

**As Reported by the House Government Accountability and Oversight
Committee**

132nd General Assembly

**Regular Session
2017-2018**

Sub. S. B. No. 255

Senator McColley

**Cosponsors: Senators Wilson, Jordan, Huffman, Terhar, LaRose, Coley,
Hoagland, Lehner, Eklund, Beagle, Balderson, Hackett, Obhof, O'Brien, Peterson,
Uecker Representatives Roegner, Becker, Merrin, Retherford, Young, Zeltwanger**

A BILL

To amend sections 109.572, 121.08, 125.22, 145.012, 1
355.02, 355.03, 355.04, 2925.01, 3301.61, 2
3333.74, 4104.33, 4141.131, 4141.25, 4141.292, 3
4713.01, 4713.69, 4723.02, 4723.493, 4725.48, 4
4725.49, 4725.52, 4735.181, 4735.99, 4747.04, 5
4747.05, 4747.06, 4747.07, 4747.08, 4747.09, 6
4747.10, 4747.11, 4747.12, 4747.13, 4751.03, 7
4753.05, 4757.22, 4757.23, 4758.10, 4758.11, 8
4765.02, 4776.10, and 4776.20, to enact sections 9
9.78, 101.62, 101.63, 101.64, 101.65, 103.26, 10
103.27, 4735.22, 4764.01 to 4764.21, 4764.99, 11
4798.01, 4798.02, and 4798.03, and to repeal 12
sections 1521.031, 3333.731, 4141.08, 5101.91, 13
and 5101.92 of the Revised Code to establish a 14
statewide policy on occupational regulation, to 15
allow an individual who has been convicted of a 16
criminal offense to request a licensing 17
authority to determine whether the individual is 18
disqualified from receiving or holding a 19
professional license based on conviction, to 20
require standing committees of the General 21

Assembly to periodically review occupational 22
licensing boards regarding their sunset, to 23
require the Legislative Service Commission to 24
issue reports of occupational licensing bills 25
and state regulation of occupations, to require 26
the licensure of home inspectors, to create the 27
Ohio Home Inspector Board to regulate the 28
licensure and performance of home inspectors, to 29
require realtors who recommend home inspectors 30
to provide a list of home inspectors, to make 31
changes in various laws regarding state boards, 32
commissions, councils, and agencies and their 33
regulation of certain professions or activities, 34
and to regulate the practice of makeup artistry. 35

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

Section 1. That sections 109.572, 121.08, 125.22, 145.012, 36
355.02, 355.03, 355.04, 2925.01, 3301.61, 3333.74, 4104.33, 37
4141.131, 4141.25, 4141.292, 4713.01, 4713.69, 4723.02, 38
4723.493, 4725.48, 4725.49, 4725.52, 4735.181, 4735.99, 4747.04, 39
4747.05, 4747.06, 4747.07, 4747.08, 4747.09, 4747.10, 4747.11, 40
4747.12, 4747.13, 4751.03, 4753.05, 4757.22, 4757.23, 4758.10, 41
4758.11, 4765.02, 4776.10, and 4776.20 be amended and sections 42
9.78, 101.62, 101.63, 101.64, 101.65, 103.26, 103.27, 4735.22, 43
4764.01, 4764.02, 4764.03, 4764.04, 4764.05, 4764.06, 4764.07, 44
4764.08, 4764.09, 4764.10, 4764.11, 4764.12, 4764.13, 4764.14, 45
4764.15, 4764.16, 4764.17, 4764.18, 4764.19, 4764.20, 4764.21, 46
4764.99, 4798.01, 4798.02, and 4798.03 of the Revised Code be 47
enacted to read as follows: 48

Sec. 9.78. (A) As used in this section: 49

(1) "License" means an authorization evidenced by a 50
license, certificate, registration, permit, card, or other 51
authority that is issued or conferred by a licensing authority 52
to an individual by which the individual has or claims the 53
privilege to engage in a profession, occupation, or occupational 54
activity over which the licensing authority has jurisdiction. 55

(2) "Licensing authority" means both of the following: 56

(a) A board, commission, or other entity that issues 57
licenses under Title XLVII or any other provision of the Revised 58
Code to practice an occupation or profession; 59

(b) A political subdivision that issues a license or that 60
charges a fee for an individual to practice an occupation or 61
profession in that political subdivision. 62

(B) An individual who has been convicted of any criminal 63
offense may request, at any time, that a licensing authority 64
determine whether the individual's criminal conviction 65
disqualifies the individual from obtaining a license issued or 66
conferred by the licensing authority. An individual making such 67
a request shall include details of the individual's criminal 68
conviction and any payment required by the licensing authority. 69
A licensing authority may charge a fee of not more than twenty- 70
five dollars for each request made under this section, to 71
reimburse the costs it incurs in making the determination. 72

Not later than thirty days after receiving a request under 73
this section, the licensing authority shall inform the 74
individual whether, based on the criminal record information 75
submitted, the individual is disqualified from receiving or 76
holding the license about which the individual inquired. A 77

licensing authority is not bound by a determination made under 78
this section, if, on further investigation, the licensing 79
authority determines that the individual's criminal convictions 80
differ from the information presented in the determination 81
request. 82

(C) A licensing authority shall make available to the 83
public on the licensing authority's internet web site a list of 84
all criminal offenses of which conviction of that offense shall 85
disqualify an individual from obtaining a license issued or 86
conferred by the licensing authority. 87

Sec. 101.62. (A) As used in sections 101.62 to 101.65 of 88
the Revised Code: 89

"Individual" means a natural person. 90

"Least restrictive regulation," "occupational license," 91
and "occupational licensing board" have the meanings defined in 92
section 4798.01 of the Revised Code. 93

(B) An occupational licensing board shall be triggered to 94
expire at the end of the thirty-first day of December of the 95
sixth year after it was created or last renewed, or on December 96
31, 2024, whichever is later, and shall expire at the end of the 97
thirtieth day of June of the following year after the board was 98
triggered to expire. The expiration of an occupational licensing 99
board under this section emancipates a person to lawfully engage 100
in the profession, occupation, or occupational activity, which 101
has been previously licensed by that board, without an 102
occupational license, notwithstanding any law of the state that 103
requires a person to possess a license to lawfully engage in 104
that profession, occupation, or occupational activity. 105

(C) The director of budget and management shall not 106

authorize the expenditure of any moneys for an occupational 107
licensing board on or after the date of its expiration. 108

(D) The occupational licensing board shall operate after 109
its expiration has been triggered, but not later than the end of 110
the thirtieth day of June of the following year, to provide for 111
the orderly, efficient, and expeditious conclusion of the 112
board's business and operation. The orders, licenses, contracts, 113
and other actions made, taken, granted, or performed by the 114
board continue in effect according to their terms 115
notwithstanding the board's abolition, unless the general 116
assembly provides otherwise by law. The general assembly may 117
provide by law for the temporary or permanent transfer of some 118
or all of an expired or abolished board's functions and 119
personnel to a successor agency, board, or officer. 120

The expiration or abolition of a board does not cause the 121
termination or dismissal of any claim pending against the board 122
by any person, or any claim pending against any person by the 123
board. Unless the general assembly provides otherwise by law for 124
the substitution of parties, the attorney general shall succeed 125
the board with reference to any pending claim. 126

(E) An occupational licensing board may be renewed by 127
enactment of a law that continues the statutes creating, 128
empowering, governing, or regulating the board. The amendment of 129
a statute creating, empowering, governing, or regulating a 130
board, between the time the board was last reviewed and the time 131
it is next scheduled to be reviewed does not change the next 132
scheduled review date of the board. The next scheduled review 133
date changes only if the amendment expressly so provides. 134

(F) When an occupational licensing board performs 135
functions other than licensing or regulating the licensing of an 136

occupational license that expires under this section, the 137
operation of sections 101.62 to 101.65 of the Revised Code shall 138
not cause the board, or the statutes creating, empowering, 139
governing, or regulating the board, to expire. The board and the 140
statutes shall continue to the extent the board and the statutes 141
apply to performing functions other than licensing or regulating 142
the licensing of an occupational license. 143

Sec. 101.63. (A) (1) Not later than the first day of March 144
in the odd-numbered year during which an occupational licensing 145
board is scheduled to be triggered to expire the following even- 146
numbered year under section 101.62 of the Revised Code, the 147
speaker of the house of representatives shall direct a standing 148
committee of the house of representatives to hold hearings to 149
receive the testimony of the public and of the chief executive 150
officer of the board, and otherwise to review, consider, and 151
evaluate the usefulness, performance, and effectiveness of the 152
board. Not later than the fifteenth day of November of that same 153
odd-numbered year, the standing committee shall prepare and 154
publish a report of its findings and recommendations in 155
accordance with section 101.65 of the Revised Code. If the 156
standing committee's report includes a bill, the house of 157
representatives shall consider that bill for passage by the 158
thirty-first day of December of that same odd-numbered year. 159

(2) Not later than the first day of March in the even- 160
numbered year during which an occupational licensing board is 161
scheduled to be triggered to expire under section 101.62 of the 162
Revised Code, the president of the senate shall direct a 163
standing committee of the senate to hold hearings to receive 164
testimony of the public and of the chief executive officer of 165
the board, and otherwise to review, consider, and evaluate the 166
usefulness, performance, and effectiveness of the board and any 167

bill considered by the house of representatives related to the 168
expiration of that board. Not later than the fifteenth day of 169
November of that same even-numbered year, the standing committee 170
shall prepare and publish a report of its findings and 171
recommendations in accordance with section 101.65 of the Revised 172
Code. If the standing committee's report includes a bill, the 173
senate shall consider that bill for passage by the thirty-first 174
day of December of that same even-numbered year. 175

(3) The president of the senate and the speaker of the 176
house of representatives may, in the same manner as described in 177
divisions (A) (1) and (2) of this section, direct a standing 178
committee to review an occupational licensing board for which 179
the director of the legislative service commission, under 180
section 103.27 of the Revised Code, has performed a review. 181

(4) The president of the senate and the speaker of the 182
house of representatives shall direct standing committees to 183
review approximately thirty-three per cent of the occupational 184
licensing boards each biennium. All occupational licensing 185
boards shall be reviewed over a six-year period including 186
calendar years 2019 through 2024, and also during each 187
subsequent six-year period. 188

(B) Each occupational licensing board that is scheduled to 189
be reviewed by a standing committee shall submit to the standing 190
committee a report that contains all of the following 191
information: 192

(1) The board's primary purpose and its various goals and 193
objectives; 194

(2) The board's past and anticipated workload, the number 195
of staff required to complete that workload, and the board's 196

<u>total number of staff;</u>	197
<u>(3) The board's past and anticipated budgets and its</u>	198
<u>sources of funding;</u>	199
<u>(4) The number of members of its governing board or other</u>	200
<u>governing entity and their compensation, if any.</u>	201
<u>(C) Each board shall have the burden of demonstrating to</u>	202
<u>the standing committee a public need for its continued</u>	203
<u>existence. In determining whether a board has demonstrated that</u>	204
<u>need, the standing committee shall consider, as relevant, all of</u>	205
<u>the following:</u>	206
<u>(1) Whether or not continuation of the board is necessary</u>	207
<u>to protect the health, safety, or welfare of the public, and if</u>	208
<u>so, whether or not the board's authority is narrowly tailored to</u>	209
<u>protect against present, recognizable, and significant harms to</u>	210
<u>the health, safety, or welfare of the public;</u>	211
<u>(2) Whether or not the public could be protected or served</u>	212
<u>in an alternate or less restrictive manner;</u>	213
<u>(3) Whether or not the board serves a specific private</u>	214
<u>interest;</u>	215
<u>(4) Whether or not rules adopted by the board are</u>	216
<u>consistent with the legislative mandate of the board as</u>	217
<u>expressed in the statutes that created and empowered the board;</u>	218
<u>(5) The extent to which the board's jurisdiction and</u>	219
<u>programs overlap or duplicate those of other boards, the extent</u>	220
<u>to which the board coordinates with those other boards, and the</u>	221
<u>extent to which the board's programs could be consolidated with</u>	222
<u>the programs of other state departments or boards;</u>	223
<u>(6) How many other states regulate the occupation, whether</u>	224

a license is required to engage in the occupation in other 225
states, whether the initial licensing and license renewal 226
requirements for the occupation are substantially equivalent in 227
every state, and the amount of regulation exercised by the board 228
compared to the regulation, if any, in other states; 229

(7) The extent to which significant changes in the board's 230
rules could prevent an individual licensed in this state from 231
practicing, or allow an individual licensed in this state to 232
practice, the same occupation in another jurisdiction without 233
obtaining an occupational license for that occupation in that 234
other jurisdiction; 235

(8) Whether the board recognizes national uniform 236
licensure requirements for the occupation; 237

(9) Whether or not private contractors could be used, in 238
an effective and efficient manner, either to assist the board in 239
the performance of its duties or to perform these duties instead 240
of the board; 241

(10) Whether or not the operation of the board has 242
inhibited economic growth, reduced efficiency, or increased the 243
cost of government; 244

(11) An assessment of the authority of the board regarding 245
fees, inspections, enforcement, and penalties; 246

(12) The extent to which the board has permitted qualified 247
applicants to serve the public; 248

(13) The extent to which the board has permitted 249
individuals to practice elements of the occupation without a 250
license; 251

(14) The cost-effectiveness of the board in terms of 252

<u>number of employees, services rendered, and administrative costs</u>	253
<u>incurred, both past and present;</u>	254
<u>(15) Whether or not the board's operation has been impeded</u>	255
<u>or enhanced by existing statutes and procedures and by</u>	256
<u>budgetary, resource, and personnel practices;</u>	257
<u>(16) Whether the board has recommended statutory changes</u>	258
<u>to the general assembly that would benefit the public as opposed</u>	259
<u>to the persons regulated by the board, if any, and whether its</u>	260
<u>recommendations and other policies have been adopted and</u>	261
<u>implemented;</u>	262
<u>(17) Whether the board has required any persons it</u>	263
<u>regulates to report to it the impact of board rules and</u>	264
<u>decisions on the public as they affect service costs and service</u>	265
<u>delivery;</u>	266
<u>(18) Whether persons regulated by the board, if any, have</u>	267
<u>been required to assess problems in their business operations</u>	268
<u>that affect the public;</u>	269
<u>(19) Whether the board has encouraged public participation</u>	270
<u>in its rule-making and decision-making;</u>	271
<u>(20) The efficiency with which formal public complaints</u>	272
<u>filed with the board have been processed to completion;</u>	273
<u>(21) Whether the purpose for which the board was created</u>	274
<u>has been fulfilled, has changed, or no longer exists;</u>	275
<u>(22) Whether federal law requires that the board be</u>	276
<u>renewed in some form;</u>	277
<u>(23) An assessment of the administrative hearing process</u>	278
<u>of a board if the board has an administrative hearing process,</u>	279
<u>and whether or not the hearing process is consistent with due</u>	280

<u>process rights;</u>	281
<u>(24) Whether the requirement for the occupational license</u>	282
<u>is consistent with the policies expressed in section 4798.02 of</u>	283
<u>the Revised Code, serves a meaningful, defined public interest,</u>	284
<u>and provides the least restrictive form of regulation that</u>	285
<u>adequately protects the public interest;</u>	286
<u>(25) The extent to which licensing ensures that</u>	287
<u>practitioners have occupational skill sets or competencies that</u>	288
<u>are substantially related to protecting consumers from present,</u>	289
<u>significant, and substantiated harms that threaten public</u>	290
<u>health, safety, or welfare, and the impact that those criteria</u>	291
<u>have on applicants for a license, particularly those with</u>	292
<u>moderate or low incomes, seeking to enter the occupation or</u>	293
<u>profession;</u>	294
<u>(26) The extent to which the requirement for the</u>	295
<u>occupational license stimulates or restricts competition,</u>	296
<u>affects consumer choice, and affects the cost of services;</u>	297
<u>(27) An assessment of whether or not changes are needed in</u>	298
<u>the enabling laws of the board in order for it to comply with</u>	299
<u>the criteria suggested by the considerations listed in division</u>	300
<u>(C) of this section.</u>	301
<u>For division (C) of this section, a government regulatory</u>	302
<u>requirement protects or serves the public interest if it</u>	303
<u>provides protection from present, significant, and substantiated</u>	304
<u>harms to the health, safety, or welfare of the public.</u>	305
<u>(D) The legislative service commission shall provide staff</u>	306
<u>services to a standing committee performing its duties under</u>	307
<u>this section and section 101.65 of the Revised Code.</u>	308
<u>Sec. 101.64. The president of the senate and the speaker</u>	309

of the house of representatives shall notify the chief of the 310
common sense initiative office, established under section 107.61 311
of the Revised Code, when a board is identified to be reviewed 312
by a standing committee under section 101.63 of the Revised 313
Code. The chief or the chief's designee shall appear and testify 314
before the standing committee, with respect to the board, and 315
shall testify on at least all of the following: 316

(A) Whether or not the common sense initiative office has, 317
within the previous six years, received commentary related to 318
the board through the comment system established under section 319
107.62 of the Revised Code; 320

(B) Whether or not the common sense initiative office has, 321
within the previous six years, received advice from the small 322
business advisory council with respect to rules of the board; 323

(C) Any other information the chief believes will 324
elucidate the effectiveness and efficiency of the board and in 325
particular the quality of customer service provided by the 326
board. 327

Sec. 101.65. (A) After the completion of the review of a 328
board under section 101.63 of the Revised Code, the standing 329
committee that conducted the review shall prepare and publish a 330
report of its findings and recommendations. A standing committee 331
may include in a single report its findings and recommendations 332
regarding more than one board. The committee shall furnish a 333
copy of the report to the president of the senate, the speaker 334
of the house of representatives, the governor, and each affected 335
board. Any published report shall be made available to the 336
public on the standing committee's internet web site, and in the 337
offices of the house of representatives and senate clerks during 338
reasonable hours. As part of a report, the standing committee 339

<u>may present its recommendations to the general assembly in bill</u>	340
<u>form.</u>	341
<u>(B) Recommendations made by the standing committee shall</u>	342
<u>indicate how or whether their implementation will do each of the</u>	343
<u>following:</u>	344
<u>(1) Improve efficiency in the management of state</u>	345
<u>government;</u>	346
<u>(2) Improve services rendered to citizens of the state;</u>	347
<u>(3) Simplify and improve preparation of the state budget;</u>	348
<u>(4) Conserve the natural resources of the state;</u>	349
<u>(5) Promote the orderly growth of the state and its</u>	350
<u>government;</u>	351
<u>(6) Promote that occupational regulations shall be</u>	352
<u>construed and applied to increase economic opportunities,</u>	353
<u>promote competition, and encourage innovation;</u>	354
<u>(7) Provide for the least restrictive regulation by</u>	355
<u>repealing the current regulation and replacing it with a less</u>	356
<u>restrictive regulation that is consistent with the policies</u>	357
<u>expressed in section 4798.02 of the Revised Code;</u>	358
<u>(8) Improve the effectiveness of the services performed by</u>	359
<u>the service departments of the state;</u>	360
<u>(9) Avoid duplication of effort by state agencies or</u>	361
<u>boards;</u>	362
<u>(10) Improve the organization and coordination of the</u>	363
<u>state government in one or more of the ways listed in divisions</u>	364
<u>(B) (1) to (9) of this section.</u>	365
<u>Sec. 103.26.</u> (A) As used in this section and section	366

