35297 35298 35299
(3) The statements required under divisions (M)(1) and (2) of this section shall be kept on file as follows:	35300 35301
(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;	35302 35303 35304 35305 35306
(b) With respect to in-home aides, at the county department of job and family services.	35307 35308
(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.	35309 35310 35311 35312 35313 35314
(N) The director of job and family services shall adopt	35315

rules in accordance with Chapter 119. of the Revised Code to 35316
implement this section, including rules specifying exceptions to 35317
the prohibitions in divisions (D) and (J) of this section for 35318
persons who have been convicted of ~~an~~a disqualifying offense, 35319
as specified under section 9.79 or listed in division (A) (5) of 35320
section 109.572 of the Revised Code, respectively, but who meet 35321
standards in regard to rehabilitation set by the director. 35322

(0) As used in this section: 35323

(1) "Applicant" means a person who is under final 35324
consideration for appointment to or employment in a position 35325
with a center, a type A home, or licensed type B home or any 35326
person who would serve in any position with a center, type A 35327
home, or licensed type B home pursuant to a contract with 35328
another entity. 35329

(2) "Criminal records check" has the same meaning as in 35330
section 109.572 of the Revised Code. 35331

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 35332
Revised Code shall be punished as follows: 35333

(1) For each offense, the offender shall be fined not less 35334
than one hundred dollars nor more than five hundred dollars 35335
multiplied by the number of children receiving child care at the 35336
child day-care center or type A family day-care home that either 35337
exceeds the number of children to which a type B family day-care 35338
home may provide child care or, if the offender is a licensed 35339
type A family day-care home that is operating as a child day- 35340
care center without being licensed as a center, exceeds the 35341
license capacity of the type A home. 35342

(2) In addition to the fine specified in division (A) (1) 35343
of this section, all of the following apply: 35344

(a) Except as provided in divisions (A) (2) (b), (c), and 35345
(d) of this section, the court shall order the offender to 35346
reduce the number of children to which it provides child care to 35347
a number that does not exceed either the number of children to 35348
which a type B family day-care home may provide child care or, 35349
if the offender is a licensed type A family day-care home that 35350
is operating as a child day-care center without being licensed 35351
as a center, the license capacity of the type A home. 35352

(b) If the offender previously has been convicted of or 35353
pleaded guilty to one violation of section 5104.02 of the 35354
Revised Code, the court shall order the offender to cease the 35355
provision of child care to any person until it obtains a child 35356
day-care center license or a type A family day-care home 35357
license, as appropriate, under section 5104.03 of the Revised 35358
Code. 35359

(c) If the offender previously has been convicted of or 35360
pleaded guilty to two violations of section 5104.02 of the 35361
Revised Code, the offender is guilty of a misdemeanor of the 35362
first degree, and the court shall order the offender to cease 35363
the provision of child care to any person until it obtains a 35364
child day-care center license or a type A family day-care home 35365
license, as appropriate, under section 5104.03 of the Revised 35366
Code. The court shall impose the fine specified in division (A) 35367
(1) of this section and may impose an additional fine provided 35368
that the total amount of the fines so imposed does not exceed 35369
the maximum fine authorized for a misdemeanor of the first 35370
degree under section 2929.28 of the Revised Code. 35371

(d) If the offender previously has been convicted of or 35372
pleaded guilty to three or more violations of section 5104.02 of 35373
the Revised Code, the offender is guilty of a felony of the 35374

fifth degree, and the court shall order the offender to cease 35375
the provision of child care to any person until it obtains a 35376
child day-care center license or a type A family day-care home 35377
license, as appropriate, under section 5104.03 of the Revised 35378
Code. The court shall impose the fine specified in division (A) 35379
(1) of this section and may impose an additional fine provided 35380
that the total amount of the fines so imposed does not exceed 35381
the maximum fine authorized for a felony of the fifth degree 35382
under section 2929.18 of the Revised Code. 35383

(B) Whoever violates division (M) (4) of section 5104.013 35384
of the Revised Code is guilty of a misdemeanor of the first 35385
degree. ~~If the offender is a licensee of a center, type A home,~~ 35386
~~or licensed type B home, the conviction shall constitute grounds~~ 35387
~~for denial or revocation of an application for licensure~~ 35388
~~pursuant to section 5104.04 of the Revised Code.~~ Except as 35389
otherwise provided in this division, the offense established 35390
under division (M) (4) of section 5104.013 of the Revised Code is 35391
a strict liability offense, and section 2901.20 of the Revised 35392
Code does not apply. ~~If the offender is a person eighteen years~~ 35393
~~of age or older residing in a type A home or licensed type B~~ 35394
~~home or is an employee of a center, type A home, or licensed~~ 35395
~~type B home and if the licensee had knowledge of, and acquiesced~~ 35396
~~in, the commission of the offense, the conviction shall~~ 35397
~~constitute grounds for denial or revocation of an application~~ 35398
~~for licensure pursuant to section 5104.04 of the Revised Code.~~ 35399

(C) Whoever violates section 5104.09 of the Revised Code 35400
is guilty of a misdemeanor of the third degree. 35401

Sec. 5119.08. (A) As used in this section, ~~"felony" has~~ 35402
~~the same meaning as in~~ "disqualifying offense" means a 35403
disqualifying offense as specified under section 109.511-9.79 of 35404

the Revised Code with respect to a person who has been awarded a 35405
certificate attesting to the satisfactory completion of a peace 35406
officer basic training program under section 109.77 of the 35407
Revised Code. 35408

(B) (1) Subject to division (C) of this section, upon the 35409
recommendation of the director of mental health and addiction 35410
services, the managing officer of an institution under the 35411
jurisdiction of the department of mental health and addiction 35412
services may designate one or more employees to be special 35413
police officers of the department. The special police officers 35414
shall take an oath of office, wear the badge of office, and give 35415
bond for the proper and faithful discharge of their duties in an 35416
amount that the director requires. 35417

(2) In accordance with section 109.77 of the Revised Code, 35418
the special police officers shall be required to complete 35419
successfully a peace officer basic training program approved by 35420
the Ohio peace officer training commission and to be certified 35421
by the commission. The cost of the training shall be paid by the 35422
department of mental health and addiction services. 35423

(3) Special police officers, on the premises of 35424
institutions under the jurisdiction of the department of mental 35425
health and addiction services and subject to the rules of the 35426
department, shall protect the property of the institutions and 35427
the persons and property of patients in the institutions, 35428
suppress riots, disturbances, and breaches of the peace, and 35429
enforce the laws of the state and the rules of the department 35430
for the preservation of good order. They may arrest any person 35431
without a warrant and detain the person until a warrant can be 35432
obtained under the circumstances described in division (F) of 35433
section 2935.03 of the Revised Code. 35434

(C) (1) The managing officer of an institution under the jurisdiction of the department of mental health and addiction services shall not designate an employee as a special police officer of the department pursuant to division (B) (1) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the employee previously has been convicted of ~~or has pleaded guilty to a felony~~ disqualifying offense. 35435
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(2) (a) The managing officer of an institution under the jurisdiction of the department of mental health and addiction services shall terminate the employment as a special police officer of the department of an employee designated as a special police officer under division (B) (1) of this section if that employee does either of the following: 35443
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(i) Pleads guilty to ~~a felony~~ disqualifying offense; 35449

(ii) Pleads guilty to an offense other than a misdemeanor ~~disqualifying offense~~ pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the employee agrees to surrender the certificate awarded to that employee under section 109.77 of the Revised Code. 35450
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(b) The managing officer shall suspend from employment as a special police officer of the department an employee designated as a special police officer under division (B) (1) of this section if that employee is convicted, after trial, of a ~~felony~~ disqualifying offense. If the special police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the special police officer does not file a timely appeal, the managing officer shall terminate the employment of that special 35456
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police officer. If the special police officer files an appeal 35465
that results in that special police officer's acquittal of the 35466
~~felony disqualifying offense~~ or conviction of an offense other 35467
than a misdemeanor disqualifying offense, or in the dismissal of 35468
the ~~felony charge of the disqualifying offense~~ against that 35469
special police officer, the managing officer shall reinstate 35470
that special police officer. A special police officer of the 35471
department who is reinstated under division (C) (2) (b) of this 35472
section shall not receive any back pay unless that special 35473
police officer's conviction of the ~~felony disqualifying offense~~ 35474
was reversed on appeal, or the ~~felony charge of the~~ 35475
disqualifying offense was dismissed, because the court found 35476
insufficient evidence to convict the special police officer of 35477
the ~~felony disqualifying offense~~. 35478

(3) Division (C) of this section does not apply regarding 35479
an offense that was committed prior to January 1, 1997. 35480

(4) The suspension from employment, or the termination of 35481
the employment, of a special police officer under division (C) 35482
(2) of this section shall be in accordance with applicable 35483
collective bargaining agreements. 35484

Sec. 5120.55. (A) As used in this section, "licensed 35485
health professional" means any or all of the following: 35486

(1) A dentist who holds a current, valid license issued 35487
under Chapter 4715. of the Revised Code to practice dentistry; 35488

(2) A licensed practical nurse who holds a current, valid 35489
license issued under Chapter 4723. of the Revised Code that 35490
authorizes the practice of nursing as a licensed practical 35491
nurse; 35492

(3) An optometrist who holds a current, valid certificate 35493

of licensure issued under Chapter 4725. of the Revised Code that 35494
authorizes the holder to engage in the practice of optometry; 35495

(4) A physician who is authorized under Chapter 4731. of 35496
the Revised Code to practice medicine and surgery, osteopathic 35497
medicine and surgery, or podiatric medicine and surgery; 35498

(5) A psychologist who holds a current, valid license 35499
issued under Chapter 4732. of the Revised Code that authorizes 35500
the practice of psychology as a licensed psychologist; 35501

(6) A registered nurse who holds a current, valid license 35502
issued under Chapter 4723. of the Revised Code that authorizes 35503
the practice of nursing as a registered nurse, including such a 35504
nurse who is also licensed to practice as an advanced practice 35505
registered nurse as defined in section 4723.01 of the Revised 35506
Code. 35507

(B) (1) The department of rehabilitation and correction may 35508
establish a recruitment program under which the department, by 35509
means of a contract entered into under division (C) of this 35510
section, agrees to repay all or part of the principal and 35511
interest of a government or other educational loan incurred by a 35512
licensed health professional who agrees to provide services to 35513
inmates of correctional institutions under the department's 35514
administration. 35515

(2) (a) For a physician to be eligible to participate in 35516
the program, the physician must have attended a school that was, 35517
during the time of attendance, a medical school or osteopathic 35518
medical school in this country accredited by the liaison 35519
committee on medical education or the American osteopathic 35520
association, a college of podiatry in this country in good 35521
standing with the state medical board, or a medical school, 35522

osteopathic medical school, or college of podiatry located 35523
outside this country that was acknowledged by the world health 35524
organization and verified by a member state of that organization 35525
as operating within that state's jurisdiction. 35526

(b) For a nurse to be eligible to participate in the 35527
program, the nurse must have attended a school that was, during 35528
the time of attendance, a nursing school in this country 35529
accredited by the commission on collegiate nursing education or 35530
the national league for nursing accrediting commission or a 35531
nursing school located outside this country that was 35532
acknowledged by the world health organization and verified by a 35533
member state of that organization as operating within that 35534
state's jurisdiction. 35535

(c) For a dentist to be eligible to participate in the 35536
program, the dentist must have attended a school that was, 35537
during the time of attendance, a dental college that enabled the 35538
dentist to meet the requirements specified in section 4715.10 of 35539
the Revised Code to be granted a license to practice dentistry. 35540

(d) For an optometrist to be eligible to participate in 35541
the program, the optometrist must have attended a school of 35542
optometry that was, during the time of attendance, approved by 35543
the state vision professionals board. 35544

(e) For a psychologist to be eligible to participate in 35545
the program, the psychologist must have attended an educational 35546
institution that, during the time of attendance, maintained a 35547
specific degree program recognized by the state board of 35548
psychology as acceptable for fulfilling the requirement of 35549
division (B) ~~(3)~~ (2) of section 4732.10 of the Revised Code. 35550

(C) The department shall enter into a contract with each 35551

licensed health professional it recruits under this section. 35552
Each contract shall include at least the following terms: 35553

(1) The licensed health professional agrees to provide a 35554
specified scope of medical, osteopathic medical, podiatric, 35555
optometric, psychological, nursing, or dental services to 35556
inmates of one or more specified state correctional institutions 35557
for a specified number of hours per week for a specified number 35558
of years. 35559

(2) The department agrees to repay all or a specified 35560
portion of the principal and interest of a government or other 35561
educational loan taken by the licensed health professional for 35562
the following expenses to attend, for up to a maximum of four 35563
years, a school that qualifies the licensed health professional 35564
to participate in the program: 35565

(a) Tuition; 35566

(b) Other educational expenses for specific purposes, 35567
including fees, books, and laboratory expenses, in amounts 35568
determined to be reasonable in accordance with rules adopted 35569
under division (D) of this section; 35570

(c) Room and board, in an amount determined to be 35571
reasonable in accordance with rules adopted under division (D) 35572
of this section. 35573

(3) The licensed health professional agrees to pay the 35574
department a specified amount, which shall be no less than the 35575
amount already paid by the department pursuant to its agreement, 35576
as damages if the licensed health professional fails to complete 35577
the service obligation agreed to or fails to comply with other 35578
specified terms of the contract. The contract may vary the 35579
amount of damages based on the portion of the service obligation 35580

that remains uncompleted. 35581

(4) Other terms agreed upon by the parties. 35582

The licensed health professional's lending institution or 35583
the department of higher education may be a party to the 35584
contract. The contract may include an assignment to the 35585
department of rehabilitation and correction of the licensed 35586
health professional's duty to repay the principal and interest 35587
of the loan. 35588

(D) If the department of rehabilitation and correction 35589
elects to implement the recruitment program, it shall adopt 35590
rules in accordance with Chapter 119. of the Revised Code that 35591
establish all of the following: 35592

(1) Criteria for designating institutions for which 35593
licensed health professionals will be recruited; 35594

(2) Criteria for selecting licensed health professionals 35595
for participation in the program; 35596

(3) Criteria for determining the portion of a loan which 35597
the department will agree to repay; 35598

(4) Criteria for determining reasonable amounts of the 35599
expenses described in divisions (C) (2) (b) and (c) of this 35600
section; 35601