<u>103.27 of the Revised Code:</u>	367
<u>"Individual" means a natural person.</u>	368
<u>"Least restrictive regulation" has the meaning defined in section 4798.01 of the Revised Code.</u>	369 370
<u>"Occupational regulation" means a statute or rule that controls an individual's practice of a trade or profession.</u>	371 372
<u>(B) With respect to legislation that has been introduced in the house of representatives or in the senate, which proposes to substantially change or enact an occupational regulation, the director of the legislative service commission shall issue a report of the legislation. The director shall issue a report that compares the regulatory scheme proposed in the legislation with the policies expressed in section 4798.02 of the Revised Code with respect to proposing the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare. The director shall issue this report to the general assembly in a timely manner.</u>	373 374 375 376 377 378 379 380 381 382 383 384
<u>To the extent possible with readily available or obtainable information, the director shall report on consequences of the legislation with respect to:</u>	385 386 387
<u>(1) Opportunities for employment within the occupation;</u>	388
<u>(2) Consumer choices and costs;</u>	389
<u>(3) Market competition;</u>	390
<u>(4) Cost to government.</u>	391
<u>(C) The report issued under division (B) of this section shall include all of the following:</u>	392 393

(1) A comparison of the regulatory scheme put forth in the 394
legislation with the current regulatory scheme in other similar 395
states for the same occupation and a consideration of the extent 396
to which significant changes in the board's rules could prevent 397
an individual licensed in this state from practicing, or allow 398
an individual licensed in this state to practice, the same 399
occupation in another jurisdiction without obtaining an 400
occupational license for that occupation in that other 401
jurisdiction; 402

(2) A comparison of the regulatory scheme put forth in the 403
legislation with the policy of this state as set forth in the 404
sections of the Revised Code governing the occupation that is 405
the subject of the legislation, if those sections include such a 406
policy. 407

(D) The sponsor of a bill, in order to assist the director 408
of the legislative service commission with the director's duties 409
under division (B) of this section, may submit to the director 410
any relevant information, including the following: 411

(1) Evidence of present, significant, and substantiated 412
harms to consumers in the state; 413

(2) An explanation of why existing civil or criminal laws 414
or procedures are inadequate to prevent or remedy any harm to 415
the public; 416

(3) An explanation of why a less restrictive regulation, 417
that is consistent with the policies expressed in section 418
4798.02 of the Revised Code, is not proposed; 419

(4) The names of associations, organizations, or other 420
groups representing the occupation seeking regulation and the 421
approximate number of members in each in this state; 422

(5) The functions typically performed by members of this occupation and whether they are identical or similar to those performed by another occupation; 423
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(6) Whether specialized training, education, or experience is required to engage in the occupation and, if so, how current practitioners acquired that training, education, or experience; 426
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(7) Whether or not the proposed regulation would change the way practitioners of the occupation acquire any necessary specialized training, education, or experience and, if so, why; 429
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(8) Whether or not any current practitioners of the occupation in this state lack whatever specialized training, education, or experience might be required to engage in the occupation and, if so, how the proposed regulation would address that deficiency; 432
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(9) Whether or not new entrants into the occupation would be required to provide evidence of any necessary training, education, or experience, or to pass an examination, or both; 437
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(10) Whether or not current practitioners would be required to provide evidence of any necessary training, education, or experience, or to pass an examination, and, if not, why not; 440
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(11) The expected impact of the proposed regulation on the supply of practitioners of the occupation and on the cost of services or goods provided by the occupation; 444
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(12) Information from others knowledgeable about the occupation, and the related economic factors. 447
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(E) A bill which proposes to substantially change or enact an occupational regulation shall not be favorably reported out 449
450

of committee until after the committee members have received and 451
considered the report provided under division (B) of this 452
section, unless two-thirds of the members of the committee vote 453
in the affirmative to favorably report the bill. 454

Sec. 103.27. Each biennium starting with an odd-numbered 455
year, beginning in 2019, the director of the legislative service 456
commission shall issue a report regarding approximately thirty- 457
three per cent of occupations subject to regulation by the 458
state. The report shall compare the current regulatory scheme 459
being utilized in this state with the policies expressed in 460
section 4798.02 of the Revised Code. 461

The director shall issue all reports performed during a 462
biennium, not later than the first day of December of the even- 463
numbered year of that biennium, to the general assembly and to 464
the attorney general. 465

The director may require that information be submitted by 466
any department or board that regulates the occupation. 467

The director shall, over a six-year period including 468
calendar years 2019 through 2024, issue reports regarding all 469
occupations subject to regulation by the state. The director's 470
report regarding an occupation may be scheduled to coincide 471
with, and be done in conjunction with, the review of an 472
occupational licensing board being done by a standing committee 473
of the general assembly under section 101.63 of the Revised 474
Code. 475

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 476
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 477
Code, a completed form prescribed pursuant to division (C)(1) of 478
this section, and a set of fingerprint impressions obtained in 479

the manner described in division (C) (2) of this section, the 480
superintendent of the bureau of criminal identification and 481
investigation shall conduct a criminal records check in the 482
manner described in division (B) of this section to determine 483
whether any information exists that indicates that the person 484
who is the subject of the request previously has been convicted 485
of or pleaded guilty to any of the following: 486

(a) A violation of section 2903.01, 2903.02, 2903.03, 487
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 488
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 489
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 490
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 491
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 492
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 493
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 494
sexual penetration in violation of former section 2907.12 of the 495
Revised Code, a violation of section 2905.04 of the Revised Code 496
as it existed prior to July 1, 1996, a violation of section 497
2919.23 of the Revised Code that would have been a violation of 498
section 2905.04 of the Revised Code as it existed prior to July 499
1, 1996, had the violation been committed prior to that date, or 500
a violation of section 2925.11 of the Revised Code that is not a 501
minor drug possession offense; 502

(b) A violation of an existing or former law of this 503
state, any other state, or the United States that is 504
substantially equivalent to any of the offenses listed in 505
division (A) (1) (a) of this section; 506

(c) If the request is made pursuant to section 3319.39 of 507
the Revised Code for an applicant who is a teacher, any offense 508
specified in section 3319.31 of the Revised Code. 509

(2) On receipt of a request pursuant to section 3712.09 or 510
3721.121 of the Revised Code, a completed form prescribed 511
pursuant to division (C)(1) of this section, and a set of 512
fingerprint impressions obtained in the manner described in 513
division (C)(2) of this section, the superintendent of the 514
bureau of criminal identification and investigation shall 515
conduct a criminal records check with respect to any person who 516
has applied for employment in a position for which a criminal 517
records check is required by those sections. The superintendent 518
shall conduct the criminal records check in the manner described 519
in division (B) of this section to determine whether any 520
information exists that indicates that the person who is the 521
subject of the request previously has been convicted of or 522
pleaded guilty to any of the following: 523

(a) A violation of section 2903.01, 2903.02, 2903.03, 524
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 525
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 526
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 527
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 528
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 529
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 530
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 531
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 532

(b) An existing or former law of this state, any other 533
state, or the United States that is substantially equivalent to 534
any of the offenses listed in division (A)(2)(a) of this 535
section. 536

(3) On receipt of a request pursuant to section 173.27, 537
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 538
5123.081, or 5123.169 of the Revised Code, a completed form 539

prescribed pursuant to division (C)(1) of this section, and a 540
set of fingerprint impressions obtained in the manner described 541
in division (C)(2) of this section, the superintendent of the 542
bureau of criminal identification and investigation shall 543
conduct a criminal records check of the person for whom the 544
request is made. The superintendent shall conduct the criminal 545
records check in the manner described in division (B) of this 546
section to determine whether any information exists that 547
indicates that the person who is the subject of the request 548
previously has been convicted of, has pleaded guilty to, or 549
(except in the case of a request pursuant to section 5164.34, 550
5164.341, or 5164.342 of the Revised Code) has been found 551
eligible for intervention in lieu of conviction for any of the 552
following, regardless of the date of the conviction, the date of 553
entry of the guilty plea, or (except in the case of a request 554
pursuant to section 5164.34, 5164.341, or 5164.342 of the 555
Revised Code) the date the person was found eligible for 556
intervention in lieu of conviction: 557

(a) A violation of section 959.13, 959.131, 2903.01, 558
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 559
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 560
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 561
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 562
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 563
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 564
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 565
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 566
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 567
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 568
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 569
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 570

2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	571
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	572
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	573
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	574
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	575
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	576
(b) Felonious sexual penetration in violation of former	577
section 2907.12 of the Revised Code;	578
(c) A violation of section 2905.04 of the Revised Code as	579
it existed prior to July 1, 1996;	580
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	581
the Revised Code when the underlying offense that is the object	582
of the conspiracy, attempt, or complicity is one of the offenses	583
listed in divisions (A) (3) (a) to (c) of this section;	584
(e) A violation of an existing or former municipal	585
ordinance or law of this state, any other state, or the United	586
States that is substantially equivalent to any of the offenses	587
listed in divisions (A) (3) (a) to (d) of this section.	588
(4) On receipt of a request pursuant to section 2151.86 of	589
the Revised Code, a completed form prescribed pursuant to	590
division (C) (1) of this section, and a set of fingerprint	591
impressions obtained in the manner described in division (C) (2)	592
of this section, the superintendent of the bureau of criminal	593
identification and investigation shall conduct a criminal	594
records check in the manner described in division (B) of this	595
section to determine whether any information exists that	596
indicates that the person who is the subject of the request	597
previously has been convicted of or pleaded guilty to any of the	598
following:	599

(a) A violation of section 959.13, 2903.01, 2903.02, 600
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 601
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 602
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 603
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 604
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 605
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 606
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 607
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 608
2927.12, or 3716.11 of the Revised Code, a violation of section 609
2905.04 of the Revised Code as it existed prior to July 1, 1996, 610
a violation of section 2919.23 of the Revised Code that would 611
have been a violation of section 2905.04 of the Revised Code as 612
it existed prior to July 1, 1996, had the violation been 613
committed prior to that date, a violation of section 2925.11 of 614
the Revised Code that is not a minor drug possession offense, 615
two or more OVI or OVUAC violations committed within the three 616
years immediately preceding the submission of the application or 617
petition that is the basis of the request, or felonious sexual 618
penetration in violation of former section 2907.12 of the 619
Revised Code; 620

(b) A violation of an existing or former law of this 621
state, any other state, or the United States that is 622
substantially equivalent to any of the offenses listed in 623
division (A) (4) (a) of this section. 624

(5) Upon receipt of a request pursuant to section 5104.013 625
of the Revised Code, a completed form prescribed pursuant to 626
division (C) (1) of this section, and a set of fingerprint 627
impressions obtained in the manner described in division (C) (2) 628
of this section, the superintendent of the bureau of criminal 629
identification and investigation shall conduct a criminal 630

records check in the manner described in division (B) of this 631
section to determine whether any information exists that 632
indicates that the person who is the subject of the request has 633
been convicted of or pleaded guilty to any of the following: 634

(a) A violation of section 2151.421, 2903.01, 2903.02, 635
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 636
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 637
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 638
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 639
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 640
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 641
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 642
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 643
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 644
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 645
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 646
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 647
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 648
3716.11 of the Revised Code, felonious sexual penetration in 649
violation of former section 2907.12 of the Revised Code, a 650
violation of section 2905.04 of the Revised Code as it existed 651
prior to July 1, 1996, a violation of section 2919.23 of the 652
Revised Code that would have been a violation of section 2905.04 653
of the Revised Code as it existed prior to July 1, 1996, had the 654
violation been committed prior to that date, a violation of 655
section 2925.11 of the Revised Code that is not a minor drug 656
possession offense, a violation of section 2923.02 or 2923.03 of 657
the Revised Code that relates to a crime specified in this 658
division, or a second violation of section 4511.19 of the 659
Revised Code within five years of the date of application for 660
licensure or certification. 661

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

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

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

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

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

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

department of commerce or a division in the department. The 724
superintendent shall conduct the criminal records check in the 725
manner described in division (B) of this section to determine 726
whether any information exists that indicates that the person 727
who is the subject of the request previously has been convicted 728
of or pleaded guilty to any of the following: a violation of 729
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 730
Revised Code; any other criminal offense involving theft, 731
receiving stolen property, embezzlement, forgery, fraud, passing 732
bad checks, money laundering, or drug trafficking, or any 733
criminal offense involving money or securities, as set forth in 734
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 735
the Revised Code; or any existing or former law of this state, 736
any other state, or the United States that is substantially 737
equivalent to those offenses. 738

(9) On receipt of a request for a criminal records check 739
from the treasurer of state under section 113.041 of the Revised 740
Code or from an individual under section 4701.08, 4715.101, 741
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 742
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 743
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 744
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 745
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 746
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 747
Code, accompanied by a completed form prescribed under division 748
(C) (1) of this section and a set of fingerprint impressions 749
obtained in the manner described in division (C) (2) of this 750
section, the superintendent of the bureau of criminal 751
identification and investigation shall conduct a criminal 752
records check in the manner described in division (B) of this 753
section to determine whether any information exists that 754

indicates that the person who is the subject of the request has 755
been convicted of or pleaded guilty to any criminal offense in 756
this state or any other state. Subject to division (F) of this 757
section, the superintendent shall send the results of a check 758
requested under section 113.041 of the Revised Code to the 759
treasurer of state and shall send the results of a check 760
requested under any of the other listed sections to the 761
licensing board specified by the individual in the request. 762

(10) On receipt of a request pursuant to section 1121.23, 763
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 764
form prescribed pursuant to division (C)(1) of this section, and 765
a set of fingerprint impressions obtained in the manner 766
described in division (C)(2) of this section, the superintendent 767
of the bureau of criminal identification and investigation shall 768
conduct a criminal records check in the manner described in 769
division (B) of this section to determine whether any 770
information exists that indicates that the person who is the 771
subject of the request previously has been convicted of or 772
pleaded guilty to any criminal offense under any existing or 773
former law of this state, any other state, or the United States. 774

(11) On receipt of a request for a criminal records check 775
from an appointing or licensing authority under section 3772.07 776
of the Revised Code, a completed form prescribed under division 777
(C)(1) of this section, and a set of fingerprint impressions 778
obtained in the manner prescribed in division (C)(2) of this 779
section, the superintendent of the bureau of criminal 780
identification and investigation shall conduct a criminal 781
records check in the manner described in division (B) of this 782
section to determine whether any information exists that 783
indicates that the person who is the subject of the request 784
previously has been convicted of or pleaded guilty or no contest 785

to any offense under any existing or former law of this state, 786
any other state, or the United States that is a disqualifying 787
offense as defined in section 3772.07 of the Revised Code or 788
substantially equivalent to such an offense. 789

(12) On receipt of a request pursuant to section 2151.33 790
or 2151.412 of the Revised Code, a completed form prescribed 791
pursuant to division (C)(1) of this section, and a set of 792
fingerprint impressions obtained in the manner described in 793
division (C)(2) of this section, the superintendent of the 794
bureau of criminal identification and investigation shall 795
conduct a criminal records check with respect to any person for 796
whom a criminal records check is required under that section. 797
The superintendent shall conduct the criminal records check in 798
the manner described in division (B) of this section to 799
determine whether any information exists that indicates that the 800
person who is the subject of the request previously has been 801
convicted of or pleaded guilty to any of the following: 802

(a) A violation of section 2903.01, 2903.02, 2903.03, 803
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 804
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 805
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 806
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 807
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 808
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 809
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 810
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 811

(b) An existing or former law of this state, any other 812
state, or the United States that is substantially equivalent to 813
any of the offenses listed in division (A)(12)(a) of this 814
section. 815

(13) On receipt of a request pursuant to section 3796.12 816
of the Revised Code, a completed form prescribed pursuant to 817
division (C) (1) of this section, and a set of fingerprint 818
impressions obtained in a manner described in division (C) (2) of 819
this section, the superintendent of the bureau of criminal 820
identification and investigation shall conduct a criminal 821
records check in the manner described in division (B) of this 822
section to determine whether any information exists that 823
indicates that the person who is the subject of the request 824
previously has been convicted of or pleaded guilty to the 825
following: 826

(a) A disqualifying offense as specified in rules adopted 827
under division (B) (2) (b) of section 3796.03 of the Revised Code 828
if the person who is the subject of the request is an 829
administrator or other person responsible for the daily 830
operation of, or an owner or prospective owner, officer or 831
prospective officer, or board member or prospective board member 832
of, an entity seeking a license from the department of commerce 833
under Chapter 3796. of the Revised Code; 834

(b) A disqualifying offense as specified in rules adopted 835
under division (B) (2) (b) of section 3796.04 of the Revised Code 836
if the person who is the subject of the request is an 837
administrator or other person responsible for the daily 838
operation of, or an owner or prospective owner, officer or 839
prospective officer, or board member or prospective board member 840
of, an entity seeking a license from the state board of pharmacy 841
under Chapter 3796. of the Revised Code. 842

(14) On receipt of a request required by section 3796.13 843
of the Revised Code, a completed form prescribed pursuant to 844
division (C) (1) of this section, and a set of fingerprint 845

impressions obtained in a manner described in division (C) (2) of 846
this section, the superintendent of the bureau of criminal 847
identification and investigation shall conduct a criminal 848
records check in the manner described in division (B) of this 849
section to determine whether any information exists that 850
indicates that the person who is the subject of the request 851
previously has been convicted of or pleaded guilty to the 852
following: 853

(a) A disqualifying offense as specified in rules adopted 854
under division (B) (8) (a) of section 3796.03 of the Revised Code 855
if the person who is the subject of the request is seeking 856
employment with an entity licensed by the department of commerce 857
under Chapter 3796. of the Revised Code; 858

(b) A disqualifying offense as specified in rules adopted 859
under division (B) (14) (a) of section 3796.04 of the Revised Code 860
if the person who is the subject of the request is seeking 861
employment with an entity licensed by the state board of 862
pharmacy under Chapter 3796. of the Revised Code. 863

(15) On receipt of a request pursuant to section 4768.06 864
of the Revised Code, a completed form prescribed under division 865
(C) (1) of this section, and a set of fingerprint impressions 866
obtained in the manner described in division (C) (2) of this 867
section, the superintendent of the bureau of criminal 868
identification and investigation shall conduct a criminal 869
records check in the manner described in division (B) of this 870
section to determine whether any information exists indicating 871
that the person who is the subject of the request has been 872
convicted of or pleaded guilty to a felony in this state or in 873
any other state. 874

(16) On receipt of a request pursuant to division (B) of 875

section 4764.07 of the Revised Code, a completed form prescribed 876
under division (C) (1) of this section, and a set of fingerprint 877
impressions obtained in the manner described in division (C) (2) 878
of this section, the superintendent of the bureau of criminal 879
identification and investigation shall conduct a criminal 880
records check in the manner described in division (B) of this 881
section to determine whether any information exists indicating 882
that the person who is the subject of the request has been 883
convicted of or pleaded guilty to any crime of moral turpitude, 884
a felony, or an equivalent offense in any other state or the 885
United States. 886