(5) Procedures for monitoring compliance by a licensed 35602
health professional with the terms of the contract the licensed 35603
health professional enters into under this section; 35604

(6) Any other criteria or procedures necessary to 35605
implement the program. 35606

Sec. 5123.13. (A) As used in this section, "~~felony~~" has 35607

~~the same meaning as in "disqualifying offense" means a~~ 35608
disqualifying offense as specified under section 109.511-9.79 of 35609
the Revised Code with respect to a person who has been awarded a 35610
certificate attesting to the satisfactory completion of a peace 35611
officer basic training program under section 109.77 of the 35612
Revised Code. 35613

(B) (1) Subject to division (C) of this section, upon the 35614
recommendation of the director of developmental disabilities, 35615
the managing officer of an institution under the jurisdiction of 35616
the department of developmental disabilities may designate one 35617
or more employees to be special police officers of the 35618
department. The special police officers shall take an oath of 35619
office, wear the badge of office, and give bond for the proper 35620
and faithful discharge of their duties in an amount that the 35621
director requires. 35622

(2) In accordance with section 109.77 of the Revised Code, 35623
the special police officers shall be required to complete 35624
successfully a peace officer basic training program approved by 35625
the Ohio peace officer training commission and to be certified 35626
by the commission. The cost of the training shall be paid by the 35627
department of developmental disabilities. 35628

(3) Special police officers, on the premises of 35629
institutions under the jurisdiction of the department of 35630
developmental disabilities and subject to the rules of the 35631
department, shall protect the property of the institutions and 35632
the persons and property of patients in the institutions, 35633
suppress riots, disturbances, and breaches of the peace, and 35634
enforce the laws of the state and the rules of the department 35635
for the preservation of good order. They may arrest any person 35636
without a warrant and detain the person until a warrant can be 35637

obtained under the circumstances described in division (F) of 35638
section 2935.03 of the Revised Code. 35639

(C) (1) The managing officer of an institution under the 35640
jurisdiction of the department of developmental disabilities 35641
shall not designate an employee as a special police officer of 35642
the department pursuant to division (B) (1) of this section on a 35643
permanent basis, on a temporary basis, for a probationary term, 35644
or on other than a permanent basis if the employee previously 35645
has been convicted of ~~or has pleaded guilty to a felony a~~ 35646
disqualifying offense. 35647

(2) (a) The managing officer of an institution under the 35648
jurisdiction of the department of developmental disabilities 35649
shall terminate the employment as a special police officer of 35650
the department of an employee designated as a special police 35651
officer under division (B) (1) of this section if that employee 35652
does either of the following: 35653

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 35654

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 35655
a disqualifying offense pursuant to a negotiated plea agreement 35656
as provided in division (D) of section 2929.43 of the Revised 35657
Code in which the employee agrees to surrender the certificate 35658
awarded to that employee under section 109.77 of the Revised 35659
Code. 35660

(b) The managing officer shall suspend from employment as 35661
a special police officer of the department an employee 35662
designated as a special police officer under division (B) (1) of 35663
this section if that employee is convicted, after trial, of a 35664
~~felony~~ disqualifying offense. If the special police officer 35665
files an appeal from that conviction and the conviction is 35666

upheld by the highest court to which the appeal is taken or if 35667
the special police officer does not file a timely appeal, the 35668
managing officer shall terminate the employment of that special 35669
police officer. If the special police officer files an appeal 35670
that results in that special police officer's acquittal of the 35671
~~felony disqualifying offense~~ or conviction of ~~a misdemeanor~~ an 35672
offense other than a disqualifying offense, or in the dismissal 35673
of the ~~felony charge of the disqualifying offense~~ against that 35674
special police officer, the managing officer shall reinstate 35675
that special police officer. A special police officer of the 35676
department who is reinstated under division (C) (2) (b) of this 35677
section shall not receive any back pay unless that special 35678
police officer's conviction of the ~~felony disqualifying offense~~ 35679
was reversed on appeal, or the ~~felony charge of the~~ 35680
disqualifying offense was dismissed, because the court found 35681
insufficient evidence to convict the special police officer of 35682
the ~~felony disqualifying offense~~. 35683

(3) Division (C) of this section does not apply regarding 35684
an offense that was committed prior to January 1, 1997. 35685

(4) The suspension from employment, or the termination of 35686
the employment, of a special police officer under division (C) 35687
(2) of this section shall be in accordance with Chapter 119. of 35688
the Revised Code. 35689

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.1611 35690
of the Revised Code: 35691

(1) "Applicant" means any of the following: 35692

(a) The chief executive officer of a business that applies 35693
under section 5123.161 of the Revised Code for a certificate to 35694
provide supported living; 35695

- (b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code; 35696
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- (c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider; 35699
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- (d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code. 35702
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- (2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider. 35705
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- (3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 35708
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- ~~(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (c) of section 109.572 of the Revised Code.~~ 35710
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- ~~(5)~~ "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living. 35713
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- ~~(6)~~ (5) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A) ~~(8)~~ (7) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living. 35717
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- ~~(7)~~ (6) "Minor drug possession offense" has the same 35723

meaning as in section 2925.01 of the Revised Code.	35724
(8) <u>(7)</u> "Related party" means any of the following:	35725
(a) In the case of a provider who is an individual, any of the following:	35726
	35727
(i) The spouse of the provider;	35728
(ii) A parent or stepparent of the provider or provider's spouse;	35729
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(iii) A child of the provider or provider's spouse;	35731
(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;	35732
	35733
(v) A grandparent of the provider or provider's spouse;	35734
(vi) A grandchild of the provider or provider's spouse.	35735
(b) In the case of a provider that is a person other than an individual, any of the following:	35736
	35737
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;	35738
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(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	35746
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(iii) A member of the provider's board of directors or trustees;	35749
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- (iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest; 35751
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- (v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A) ~~(8)~~ (7) (b) (i) to (iv) of this section; 35754
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- (vi) A person over which the provider has control of the day-to-day operation; 35758
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- (vii) A corporation that has a subsidiary relationship with the provider. 35760
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- (c) In the case of a provider that is a government entity, any of the following: 35762
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- (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement; 35764
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- (ii) An officer of the provider; 35770
- (iii) A member of the provider's governing board; 35771
- (iv) A person or government entity over which the provider has control of the day-to-day operation. 35772
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- (B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities. 35774
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- (C) A county board of developmental disabilities may 35777

provide supported living only to the extent permitted by rules 35778
adopted under section 5123.1611 of the Revised Code. 35779

Sec. 5123.169. (A) The director of developmental 35780
disabilities shall not issue a supported living certificate to 35781
an applicant or renew an applicant's supported living 35782
certificate if either of the following applies: 35783

(1) The applicant fails to comply with division (C) (2) of 35784
this section; 35785

(2) Except as provided in rules adopted under section 35786
5123.1611 of the Revised Code, the applicant is found by a 35787
criminal records check required by this section to have been 35788
convicted of, ~~pleaded guilty to, or been found eligible for~~ 35789
~~intervention in lieu of conviction for~~ a disqualifying offense, 35790
as specified under section 9.79 of the Revised Code. 35791