(B) Subject to division (F) of this section, the 887
superintendent shall conduct any criminal records check to be 888
conducted under this section as follows: 889

(1) The superintendent shall review or cause to be 890
reviewed any relevant information gathered and compiled by the 891
bureau under division (A) of section 109.57 of the Revised Code 892
that relates to the person who is the subject of the criminal 893
records check, including, if the criminal records check was 894
requested under section 113.041, 121.08, 173.27, 173.38, 895
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 896
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 897
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 898
4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 899
5123.081, 5123.169, or 5153.111 of the Revised Code, any 900
relevant information contained in records that have been sealed 901
under section 2953.32 of the Revised Code; 902

(2) If the request received by the superintendent asks for 903
information from the federal bureau of investigation, the 904
superintendent shall request from the federal bureau of 905

investigation any information it has with respect to the person 906
who is the subject of the criminal records check, including 907
fingerprint-based checks of national crime information databases 908
as described in 42 U.S.C. 671 if the request is made pursuant to 909
section 2151.86 or 5104.013 of the Revised Code or if any other 910
Revised Code section requires fingerprint-based checks of that 911
nature, and shall review or cause to be reviewed any information 912
the superintendent receives from that bureau. If a request under 913
section 3319.39 of the Revised Code asks only for information 914
from the federal bureau of investigation, the superintendent 915
shall not conduct the review prescribed by division (B) (1) of 916
this section. 917

(3) The superintendent or the superintendent's designee 918
may request criminal history records from other states or the 919
federal government pursuant to the national crime prevention and 920
privacy compact set forth in section 109.571 of the Revised 921
Code. 922

(4) The superintendent shall include in the results of the 923
criminal records check a list or description of the offenses 924
listed or described in division (A) (1), (2), (3), (4), (5), (6), 925
(7), (8), (9), (10), (11), (12), (13), (14), ~~or (15)~~, or (16) of 926
this section, whichever division requires the superintendent to 927
conduct the criminal records check. The superintendent shall 928
exclude from the results any information the dissemination of 929
which is prohibited by federal law. 930

(5) The superintendent shall send the results of the 931
criminal records check to the person to whom it is to be sent 932
not later than the following number of days after the date the 933
superintendent receives the request for the criminal records 934
check, the completed form prescribed under division (C) (1) of 935

this section, and the set of fingerprint impressions obtained in 936
the manner described in division (C) (2) of this section: 937

(a) If the superintendent is required by division (A) of 938
this section (other than division (A) (3) of this section) to 939
conduct the criminal records check, thirty; 940

(b) If the superintendent is required by division (A) (3) 941
of this section to conduct the criminal records check, sixty. 942

(C) (1) The superintendent shall prescribe a form to obtain 943
the information necessary to conduct a criminal records check 944
from any person for whom a criminal records check is to be 945
conducted under this section. The form that the superintendent 946
prescribes pursuant to this division may be in a tangible 947
format, in an electronic format, or in both tangible and 948
electronic formats. 949

(2) The superintendent shall prescribe standard impression 950
sheets to obtain the fingerprint impressions of any person for 951
whom a criminal records check is to be conducted under this 952
section. Any person for whom a records check is to be conducted 953
under this section shall obtain the fingerprint impressions at a 954
county sheriff's office, municipal police department, or any 955
other entity with the ability to make fingerprint impressions on 956
the standard impression sheets prescribed by the superintendent. 957
The office, department, or entity may charge the person a 958
reasonable fee for making the impressions. The standard 959
impression sheets the superintendent prescribes pursuant to this 960
division may be in a tangible format, in an electronic format, 961
or in both tangible and electronic formats. 962

(3) Subject to division (D) of this section, the 963
superintendent shall prescribe and charge a reasonable fee for 964

providing a criminal records check under this section. The 965
person requesting the criminal records check shall pay the fee 966
prescribed pursuant to this division. In the case of a request 967
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 968
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 969
fee shall be paid in the manner specified in that section. 970

(4) The superintendent of the bureau of criminal 971
identification and investigation may prescribe methods of 972
forwarding fingerprint impressions and information necessary to 973
conduct a criminal records check, which methods shall include, 974
but not be limited to, an electronic method. 975

(D) The results of a criminal records check conducted 976
under this section, other than a criminal records check 977
specified in division (A) (7) of this section, are valid for the 978
person who is the subject of the criminal records check for a 979
period of one year from the date upon which the superintendent 980
completes the criminal records check. If during that period the 981
superintendent receives another request for a criminal records 982
check to be conducted under this section for that person, the 983
superintendent shall provide the results from the previous 984
criminal records check of the person at a lower fee than the fee 985
prescribed for the initial criminal records check. 986

(E) When the superintendent receives a request for 987
information from a registered private provider, the 988
superintendent shall proceed as if the request was received from 989
a school district board of education under section 3319.39 of 990
the Revised Code. The superintendent shall apply division (A) (1) 991
(c) of this section to any such request for an applicant who is 992
a teacher. 993

(F) (1) Subject to division (F) (2) of this section, all 994

information regarding the results of a criminal records check 995
conducted under this section that the superintendent reports or 996
sends under division (A) (7) or (9) of this section to the 997
director of public safety, the treasurer of state, or the 998
person, board, or entity that made the request for the criminal 999
records check shall relate to the conviction of the subject 1000
person, or the subject person's plea of guilty to, a criminal 1001
offense. 1002

(2) Division (F) (1) of this section does not limit, 1003
restrict, or preclude the superintendent's release of 1004
information that relates to the arrest of a person who is 1005
eighteen years of age or older, to an adjudication of a child as 1006
a delinquent child, or to a criminal conviction of a person 1007
under eighteen years of age in circumstances in which a release 1008
of that nature is authorized under division (E) (2), (3), or (4) 1009
of section 109.57 of the Revised Code pursuant to a rule adopted 1010
under division (E) (1) of that section. 1011

(G) As used in this section: 1012

(1) "Criminal records check" means any criminal records 1013
check conducted by the superintendent of the bureau of criminal 1014
identification and investigation in accordance with division (B) 1015
of this section. 1016

(2) "Minor drug possession offense" has the same meaning 1017
as in section 2925.01 of the Revised Code. 1018

(3) "OVI or OVUAC violation" means a violation of section 1019
4511.19 of the Revised Code or a violation of an existing or 1020
former law of this state, any other state, or the United States 1021
that is substantially equivalent to section 4511.19 of the 1022
Revised Code. 1023

(4) "Registered private provider" means a nonpublic school 1024
or entity registered with the superintendent of public 1025
instruction under section 3310.41 of the Revised Code to 1026
participate in the autism scholarship program or section 3310.58 1027
of the Revised Code to participate in the Jon Peterson special 1028
needs scholarship program. 1029

Sec. 121.08. (A) There is hereby created in the department 1030
of commerce the position of deputy director of administration. 1031
This officer shall be appointed by the director of commerce, 1032
serve under the director's direction, supervision, and control, 1033
perform the duties the director prescribes, and hold office 1034
during the director's pleasure. The director of commerce may 1035
designate an assistant director of commerce to serve as the 1036
deputy director of administration. The deputy director of 1037
administration shall perform the duties prescribed by the 1038
director of commerce in supervising the activities of the 1039
division of administration of the department of commerce. 1040

(B) Except as provided in section 121.07 of the Revised 1041
Code, the department of commerce shall have all powers and 1042
perform all duties vested in the deputy director of 1043
administration, the state fire marshal, the superintendent of 1044
financial institutions, the superintendent of real estate and 1045
professional licensing, the superintendent of liquor control, 1046
the superintendent of industrial compliance, the superintendent 1047
of unclaimed funds, and the commissioner of securities, and 1048
shall have all powers and perform all duties vested by law in 1049
all officers, deputies, and employees of those offices. Except 1050
as provided in section 121.07 of the Revised Code, wherever 1051
powers are conferred or duties imposed upon any of those 1052
officers, the powers and duties shall be construed as vested in 1053
the department of commerce. 1054

(C) (1) There is hereby created in the department of 1055
commerce a division of financial institutions, which shall have 1056
all powers and perform all duties vested by law in the 1057
superintendent of financial institutions. Wherever powers are 1058
conferred or duties imposed upon the superintendent of financial 1059
institutions, those powers and duties shall be construed as 1060
vested in the division of financial institutions. The division 1061
of financial institutions shall be administered by the 1062
superintendent of financial institutions. 1063

(2) All provisions of law governing the superintendent of 1064
financial institutions shall apply to and govern the 1065
superintendent of financial institutions provided for in this 1066
section; all authority vested by law in the superintendent of 1067
financial institutions with respect to the management of the 1068
division of financial institutions shall be construed as vested 1069
in the superintendent of financial institutions created by this 1070
section with respect to the division of financial institutions 1071
provided for in this section; and all rights, privileges, and 1072
emoluments conferred by law upon the superintendent of financial 1073
institutions shall be construed as conferred upon the 1074
superintendent of financial institutions as head of the division 1075
of financial institutions. The director of commerce shall not 1076
transfer from the division of financial institutions any of the 1077
functions specified in division (C) (2) of this section. 1078

(D) There is hereby created in the department of commerce 1079
a division of liquor control, which shall have all powers and 1080
perform all duties vested by law in the superintendent of liquor 1081
control. Wherever powers are conferred or duties are imposed 1082
upon the superintendent of liquor control, those powers and 1083
duties shall be construed as vested in the division of liquor 1084
control. The division of liquor control shall be administered by 1085

the superintendent of liquor control. 1086

(E) The director of commerce shall not be interested, 1087
directly or indirectly, in any firm or corporation which is a 1088
dealer in securities as defined in sections 1707.01 and 1707.14 1089
of the Revised Code, or in any firm or corporation licensed 1090
under sections 1321.01 to 1321.19 of the Revised Code. 1091

(F) The director of commerce shall not have any official 1092
connection with a savings and loan association, a savings bank, 1093
a bank, a bank holding company, a savings and loan association 1094
holding company, a consumer finance company, or a credit union 1095
that is under the supervision of the division of financial 1096
institutions, or a subsidiary of any of the preceding entities, 1097
or be interested in the business thereof. 1098

(G) There is hereby created in the state treasury the 1099
division of administration fund. The fund shall receive 1100
assessments on the operating funds of the department of commerce 1101
in accordance with procedures prescribed by the director of 1102
commerce and approved by the director of budget and management. 1103
All operating expenses of the division of administration shall 1104
be paid from the division of administration fund. 1105

(H) There is hereby created in the department of commerce 1106
a division of real estate and professional licensing, which 1107
shall be under the control and supervision of the director of 1108
commerce. The division of real estate and professional licensing 1109
shall be administered by the superintendent of real estate and 1110
professional licensing. The superintendent of real estate and 1111
professional licensing shall exercise the powers and perform the 1112
functions and duties delegated to the superintendent under 1113
Chapters 4735., 4763., 4764., 4767., and 4768. of the Revised 1114
Code. 1115

(I) There is hereby created in the department of commerce 1116
a division of industrial compliance, which shall have all powers 1117
and perform all duties vested by law in the superintendent of 1118
industrial compliance. Wherever powers are conferred or duties 1119
imposed upon the superintendent of industrial compliance, those 1120
powers and duties shall be construed as vested in the division 1121
of industrial compliance. The division of industrial compliance 1122
shall be under the control and supervision of the director of 1123
commerce and be administered by the superintendent of industrial 1124
compliance. 1125

(J) There is hereby created in the department of commerce 1126
a division of unclaimed funds, which shall have all powers and 1127
perform all duties delegated to or vested by law in the 1128
superintendent of unclaimed funds. Wherever powers are conferred 1129
or duties imposed upon the superintendent of unclaimed funds, 1130
those powers and duties shall be construed as vested in the 1131
division of unclaimed funds. The division of unclaimed funds 1132
shall be under the control and supervision of the director of 1133
commerce and shall be administered by the superintendent of 1134
unclaimed funds. The superintendent of unclaimed funds shall 1135
exercise the powers and perform the functions and duties 1136
delegated to the superintendent by the director of commerce 1137
under section 121.07 and Chapter 169. of the Revised Code, and 1138
as may otherwise be provided by law. 1139

(K) The department of commerce or a division of the 1140
department created by the Revised Code that is acting with 1141
authorization on the department's behalf may request from the 1142
bureau of criminal identification and investigation pursuant to 1143
section 109.572 of the Revised Code, or coordinate with 1144
appropriate federal, state, and local government agencies to 1145
accomplish, criminal records checks for the persons whose 1146

identities are required to be disclosed by an applicant for the 1147
issuance or transfer of a permit, license, certificate of 1148
registration, or certification issued or transferred by the 1149
department or division. At or before the time of making a 1150
request for a criminal records check, the department or division 1151
may require any person whose identity is required to be 1152
disclosed by an applicant for the issuance or transfer of such a 1153
license, permit, certificate of registration, or certification 1154
to submit to the department or division valid fingerprint 1155
impressions in a format and by any media or means acceptable to 1156
the bureau of criminal identification and investigation and, 1157
when applicable, the federal bureau of investigation. The 1158
department or division may cause the bureau of criminal 1159
identification and investigation to conduct a criminal records 1160
check through the federal bureau of investigation only if the 1161
person for whom the criminal records check would be conducted 1162
resides or works outside of this state or has resided or worked 1163
outside of this state during the preceding five years, or if a 1164
criminal records check conducted by the bureau of criminal 1165
identification and investigation within this state indicates 1166
that the person may have a criminal record outside of this 1167
state. 1168

In the case of a criminal records check under section 1169
109.572 of the Revised Code, the department or division shall 1170
forward to the bureau of criminal identification and 1171
investigation the requisite form, fingerprint impressions, and 1172
fee described in division (C) of that section. When requested by 1173
the department or division in accordance with this section, the 1174
bureau of criminal identification and investigation shall 1175
request from the federal bureau of investigation any information 1176
it has with respect to the person who is the subject of the 1177

requested criminal records check and shall forward the requisite 1178
fingerprint impressions and information to the federal bureau of 1179
investigation for that criminal records check. After conducting 1180
a criminal records check or receiving the results of a criminal 1181
records check from the federal bureau of investigation, the 1182
bureau of criminal identification and investigation shall 1183
provide the results to the department or division. 1184

The department or division may require any person about 1185
whom a criminal records check is requested to pay to the 1186
department or division the amount necessary to cover the fee 1187
charged to the department or division by the bureau of criminal 1188
identification and investigation under division (C) (3) of 1189
section 109.572 of the Revised Code, including, when applicable, 1190
any fee for a criminal records check conducted by the federal 1191
bureau of investigation. 1192

(L) The director of commerce, or the director's designee, 1193
may adopt rules to enhance compliance with statutes pertaining 1194
to, and rules adopted by, divisions under the direction, 1195
supervision, and control of the department or director by 1196
offering incentive-based programs that ensure safety and 1197
soundness while promoting growth and prosperity in the state. 1198

Sec. 125.22. (A) The department of administrative services 1199
shall establish the central service agency to perform routine 1200
support for the following boards and commissions: 1201

- (1) Architects board; 1202
- (2) State chiropractic board; 1203
- (3) State cosmetology and barber board; 1204
- (4) Accountancy board; 1205

(5) State dental board;	1206
(6) Ohio occupational therapy, physical therapy, and athletic trainers board;	1207 1208
(7) State board of registration for professional engineers and surveyors;	1209 1210
(8) Board of embalmers and funeral directors;	1211
(9) State board of psychology;	1212
(10) Counselor, social worker, and marriage and family therapist board;	1213 1214
(11) State veterinary medical licensing board;	1215
(12) Commission on Hispanic-Latino affairs;	1216
(13) Ohio commission on African-American males;	1217
(14) Chemical dependency professionals board;	1218
(15) State vision professionals board;	1219
(16) State speech and hearing professionals board;	1220
<u>(17) Ohio air quality development authority;</u>	1221
<u>(18) Ohio athletic commission;</u>	1222
<u>(19) State board of career colleges and schools;</u>	1223
<u>(20) Liquor control commission;</u>	1224
<u>(21) Commission on minority health;</u>	1225
<u>(22) Motor vehicle repair board;</u>	1226
<u>(23) State employment relations board;</u>	1227
<u>(24) Ohio commission on service and volunteerism;</u>	1228

<u>(25) Board of tax appeals.</u>	1229
(B) (1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	1230 1231 1232 1233 1234 1235
(a) Preparing and processing payroll and other personnel documents;	1236 1237
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	1238 1239
(c) Maintaining ledgers of accounts and balances;	1240
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	1241 1242
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	1243 1244 1245
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	1246 1247 1248
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	1249 1250 1251 1252
(C) The director of administrative services shall be the appointing authority for the agency.	1253 1254
(D) The agency shall determine the fees to be charged to	1255

the boards and commissions, which shall be in proportion to the 1256
services performed for each board or commission. 1257

(E) Each board or commission named in division (A) of this 1258
section and any other board or commission requesting services 1259
from the agency shall pay these fees to the agency from the 1260
general revenue fund maintenance account of the board or 1261
commission or from such other fund as the operating expenses of 1262
the board or commission are paid. Any amounts set aside for a 1263
fiscal year by a board or commission to allow for the payment of 1264
fees shall be used only for the services performed by the agency 1265
in that fiscal year. All receipts collected by the agency shall 1266
be deposited in the state treasury to the credit of the central 1267
service agency fund, which is hereby created. All expenses 1268
incurred by the agency in performing services for the boards or 1269
commissions shall be paid from the fund. 1270

(F) Nothing in this section shall be construed as a grant 1271
of authority for the central service agency to initiate or deny 1272
personnel or fiscal actions for the boards and commissions. 1273

Sec. 145.012. (A) "Public employee," as defined in 1274
division (A) of section 145.01 of the Revised Code, does not 1275
include any person: 1276

(1) Who is employed by a private, temporary-help service 1277
and performs services under the direction of a public employer 1278
or is employed on a contractual basis as an independent 1279
contractor under a personal service contract with a public 1280
employer; 1281

(2) Who is an emergency employee serving on a temporary 1282
basis in case of fire, snow, earthquake, flood, or other similar 1283
emergency; 1284

(3) Who is employed in a program established pursuant to	1285
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29	1286
U.S.C.A. 1501;	1287
(4) Who is an appointed member of either the motor vehicle	1288
salvage dealers board or the motor vehicle dealer's board whose	1289
rate and method of payment are determined pursuant to division	1290
(J) of section 124.15 of the Revised Code;	1291
(5) Who is employed as an election worker and paid less	1292
than six hundred dollars per calendar year for that service;	1293
(6) Who is employed as a firefighter in a position	1294
requiring satisfactory completion of a firefighter training	1295
course approved under former section 3303.07 or section 4765.55	1296
of the Revised Code or conducted under section 3737.33 of the	1297
Revised Code except for the following:	1298
(a) Any firefighter who has elected under section 145.013	1299
of the Revised Code to remain a contributing member of the	1300
public employees retirement system;	1301
(b) Any firefighter who was eligible to transfer from the	1302
public employees retirement system to the Ohio police and fire	1303
pension fund under section 742.51 or 742.515 of the Revised Code	1304
and did not elect to transfer;	1305
(c) Any firefighter who has elected under section 742.516	1306
of the Revised Code to transfer from the Ohio police and fire	1307
pension fund to the public employees retirement system.	1308
(7) Who is a member of the board of health of a city or	1309
general health district, which pursuant to sections 3709.051 and	1310
3709.07 of the Revised Code includes a combined health district,	1311
and whose compensation for attendance at meetings of the board	1312
is set forth in division (B) of section 3709.02 or division (B)	1313

of section 3709.05 of the Revised Code, as appropriate; 1314

(8) Who participates in an alternative retirement plan 1315
established under Chapter 3305. of the Revised Code; 1316