(B) Before issuing a supported living certificate to an 35792
applicant or renewing an applicant's supported living 35793
certificate, the director shall require the applicant to submit 35794
a statement with the applicant's signature attesting that the 35795
applicant has not been convicted of, ~~pleaded guilty to, or been~~ 35796
~~found eligible for intervention in lieu of conviction for~~ a 35797
disqualifying offense, as specified under section 9.79 of the 35798
Revised Code. The director also shall require the applicant to 35799
sign an agreement under which the applicant agrees to notify the 35800
director within fourteen calendar days if, while holding a 35801
supported living certificate, the applicant ~~is formally charged~~ 35802
~~with, is convicted of, pleads guilty to, or is found eligible~~ 35803
~~for intervention in lieu of conviction for~~ a disqualifying 35804
offense. The agreement shall provide that the applicant's 35805
failure to provide the notification may result in action being 35806
taken by the director against the applicant under section 35807

5123.166 of the Revised Code. 35808

(C) (1) As a condition of receiving a supported living 35809
certificate or having a supported living certificate renewed, an 35810
applicant shall request the superintendent of the bureau of 35811
criminal identification and investigation to conduct a criminal 35812
records check of the applicant. If an applicant does not present 35813
proof to the director that the applicant has been a resident of 35814
this state for the five-year period immediately prior to the 35815
date that the applicant applies for issuance or renewal of the 35816
supported living certificate, the director shall require the 35817
applicant to request that the superintendent obtain information 35818
from the federal bureau of investigation as a part of the 35819
criminal records check. If the applicant presents proof to the 35820
director that the applicant has been a resident of this state 35821
for that five-year period, the director may require the 35822
applicant to request that the superintendent include information 35823
from the federal bureau of investigation in the criminal records 35824
check. For purposes of this division, an applicant may provide 35825
proof of residency in this state by presenting, with a notarized 35826
statement asserting that the applicant has been a resident of 35827
this state for that five-year period, a valid driver's license, 35828
notification of registration as an elector, a copy of an 35829
officially filed federal or state tax form identifying the 35830
applicant's permanent residence, or any other document the 35831
director considers acceptable. 35832

(2) Each applicant shall do all of the following: 35833

(a) Obtain a copy of the form prescribed pursuant to 35834
division (C) (1) of section 109.572 of the Revised Code and a 35835
standard impression sheet prescribed pursuant to division (C) (2) 35836
of section 109.572 of the Revised Code; 35837

- (b) Complete the form and provide the applicant's fingerprint impressions on the standard impression sheet; 35838
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- (c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested; 35840
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- (d) Instruct the superintendent to submit the completed report of the criminal records check directly to the director; 35843
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- (e) 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 the applicant requested and conducted pursuant to this section. 35845
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- (D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate. 35850
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- (E) An applicant who seeks to be an independent provider 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. 35856
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- (F) (1) A report obtained pursuant to this section is not a 35866

public record for purposes of section 149.43 of the Revised Code 35867
and shall not be made available to any person, other than the 35868
following: 35869

(a) The applicant who is the subject of the report or the 35870
applicant's representative; 35871

(b) The director or the director's representative; 35872

(c) Any court, hearing officer, or other necessary 35873
individual involved in a case dealing with any of the following: 35874

(i) The denial of a supported living certificate or 35875
refusal to renew a supported living certificate; 35876

(ii) The denial, suspension, or revocation of a 35877
certificate under section 5123.45 of the Revised Code; 35878

(iii) A civil or criminal action regarding the medicaid 35879
program. 35880

(2) An applicant for whom the director has obtained 35881
reports under this section may submit a written request to the 35882
director to have copies of the reports sent to any person or 35883
state or local government entity. The applicant shall specify in 35884
the request the person or entities to which the copies are to be 35885
sent. On receiving the request, the director shall send copies 35886
of the reports to the persons or entities specified. 35887

(3) The director may request that a person or state or 35888
local government entity send copies to the director of any 35889
report regarding a records check or criminal records check that 35890
the person or entity possesses, if the director obtains the 35891
written consent of the individual who is the subject of the 35892
report. 35893

(4) The director shall provide each applicant with a copy 35894

of any report obtained about the applicant under this section.	35895
Sec. 5123.1611. The director of developmental disabilities	35896
shall adopt rules under Chapter 119. of the Revised Code	35897
establishing all of the following:	35898
(A) The extent to which a county board of developmental	35899
disabilities may provide supported living;	35900
(B) The application process for obtaining a supported	35901
living certificate under section 5123.161 of the Revised Code;	35902
(C) The certification standards a person or government	35903
entity must meet to obtain a supported living certificate to	35904
provide supported living;	35905
(D) The certification fee for a supported living	35906
certificate, which shall be deposited into the program fee fund	35907
created under section 5123.033 of the Revised Code;	35908
(E) The period of time a supported living certificate is	35909
valid;	35910
(F) The process for renewing a supported living	35911
certificate under section 5123.164 of the Revised Code;	35912
(G) The renewal fee for a supported living certificate,	35913
which shall be deposited into the program fee fund created under	35914
section 5123.033 of the Revised Code;	35915
(H) Procedures for conducting surveys under section	35916
5123.162 of the Revised Code;	35917
(I) Procedures for determining whether there is good cause	35918
to take action under section 5123.166 of the Revised Code	35919
against a person or government entity seeking or holding a	35920
supported living certificate;	35921

(J) Circumstances under which the director may issue a supported living certificate to an applicant or renew an applicant's supported living certificate if the applicant is found by a criminal records check required by section 5123.169 of the Revised Code to have been convicted of, ~~pleaded guilty to, or been found eligible for intervention in lieu of conviction for~~ a disqualifying offense, as specified under section 9.79 of the Revised Code, but meets standards in regard to rehabilitation set by the director.

Sec. 5123.452. (A) If good cause exists as specified in division (B) of this section and determined in accordance with procedures established in rules adopted under section 5123.46 of the Revised Code, the director of developmental disabilities may issue an adjudication order requiring that one of the following actions be taken against a person seeking or holding a certificate issued under section 5123.45 of the Revised Code:

- (1) Refusal to issue or renew a certificate;
- (2) Revocation of a certificate;
- (3) Suspension of a certificate.

(B) The following constitute good cause for taking action under division (A) of this section against a certificate holder:

(1) The certificate holder violates sections 5123.41 to 5123.45 of the Revised Code or rules adopted under those sections;

(2) Confirmed abuse or neglect;

(3) The certificate holder has been convicted of ~~or pleaded guilty to~~ a disqualifying offense, ~~as defined in~~ specified under section 5123.081-9.79 of the Revised Code;

(4) Misfeasance;	35950
(5) Malfeasance;	35951
(6) Nonfeasance;	35952
(7) In the case of a certificate holder who is a registered nurse, the board of nursing has taken disciplinary action against the certificate holder under Chapter 4723. of the Revised Code;	35953 35954 35955 35956
(8) Other conduct the director determines is or would be injurious to individuals.	35957 35958
(C) The director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.	35959 35960 35961
Sec. 5126.253. (A) As used in this section:	35962
(1) "Conduct unbecoming to the teaching profession" shall be as described in rules adopted by the state board of education.	35963 35964 35965
(2) "Intervention in lieu of conviction" means intervention in lieu of conviction under section 2951.041 of the Revised Code.	35966 35967 35968
(3) "License" has the same meaning as in section 3319.31 of the Revised Code.	35969 35970
(4) "Pre-trial diversion program" means a pre-trial diversion program under section 2935.36 of the Revised Code or a similar diversion program under rules of a court.	35971 35972 35973
(B) The superintendent of each county board of developmental disabilities or the president of the board, if division (C) of this section applies, shall promptly submit to	35974 35975 35976

the superintendent of public instruction the information 35977
prescribed in division (D) of this section when any of the 35978
following conditions applies to an employee of the board who 35979
holds a license issued by the state board of education: 35980

(1) The superintendent or president knows that the 35981
employee ~~has pleaded guilty to, has been found guilty by a jury~~ 35982
~~or court of, has been convicted of, has been found to be~~ 35983
~~eligible for intervention in lieu of conviction for, or has~~ 35984
~~agreed to participate in a pre trial diversion program for an a~~ 35985
~~disqualifying offense described in under~~ division (B) (2) or (C) 35986
of section 3319.31 or division (B) (1) of section 3319.39 of the 35987
Revised Code. 35988

(2) The board has initiated termination or nonrenewal 35989
proceedings against, has terminated, or has not renewed the 35990
contract of the employee because the board has reasonably 35991
determined that the employee has committed an act unbecoming to 35992
the teaching profession ~~or an offense described in division (B)~~ 35993
~~(2) or (C) of section 3319.31 or division (B) (1) of section~~ 35994
~~3319.39 of the Revised Code.~~ 35995

(3) The employee has resigned under threat of termination 35996
or nonrenewal as described in division (B) (2) of this section. 35997

(4) The employee has resigned because of or in the course 35998
of an investigation by the board regarding whether the employee 35999
has committed an act unbecoming to the teaching profession ~~or an~~ 36000
~~offense described in division (B) (2) or (C) of section 3319.31~~ 36001
~~or division (B) (1) of section 3319.39 of the Revised Code.~~ 36002

(C) If the employee to whom any of the conditions 36003
prescribed in divisions (B) (1) to (4) of this section applies is 36004
the superintendent of a county board of developmental 36005

disabilities, the president of the board shall make the report 36006
required under this section. 36007

(D) If a report is required under this section, the 36008
superintendent or president shall submit to the superintendent 36009
of public instruction the name and social security number of the 36010
employee about whom information is required and a factual 36011
statement regarding any of the conditions prescribed in 36012
divisions (B) (1) to (4) of this section that applies to the 36013
employee. 36014

(E) A determination made by the board as described in 36015
division (B) (2) of this section or a termination, nonrenewal, 36016
resignation, or other separation described in divisions (B) (2) 36017
to (4) of this section does not create a presumption of the 36018
commission or lack of the commission by the employee of an act 36019
unbecoming to the teaching profession ~~or an offense described in~~ 36020
~~division (B) (2) or (C) of section 3319.31 or division (B) (1) of~~ 36021
~~section 3319.39 of the Revised Code.~~ 36022

(F) No individual required to submit a report under 36023
division (B) of this section shall knowingly fail to comply with 36024
that division. 36025

(G) An individual who provides information to the 36026
superintendent of public instruction in accordance with this 36027
section in good faith shall be immune from any civil liability 36028
that otherwise might be incurred or imposed for injury, death, 36029
or loss to person or property as a result of the provision of 36030
that information. 36031

Sec. 5502.011. (A) As used in this section, "department of 36032
public safety" and "department" include all divisions within the 36033
department of public safety. 36034

(B) The director of public safety is the chief executive 36035
and administrative officer of the department. The director may 36036
establish policies governing the department, the performance of 36037
its employees and officers, the conduct of its business, and the 36038
custody, use, and preservation of departmental records, papers, 36039
books, documents, and property. The director also may authorize 36040
and approve investigations to be conducted by any of the 36041
department's divisions. Whenever the Revised Code imposes a duty 36042
upon or requires an action of the department, the director may 36043
perform the action or duty in the name of the department or 36044
direct such performance to be performed by the director's 36045
designee. 36046

(C) In addition to any other duties enumerated in the 36047
Revised Code, the director or the director's designee shall do 36048
all of the following: 36049

(1) Administer and direct the performance of the duties of 36050
the department; 36051

(2) Pursuant to Chapter 119. of the Revised Code, approve, 36052
adopt, and prescribe such forms and rules as are necessary to 36053
carry out the duties of the department; 36054

(3) On behalf of the department and in addition to any 36055
authority the Revised Code otherwise grants to the department, 36056
have the authority and responsibility for approving and entering 36057
into contracts, agreements, and other business arrangements; 36058

(4) Make appointments for the department as needed to 36059
comply with requirements of the Revised Code; 36060

(5) Approve employment actions of the department, 36061
including appointments, promotions, discipline, investigations, 36062
and terminations; 36063

(6) Accept, hold, and use, for the benefit of the department, any gift, donation, bequest, or devise, and may agree to and perform all conditions of the gift, donation, bequest, or devise, that are not contrary to law;

(7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources;

(8) Develop a list of disqualifying offenses for licensure as a private investigator or a security guard provider pursuant to sections 9.79, 4749.03, 4749.04, and 4749.10, ~~and 4776.10~~ of the Revised Code;

(9) Do all other acts necessary or desirable to carry out this chapter.

(D)(1) The director of public safety may assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for each of the following:

(a) A check, draft, or money order that is returned or dishonored;

(b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason;

(c) Any financial transaction device that is returned or dishonored for any reason.

(2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid.

(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised

Code. 36092

(E) The director shall establish a homeland security 36093
advisory council to advise the director on homeland security, 36094
including homeland security funding efforts. The advisory 36095
council shall include, but not be limited to, state and local 36096
government officials who have homeland security or emergency 36097
management responsibilities and who represent first responders. 36098
The director shall appoint the members of the council, who shall 36099
serve without compensation. 36100

Sec. 5502.14. (A) As used in this section, "~~felony~~" has 36101
~~the same meaning as in~~ "disqualifying offense" means a 36102
disqualifying offense as specified under section 109.511-9.79 of 36103
the Revised Code with respect to a person who has been awarded a 36104
certificate attesting to the satisfactory completion of a peace 36105
officer basic training program under section 109.77 of the 36106
Revised Code. 36107

(B) (1) Any person who is employed by the department of 36108
public safety and designated by the director of public safety to 36109
enforce Title XLIII of the Revised Code, the rules adopted under 36110
it, and the laws and rules regulating the use of supplemental 36111
nutrition assistance program benefits shall be known as an 36112
enforcement agent. The employment by the department of public 36113
safety and the designation by the director of public safety of a 36114
person as an enforcement agent shall be subject to division (D) 36115
of this section. An enforcement agent has the authority vested 36116
in peace officers pursuant to section 2935.03 of the Revised 36117
Code to keep the peace, to enforce all applicable laws and rules 36118
on any retail liquor permit premises, or on any other premises 36119
of public or private property, where a violation of Title XLIII 36120
of the Revised Code or any rule adopted under it is occurring, 36121

and to enforce all laws and rules governing the use of 36122
supplemental nutrition assistance program benefits, women, 36123
infants, and children's coupons, electronically transferred 36124
benefits, or any other access device that is used alone or in 36125
conjunction with another access device to obtain payments, 36126
allotments, benefits, money, goods, or other things of value, or 36127
that can be used to initiate a transfer of funds, pursuant to 36128
the supplemental nutrition assistance program established under 36129
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or 36130
any supplemental food program administered by any department of 36131
this state pursuant to the "Child Nutrition Act of 1966," 80 36132
Stat. 885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing 36133
compliance with the laws and rules described in this division, 36134
may keep the peace and make arrests for violations of those laws 36135
and rules. 36136