(9) Who is a member of the board of directors of a 1317
sanitary district established under Chapter 6115. of the Revised 1318
Code; 1319

~~(10) Who is a member of the unemployment compensation-~~ 1320
~~advisory council;~~ 1321

~~(11)~~Who is an employee, officer, or governor-appointed 1322
member of the board of directors of the nonprofit corporation 1323
formed under section 187.01 of the Revised Code; 1324

~~(12)~~(11) Who is employed by the nonprofit entity 1325
established to provide advocacy services and a client assistance 1326
program for people with disabilities under Section 319.20 of Am. 1327
Sub. H.B. 153 of the 129th general assembly and whose employment 1328
begins on or after October 1, 2012. 1329

(B) No inmate of a correctional institution operated by 1330
the department of rehabilitation and correction, no patient in a 1331
hospital for the mentally ill or criminally insane operated by 1332
the department of mental health and addiction services, no 1333
resident in an institution for persons with intellectual 1334
disabilities operated by the department of developmental 1335
disabilities, no resident admitted as a patient of a veterans' 1336
home operated under Chapter 5907. of the Revised Code, and no 1337
resident of a county home shall be considered as a public 1338
employee for the purpose of establishing membership or 1339
calculating service credit or benefits under this chapter. 1340
Nothing in this division shall be construed to affect any 1341
service credit attained by any person who was a public employee 1342

before becoming an inmate, patient, or resident at any 1343
institution listed in this division, or the payment of any 1344
benefit for which such a person or such a person's beneficiaries 1345
otherwise would be eligible. 1346

Sec. 355.02. (A) Each board of county commissioners may 1347
adopt a resolution to establish a local healthier buckeye 1348
council. If a local council is established, the resolution shall 1349
specify the organization of the council and shall designate a 1350
member to serve as a staffing agent and, if the board determines 1351
necessary, a member to serve as a fiscal agent. The board may 1352
revise the council's organization as necessary by adopting a 1353
resolution. 1354

(B) (1) The board may invite any person or entity to become 1355
a member of the council, including any of the following: 1356

(a) Individuals with community leadership experience; 1357

(b) Individuals with experience leading others; 1358

(c) Individuals likely to receive healthier buckeye 1359
services and participate in healthier buckeye programs; 1360

(d) Representatives from public and private entities, 1361
including any of the following: 1362

(i) Employers; 1363

(ii) Municipal corporations, counties, and townships; 1364

(iii) Courts, including those with specialized court 1365
programs certified by the Ohio supreme court; 1366

(iv) Law enforcement; 1367

(v) Faith-based social services organizations; 1368

(vi) Foundations; 1369

(vii) Public health, including free clinics;	1370
(viii) Child support enforcement agencies;	1371
(ix) Children services agencies;	1372
(x) Child care providers;	1373
(xi) Preschool programs;	1374
(xii) Primary and secondary schools;	1375
(xiii) Colleges and universities;	1376
(xiv) Mental health and addiction services providers;	1377
(xv) Medicaid care coordinators or service providers;	1378
(xvi) Emergency or urgent care services providers;	1379
(xvii) Transportation providers;	1380
(xviii) Housing providers;	1381
(xix) The boy scouts of America, 4-H clubs, boys and girls clubs of America, and other similar organizations.	1382 1383
(2) The board may form a multi-county council in accordance with division (C) of this section.	1384 1385
(C) (1) The boards of county commissioners of any two or more counties, by entering into a written agreement, may form a joint local healthier buckeye council. The agreement shall be ratified by resolution of the board of county commissioners of each county that entered into the agreement. Each board of county commissioners that enters into an agreement shall give notice of the agreement to the Ohio healthier buckeye advisory council.	1386 1387 1388 1389 1390 1391 1392 1393
(2) An agreement to establish a joint local healthier	1394

buckeye council may set forth procedures or standards necessary 1395
for the joint local healthier buckeye council to perform its 1396
duties and operate efficiently. 1397

(3) Costs incurred in operating a joint local healthier 1398
buckeye council shall be paid from a joint general fund created 1399
by the council, except as may be otherwise provided in the 1400
agreement. 1401

(4) If a joint local healthier buckeye council is 1402
established, all references in the Revised Code to a local 1403
healthier buckeye council shall apply to the joint local 1404
council. 1405

Sec. 355.03. (A) A local healthier buckeye council shall 1406
promote all of the following: 1407

(1) A cooperative and effective environment in all 1408
communities to maximize opportunities for individuals and 1409
families to achieve and maintain optimal health in all aspects, 1410
thereby achieving greater productivity and reducing reliance on 1411
publicly funded assistance programs; 1412

(2) Means by which council members or the entities the 1413
members represent may reduce the reliance of individuals and 1414
families on publicly funded assistance programs using both of 1415
the following: 1416

(a) Programs that have been demonstrated to be effective 1417
and have one or more of the following features: 1418

(i) Low costs; 1419

(ii) Use volunteer workers; 1420

(iii) Use incentives to encourage designated behaviors; 1421

(iv) Are led by peers.	1422
(b) Practices that identify and seek to eliminate barriers to achieving greater financial independence for individuals and families who receive services from or participate in programs operated by council members or the entities the members represent.	1423 1424 1425 1426 1427
(3) Care coordination among physical health, behavioral health, social, employment, education, and housing service providers within the county.	1428 1429 1430
(B) A local healthier buckeye council shall develop a healthier buckeye plan that promotes the objectives set forth in division (A) of this section and submit the council's healthier buckeye plan to the board of county commissioners that created the council and to the Ohio healthier buckeye advisory council.	1431 1432 1433 1434 1435
(C) A local healthier buckeye council shall convene at least once per year.	1436 1437
(D) A local healthier buckeye council shall organize itself in accordance with section 355.02 of the Revised Code and any other applicable provisions of law.	1438 1439 1440
(E) A local healthier buckeye council shall collect and analyze data regarding individuals or families who receive services from or participate in programs operated by council members or the entities the members represent.	1441 1442 1443 1444
(F) Beginning one year after the effective date of this amendment, each local healthier buckeye council shall submit an annual report of the council's performance to the Ohio healthier buckeye council.	1445 1446 1447 1448
(G) A local healthier buckeye council may apply for,	1449

receive, and oversee the administration of grants. 1450

Sec. 355.04. A local healthier buckeye council shall 1451
report the following information to the joint medicaid oversight 1452
committee created in section 103.41 of the Revised Code ~~and to~~ 1453
~~the Ohio healthier buckeye advisory council:~~ 1454

(A) Notification that the local council has been 1455
established and information regarding the council's 1456
organization, plan, and activities; 1457

(B) Information regarding enrollment or outcome data 1458
collected under division (E) of section 355.03 of the Revised 1459
Code; 1460

(C) Recommendations regarding the best practices for the 1461
administration and delivery of publicly funded assistance 1462
programs or other services or programs provided by council 1463
members or the entities the members represent; 1464

(D) Recommendations regarding the best practices in care 1465
coordination. 1466

Sec. 2925.01. As used in this chapter: 1467

(A) "Administer," "controlled substance," "controlled 1468
substance analog," "dispense," "distribute," "hypodermic," 1469
"manufacturer," "official written order," "person," 1470
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1471
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1472
have the same meanings as in section 3719.01 of the Revised 1473
Code. 1474

(B) "Drug dependent person" and "drug of abuse" have the 1475
same meanings as in section 3719.011 of the Revised Code. 1476

(C) "Drug," "dangerous drug," "licensed health 1477

professional authorized to prescribe drugs," and "prescription" 1478
have the same meanings as in section 4729.01 of the Revised 1479
Code. 1480

(D) "Bulk amount" of a controlled substance means any of 1481
the following: 1482

(1) For any compound, mixture, preparation, or substance 1483
included in schedule I, schedule II, or schedule III, with the 1484
exception of any controlled substance analog, marihuana, 1485
cocaine, L.S.D., heroin, any fentanyl-related compound, and 1486
hashish and except as provided in division (D)(2), (5), or (6) 1487
of this section, whichever of the following is applicable: 1488

(a) An amount equal to or exceeding ten grams or twenty- 1489
five unit doses of a compound, mixture, preparation, or 1490
substance that is or contains any amount of a schedule I opiate 1491
or opium derivative; 1492

(b) An amount equal to or exceeding ten grams of a 1493
compound, mixture, preparation, or substance that is or contains 1494
any amount of raw or gum opium; 1495

(c) An amount equal to or exceeding thirty grams or ten 1496
unit doses of a compound, mixture, preparation, or substance 1497
that is or contains any amount of a schedule I hallucinogen 1498
other than tetrahydrocannabinol or lysergic acid amide, or a 1499
schedule I stimulant or depressant; 1500

(d) An amount equal to or exceeding twenty grams or five 1501
times the maximum daily dose in the usual dose range specified 1502
in a standard pharmaceutical reference manual of a compound, 1503
mixture, preparation, or substance that is or contains any 1504
amount of a schedule II opiate or opium derivative; 1505

(e) An amount equal to or exceeding five grams or ten unit 1506

doses of a compound, mixture, preparation, or substance that is 1507
or contains any amount of phencyclidine; 1508

(f) An amount equal to or exceeding one hundred twenty 1509
grams or thirty times the maximum daily dose in the usual dose 1510
range specified in a standard pharmaceutical reference manual of 1511
a compound, mixture, preparation, or substance that is or 1512
contains any amount of a schedule II stimulant that is in a 1513
final dosage form manufactured by a person authorized by the 1514
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1515
U.S.C.A. 301, as amended, and the federal drug abuse control 1516
laws, as defined in section 3719.01 of the Revised Code, that is 1517
or contains any amount of a schedule II depressant substance or 1518
a schedule II hallucinogenic substance; 1519

(g) An amount equal to or exceeding three grams of a 1520
compound, mixture, preparation, or substance that is or contains 1521
any amount of a schedule II stimulant, or any of its salts or 1522
isomers, that is not in a final dosage form manufactured by a 1523
person authorized by the Federal Food, Drug, and Cosmetic Act 1524
and the federal drug abuse control laws. 1525

(2) An amount equal to or exceeding one hundred twenty 1526
grams or thirty times the maximum daily dose in the usual dose 1527
range specified in a standard pharmaceutical reference manual of 1528
a compound, mixture, preparation, or substance that is or 1529
contains any amount of a schedule III or IV substance other than 1530
an anabolic steroid or a schedule III opiate or opium 1531
derivative; 1532

(3) An amount equal to or exceeding twenty grams or five 1533
times the maximum daily dose in the usual dose range specified 1534
in a standard pharmaceutical reference manual of a compound, 1535
mixture, preparation, or substance that is or contains any 1536

amount of a schedule III opiate or opium derivative; 1537

(4) An amount equal to or exceeding two hundred fifty 1538
milliliters or two hundred fifty grams of a compound, mixture, 1539
preparation, or substance that is or contains any amount of a 1540
schedule V substance; 1541

(5) An amount equal to or exceeding two hundred solid 1542
dosage units, sixteen grams, or sixteen milliliters of a 1543
compound, mixture, preparation, or substance that is or contains 1544
any amount of a schedule III anabolic steroid; 1545

(6) For any compound, mixture, preparation, or substance 1546
that is a combination of a fentanyl-related compound and any 1547
other compound, mixture, preparation, or substance included in 1548
schedule III, schedule IV, or schedule V, if the defendant is 1549
charged with a violation of section 2925.11 of the Revised Code 1550
and the sentencing provisions set forth in divisions (C) (10) (b) 1551
and (C) (11) of that section will not apply regarding the 1552
defendant and the violation, the bulk amount of the controlled 1553
substance for purposes of the violation is the amount specified 1554
in division (D) (1), (2), (3), (4), or (5) of this section for 1555
the other schedule III, IV, or V controlled substance that is 1556
combined with the fentanyl-related compound. 1557

(E) "Unit dose" means an amount or unit of a compound, 1558
mixture, or preparation containing a controlled substance that 1559
is separately identifiable and in a form that indicates that it 1560
is the amount or unit by which the controlled substance is 1561
separately administered to or taken by an individual. 1562

(F) "Cultivate" includes planting, watering, fertilizing, 1563
or tilling. 1564

(G) "Drug abuse offense" means any of the following: 1565

(1) A violation of division (A) of section 2913.02 that 1566
constitutes theft of drugs, or a violation of section 2925.02, 1567
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1568
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1569
or 2925.37 of the Revised Code; 1570

(2) A violation of an existing or former law of this or 1571
any other state or of the United States that is substantially 1572
equivalent to any section listed in division (G) (1) of this 1573
section; 1574

(3) An offense under an existing or former law of this or 1575
any other state, or of the United States, of which planting, 1576
cultivating, harvesting, processing, making, manufacturing, 1577
producing, shipping, transporting, delivering, acquiring, 1578
possessing, storing, distributing, dispensing, selling, inducing 1579
another to use, administering to another, using, or otherwise 1580
dealing with a controlled substance is an element; 1581

(4) A conspiracy to commit, attempt to commit, or 1582
complicity in committing or attempting to commit any offense 1583
under division (G) (1), (2), or (3) of this section. 1584

(H) "Felony drug abuse offense" means any drug abuse 1585
offense that would constitute a felony under the laws of this 1586
state, any other state, or the United States. 1587

(I) "Harmful intoxicant" does not include beer or 1588
intoxicating liquor but means any of the following: 1589

(1) Any compound, mixture, preparation, or substance the 1590
gas, fumes, or vapor of which when inhaled can induce 1591
intoxication, excitement, giddiness, irrational behavior, 1592
depression, stupefaction, paralysis, unconsciousness, 1593
asphyxiation, or other harmful physiological effects, and 1594

includes, but is not limited to, any of the following:	1595
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	1596 1597 1598 1599
(b) Any aerosol propellant;	1600
(c) Any fluorocarbon refrigerant;	1601
(d) Any anesthetic gas.	1602
(2) Gamma Butyrolactone;	1603
(3) 1,4 Butanediol.	1604
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	1605 1606 1607 1608 1609 1610
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	1611 1612 1613 1614
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	1615 1616 1617 1618 1619 1620
(M) "Standard pharmaceutical reference manual" means the	1621

current edition, with cumulative changes if any, of references 1622
that are approved by the state board of pharmacy. 1623

(N) "Juvenile" means a person under eighteen years of age. 1624

(O) "Counterfeit controlled substance" means any of the 1625
following: 1626

(1) Any drug that bears, or whose container or label 1627
bears, a trademark, trade name, or other identifying mark used 1628
without authorization of the owner of rights to that trademark, 1629
trade name, or identifying mark; 1630

(2) Any unmarked or unlabeled substance that is 1631
represented to be a controlled substance manufactured, 1632
processed, packed, or distributed by a person other than the 1633
person that manufactured, processed, packed, or distributed it; 1634

(3) Any substance that is represented to be a controlled 1635
substance but is not a controlled substance or is a different 1636
controlled substance; 1637

(4) Any substance other than a controlled substance that a 1638
reasonable person would believe to be a controlled substance 1639
because of its similarity in shape, size, and color, or its 1640
markings, labeling, packaging, distribution, or the price for 1641
which it is sold or offered for sale. 1642

(P) An offense is "committed in the vicinity of a school" 1643
if the offender commits the offense on school premises, in a 1644
school building, or within one thousand feet of the boundaries 1645
of any school premises, regardless of whether the offender knows 1646
the offense is being committed on school premises, in a school 1647
building, or within one thousand feet of the boundaries of any 1648
school premises. 1649

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

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

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

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

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

(T) "Disciplinary counsel" means the disciplinary counsel 1680
appointed by the board of commissioners on grievances and 1681
discipline of the supreme court under the Rules for the 1682
Government of the Bar of Ohio. 1683

(U) "Certified grievance committee" means a duly 1684
constituted and organized committee of the Ohio state bar 1685
association or of one or more local bar associations of the 1686
state of Ohio that complies with the criteria set forth in Rule 1687
V, section 6 of the Rules for the Government of the Bar of Ohio. 1688

(V) "Professional license" means any license, permit, 1689
certificate, registration, qualification, admission, temporary 1690
license, temporary permit, temporary certificate, or temporary 1691
registration that is described in divisions (W) (1) to ~~(36)~~ (37) 1692
of this section and that qualifies a person as a professionally 1693
licensed person. 1694

(W) "Professionally licensed person" means any of the 1695
following: 1696

(1) A person who has obtained a license as a manufacturer 1697
of controlled substances or a wholesaler of controlled 1698
substances under Chapter 3719. of the Revised Code; 1699

(2) A person who has received a certificate or temporary 1700
certificate as a certified public accountant or who has 1701
registered as a public accountant under Chapter 4701. of the 1702
Revised Code and who holds an Ohio permit issued under that 1703
chapter; 1704

(3) A person who holds a certificate of qualification to 1705
practice architecture issued or renewed and registered under 1706
Chapter 4703. of the Revised Code; 1707

(4) A person who is registered as a landscape architect 1708

under Chapter 4703. of the Revised Code or who holds a permit as	1709
a landscape architect issued under that chapter;	1710
(5) A person licensed under Chapter 4707. of the Revised	1711
Code;	1712
(6) A person who has been issued a certificate of	1713
registration as a registered barber under Chapter 4709. of the	1714
Revised Code;	1715
(7) A person licensed and regulated to engage in the	1716
business of a debt pooling company by a legislative authority,	1717
under authority of Chapter 4710. of the Revised Code;	1718
(8) A person who has been issued a cosmetologist's	1719
license, hair designer's license, manicurist's license,	1720
esthetician's license, natural hair stylist's license, advanced	1721
cosmetologist's license, advanced hair designer's license,	1722
advanced manicurist's license, advanced esthetician's license,	1723
advanced natural hair stylist's license, cosmetology	1724
instructor's license, hair design instructor's license,	1725
manicurist instructor's license, esthetics instructor's license,	1726
natural hair style instructor's license, independent	1727
contractor's license, or tanning facility permit under Chapter	1728
4713. of the Revised Code;	1729
(9) A person who has been issued a license to practice	1730
dentistry, a general anesthesia permit, a conscious intravenous	1731
sedation permit, a limited resident's license, a limited	1732
teaching license, a dental hygienist's license, or a dental	1733
hygienist's teacher's certificate under Chapter 4715. of the	1734
Revised Code;	1735
(10) A person who has been issued an embalmer's license, a	1736
funeral director's license, a funeral home license, or a	1737

crematory license, or who has been registered for an embalmer's 1738
or funeral director's apprenticeship under Chapter 4717. of the 1739
Revised Code; 1740

(11) A person who has been licensed as a registered nurse 1741
or practical nurse, or who has been issued a certificate for the 1742
practice of nurse-midwifery under Chapter 4723. of the Revised 1743
Code; 1744

(12) A person who has been licensed to practice optometry 1745
or to engage in optical dispensing under Chapter 4725. of the 1746
Revised Code; 1747