(2) In addition to the authority conferred by division (B) 36137
(1) of this section, an enforcement agent also may execute 36138
search warrants and seize and take into custody any contraband, 36139
as defined in section 2901.01 of the Revised Code, or any 36140
property that is otherwise necessary for evidentiary purposes 36141
related to any violations of the laws or rules described in 36142
division (B)(1) of this section. An enforcement agent may enter 36143
public or private premises where activity alleged to violate the 36144
laws or rules described in division (B)(1) of this section is 36145
occurring. 36146

(3) Enforcement agents who are on, immediately adjacent 36147
to, or across from retail liquor permit premises and who are 36148
performing investigative duties relating to that premises, 36149
enforcement agents who are on premises that are not liquor 36150
permit premises but on which a violation of Title XLIII of the 36151
Revised Code or any rule adopted under it allegedly is 36152

occurring, and enforcement agents who view a suspected violation 36153
of Title XLIII of the Revised Code, of a rule adopted under it, 36154
or of another law or rule described in division (B) (1) of this 36155
section have the authority to enforce the laws and rules 36156
described in division (B) (1) of this section, authority to 36157
enforce any section in Title XXIX of the Revised Code or any 36158
other section of the Revised Code listed in section 5502.13 of 36159
the Revised Code if they witness a violation of the section 36160
under any of the circumstances described in this division, and 36161
authority to make arrests for violations of the laws and rules 36162
described in division (B) (1) of this section and violations of 36163
any of those sections. 36164

(4) The jurisdiction of an enforcement agent under 36165
division (B) of this section shall be concurrent with that of 36166
the peace officers of the county, township, or municipal 36167
corporation in which the violation occurs. 36168

(C) Enforcement agents of the department of public safety 36169
who are engaged in the enforcement of the laws and rules 36170
described in division (B) (1) of this section may carry concealed 36171
weapons when conducting undercover investigations pursuant to 36172
their authority as law enforcement officers and while acting 36173
within the scope of their authority pursuant to this chapter. 36174

(D) (1) The department of public safety shall not employ, 36175
and the director of public safety shall not designate, a person 36176
as an enforcement agent on a permanent basis, on a temporary 36177
basis, for a probationary term, or on other than a permanent 36178
basis if the person previously has been convicted of ~~or has~~ 36179
~~pleaded guilty to a felony disqualifying offense.~~ 36180

(2) (a) The department of public safety shall terminate the 36181
employment of a person who is designated as an enforcement agent 36182

and who does either of the following: 36183

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 36184

(ii) Pleads guilty to an offense other than a misdemeanor- 36185
disqualifying offense pursuant to a negotiated plea agreement as 36186
provided in division (D) of section 2929.43 of the Revised Code 36187
in which the enforcement agent agrees to surrender the 36188
certificate awarded to that agent under section 109.77 of the 36189
Revised Code. 36190

(b) The department shall suspend the employment of a 36191
person who is designated as an enforcement agent if the person 36192
is convicted, after trial, of a ~~felony~~ disqualifying offense. If 36193
the enforcement agent files an appeal from that conviction and 36194
the conviction is upheld by the highest court to which the 36195
appeal is taken or if no timely appeal is filed, the department 36196
shall terminate the employment of that agent. If the enforcement 36197
agent files an appeal that results in that agent's acquittal of 36198
the ~~felony~~ disqualifying offense or conviction of an offense 36199
other than a misdemeanor disqualifying offense, or in the 36200
dismissal of the ~~felony~~ charge of the disqualifying offense 36201
against the agent, the department shall reinstate the agent. An 36202
enforcement agent who is reinstated under division (D) (2) (b) of 36203
this section shall not receive any back pay unless the 36204
conviction of that agent of the ~~felony~~ disqualifying offense was 36205
reversed on appeal, or the ~~felony~~ charge of the disqualifying 36206
offense was dismissed, because the court found insufficient 36207
evidence to convict the agent of the ~~felony~~ disqualifying 36208
offense. 36209

(3) Division (D) of this section does not apply regarding 36210
an offense that was committed prior to January 1, 1997. 36211

(4) The suspension or termination of the employment of a 36212
person designated as an enforcement agent under division (D) (2) 36213
of this section shall be in accordance with Chapter 119. of the 36214
Revised Code. 36215

Sec. 5739.99. (A) Whoever violates section 5739.26 or 36216
5739.29 of the Revised Code shall be fined not less than twenty- 36217
five nor more than one hundred dollars for a first offense; for 36218
each subsequent offense such person shall, if a corporation, be 36219
fined not less than one hundred nor more than five hundred 36220
dollars, or if an individual, or a member of a partnership, 36221
firm, or association, be fined not less than twenty-five nor 36222
more than one hundred dollars, or imprisoned not more than sixty 36223
days, or both. 36224

(B) Whoever violates division (A) of section 5739.30 of 36225
the Revised Code shall be fined not less than one hundred nor 36226
more than one thousand dollars, or imprisoned not more than 36227
sixty days, or both. 36228

(C) (1) Whoever violates division (A) (1) of section 5739.31 36229
of the Revised Code shall be fined not less than twenty-five nor 36230
more than one hundred dollars. If the offender previously has 36231
been convicted of a violation of division (A) (1) of section 36232
5739.31 of the Revised Code, the offender is guilty of a felony 36233
of the fourth degree. 36234

(2) Whoever violates division (A) (2) of section 5739.31 of 36235
the Revised Code shall be fined not less than one hundred 36236
dollars nor more than five hundred dollars, or imprisoned for 36237
not more than ten days, or both, for the first offense; for each 36238
subsequent offense, each such person shall be fined not less 36239
than one thousand dollars nor more than twenty-five hundred 36240
dollars, or imprisoned not more than thirty days, or both. The 36241

motor vehicles and goods of any person charged with violating 36242
division (A) (2) of section 5739.31 of the Revised Code may be 36243
impounded and held pending the disposition of the charge, and 36244
may be sold at auction by the county sheriff in the manner 36245
prescribed by law to satisfy any fine imposed by this division. 36246

(3) Whoever violates division (B) of section 5739.31 of 36247
the Revised Code is guilty of a felony of the fourth degree. 36248
Each day that business is conducted while a vendor's license is 36249
suspended constitutes a separate offense. 36250

(D) Except as otherwise provided in this section, whoever 36251
violates sections 5739.01 to 5739.31 of the Revised Code, or any 36252
lawful rule promulgated by the department of taxation under 36253
authority of such sections, shall be fined not less than twenty- 36254
five nor more than one hundred dollars. 36255

(E) Whoever violates section 5739.12 of the Revised Code 36256
by failing to remit to the state the tax collected under section 36257
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code is 36258
guilty of a felony of the fourth degree ~~and shall suffer the~~ 36259
~~loss of the person's vendor's license as required by section~~ 36260
~~5739.17 of the Revised Code. A person shall not be eligible for~~ 36261
~~a vendor's license for two years following conviction.~~ 36262

(F) Whoever violates division (E) of section 5739.17 of 36263
the Revised Code is guilty of failure to display a transient 36264
vendor's license, a minor misdemeanor. A sheriff or police 36265
officer in a municipal corporation may enforce this division. 36266
The prosecuting attorney of a county shall inform the tax 36267
commissioner of any instance when a complaint is brought against 36268
a transient vendor pursuant to this division. 36269

(G) Whoever violates section 5739.103 of the Revised Code 36270

shall be fined not less than twenty-five nor more than one 36271
hundred dollars. If the offender previously has been convicted 36272
of violating that section, the offender is guilty of a felony of 36273
the fourth degree. 36274

(H) The penalties provided in this section are in addition 36275
to any penalties imposed by the tax commissioner under section 36276
5739.133 of the Revised Code. 36277

Sec. 5743.45. (A) As used in this section, "~~felony~~" has 36278
~~the same meaning as in~~ "disqualifying offense" means a 36279
disqualifying offense specified under section 109.511-9.79 of 36280
the Revised Code with respect to a person who has been awarded a 36281
certificate attesting to the satisfactory completion of a peace 36282
officer basic training program under section 109.77 of the 36283
Revised Code. 36284

(B) For purposes of enforcing this chapter and Chapters 36285
5728., 5735., 5739., 5741., and 5747. of the Revised Code and 36286
subject to division (C) of this section, the tax commissioner, 36287
by journal entry, may delegate any investigation powers of the 36288
commissioner to an employee of the department of taxation who 36289
has been certified by the Ohio peace officer training commission 36290
and who is engaged in the enforcement of those chapters. A 36291
separate journal entry shall be entered for each employee to 36292
whom that power is delegated. Each journal entry shall be a 36293
matter of public record and shall be maintained in an 36294
administrative portion of the journal as provided for in 36295
division (L) of section 5703.05 of the Revised Code. When that 36296
journal entry is completed, the employee to whom it pertains, 36297
while engaged within the scope of the employee's duties in 36298
enforcing the provisions of this chapter or Chapter 5728., 36299
5735., 5739., 5741., or 5747. of the Revised Code, has the power 36300

of a police officer to carry concealed weapons, make arrests, 36301
and obtain warrants for violations of any provision in those 36302
chapters. The commissioner, at any time, may suspend or revoke 36303
the commissioner's delegation by journal entry. No employee of 36304
the department shall divulge any information acquired as a 36305
result of an investigation pursuant to this chapter or Chapter 36306
5728., 5735., 5739., 5741., or 5747. of the Revised Code, except 36307
as may be required by the commissioner or a court. 36308

(C) (1) The tax commissioner shall not delegate any 36309
investigation powers to an employee of the department of 36310
taxation pursuant to division (B) of this section on a permanent 36311
basis, on a temporary basis, for a probationary term, or on 36312
other than a permanent basis if the employee previously has been 36313
convicted of ~~or has pleaded guilty to a felony~~ a disqualifying
offense. 36314
36315

(2) (a) The tax commissioner shall revoke the delegation of 36316
investigation powers to an employee to whom the delegation was 36317
made pursuant to division (B) of this section if that employee 36318
does either of the following: 36319

(i) Pleads guilty to ~~a felony~~ disqualifying offense; 36320

(ii) Pleads guilty to ~~a misdemeanor~~ an offense other than
a disqualifying offense pursuant to a negotiated plea agreement 36321
as provided in division (D) of section 2929.43 of the Revised 36322
Code in which the employee agrees to surrender the certificate 36323
awarded to that employee under section 109.77 of the Revised 36324
Code. 36325
36326

(b) The tax commissioner shall suspend the delegation of 36327
investigation powers to an employee to whom the delegation was 36328
made pursuant to division (B) of this section if that employee 36329

is convicted, after trial, of a ~~felony~~ disqualifying offense. If 36330
the employee files an appeal from that conviction and the 36331
conviction is upheld by the highest court to which the appeal is 36332
taken or if the employee does not file a timely appeal, the 36333
commissioner shall revoke the delegation of investigation powers 36334
to that employee. If the employee files an appeal that results 36335
in that employee's acquittal of the ~~felony~~ disqualifying offense 36336
or conviction of ~~a misdemeanor~~ an offense other than a 36337
disqualifying offense, or in the dismissal of the ~~felony~~ charge 36338
of the disqualifying offense against that employee, the 36339
commissioner shall reinstate the delegation of investigation 36340
powers to that employee. The suspension, revocation, and 36341
reinstatement of the delegation of investigation powers to an 36342
employee under division (C) (2) of this section shall be made by 36343
journal entry pursuant to division (B) of this section. An 36344
employee to whom the delegation of investigation powers is 36345
reinstated under division (C) (2) (b) of this section shall not 36346
receive any back pay for the exercise of those investigation 36347
powers unless that employee's conviction of the ~~felony~~ 36348
disqualifying offense was reversed on appeal, or the ~~felony~~ 36349
charge of the disqualifying offense was dismissed, because the 36350
court found insufficient evidence to convict the employee of the 36351
~~felony~~ disqualifying offense. 36352

(3) Division (C) of this section does not apply regarding 36353
an offense that was committed prior to January 1, 1997. 36354

(4) The suspension or revocation of the delegation of 36355
investigation powers to an employee under division (C) (2) of 36356
this section shall be in accordance with Chapter 119. of the 36357
Revised Code. 36358

Sec. 5903.10. (A) ~~A~~ Subject to section 9.78 of the Revised 36359

Code, a holder of an expired license or certificate from this state or any political subdivision or agency of the state to practice a trade or profession shall be granted a renewal of the license or certificate by the issuing board or authority ~~at the usual cost~~ without penalty and without re-examination if not otherwise disqualified because of mental or physical disability and if either of the following applies:

(1) The license or certificate was not renewed because of the holder's service in the armed forces.

(2) The license or certificate was not renewed because the holder's spouse served in the armed forces of the United States or a reserve component of the armed forces and the service resulted in the holder's absence from this state.

(B) A renewal shall not be granted under division (A) of this section unless the holder or the holder's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.

Sec. 5907.021. (A) As used in this section, ~~"felony" has the same meaning as in~~ "disqualifying offense" means a disqualifying offense specified under section 109.511-9.79 of the Revised Code with respect to a person who has been awarded a certificate attesting to the satisfactory completion of a peace officer basic training program under section 109.77 of the Revised Code.

(B) (1) The superintendent of the Ohio veterans' homes shall not appoint a person as a chief of police or an employee as a Ohio veterans' home police officer on a permanent basis, on

a temporary basis, for a probationary term, or on other than a permanent basis if the person or employee previously has been convicted of ~~or has pleaded guilty to a felony~~ a disqualifying offense.

(2) (a) The superintendent shall terminate the employment of a chief of police or the employment as a veterans' home police officer of an employee appointed as a veterans' home police officer if that chief of police or employee does either of the following:

(i) Pleads guilty to a ~~felony~~ disqualifying offense;

(ii) Pleads guilty to ~~a misdemeanor~~ an offense other than a disqualifying offense pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the chief of police or employee agrees to surrender the certificate awarded to that chief of police or employee under section 109.77 of the Revised Code.