(13) A person licensed to act as a pawnbroker under 1748
Chapter 4727. of the Revised Code; 1749

(14) A person licensed to act as a precious metals dealer 1750
under Chapter 4728. of the Revised Code; 1751

(15) A person licensed as a pharmacist, a pharmacy intern, 1752
a wholesale distributor of dangerous drugs, or a terminal 1753
distributor of dangerous drugs under Chapter 4729. of the 1754
Revised Code; 1755

(16) A person who is authorized to practice as a physician 1756
assistant under Chapter 4730. of the Revised Code; 1757

(17) A person who has been issued a license to practice 1758
medicine and surgery, osteopathic medicine and surgery, or 1759
podiatric medicine and surgery under Chapter 4731. of the 1760
Revised Code or has been issued a certificate to practice a 1761
limited branch of medicine under that chapter; 1762

(18) A person licensed as a psychologist or school 1763
psychologist under Chapter 4732. of the Revised Code; 1764

(19) A person registered to practice the profession of 1765

engineering or surveying under Chapter 4733. of the Revised Code;	1766 1767
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1768 1769
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1770 1771
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	1772 1773
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	1774 1775
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	1776 1777
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	1778 1779
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1780 1781 1782 1783
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1784 1785 1786
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1787 1788 1789
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1790 1791 1792

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1793 1794 1795
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1796 1797 1798
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1799 1800 1801 1802 1803 1804
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1805 1806
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1807 1808 1809
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	1810 1811
(36) <u>A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;</u>	1812 1813
<u>(37)</u> A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	1814 1815 1816
(X) "Cocaine" means any of the following:	1817
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1818 1819

(2) Coca leaves or a salt, compound, derivative, or 1820
preparation of coca leaves, including ecgonine, a salt, isomer, 1821
or derivative of ecgonine, or a salt of an isomer or derivative 1822
of ecgonine; 1823

(3) A salt, compound, derivative, or preparation of a 1824
substance identified in division (X)(1) or (2) of this section 1825
that is chemically equivalent to or identical with any of those 1826
substances, except that the substances shall not include 1827
decocainized coca leaves or extraction of coca leaves if the 1828
extractions do not contain cocaine or ecgonine. 1829

(Y) "L.S.D." means lysergic acid diethylamide. 1830

(Z) "Hashish" means the resin or a preparation of the 1831
resin contained in marihuana, whether in solid form or in a 1832
liquid concentrate, liquid extract, or liquid distillate form. 1833

(AA) "Marihuana" has the same meaning as in section 1834
3719.01 of the Revised Code, except that it does not include 1835
hashish. 1836

(BB) An offense is "committed in the vicinity of a 1837
juvenile" if the offender commits the offense within one hundred 1838
feet of a juvenile or within the view of a juvenile, regardless 1839
of whether the offender knows the age of the juvenile, whether 1840
the offender knows the offense is being committed within one 1841
hundred feet of or within view of the juvenile, or whether the 1842
juvenile actually views the commission of the offense. 1843

(CC) "Presumption for a prison term" or "presumption that 1844
a prison term shall be imposed" means a presumption, as 1845
described in division (D) of section 2929.13 of the Revised 1846
Code, that a prison term is a necessary sanction for a felony in 1847
order to comply with the purposes and principles of sentencing 1848

under section 2929.11 of the Revised Code. 1849

(DD) "Major drug offender" has the same meaning as in 1850
section 2929.01 of the Revised Code. 1851

(EE) "Minor drug possession offense" means either of the 1852
following: 1853

(1) A violation of section 2925.11 of the Revised Code as 1854
it existed prior to July 1, 1996; 1855

(2) A violation of section 2925.11 of the Revised Code as 1856
it exists on and after July 1, 1996, that is a misdemeanor or a 1857
felony of the fifth degree. 1858

(FF) "Mandatory prison term" has the same meaning as in 1859
section 2929.01 of the Revised Code. 1860

(GG) "Adulterate" means to cause a drug to be adulterated 1861
as described in section 3715.63 of the Revised Code. 1862

(HH) "Public premises" means any hotel, restaurant, 1863
tavern, store, arena, hall, or other place of public 1864
accommodation, business, amusement, or resort. 1865

(II) "Methamphetamine" means methamphetamine, any salt, 1866
isomer, or salt of an isomer of methamphetamine, or any 1867
compound, mixture, preparation, or substance containing 1868
methamphetamine or any salt, isomer, or salt of an isomer of 1869
methamphetamine. 1870

(JJ) "Lawful prescription" means a prescription that is 1871
issued for a legitimate medical purpose by a licensed health 1872
professional authorized to prescribe drugs, that is not altered 1873
or forged, and that was not obtained by means of deception or by 1874
the commission of any theft offense. 1875

(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	1876 1877
(LL) "Fentanyl-related compound" means any of the following:	1878 1879
(1) Fentanyl;	1880
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1881 1882 1883
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	1884 1885
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	1886 1887
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1888 1889 1890
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	1891 1892
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	1893 1894
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	1895 1896
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	1897 1898
(10) Alfentanil;	1899
(11) Carfentanil;	1900
(12) Remifentanil;	1901

(13) Sufentanil;	1902
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	1903 1904
(15) A schedule I narcotic-opiate that meets the fentanyl pharmacophore requirements specified in division (A) (56) of section 3719.41 of the Revised Code, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.	1905 1906 1907 1908 1909 1910
Sec. 3301.61. (A) The state council on educational opportunity for military children is hereby established within the department of education. The council shall consist of the following members:	1911 1912 1913 1914
(1) The superintendent of public instruction or the superintendent's designee;	1915 1916
(2) The director of veterans services or the director's designee;	1917 1918
(3) The superintendent of a school district that has a high concentration of children of military families, appointed by the governor <u>superintendent of public instruction</u> ;	1919 1920 1921
(4) A representative of a military installation located in this state, appointed by the governor <u>superintendent of public instruction</u> ;	1922 1923 1924
(5) A representative of the governor's office, appointed by the governor;	1925 1926
(6) Four members of the general assembly, appointed as follows:	1927 1928

(a) One member of the house of representatives appointed	1929
by the speaker of the house of representatives;	1930
(b) One member of the house of representatives appointed	1931
by the minority leader of the house of representatives;	1932
(c) One member of the senate appointed by the president of	1933
the senate;	1934
(d) One member of the senate appointed by the minority	1935
leader of the senate.	1936
(7) The compact commissioner appointed under section	1937
3301.62 of the Revised Code;	1938
(8) The military family education liaison appointed under	1939
section 3301.63 of the Revised Code;	1940
(9) Other members appointed in the manner prescribed by	1941
and seated at the discretion of the voting members of the	1942
council.	1943
The members of the council shall serve at the pleasure of	1944
their appointing authorities. Vacancies shall be filled in the	1945
manner of the initial appointments.	1946
The members appointed under divisions (A) (6) to (9) of	1947
this section shall be nonvoting members of the council.	1948
The members of the council shall serve without	1949
compensation.	1950
(B) The council shall oversee and provide coordination for	1951
the state's participation in and compliance with the interstate	1952
compact on educational opportunity for military children, as	1953
ratified by section 3301.60 of the Revised Code.	1954
(C) The department of education shall provide staff	1955

support for the council.	1956
(D) Sections 101.82 to 101.87 of the Revised Code do not apply to the council.	1957 1958
(E) As used in this section, "children of military families" and "military installation" have the same meanings as in Article II of the interstate compact on educational opportunity for military children.	1959 1960 1961 1962
Sec. 3333.74. (A) Except as provided in division (B) of this section, each award under the Ohio co-op/internship program shall require a pledge of private funds equal to the following:	1963 1964 1965
(1) In the case of a program, initiative, or scholarships for undergraduate students, at least one hundred per cent of the money awarded;	1966 1967 1968
(2) In the case of a program, initiative, or scholarships for graduate students, at least one hundred fifty per cent of the money awarded.	1969 1970 1971
(B) The chancellor of higher education may waive the requirement of division (A) of this section if the chancellor finds that exceptional circumstances exist to do so, provided that as long as the chancellor reviews the proposal with the advisory committee established under section 3333.731 of the Revised Code and provides an explanation for the waiver to the controlling board.	1972 1973 1974 1975 1976 1977 1978
(C) The chancellor shall endeavor to distribute awards in such a way that a wide range of disciplines is supported and that all regions of the state benefit from the economic development impact of the program.	1979 1980 1981 1982
Sec. 4104.33. There is hereby created the historical	1983

boilers licensing board consisting of seven members, three of 1984
whom shall be appointed by the ~~governor~~director of commerce 1985
with the advice and consent of the senate. ~~The governor shall~~ 1986
~~make initial appointments to the board within ninety days after~~ 1987
~~October 24, 2002. Of the initial members appointed by the~~ 1988
~~governor, one shall be for a term ending three years after~~ 1989
~~October 24, 2002, one shall be for a term ending four years~~ 1990
~~after October 24, 2002, and one shall be for a term ending five~~ 1991
~~years after October 24, 2002. Thereafter, terms~~Terms of office 1992
shall be for five years, each term ending on the same day of the 1993
same month of the year as did the term that it succeeds. Of the 1994
three members the ~~governor~~director appoints, one member shall 1995
be an employee of the division of boiler inspection in the 1996
department of commerce; one member shall be an independent 1997
mechanical engineer who is not involved in selling or inspecting 1998
historical boilers; and one shall be an active member of an 1999
association that represents managers of fairs or festivals. 2000

Two members of the board shall be appointed by the 2001
president of the senate and two members of the board shall be 2002
appointed by the speaker of the house of representatives. ~~The~~ 2003
~~president and speaker shall make initial appointments to the~~ 2004
~~board within ninety days after October 24, 2002. Of the initial~~ 2005
~~members appointed by the president, one shall be for a term~~ 2006
~~ending four years after October 24, 2002 and one shall be for a~~ 2007
~~term ending five years after October 24, 2002. Of the initial~~ 2008
~~members appointed by the speaker, one shall be for a term ending~~ 2009
~~three years after October 24, 2002 and one shall be for a term~~ 2010
~~ending five years after October 24, 2002. Thereafter, terms~~ 2011
Terms of office shall be for five years, each term ending on the 2012
same day of the same month of the year as did the term that it 2013
succeeds. Of the four members appointed by the president and 2014

speaker, each shall own a historical boiler and also have at 2015
least ten years of experience in the operation of historical 2016
boilers, and each of these four members shall reside in a 2017
different region of the state. 2018

Each member shall hold office from the date of the 2019
member's appointment until the end of the term for which the 2020
member was appointed. Members may be reappointed. Vacancies 2021
shall be filled by the director of commerce, and shall not 2022
require the advice and consent of the senate. Any member 2023
appointed to fill a vacancy occurring prior to the expiration 2024
date of the term for which the member's predecessor was 2025
appointed shall hold office as a member for the remainder of 2026
that term. A member shall continue in office subsequent to the 2027
expiration date of the member's term until the successor takes 2028
office or until a period of sixty days has elapsed, whichever 2029
occurs first. 2030

The members of the board, annually, shall elect, by 2031
majority vote, a chairperson from among their members. The board 2032
shall meet at least once annually and at other times at the call 2033
of the chairperson. Board members shall receive their actual and 2034
necessary expenses incurred in the discharge of their duties as 2035
board members. 2036

The superintendent of industrial compliance shall furnish 2037
office space, staff, and supplies to the board as the 2038
superintendent determines are necessary for the board to carry 2039
out its official duties under sections 4104.33 to 4104.37 of the 2040
Revised Code. 2041

Sec. 4141.131. The director of job and family services may 2042
enter into contracts for the sale of real property no longer 2043
needed by the director for the operations of the director under 2044

this title. Any costs attributable to the director that are 2045
associated with the sale of real property under this section 2046
shall be paid out of the unemployment compensation special 2047
administrative fund established pursuant to section 4141.11 of 2048
the Revised Code. The director shall submit a report summarizing 2049
the use of that fund for the purpose of this section at least 2050
annually to the ~~unemployment compensation advisory council as~~ 2051
~~prescribed by the council~~ president of the senate and the 2052
speaker of the house of representatives. 2053

The auditor of state, with the assistance of the attorney 2054
general, shall prepare a deed to the real property being sold 2055
upon notice from the director that a contract for the sale of 2056
that property has been executed in accordance with this section. 2057
The deed shall state the consideration and any conditions placed 2058
upon the sale. The deed shall be executed by the governor in the 2059
name of the state, countersigned by the secretary of state, 2060
sealed with the great seal of the state, presented in the office 2061
of the auditor of state for recording, and delivered to the 2062
buyer upon payment of the balance of the purchase price. 2063

The buyer shall present the deed for recording in the 2064
county recorder's office of the county in which the real 2065
property is located. 2066

Sec. 4141.25. (A) The director of job and family services 2067
shall determine as of each computation date the contribution 2068
rate of each contributing employer subject to this chapter for 2069
the next succeeding contribution period. The director shall 2070
determine a standard rate of contribution or an experience rate 2071
for each contributing employer. Once a rate of contribution has 2072
been established under this section for a contribution period, 2073
except as provided in division (D) of section 4141.26 of the 2074

Revised Code, that rate shall remain effective throughout such 2075
contribution period. The rate of contribution shall be 2076
determined in accordance with the following requirements: 2077

(1) An employer whose experience does not meet the terms 2078
of division (A) (2) of this section shall be assigned a standard 2079
rate of contribution. Effective for contribution periods 2080
beginning on and after January 1, 1998, an employer's standard 2081
rate of contribution shall be a rate of two and seven-tenths per 2082
cent, except that the rate for employers engaged in the 2083
construction industry shall be the average contribution rate 2084
computed for the construction industry or a rate of two and 2085
seven-tenths per cent, whichever is greater. The standard rate 2086
set forth in this division shall be applicable to a nonprofit 2087
organization whose election to make payments in lieu of 2088
contributions is voluntarily terminated or canceled by the 2089
director under section 4141.241 of the Revised Code, and 2090
thereafter pays contributions as required by this section. If 2091
such nonprofit organization had been a contributory employer 2092
prior to its election to make payments in lieu of contributions, 2093
then any prior balance in the contributory account shall become 2094
part of the reactivated account. 2095

As used in division (A) of this section, "the average 2096
contribution rate computed for the construction industry" means 2097
the most recent annual average rate attributable to the 2098
construction industry as prescribed by the director. 2099

(2) A contributing employer subject to this chapter shall 2100
qualify for an experience rate only if there have been four 2101
consecutive quarters, ending on the thirtieth day of June 2102
immediately prior to the computation date, throughout which the 2103
employer's account was chargeable with benefits. Upon meeting 2104

the qualifying requirements provided in division (A) (2) of this section, the director shall calculate the total credits to each employer's account consisting of the contributions other than mutualized contributions including all contributions paid prior to the computation date for all past periods plus:

(a) The contributions owing on the computation date that are paid within thirty days after the computation date, and credited to the employer's account;

(b) All voluntary contributions paid by an employer pursuant to division (B) of section 4141.24 of the Revised Code.

(3) The director also shall determine the benefits which are chargeable to each employer's account and which were paid prior to the computation date with respect to weeks of unemployment ending prior to the computation date. The director then shall determine the positive or negative balance of each employer's account by calculating the excess of such contributions and interest over the benefits chargeable, or the excess of such benefits over such contributions and interest. Any resulting negative balance then shall be subject to adjustment as provided in division (A) (2) of section 4141.24 of the Revised Code after which the positive or negative balance shall be expressed in terms of a percentage of the employer's average annual payroll. If the total standing to the credit of an employer's account exceeds the total charges, as provided in this division, the employer has a positive balance and if such charges exceed such credits the employer has a negative balance. Each employer's contribution rate shall then be determined in accordance with the following schedule:

Contribution Rate Schedule

If, as of the computation date The employer's

	the contribution rate balance of	contribution rate for	2135
	an employer's account as a	the next succeeding	2136
	percentage of the employer's	contribution period	2137
	average annual payroll is	shall be	2138
(a)	A negative balance of:		2139
	20.0% or more	6.5%	2140
	19.0% but less than 20.0%	6.4%	2141
	17.0% but less than 19.0%	6.3%	2142
	15.0% but less than 17.0%	6.2%	2143
	13.0% but less than 15.0%	6.1%	2144
	11.0% but less than 13.0%	6.0%	2145
	9.0% but less than 11.0%	5.9%	2146
	5.0% but less than 9.0%	5.7%	2147
	4.0% but less than 5.0%	5.5%	2148
	3.0% but less than 4.0%	5.3%	2149
	2.0% but less than 3.0%	5.1%	2150
	1.0% but less than 2.0%	4.9%	2151
	more than 0.0% but less than 1.0%	4.8%	2152
(b)	A 0.0% or a positive		2153
	balance of less than 1.0%	4.7%	2154
(c)	A positive balance of:		2155
	1.0% or more, but less than 1.5%	4.6%	2156
	1.5% or more, but less than 2.0%	4.5%	2157
	2.0% or more, but less than 2.5%	4.3%	2158
	2.5% or more, but less than 3.0%	4.0%	2159
	3.0% or more, but less than 3.5%	3.8%	2160
	3.5% or more, but less than 4.0%	3.5%	2161
	4.0% or more, but less than 4.5%	3.3%	2162
	4.5% or more, but less than 5.0%	3.0%	2163
	5.0% or more, but less than 5.5%	2.8%	2164
	5.5% or more, but less than 6.0%	2.5%	2165

6.0% or more, but less than 6.5%	2.2%	2166
6.5% or more, but less than 7.0%	2.0%	2167
7.0% or more, but less than 7.5%	1.8%	2168
7.5% or more, but less than 8.0%	1.6%	2169
8.0% or more, but less than 8.5%	1.4%	2170
8.5% or more, but less than 9.0%	1.3%	2171
9.0% or more, but less than 9.5%	1.1%	2172
9.5% or more, but less than 10.0%	1.0%	2173
10.0% or more, but less than 10.5%	.9%	2174
10.5% or more, but less than 11.0%	.7%	2175
11.0% or more, but less than 11.5%	.6%	2176
11.5% or more, but less than 12.0%	.5%	2177
12.0% or more, but less than 12.5%	.4%	2178
12.5% or more, but less than 13.0%	.3%	2179
13.0% or more, but less than 14.0%	.2%	2180
14.0% or more	.1%	2181

(d) The contribution rates shall be as specified in 2182
divisions (a), (b), and (c) of the contribution rate schedule 2183
except that notwithstanding the amendments made to division (a) 2184
of the contribution rate schedule in this section, if, as of the 2185
computation date: for 1991, the negative balance is 5.0% or 2186
more, the contribution rate shall be 5.7%; for 1992, if the 2187
negative balance is 11.0% or more, the contribution rate shall 2188
be 6.0%; and for 1993, if the negative balance is 17.0% or more, 2189
the contribution rate shall be 6.3%. Thereafter, the 2190
contribution rates shall be as specified in the contribution 2191
rate schedule. 2192

(B) (1) The director shall establish and maintain a 2193
separate account to be known as the "mutualized account." As of 2194
each computation date there shall be charged to this account: 2195

(a) As provided in division (A) (2) of section 4141.24 of the Revised Code, an amount equal to the sum of that portion of the negative balances of employer accounts which exceeds the applicable limitations as such balances are computed under division (A) of this section as of such date;

(b) An amount equal to the sum of the negative balances remaining in employer accounts which have been closed during the year immediately preceding such computation date pursuant to division (E) of section 4141.24 of the Revised Code;

(c) An amount equal to the sum of all benefits improperly paid preceding such computation date which are not recovered but which are not charged to an employer's account, or which after being charged, are credited back to an employer's account;

(d) An amount equal to the sum of any other benefits paid preceding such computation date which, under this chapter, are not chargeable to an employer's account;

(e) An amount equal to the sum of any refunds made during the year immediately preceding such computation date of erroneously collected mutualized contributions required by this division which were previously credited to this account;

(f) An amount equal to the sum of any repayments made to the federal government during the year immediately preceding such computation date of amounts which may have been advanced by it to the unemployment compensation fund under section 1201 of the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;

(g) Any amounts appropriated by the general assembly out of funds paid by the federal government, under section 903 of the "Social Security Act," to the account of this state in the federal unemployment trust fund.

(2) As of every computation date there shall be credited	2225
to the mutualized account provided for in this division:	2226
(a) The proceeds of the mutualized contributions as	2227
provided in this division;	2228
(b) Any positive balances remaining in employer accounts	2229
which are closed as provided in division (E) of section 4141.24	2230
of the Revised Code;	2231
(c) Any benefits improperly paid which are recovered but	2232
which cannot be credited to an employer's account;	2233
(d) All amounts which may be paid by the federal	2234
government under section 903 of the "Social Security Act" to the	2235
account of this state in the federal unemployment trust fund;	2236
(e) Amounts advanced by the federal government to the	2237
account of this state in the federal unemployment trust fund	2238
under section 1201 of the "Social Security Act" to the extent	2239
such advances have been repaid to or recovered by the federal	2240
government;	2241
(f) Interest credited to the Ohio unemployment trust fund	2242
as deposited with the secretary of the treasury of the United	2243
States;	2244
(g) Amounts deposited into the unemployment compensation	2245
fund for penalties collected pursuant to division (A) (4) of	2246
section 4141.35 of the Revised Code.	2247
(3) Annually, as of the computation date, the director	2248
shall determine the total credits and charges made to the	2249
mutualized account during the preceding twelve months and the	2250
overall condition of the account. The director shall issue an	2251
annual statement containing this information and such other	2252

information as the director deems pertinent, including a report 2253
that the sum of the balances in the mutualized account, 2254
employers' accounts, and any subsidiary accounts equal the 2255
balance in the state's unemployment trust fund maintained under 2256
section 904 of the "Social Security Act." 2257

(4) As used in this division: 2258

(a) "Fund as of the computation date" means as of any 2259
computation date, the aggregate amount of the unemployment 2260
compensation fund, including all contributions owing on the 2261
computation date that are paid within thirty days thereafter, 2262
all payments in lieu of contributions that are paid within sixty 2263
days after the computation date, all reimbursements of the 2264
federal share of extended benefits described in section 4141.301 2265
of the Revised Code that are owing on the computation date, and 2266
all interest earned by the fund and received on or before the 2267
computation date from the federal government. 2268

(b) "Minimum safe level" means an amount equal to two 2269
standard deviations above the average of the adjusted annual 2270
average unemployment compensation benefit payment from 1970 to 2271
the most recent calendar year prior to the computation date, as 2272
determined by the director pursuant to division (B) (4) (b) of 2273
this section. To determine the adjusted annual payment of 2274
unemployment compensation benefits, the director first shall 2275
multiply the number of weeks compensated during each calendar 2276
year beginning with 1970 by the most recent annual average 2277
weekly unemployment compensation benefit payment and then 2278
compute the average and standard deviation of the resultant 2279
products. 2280

(c) "Annual average weekly unemployment compensation 2281
benefit payment" means the amount resulting from dividing the 2282

unemployment compensation benefits paid from the benefit account 2283
maintained within the unemployment compensation fund pursuant to 2284
section 4141.09 of the Revised Code, by the number of weeks 2285
compensated during the same time period. 2286

(5) If, as of any computation date, the charges to the 2287
mutualized account during the entire period subsequent to the 2288
computation date, July 1, 1966, made in accordance with division 2289
(B) (1) of this section, exceed the credits to such account 2290
including mutualized contributions during such period, made in 2291
accordance with division (B) (2) of this section, the amount of 2292
such excess charges shall be recovered during the next 2293
contribution period. To recover such amount, the director shall 2294
compute the percentage ratio of such excess charges to the 2295
average annual payroll of all employers eligible for an 2296
experience rate under division (A) of this section. The 2297
percentage so determined shall be computed to the nearest tenth 2298
of one per cent and shall be an additional contribution rate to 2299
be applied to the wages paid by each employer whose rate is 2300
computed under the provisions of division (A) of this section in 2301
the contribution period next following such computation date, 2302
but such percentage shall not exceed five-tenths of one per 2303
cent; however, when there are any excess charges in the 2304
mutualized account, as computed in this division, then the 2305
mutualized contribution rate shall not be less than one-tenth of 2306
one per cent. 2307

(6) If the fund as of the computation date is above or 2308
below minimum safe level, the contribution rates provided for in 2309
each classification in division (A) (3) of this section for the 2310
next contribution period shall be adjusted as follows: 2311

(a) If the fund is thirty per cent or more above minimum 2312

safe level, the contribution rates provided in division (A) (3) 2313
of this section shall be decreased two-tenths of one per cent. 2314

(b) If the fund is more than fifteen per cent but less 2315
than thirty per cent above minimum safe level, the contribution 2316
rates provided in division (A) (3) of this section shall be 2317
decreased one-tenth of one per cent. 2318

(c) If the fund is more than fifteen per cent but less 2319
than thirty per cent below minimum safe level, the contribution 2320
rates of all employers shall be increased twenty-five one- 2321
thousandths of one per cent plus a per cent increase calculated 2322
and rounded pursuant to division (B) (6) (g) of this section. 2323

(d) If the fund is more than thirty per cent but less than 2324
forty-five per cent below minimum safe level, the contribution 2325
rates of all employers shall be increased seventy-five one- 2326
thousandths of one per cent plus a per cent increase calculated 2327
and rounded pursuant to division (B) (6) (g) of this section. 2328

(e) If the fund is more than forty-five per cent but less 2329
than sixty per cent below minimum safe level, the contribution 2330
rates of all employers shall be increased one-eighth of one per 2331
cent plus a per cent increase calculated and rounded pursuant to 2332
division (B) (6) (g) of this section. 2333

(f) If the fund is sixty per cent or more below minimum 2334
safe level, the contribution rates of all employers shall be 2335
increased two-tenths of one per cent plus a per cent increase 2336
calculated and rounded pursuant to division (B) (6) (g) of this 2337
section. 2338

(g) The additional per cent increase in contribution rates 2339
required by divisions (B) (6) (c), (d), (e), and (f) of this 2340
section that is payable by each individual employer shall be 2341

calculated in the following manner. The flat rate increase 2342
required by a particular division shall be multiplied by three 2343
and the product divided by the average experienced-rated 2344
contribution rate for all employers as determined by the 2345
director for the most recent calendar year. The resulting 2346
quotient shall be multiplied by an individual employer's 2347
contribution rate determined pursuant to division (A) (3) of this 2348
section. The resulting product shall be rounded to the nearest 2349
tenth of one per cent, added to the flat rate increase required 2350
by division (B) (6) (c), (d), (e), or (f) of this section, as 2351
appropriate, and the total shall be rounded to the nearest tenth 2352
of one per cent. As used in division (B) (6) (g) of this section, 2353
the "average experienced-rated contribution rate" means the most 2354
recent annual average contribution rate reported by the director 2355
contained in report RS 203.2 less the mutualized and minimum 2356
safe level contribution rates included in such rate. 2357

(h) If any of the increased contribution rates of division 2358
(B) (6) (c), (d), (e), or (f) of this section are imposed, the 2359
rate shall remain in effect for the calendar year in which it is 2360
imposed and for each calendar year thereafter until the director 2361
determines as of the computation date for calendar year 1991 and 2362
as of the computation date for any calendar year thereafter 2363
pursuant to this section, that the level of the unemployment 2364
compensation fund equals or exceeds the minimum safe level as 2365
defined in division (B) (4) (b) of this section. Nothing in 2366
division (B) (6) (h) of this section shall be construed as 2367
restricting the imposition of the increased contribution rates 2368
provided in divisions (B) (6) (c), (d), (e), and (f) of this 2369
section if the fund falls below the percentage of the minimum 2370
safe level as specified in those divisions. 2371

(7) The additional contributions required by division (B) 2372

(5) of this section shall be credited to the mutualized account. 2373
The additional contributions required by division (B) (6) of this 2374
section shall be credited fifty per cent to individual employer 2375
accounts and fifty per cent to the mutualized account. 2376

(C) If an employer makes a payment of contributions which 2377
is less than the full amount required by this section and 2378
sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, 2379
and 4141.27 of the Revised Code, such partial payment shall be 2380
applied first against the mutualized contributions required 2381
under this chapter. Any remaining partial payment shall be 2382
credited to the employer's individual account. 2383

(D) Whenever there are any increases in contributions 2384
resulting from an increase in wages subject to contributions as 2385
defined in division (G) of section 4141.01 of the Revised Code, 2386
or from an increase in the mutualized rate of contributions 2387
provided in division (B) of this section, or from a revision of 2388
the contribution rate schedule provided in division (A) of this 2389
section, except for that portion of the increase attributable to 2390
a change in the positive or negative balance in an employer's 2391
account, which increases become effective after a contract for 2392
the construction of real property, as defined in section 5701.02 2393
of the Revised Code, has been entered into, the contractee upon 2394
written notice by a prime contractor shall reimburse the 2395
contractor for all increased contributions paid by the prime 2396
contractor or by subcontractors upon wages for services 2397
performed under the contract. Upon reimbursement by the 2398
contractee to the prime contractor, the prime contractor shall 2399
reimburse each subcontractor for the increased contributions. 2400

~~(E) Effective only for the contribution period beginning 2401
on January 1, 1996, and ending on December 31, 1996, mutualized 2402~~

~~contributions collected or received by the director pursuant to 2403
division (B) (5) of this section and amounts credited to the 2404
mutualized account pursuant to division (B) (7) of this section 2405
shall be deposited into or credited to the unemployment 2406
compensation benefit reserve fund that is created under division 2407
(F) of this section, except that amounts collected, received, or 2408
credited in excess of two hundred million dollars shall be 2409
deposited into or credited to the unemployment trust fund 2410
established pursuant to section 4141.09 of the Revised Code. 2411~~

~~(F) The state unemployment compensation benefit reserve 2412
fund is hereby created as a trust fund in the custody of the 2413
treasurer of state and shall not be part of the state treasury. 2414
The fund shall consist of all moneys collected or received as 2415
mutualized contributions pursuant to division (B) (5) of this 2416
section and amounts credited to the mutualized account pursuant 2417
to division (B) (7) of this section as provided by division (E) 2418
of this section. All moneys in the fund shall be used solely to 2419
pay unemployment compensation benefits in the event that funds 2420
are no longer available for that purpose from the unemployment 2421
trust fund established pursuant to section 4141.09 of the 2422
Revised Code. 2423~~

~~(G) The balance in the unemployment compensation benefit 2424
reserve fund remaining at the end of the contribution period 2425
beginning January 1, 2000, and any mutualized contribution 2426
amounts for the contribution period beginning on January 1, 2427
1996, that may be received after December 31, 2000, shall be 2428
deposited into the unemployment trust fund established pursuant 2429
to section 4141.09 of the Revised Code. Income earned on moneys 2430
in the state unemployment compensation benefit reserve fund 2431
shall be available for use by the director only for the purposes 2432
described in division (I) of this section, and shall not be used 2433~~

~~for any other purpose.~~ 2434

~~(H) The unemployment compensation benefit reserve fund balance shall be added to the unemployment trust fund balance in determining the minimum safe level tax to be imposed pursuant to division (B) of this section and shall be included in the mutualized account balance for the purpose of determining the mutualized contribution rate pursuant to division (B) (5) of this section.~~ 2435
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~~(I) All income earned on moneys in the unemployment compensation benefit reserve fund from the investment of the fund by the treasurer of state shall accrue to the department of job and family services automation administration fund, which is hereby established in the state treasury. Moneys within the automation administration fund shall be used to meet the costs related to automation of the department and the administrative costs related to collecting and accounting for unemployment compensation benefit reserve fund revenue. Any funds remaining in the automation administration fund upon completion of the department's automation projects that are funded by that fund shall be deposited into the unemployment trust fund established pursuant to section 4141.09 of the Revised Code.~~ 2442
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~~(J) The director shall prepare and submit monthly reports to the unemployment compensation advisory commission with respect to the status of efforts to collect and account for unemployment compensation benefit reserve fund revenue and the costs related to collecting and accounting for that revenue. The director shall obtain approval from the unemployment compensation advisory commission for expenditure of funds from the department of job and family services automation administration fund. Funds may be approved for expenditure for~~ 2455
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~~purposes set forth in division (I) of this section only to the extent that federal or other funds are not available.~~ 2464
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Sec. 4141.292. An individual suffering total or partial unemployment directly attributable to a major disaster declared by the president of the United States pursuant to the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C. 5121, who is not eligible to be paid unemployment compensation benefits under this chapter or any other state or federal unemployment compensation law for the first week of the individual's unemployment caused by the disaster is eligible to be paid a state disaster unemployment benefit payment for that week. 2466
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The director shall compute the state disaster unemployment benefit payment as if the individual was otherwise qualified and claiming weekly unemployment compensation benefits under this chapter. The director shall pay the state disaster unemployment benefit payment from the unemployment compensation special administrative fund created in section 4141.11 of the Revised Code. The director shall maintain appropriate records of payments made under this section and shall submit those records at least annually to the ~~unemployment compensation advisory council as prescribed by the council~~ president of the senate and the speaker of the house of representatives. 2475
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Sec. 4713.01. As used in this chapter: 2486

"Apprentice instructor" means an individual holding a practicing license issued by the state cosmetology and barber board who is engaged in learning or acquiring knowledge of the occupation of an instructor of a branch of cosmetology at a school of cosmetology. 2487
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"Beauty salon" means a salon in which an individual is 2492

authorized to engage in all branches of cosmetology.	2493
"Biennial licensing period" means the two-year period	2494
beginning on the first day of February of an odd-numbered year	2495
and ending on the last day of January of the next odd-numbered	2496
year.	2497
"Boutique salon" means a salon in which an individual	2498
engages in boutique services and no other branch of cosmetology.	2499
"Boutique services" means braiding, threading, and	2500
shampooing, <u>and makeup artistry.</u>	2501
"Braiding" means intertwining the hair in a systematic	2502
motion to create patterns in a three-dimensional form, inverting	2503
the hair against the scalp along part of a straight or curved	2504
row of intertwined hair, or twisting the hair in a systematic	2505
motion, and includes extending the hair with natural or	2506
synthetic hair fibers.	2507
"Branch of cosmetology" means the practice of cosmetology,	2508
practice of esthetics, practice of hair design, practice of	2509
manicuring, practice of natural hair styling, or practice of	2510
boutique services.	2511
"Cosmetic therapy" has the same meaning as in section	2512
4731.15 of the Revised Code.	2513
"Cosmetologist" means an individual authorized to engage	2514
in all branches of cosmetology in a licensed facility.	2515
"Cosmetology" means the art or practice of embellishment,	2516
cleansing, beautification, and styling of hair, wigs, postiches,	2517
face, body, or nails.	2518
"Cosmetology instructor" means an individual authorized to	2519
teach the theory and practice of all branches of cosmetology at	2520

a school of cosmetology. 2521

"Esthetician" means an individual who engages in the 2522
practice of esthetics but no other branch of cosmetology in a 2523
licensed facility. 2524

"Esthetics instructor" means an individual who teaches the 2525
theory and practice of esthetics, but no other branch of 2526
cosmetology, at a school of cosmetology. 2527

"Esthetics salon" means a salon in which an individual 2528
engages in the practice of esthetics but no other branch of 2529
cosmetology. 2530

"Eye lash extensions" include temporary and semi-permanent 2531
enhancements designed to add length, thickness, and fullness to 2532
natural eyelashes. 2533

"Hair designer" means an individual who engages in the 2534
practice of hair design but no other branch of cosmetology in a 2535
licensed facility. 2536

"Hair design instructor" means an individual who teaches 2537
the theory and practice of hair design, but no other branch of 2538
cosmetology, at a school of cosmetology. 2539

"Hair design salon" means a salon in which an individual 2540
engages in the practice of hair design but no other branch of 2541
cosmetology. 2542

"Hair removal" includes tweezing, waxing, sugaring, and 2543
threading. "Hair removal" does not include electrolysis. 2544

"Independent contractor" means an individual who is not an 2545
employee of a salon but practices a branch of cosmetology within 2546
a salon in a licensed facility. 2547

"Instructor license" means a license to teach the theory 2548
and practice of a branch of cosmetology at a school of 2549
cosmetology. 2550

"Licensed facility" means any premises, building, or part 2551
of a building licensed under section 4713.41 of the Revised Code 2552
in which cosmetology services are authorized by the state 2553
cosmetology and barber board to be performed. 2554

"Advanced cosmetologist" means an individual authorized to 2555
work in a beauty salon and engage in all branches of 2556
cosmetology. 2557

"Advanced esthetician" means an individual authorized to 2558
work in an esthetics salon, but no other type of salon, and 2559
engage in the practice of esthetics, but no other branch of 2560
cosmetology. 2561

"Advanced hair designer" means an individual authorized to 2562
work in a hair design salon, but no other type of salon, and 2563
engage in the practice of hair design, but no other branch of 2564
cosmetology. 2565

"Advanced license" means a license to work in a salon and 2566
practice the branch of cosmetology practiced at the salon. 2567

"Advanced manicurist" means an individual authorized to 2568
work in a nail salon, but no other type of salon, and engage in 2569
the practice of manicuring, but no other branch of cosmetology. 2570

"Advanced natural hair stylist" means an individual 2571
authorized to work in a natural hair style salon, but no other 2572
type of salon, and engage in the practice of natural hair 2573
styling, but no other branch of cosmetology. 2574

"Makeup artistry" means the application of cosmetics for 2575

the purpose of skin beautification. "Makeup artistry" does not 2576
include any other services described in the practice of any 2577
other branch of cosmetology. 2578

"Manicurist" means an individual who engages in the 2579
practice of manicuring but no other branch of cosmetology in a 2580
licensed facility. 2581

"Manicurist instructor" means an individual who teaches 2582
the theory and practice of manicuring, but no other branch of 2583
cosmetology, at a school of cosmetology. 2584

"Nail salon" means a salon in which an individual engages 2585
in the practice of manicuring but no other branch of 2586
cosmetology. 2587

"Natural hair stylist" means an individual who engages in 2588
the practice of natural hair styling but no other branch of 2589
cosmetology in a licensed facility. 2590

"Natural hair style instructor" means an individual who 2591
teaches the theory and practice of natural hair styling, but no 2592
other branch of cosmetology, at a school of cosmetology. 2593