(b) The superintendent shall suspend from employment a chief of police or from employment as a veterans' home police officer an employee appointed as a veterans' home police officer if that chief of police or employee is convicted, after trial, of a ~~felony~~ disqualifying offense. If the chief of police or the employee files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the chief of police or the employee does not file a timely appeal, the superintendent shall terminate the employment of that chief of police or that employee as a veterans' home police officer. If the chief of police or the employee files an appeal that results in that chief of police's or that employee's acquittal of the ~~felony~~ disqualifying offense or conviction of ~~a misdemeanor~~ an offense other than a disqualifying offense, or in

the dismissal of the ~~felony charge of the disqualifying offense~~ 36419
against that chief of police or that employee, the 36420
superintendent shall reinstate that chief of police or that 36421
employee as a veterans' home police officer. A chief of police 36422
or an employee who is reinstated as a veterans' home police 36423
officer under division (B) (2) (b) of this section shall not 36424
receive any back pay unless the conviction of that chief of 36425
police or that employee of the ~~felony disqualifying offense~~ was 36426
reversed on appeal, or the ~~felony charge of the disqualifying~~ 36427
offense was dismissed, because the court found insufficient 36428
evidence to convict the chief of police or the employee of the 36429
~~felony disqualifying offense~~. 36430

(3) Division (B) of this section does not apply regarding 36431
an offense that was committed prior to January 1, 1997. 36432

(4) The suspension from employment, or the termination of 36433
the employment, of a chief of police or a veterans' home police 36434
officer under division (B) (2) of this section shall be in 36435
accordance with Chapter 119. of the Revised Code. 36436

Sec. 6101.75. (A) As used in this section, "~~felony~~" has 36437
~~the same meaning as in~~ "disqualifying offense" means a 36438
disqualifying offense as specified under section 109.511-9.79 of 36439
the Revised Code with respect to a person who has been awarded a 36440
certificate attesting to the satisfactory completion of a peace 36441
officer basic training program under section 109.77 of the 36442
Revised Code. 36443

(B) The board of directors of a conservancy district may 36444
police the works of the district and, in times of great 36445
emergency, may compel assistance in the protection of those 36446
works. The board may prevent persons, vehicles, or livestock 36447
from passing over the property or works of the district at any 36448

places or in any manner that would result in damage to the 36449
property or works or in the opinion of the board would endanger 36450
the property or works or the safety of persons lawfully on the 36451
property or works. 36452

The employees that the board designates for that purpose 36453
have all the powers of police officers within and adjacent to 36454
the properties owned or controlled by the district. Before 36455
entering upon the exercise of those powers, each employee shall 36456
take an oath and give a bond to the state, in the amount that 36457
the board prescribes, for the proper exercise of those powers. 36458
The cost of the bond shall be borne by the district. This 36459
division is subject to division (C) of this section. 36460

(C) (1) The board of directors shall not designate an 36461
employee as provided in division (B) of this section on a 36462
permanent basis, on a temporary basis, for a probationary term, 36463
or on other than a permanent basis if the employee previously 36464
has been convicted of ~~or has pleaded guilty to a felony~~ a 36465
disqualifying offense. 36466

(2) (a) The board of directors shall terminate the 36467
employment of an employee designated as provided in division (B) 36468
of this section if that employee does either of the following: 36469

(i) Pleads guilty to a ~~felony~~ disqualifying offense; 36470

(ii) Pleads guilty to a ~~misdemeanor~~ an offense other than 36471
a disqualifying offense pursuant to a negotiated plea agreement 36472
as provided in division (D) of section 2929.43 of the Revised 36473
Code in which the employee agrees to surrender the certificate 36474
awarded to that employee under section 109.77 of the Revised 36475
Code. 36476

(b) The board of directors shall suspend from employment 36477

an employee designated as provided in division (B) of this 36478
section if that employee is convicted, after trial, of a ~~felony-~~ 36479
disqualifying offense. If the employee files an appeal from that 36480
conviction and the conviction is upheld by the highest court to 36481
which the appeal is taken or if the employee does not file a 36482
timely appeal, the board shall terminate the employment of that 36483
employee. If the employee files an appeal that results in that 36484
employee's acquittal of the ~~felony-disqualifying offense~~ or 36485
conviction of a ~~misdemeanor~~ an offense other than a 36486
disqualifying offense, or in the dismissal of the ~~felony-~~ 36487
charge of the disqualifying offense against that employee, the board 36488
shall reinstate that employee. An employee who is reinstated 36489
under division (C) (2) (b) of this section shall not receive any 36490
back pay unless that employee's conviction of the ~~felony-~~ 36491
disqualifying offense was reversed on appeal, or the ~~felony-~~ 36492
charge of the disqualifying offense was dismissed, because the 36493
court found insufficient evidence to convict the employee of the 36494
~~felony disqualifying offense~~. 36495

(3) Division (C) of this section does not apply regarding 36496
an offense that was committed prior to January 1, 1997. 36497

(4) The suspension from employment, or the termination of 36498
the employment, of an employee under division (C) (2) of this 36499
section shall be in accordance with Chapter 119. of the Revised 36500
Code. 36501

Section 2. That existing sections 101.721, 101.921, 36502
109.57, 109.572, 109.77, 119.12, 121.22, 121.621, 169.16, 36503
169.17, 173.381, 173.391, 306.352, 311.04, 503.44, 503.46, 36504
505.49, 509.01, 511.232, 715.27, 737.052, 737.162, 903.05, 36505
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5907.021, and 6101.75 and sections 4743.06, 4765.114, 4776.10, 36563
and 5743.17 of the Revised Code are hereby repealed. 36564

Section 3. It is not the intent of the General Assembly, 36565
in amending section 4729.42 of the Revised Code in Section 1 of 36566
this act, to supersede the repeal of that section effective 36567
April 6, 2018. 36568

Section 4. The General Assembly, applying the principle 36569
stated in division (B) of section 1.52 of the Revised Code that 36570

amendments are to be harmonized if reasonably capable of 36571
simultaneous operation, finds that the following sections, 36572
presented in this act as composites of the sections as amended 36573
by the acts indicated, are the resulting versions of the section 36574
in effect prior to the effective date of the sections as 36575
presented in this act: 36576

Section 109.57 of the Revised Code as amended by both Sub. 36577
H.B. 359 and Am. Sub. S.B. 227 of the 131st General Assembly. 36578

Section 119.12 of the Revised Code as amended by both Am. 36579
Sub. H.B. 52 and Am. Sub. H.B. 64 of the 131st General Assembly. 36580

Section 121.22 of the Revised Code as amended by both Sub. 36581
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 36582

Section 3719.121 of the Revised Code as amended by both 36583
Sub. H.B. 216 and Sub. S.B. 319 of the 131st General Assembly. 36584

Section 3772.99 of the Revised Code as amended by both 36585
H.B. 32 and Am. Sub. H.B. 49 of the 132nd General Assembly. 36586

Section 4707.02 of the Revised Code as amended by both Am. 36587
Sub. H.B. 64 and Am. Sub. H.B. 131 of the 131st General 36588
Assembly. 36589

Section 4730.25 of the Revised Code as amended by Am. Sub. 36590
H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am. 36591
Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General 36592
Assembly. 36593

Section 4735.09 of the Revised Code as amended by both 36594
Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly. 36595

Section 4740.06 of the Revised Code as amended by both Am. 36596
Sub. H.B. 486 and Sub. S.B. 78 of the 130th General Assembly. 36597

Section 5739.99 of the Revised Code as amended by both Am.	36598
Sub. S.B. 143 and Sub. S.B. 200 of the 124th General Assembly.	36599