"Natural hair style salon" means a salon in which an 2594
individual engages in the practice of natural hair styling but 2595
no other branch of cosmetology. 2596

"Practice of braiding" means utilizing the technique of 2597
intertwining hair in a systematic motion to create patterns in a 2598
three-dimensional form, including patterns that are inverted, 2599
upright, or singled against the scalp that follow along straight 2600
or curved partings. It may include twisting or locking the hair 2601
while adding bulk or length with human hair, synthetic hair, or 2602
both and using simple devices such as clips, combs, and 2603
hairpins. "Practice of braiding" does not include application of 2604

weaving, bonding, and fusion of individual strands or wefts; 2605
application of dyes, reactive chemicals, or other preparations 2606
to alter the color or straighten, curl, or alter the structure 2607
of hair; embellishing or beautifying hair by cutting or 2608
singeing, except as needed to finish the ends of synthetic 2609
fibers used to add bulk to or lengthen hair. 2610

"Practice of cosmetology" means the practice of all 2611
branches of cosmetology. 2612

"Practice of esthetics" means the application of 2613
cosmetics, tonics, antiseptics, creams, lotions, or other 2614
preparations for the purpose of skin beautification and includes 2615
preparation of the skin by manual massage techniques or by use 2616
of electrical, mechanical, or other apparatus; enhancement of 2617
the skin by skin care, facials, body treatments, hair removal, 2618
and other treatments; and eye lash extension services. 2619

"Practice of hair design" means embellishing or 2620
beautifying hair, wigs, or hairpieces by arranging, dressing, 2621
pressing, curling, waving, permanent waving, cleansing, cutting, 2622
singeing, bleaching, coloring, braiding, weaving, or similar 2623
work. "Practice of hair design" includes utilizing techniques 2624
performed by hand that result in tension on hair roots such as 2625
twisting, wrapping, weaving, extending, locking, or braiding of 2626
the hair. 2627

"Practice of manicuring" means cleaning, trimming, shaping 2628
the free edge of, or applying polish to the nails of any 2629
individual; applying nail enhancements and embellishments to any 2630
individual; massaging the hands and lower arms up to the elbow 2631
of any individual; massaging the feet and lower legs up to the 2632
knee of any individual; using lotions or softeners on the hands 2633
and feet of any individual; or any combination of these types of 2634

services. 2635

"Practice of natural hair styling" means utilizing 2636
techniques performed by hand that result in tension on hair 2637
roots such as twisting, wrapping, weaving, extending, locking, 2638
or braiding of the hair. "Practice of natural hair styling" does 2639
not include the application of dyes, reactive chemicals, or 2640
other preparations to alter the color or to straighten, curl, or 2641
alter the structure of the hair. "Practice of natural hair 2642
styling" also does not include embellishing or beautifying hair 2643
by cutting or singeing, except as needed to finish off the end 2644
of a braid, or by dressing, pressing, curling, waving, permanent 2645
waving, or similar work. 2646

"Practicing license" means a license to practice a branch 2647
of cosmetology in a licensed facility. 2648

"Salon" means a licensed facility on any premises, 2649
building, or part of a building in which an individual engages 2650
in the practice of one or more branches of cosmetology. "Salon" 2651
does not include a barber shop licensed under Chapter 4709. of 2652
the Revised Code. "Salon" does not mean a tanning facility, 2653
although a tanning facility may be located in a salon. 2654

"School of cosmetology" means any premises, building, or 2655
part of a building in which students are instructed in the 2656
theories and practices of one or more branches of cosmetology. 2657

"Shampooing" means the act of cleansing and conditioning 2658
an individual's hair under the supervision of an individual 2659
licensed under this chapter and in preparation to immediately 2660
receive a service from a licensee. 2661

"Student" means an individual, other than an apprentice 2662
instructor, who is engaged in learning or acquiring knowledge of 2663

the practice of a branch of cosmetology at a school of 2664
cosmetology. 2665

"Tanning facility" means any premises, building, or part 2666
of a building that contains one or more rooms or booths with any 2667
of the following: 2668

(A) Equipment or beds used for tanning human skin by the 2669
use of fluorescent sun lamps using ultraviolet or other 2670
artificial radiation; 2671

(B) Equipment or booths that use chemicals applied to 2672
human skin, including chemical applications commonly referred to 2673
as spray-on, mist-on, or sunless tans; 2674

(C) Equipment or beds that use visible light for cosmetic 2675
purposes. 2676

"Threading" includes a service that results in the removal 2677
of hair from its follicle from around the eyebrows and from 2678
other parts of the face with the use of a single strand of 2679
thread and an astringent, if the service does not use chemicals 2680
of any kind, wax, or any implements, instruments, or tools to 2681
remove hair. 2682

Sec. 4713.69. (A) The state cosmetology and barber board 2683
shall issue a boutique services registration to an applicant who 2684
satisfies all of the following applicable conditions: 2685

(1) Is at least sixteen years of age; 2686

(2) Is of good moral character; 2687

(3) Has the equivalent of an Ohio public school tenth 2688
grade education; 2689

(4) Has submitted a written application on a form 2690

prescribed by the board containing all of the following:	2691
(a) The applicant's name and home address;	2692
(b) The applicant's home telephone number and cellular telephone number, if any;	2693 2694
(c) The applicant's electronic mail address, if any;	2695
(d) The applicant's date of birth;	2696
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	2697 2698 2699
(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;	2700 2701 2702 2703
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	2704 2705 2706
(h) An affidavit <u>or certificate</u> providing proof of formal training or apprenticeship under an individual providing such services.	2707 2708 2709
(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.	2710 2711 2712 2713
(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.	2714 2715 2716
Sec. 4723.02. The board of nursing shall assume and	2717

exercise all the powers and perform all the duties conferred and 2718
imposed on it by this chapter. 2719

The board shall consist of ~~thirteen~~ eleven members who 2720
shall be citizens of the United States and residents of Ohio. 2721
~~Eight~~ Five members shall be registered nurses, each of whom 2722
shall be a graduate of an approved program of nursing education 2723
that prepares persons for licensure as a registered nurse, shall 2724
hold a currently active license issued under this chapter to 2725
practice nursing as a registered nurse, and shall have been 2726
actively engaged in the practice of nursing as a registered 2727
nurse for the five years immediately preceding the member's 2728
initial appointment to the board. Of the ~~eight~~ five members who 2729
are registered nurses, ~~at least two~~ none shall hold a ~~current,~~ 2730
~~valid~~ currently active license issued under this chapter ~~that~~ 2731
~~authorizes the to practice of~~ nursing as an advanced practice 2732
registered nurse. ~~Four members~~ Two members shall be advanced 2733
practice registered nurses, each of whom shall be a graduate of 2734
an approved program of nursing education that prepares persons 2735
for licensure as an advanced practice registered nurse, shall 2736
hold a currently active license issued under this chapter to 2737
practice nursing as an advanced practice registered nurse, and 2738
shall have been actively engaged in the practice of nursing as 2739
an advanced practice registered nurse for the five years 2740
immediately preceding the member's initial appointment to the 2741
board. One member shall be a licensed practical nurses, each of 2742
~~whom shall be~~ nurse, shall be a graduate of an approved program 2743
of nursing education that prepares persons for licensure as a 2744
practical nurse, shall hold a currently active license issued 2745
under this chapter to practice nursing as a licensed practical 2746
nurse, and shall have been actively engaged in the practice of 2747
nursing as a licensed practical nurse for the five years 2748

immediately preceding the member's initial appointment to the 2749
board. ~~One member~~ Two members shall represent the interests of 2750
consumers of health care. Neither ~~this member~~ these members nor 2751
any person in either of the member's immediate family shall be a 2752
member of or associated with a health care provider or 2753
profession or shall have a financial interest in the delivery or 2754
financing of health care. The remaining member shall be a 2755
licensed practical nurse or registered nurse who shall be a 2756
graduate of an approved program of nursing education that 2757
prepares persons for licensure as a licensed practical nurse or 2758
registered nurse, shall hold a currently active license issued 2759
under this chapter to practice nursing as a licensed practical 2760
nurse or registered nurse, and shall have been actively engaged 2761
in the practice of nursing as a licensed practical nurse or 2762
registered nurse for the five years immediately preceding the 2763
member's initial appointment to the board. Representation of 2764
nursing service and nursing education and of the various 2765
geographical areas of the state shall be considered in making 2766
appointments. 2767

As the term of any member of the board expires, a 2768
successor shall be appointed who has the qualifications the 2769
vacancy requires. Terms of office shall be for four years, 2770
commencing on the first day of January and ending on the thirty- 2771
first day of December. 2772

A current or former board member who has served not more 2773
than one full term or one full term and not more than thirty 2774
months of another term may be reappointed for one additional 2775
term. 2776

Each member shall hold office from the date of appointment 2777
until the end of the term for which the member was appointed. 2778

The term of a member shall expire if the member ceases to meet 2779
any requirement of this section for the member's position on the 2780
board. Any member appointed to fill a vacancy occurring prior to 2781
the expiration of the term for which the member's predecessor 2782
was appointed shall hold office for the remainder of such term. 2783
Any member shall continue in office subsequent to the expiration 2784
date of the member's term until the member's successor takes 2785
office, or until a period of sixty days has elapsed, whichever 2786
occurs first. 2787

Nursing organizations of this state may each submit to the 2788
governor the names of not more than five nominees for each 2789
position to be filled on the board. From the names so submitted 2790
or from others, at the governor's discretion, the governor with 2791
the advice and consent of the senate shall make such 2792
appointments. 2793

Any member of the board may be removed by the governor for 2794
neglect of any duty required by law or for incompetency or 2795
unprofessional or dishonorable conduct, after a hearing as 2796
provided in Chapter 119. of the Revised Code. 2797

~~Seven~~Six members of the board ~~including at least four~~ 2798
~~registered nurses and at least one licensed practical nurse~~ 2799
shall at all times constitute a quorum. 2800

Each member of the board shall receive an amount fixed 2801
pursuant to division (J) of section 124.15 of the Revised Code 2802
for each day in attendance at board meetings and in discharge of 2803
official duties, and in addition thereto, necessary expense 2804
incurred in the performance of such duties. 2805

The board shall elect one of its nurse members as 2806
president and one as vice-president. The board shall elect one 2807

of its registered nurse members to serve as the supervising 2808
member for disciplinary matters. 2809

The board may establish advisory groups to serve in 2810
consultation with the board or the executive director. Each 2811
advisory group shall be given a specific charge in writing and 2812
shall report to the board. Members of advisory groups shall 2813
serve without compensation but shall receive their actual and 2814
necessary expenses incurred in the performance of their official 2815
duties. 2816

Sec. 4723.493. (A) There is hereby created within the 2817
board of nursing the advisory committee on advanced practice 2818
registered nursing. The committee shall consist of ~~the following~~ 2819
~~five members and any other members the board appoints under~~ 2820
~~division (B) of this section.~~ 2821

~~(1) Four, each of whom shall be an advanced practice 2822
registered nurses, each actively engaged in the practice of 2823
advanced practice registered nursing in a clinical setting in 2824
this state, at least one of whom is actively engaged in 2825
providing primary care, at least one of whom is actively engaged 2826
in practice as a certified registered nurse anesthetist, and at 2827
least one of whom is actively engaged in practice as a certified 2828
nurse midwife;~~ 2829

~~(2) Two advanced practice registered nurses, each serving 2830
as a faculty member of an approved program of nursing education 2831
that prepares students for licensure as advanced practice 2832
registered nurses;~~ 2833

~~(3) A member of the board of nursing who is an advanced 2834
practice registered nurse;~~ 2835

~~(4) A representative of an entity employing ten or more 2836~~

~~advanced practice registered nurses actively engaged in practice~~ 2837
~~in this state~~ nurse who holds a currently active license issued 2838
~~under this chapter to practice nursing as an advanced practice~~ 2839
~~registered nurse.~~ 2840

(B) ~~The board of nursing~~ governor shall appoint the 2841
members described in division (A) of this section. 2842
~~Recommendations for initial appointments and for filling any~~ 2843
~~vacancies may be submitted to the board by organizations~~ 2844
~~representing advanced practice registered nurses practicing in~~ 2845
~~this state and by schools of advanced practice registered~~ 2846
~~nursing. The board shall appoint initial members and fill~~ 2847
~~vacancies according to the recommendations it receives. If it~~ 2848
~~does not receive any recommendations or receives an insufficient~~ 2849
~~number of recommendations, the board shall appoint members and~~ 2850
~~fill vacancies on its own advice.~~ 2851

~~Initial appointments to the committee shall be made not~~ 2852
~~later than sixty days after the effective date of this section.~~ 2853
~~Of the initial appointments described in division (A) (1) of this~~ 2854
~~section, two shall be for terms of one year and two shall be for~~ 2855
~~terms of two years. Of the initial appointments described in~~ 2856
~~division (A) (2) of this section, one shall be for a term of one~~ 2857
~~year and one shall be for a term of two years. Of the initial~~ 2858
~~appointments described in divisions (A) (3) and (4) of this~~ 2859
~~section, each shall be for a term of two years. Thereafter,~~ 2860
~~terms~~ When appointing members, the governor shall consider 2861
recommendations made by organizations or associations 2862
representing the interests of advanced practice registered 2863
nurses in this state. 2864

Terms shall be for two years, with each term ending on the 2865
same day of the same month as did the term that it succeeds. 2866

Vacancies shall be filled in the same manner as appointments. 2867

When the term of any member expires, a successor shall be 2868
appointed in the same manner as the initial appointment. Any 2869
member appointed to fill a vacancy occurring prior to the 2870
expiration of the term for which the member's predecessor was 2871
appointed shall hold office for the remainder of that term. A 2872
member shall continue in office subsequent to the expiration 2873
date of the member's term until the member's successor takes 2874
office or until a period of sixty days has elapsed, whichever 2875
occurs first. A member may be reappointed for one additional 2876
term only. 2877

(C) The committee shall organize by selecting a 2878
chairperson from among its members. The committee may select a 2879
new chairperson at any time. ~~Five~~Three members constitute a 2880
quorum for the transaction of official business. Members shall 2881
serve without compensation but receive payment for their actual 2882
and necessary expenses incurred in the performance of their 2883
official duties. The expenses shall be paid by the board of 2884
nursing. 2885

(D) The committee shall advise the board regarding the 2886
practice and regulation of advanced practice registered nurses 2887
and may make recommendations to the committee on prescriptive 2888
governance. ~~The committee may also recommend to the board that~~ 2889
~~an individual with expertise in an advanced practice registered~~ 2890
~~nursing specialty be appointed under division (B) of this~~ 2891
~~section as an additional member of the committee.~~ 2892

Sec. 4725.48. (A) Any person who desires to engage in 2893
optical dispensing shall file a properly completed application 2894
for an examination with the state vision professionals board or 2895
with the testing service the board has contracted with pursuant 2896

to section 4725.49 of the Revised Code. The application for 2897
examination shall be made ~~on using~~ a form provided by the board 2898
~~or testing service~~ and shall be accompanied by an examination 2899
fee the board shall establish by rule. ~~Applicants must return~~ 2900
~~the application to the board or testing service at least sixty~~ 2901
~~days prior to the date the examination is scheduled to be~~ 2902
~~administered.~~ 2903

(B) Any person who desires to engage in optical dispensing 2904
shall file a properly completed application for a license with 2905
the board with a licensure application fee of fifty dollars. 2906

No person shall be eligible to apply for a license under 2907
this division, unless the person is at least eighteen years of 2908
age, is free of contagious or infectious disease, has received a 2909
passing score, as determined by the board, on the examination 2910
administered under division (A) of this section, is a graduate 2911
of an accredited high school of any state, or has received an 2912
equivalent education and has successfully completed either of 2913
the following: 2914

(1) Two years of supervised experience under a licensed 2915
dispensing optician, optometrist, or physician engaged in the 2916
practice of ophthalmology, up to one year of which may be 2917
continuous experience of not less than thirty hours a week in an 2918
optical laboratory; 2919

(2) A two-year college level program in optical dispensing 2920
that has been approved by the board and that includes, but is 2921
not limited to, courses of study in mathematics, science, 2922
English, anatomy and physiology of the eye, applied optics, 2923
ophthalmic optics, measurement and inspection of lenses, lens 2924
grinding and edging, ophthalmic lens design, keratometry, and 2925
the fitting and adjusting of spectacle lenses and frames and 2926

contact lenses, including methods of fitting contact lenses and 2927
post-fitting care. 2928

(C) Any person who desires to obtain a license to practice 2929
as an ocularist shall file a properly completed application with 2930
the board accompanied by the appropriate fee and proof that the 2931
applicant has met the requirements for licensure. The board 2932
shall establish, by rule, the application fee and the minimum 2933
requirements for licensure, including education, examination, or 2934
experience standards recognized by the board as national 2935
standards for ocularists. The board shall issue a license to 2936
practice as an ocularist to an applicant who satisfies the 2937
requirements of this division and rules adopted pursuant to this 2938
division. 2939

(D) (1) Subject to divisions (D) (2), (3), and (4) of this 2940
section, the board shall not adopt, maintain, renew, or enforce 2941
any rule that precludes an individual from receiving or renewing 2942
a license as a dispensing optician issued under sections 4725.40 2943
to 4725.59 of the Revised Code due to any past criminal activity 2944
or interpretation of moral character, unless the individual has 2945
committed a crime of moral turpitude or a disqualifying offense 2946
as those terms are defined in section 4776.10 of the Revised 2947
Code. If the board denies an individual a license or license 2948
renewal, the reasons for such denial shall be put in writing. 2949

(2) Except as otherwise provided in this division, if an 2950
individual applying for a license has been convicted of or 2951
pleaded guilty to a misdemeanor that is not a crime of moral 2952
turpitude or a disqualifying offense less than one year prior to 2953
making the application, the board may use its discretion in 2954
granting or denying the individual a license. Except as 2955
otherwise provided in this division, if an individual applying 2956

for a license has been convicted of or pleaded guilty to a 2957
felony that is not a crime of moral turpitude or a disqualifying 2958
offense less than three years prior to making the application, 2959
the board may use its discretion in granting or denying the 2960
individual a license. The provisions in this paragraph do not 2961
apply with respect to any offense unless the board, prior to 2962
September 28, 2012, was required or authorized to deny the 2963
application based on that offense. 2964

In all other circumstances, the board shall follow the 2965
procedures it adopts by rule that conform to division (D) (1) of 2966
this section. 2967

(3) In considering a renewal of an individual's license, 2968
the board shall not consider any conviction or plea of guilty 2969
prior to the initial licensing. However, the board may consider 2970
a conviction or plea of guilty if it occurred after the 2971
individual was initially licensed, or after the most recent 2972
license renewal. 2973

(4) The board may grant an individual a conditional 2974
license that lasts for one year. After the one-year period has 2975
expired, the license is no longer considered conditional, and 2976
the individual shall be considered fully licensed. 2977

(E) The board, subject to the approval of the controlling 2978
board, may establish examination fees in excess of the amount 2979
established by rule pursuant to this section, provided that such 2980
fees do not exceed those amounts established in rule by more 2981
than fifty per cent. 2982

Sec. 4725.49. (A) The state vision professionals board may 2983
provide for the examination of applicants by designing, 2984
preparing, and administering the qualifying examinations or by 2985

contracting with a testing service that is nationally recognized 2986
as being capable of determining competence to dispense optical 2987
aids as a licensed spectacle dispensing optician, a licensed 2988
contact lens dispensing optician, or a licensed spectacle- 2989
contact lens dispensing optician. Any examination used shall be 2990
designed to measure specific performance requirements, be 2991
professionally constructed and validated, and be independently 2992
and objectively administered and scored in order to determine 2993
the applicant's competence to dispense optical aids. 2994

(B) (1) The board shall ensure that it, or the testing 2995
service it contracts with, does all of the following: 2996

~~(1)(a)~~ Provides public notice as to the date, time, and 2997
place for each examination at least ninety days prior to the 2998
examination; 2999

~~(2)(b)~~ Offers each qualifying examination at least twice 3000
each year in Columbus, except as provided in division (C) of 3001
this section; 3002

~~(3)~~ Provides to each applicant all forms necessary to 3003
apply for examination; 3004

~~(4)(c)~~ Provides all materials and equipment necessary for 3005
the applicant to take the examination. 3006

(2) The board shall provide to each applicant all forms 3007
necessary to apply for examination. 3008

(C) If the number of applicants for any qualifying 3009
examination is less than ten, the examination may be postponed. 3010
The board or testing service shall provide the applicant with 3011
written notification of the postponement and of the next date 3012
the examination is scheduled to be administered. 3013

(D) No limitation shall be placed upon the number of times 3014
that an applicant may repeat any qualifying examination, except 3015
that, if an applicant fails an examination for a third time, the 3016
board may require that the applicant, prior to retaking the 3017
examination, undergo additional study in the areas of the 3018
examination in which the applicant experienced difficulty. 3019

Sec. 4725.52. Any licensed dispensing optician may 3020
supervise a maximum of three apprentices who shall be permitted 3021
to engage in optical dispensing only under the supervision of 3022
the licensed dispensing optician. 3023

To serve as an apprentice, a person shall register with 3024
the state vision professionals board ~~either~~ on a form provided 3025
by the board ~~or~~ and in the form of a statement giving the name 3026
and address of the supervising licensed dispensing optician, the 3027
location at which the apprentice will be employed, and any other 3028
information required by the board. For the duration of the 3029
apprenticeship, the apprentice shall register annually on the 3030
form provided by the board ~~or~~ and in the form of a statement. 3031

Each apprentice shall pay an initial registration fee of 3032
twenty dollars. For each registration renewal thereafter, each 3033
apprentice shall pay a registration renewal fee of twenty 3034
dollars. 3035

The board shall not deny registration as an apprentice 3036
under this section to any individual based on the individual's 3037
past criminal history or an interpretation of moral character 3038
unless the individual has committed a disqualifying offense or 3039
crime of moral turpitude as those terms are defined in section 3040
4776.10 of the Revised Code. Except as otherwise provided in 3041
this division, if an individual applying for a registration has 3042
been convicted of or pleaded guilty to a misdemeanor that is not 3043

a crime of moral turpitude or a disqualifying offense less than 3044
one year prior to making the application, the board may use its 3045
discretion in granting or denying the individual a registration. 3046
Except as otherwise provided in this division, if an individual 3047
applying for a registration has been convicted of or pleaded 3048
guilty to a felony that is not a crime of moral turpitude or a 3049
disqualifying offense less than three years prior to making the 3050
application, the board may use its discretion in granting or 3051
denying the individual a registration. The provisions in this 3052
paragraph do not apply with respect to any offense unless the 3053
board, prior to September 28, 2012, was required or authorized 3054
to deny the registration based on that offense. 3055

In all other circumstances, the board shall follow the 3056
procedures it adopts by rule that conform to this section. In 3057
considering a renewal of an individual's registration, the board 3058
shall not consider any conviction or plea of guilty prior to the 3059
initial registration. However, the board may consider a 3060
conviction or plea of guilty if it occurred after the individual 3061
was initially registered, or after the most recent registration 3062
renewal. If the board denies an individual for a registration or 3063
registration renewal, the reasons for such denial shall be put 3064
in writing. Additionally, the board may grant an individual a 3065
conditional registration that lasts for one year. After the one- 3066
year period has expired, the registration is no longer 3067
considered conditional, and the individual shall be considered 3068
fully registered. 3069

A person who is gaining experience under the supervision 3070
of a licensed optometrist or ophthalmologist that would qualify 3071
the person under division (B) (1) of section 4725.48 of the 3072
Revised Code to take the examination for optical dispensing is 3073
not required to register with the board. 3074

Sec. 4735.181. (A) No real estate broker or salesperson 3075
licensed pursuant to this chapter shall fail to comply with 3076
divisions (B) ~~or and~~ (D) of section 4735.13, division (D) of 3077
section 4735.14, or sections 4735.22, 4735.55, 4735.56, and 3078
4735.58 of the Revised Code or any rules adopted under those 3079
divisions or sections. 3080

(B) When the superintendent determines that a licensee has 3081
violated division (A) of this section, the superintendent may do 3082
either of the following: 3083

(1) Initiate disciplinary action under section 4735.051 of 3084
the Revised Code, in accordance with Chapter 119. of the Revised 3085
Code; 3086

(2) Personally, or by certified mail, serve a citation and 3087
impose sanctions in accordance with this section upon the 3088
licensee. 3089

(C) Every citation served under this section shall give 3090
notice to the licensee of the alleged violation or violations 3091
charged and inform the licensee of the opportunity to request a 3092
hearing in accordance with Chapter 119. of the Revised Code. The 3093
citation also shall contain a statement of a fine of up to two 3094
hundred dollars per violation. All fines collected pursuant to 3095
this section shall be credited to the real estate recovery fund, 3096
created in the state treasury under section 4735.12 of the 3097
Revised Code. 3098

(D) If any licensee is cited three times under this 3099
section within twelve consecutive months, the superintendent 3100
shall initiate disciplinary action pursuant to section 4735.051 3101
of the Revised Code for any subsequent violation that occurs 3102
within the same twelve-month period. 3103

If a licensee fails to request a hearing within thirty 3104
days after the date of service of the citation, or the licensee 3105
and the superintendent fail to reach an alternative agreement, 3106
the citation shall become final. 3107

(E) Unless otherwise indicated, the licensee named in a 3108
final citation under this section must meet all requirements 3109
contained in the final citation within thirty days after the 3110
effective date of that citation. 3111

(F) The superintendent shall suspend automatically a 3112
licensee's license if the licensee fails to comply with division 3113
(E) of this section. 3114

Sec. 4735.22. If a real estate broker or real estate 3115
salesperson provides the name of a home inspector to a purchaser 3116
or seller of real estate, the broker or salesperson shall 3117
provide the buyer or seller with the names of at least three 3118
home inspectors. Any home inspector named shall be licensed 3119
under Chapter 4764. of the Revised Code. Providing a purchaser 3120
or seller of real estate with the names of licensed home 3121
inspectors does not constitute an endorsement or recommendation 3122
of those inspectors and does not obligate the broker or 3123
salesperson to satisfy any due diligence requirements with 3124
respect to the licensed home inspectors. This section does not 3125
require a broker or salesperson to provide purchasers or sellers 3126
of real estate with information on home inspection services or 3127
home inspectors. No cause of action shall arise against a broker 3128
or salesperson for providing or failing to provide the names of 3129
licensed home inspectors or information on home inspection 3130
services or for failing to recommend a licensed home inspector 3131
to a purchaser or seller. 3132

Sec. 4735.99. (A) Whoever violates section 4735.02~~7~~ or 3133

4735.021, ~~or 4735.22~~ of the Revised Code is guilty of a 3134
misdemeanor of the first degree. 3135

(B) Whoever violates section 4735.25 or 4735.30 of the 3136
Revised Code is guilty of a felony of the fifth degree, and the 3137
court may impose upon the offender an additional fine of not 3138
more than two thousand five hundred dollars. 3139

Sec. 4747.04. (A) The state speech and hearing 3140
professionals board shall: 3141

~~(A) Design and prepare qualifying examinations for~~ 3142
~~licensing of hearing aid dealers, fitters, and trainees~~ 3143

(1) Establish the nature and scope of qualifying 3144
examinations in accordance with section 4747.08 of the Revised 3145
Code; 3146

~~(B)~~ (2) Determine whether persons holding similar valid 3147
licenses from other states or jurisdictions shall be required to 3148
take and successfully pass the appropriate qualifying 3149
examination as a condition for licensing in this state; 3150

~~(C) Determine whether charges made against any licensee~~ 3151
~~warrant a hearing before the board;~~ 3152

~~(D) Hold hearings to determine the truth and circumstances~~ 3153
~~of all charges filed in writing with the board against any~~ 3154
~~licensee and determine whether any license held by any person~~ 3155
~~shall be revoked, suspended, or reissued~~ 3156

(3) Review complaints and conduct investigations in 3157
accordance with section 4747.13 of the Revised Code and hold any 3158
hearings that are necessary to carry out this chapter; 3159

~~(E)~~ (4) Determine and specify the length of time each 3160
license that is suspended or revoked shall remain suspended or 3161

revoked;	3162
(F) <u>(5)</u> Advise and assist the department of health in all matters relating to this chapter;	3163 3164
(G) <u>(6)</u> Deposit all payments collected under this chapter into the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code;	3165 3166 3167 3168
(H) <u>(7)</u> Establish a list of disqualifying offenses for licensure as a hearing aid dealer or fitter, or for a hearing aid dealer or fitter trainee permit, pursuant to sections 4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.	3169 3170 3171 3172
<u>(B) The board shall adopt reasonable rules, in accordance with Chapter 119. of the Revised Code, necessary for the administration of this chapter. The board shall include all of the following in those rules:</u>	3173 3174 3175 3176
<u>(1) The amount of any fees required under this chapter;</u>	3177
<u>(2) The information to be included in a hearing aid receipt provided by a licensed hearing aid dealer or fitter to a person under section 4747.09 of the Revised Code;</u>	3178 3179 3180
<u>(3) The amount of time a licensed hearing aid dealer or fitter or trainee permit holder has to provide the notice of a change in address or addresses required under section 4747.11 of the Revised Code and any other requirements relating to the notice;</u>	3181 3182 3183 3184 3185
<u>(4) Any additional conduct for which the board may discipline a licensee or permit holder under section 4747.12 of the Revised Code.</u>	3186 3187 3188
<u>(C) Nothing in this section shall be interpreted as</u>	3189

granting to the board the right to restrict advertising which is 3190
not false or misleading, or to prohibit or in any way restrict a 3191
hearing aid dealer or fitter from renting or leasing space from 3192
any person, firm or corporation in a mercantile establishment 3193
for the purpose of using such space for the lawful sale of 3194
hearing aids or to prohibit a mercantile establishment from 3195
selling hearing aids if the sale would be otherwise lawful under 3196
this chapter. 3197

Sec. 4747.05. (A) The state speech and hearing 3198
professionals board shall issue to each applicant, within sixty 3199
days of receipt of a properly completed application and payment 3200
of ~~two hundred sixty two dollars~~ an application fee set by the 3201
board in rules adopted under section 4747.04 of the Revised 3202
Code, a hearing aid dealer's or fitter's license if the 3203
applicant: 3204

(1) In the case of an individual, the individual is at 3205
least eighteen years of age, has not committed a disqualifying 3206
offense or a crime of moral turpitude, as those terms are 3207
defined in section 4776.10 of the Revised Code, is free of 3208
contagious or infectious disease, and has successfully passed a 3209
qualifying examination specified and administered by the board. 3210

(2) In the case of a firm, partnership, association, or 3211
corporation, the application, in addition to such information as 3212
the board requires, is accompanied by an application for a 3213
license for each person, whether owner or employee, of the firm, 3214
partnership, association, or corporation, who engages in dealing 3215
in or fitting of hearing aids, or contains a statement that such 3216
applications are submitted separately. No firm, partnership, 3217
association, or corporation licensed pursuant to this chapter 3218
shall permit any unlicensed person to sell or fit hearing aids. 3219

(B) (1) Subject to divisions (B) (2), (3), and (4) of this 3220
section, the board shall not adopt, ~~maintain, renew,~~ or enforce 3221
any rule that precludes an individual from receiving or renewing 3222
a license issued under this chapter due to any past criminal 3223
activity ~~or interpretation of moral character,~~ unless the 3224
individual has committed a crime of moral turpitude or a 3225
disqualifying offense as those terms are defined in section 3226
4776.10 of the Revised Code. ~~If the~~ The board denies shall 3227
comply with Chapter 119. of the Revised Code when denying an 3228
individual a license or license renewal, ~~the reasons for such~~ 3229
~~denial shall be put in writing.~~ 3230

(2) Except as otherwise provided in this division, if an 3231
individual applying for a license has been convicted of or 3232
pleaded guilty to a misdemeanor that is not a crime of moral 3233
turpitude or a disqualifying offense less than one year prior to 3234
making the application, the board may use the board's discretion 3235
in granting or denying the individual a license. Except as 3236
otherwise provided in this division, if an individual applying 3237
for a license has been convicted of or pleaded guilty to a 3238
felony that is not a crime of moral turpitude or a disqualifying 3239
offense less than three years prior to making the application, 3240
the board may use the board's discretion in granting or denying 3241
the individual a license. The provisions in this paragraph do 3242
not apply with respect to any offense unless the board, prior to 3243
September 28, 2012, was required or authorized to deny the 3244
application based on that offense. 3245

In all other circumstances, the board shall follow the 3246
procedures it adopts by rule that conform to division (B) (1) of 3247
this section. 3248

(3) In considering a renewal of an individual's license, 3249

the board shall not consider any conviction or plea of guilty 3250
prior to the initial licensing. However, the board may consider 3251
a conviction or plea of guilty if it occurred after the 3252
individual was initially licensed, or after the most recent 3253
license renewal. 3254

(4) The board may grant an individual a conditional 3255
license that lasts for one year. After the one-year period has 3256
expired, the license is no longer considered conditional, and 3257
the individual shall be considered fully licensed. 3258

~~(C) Each~~ (1) Except as provided in division (C) (2) of this 3259
section, each license issued expires on the thirtieth day of 3260
January of the year following that in which it was issued is 3261
valid from the date of issuance until the thirty-first day of 3262
December of the even-numbered year that follows the date of 3263
issuance. 3264

(2) A license issued less than one hundred days before the 3265
thirty-first day of December of an even-numbered year is valid 3266
from the date of issuance until the thirty-first day of December 3267
of the even-numbered year that follows the thirty-first day of 3268
December immediately after the date of issuance. 3269

Sec. 4747.06. ~~(A) Each person engaged in the practice of~~ 3270
~~dealing in or fitting of hearing aids who holds a valid hearing~~ 3271
~~aid dealer's or fitter's license shall apply annually to (1)~~ 3272
Except as provided in division (A) (2) of this section and 3273
section 4747.12 of the Revised Code, a hearing aid dealer's or 3274
fitter's license issued or renewed by the state speech and 3275
hearing professionals board ~~for renewal of such license under~~ 3276
this chapter shall be renewed biennially not later than the 3277
thirty-first day of December in each even-numbered year and in 3278
accordance with the standard renewal procedure specified in 3279

Chapter 4745. of the Revised Code. The board shall issue to each 3280
applicant, on receipt of renewal application, proof of 3281
completion of the continuing education required by division (B) 3282
of this section ~~and, payment of one hundred fifty seven dollars~~ 3283
~~on or before the first day of February, one hundred eighty three~~ 3284
~~dollars on or before the first day of March, or two hundred ten~~ 3285
~~dollars thereafter~~ a renewal fee, and, if applicable, a late fee 3286
established by the board in rules adopted under section 4747.04 3287
of the Revised Code, a renewed hearing aid dealer's or fitter's 3288
license. No person who applies for renewal of a hearing aid 3289
dealer's or fitter's license that has expired shall be required 3290
to take any examination as a condition of renewal provided 3291
application for renewal is made within two years of the date 3292
such license expired. 3293

(2) A person issued a license described in division (C) (2) 3294
of section 4747.05 of the Revised Code shall renew that license 3295
in accordance with the standard renewal procedure before it 3296
expires as described in that division. After the first renewal, 3297
the license shall be renewed in accordance with division (A) (1) 3298
of this section. 3299

(B) Each person engaged in the practice of dealing in or 3300
fitting of hearing aids who holds a valid hearing aid dealer's 3301
or fitter's license shall complete ~~each year~~ not less than ~~ten~~ 3302
twenty hours of continuing professional education approved by 3303
the board during each two-year license period. On a form 3304
provided by the board, the person shall certify to the board, at 3305
the time of license renewal pursuant to division (A) of this 3306
section, that ~~in the preceding year~~ the person has completed 3307
continuing education in compliance with this division and shall 3308
submit any additional information required by rule of the board 3309
regarding the continuing education. The board shall adopt rules 3310

in accordance with Chapter 119. of the Revised Code establishing 3311
the standards continuing education programs must meet to obtain 3312
board approval and continuing education reporting requirements. 3313

Continuing education may be applied to meet the 3314
requirement of this division if it is provided or certified by 3315
any of the following: 3316

(1) The ~~national institute of hearing instruments studies-~~ 3317
~~committee of the international hearing society;~~ 3318

(2) The American speech-language hearing association; 3319

(3) The American academy of audiology. 3320

The board may excuse persons licensed under this chapter, 3321
as a group or as individuals, from all or any part of the 3322
requirements of this division because of an unusual 3323
circumstance, emergency, or special hardship. 3324

Sec. 4747.07. Each person who holds a hearing aid dealer's 3325
or fitter's license and engages in the practice of dealing in 3326
and fitting of hearing aids shall display such license in a 3327
conspicuous place in the person's office or place of business at 3328
all times. Each person who maintains more than one office or 3329
place of business shall post a duplicate copy of the license at 3330
each location. The state speech and hearing professionals board 3331
shall issue duplicate copies of a license upon request by the 3332
license holder and receipt of ~~a properly completed application-~~ 3333
~~and payment of sixteen dollars for each copy requested~~ any fee 3334
established by the board in rules adopted under section 4747.04 3335
of the Revised Code. 3336

Sec. 4747.08. ~~After July 1, 1970, no~~ No person shall be 3337
issued a hearing aid dealer's or fitter's license unless such 3338
person has successfully taken and passed a qualifying 3339

examination. The qualifying examination shall be a thorough 3340
testing of knowledge required for the proper selecting, fitting, 3341
and sale of hearing aids, but shall not be such that a medical 3342
or surgical education is required for successful completion. It 3343
shall consist of written and practical portions which shall 3344
include, but not be limited to, the following areas: 3345

(A) Basic physics of sound; 3346

(B) The anatomy and physiology of the human ear; 3347

(C) The function and purpose of hearing aids; 3348

(D) Pure tone audiometry, including air conduction and 3349
bone conduction testing; 3350

(E) Live voice or recorded voice speech audiometry, 3351
including speech reception threshold testing and speech 3352
discrimination testing; 3353

(F) Masking techniques; 3354

(G) Recording and evaluation of audiograms and speech 3355
audiometry to determine proper selection and adaption of hearing 3356
aids; 3357

(H) Earmold impression techniques. 3358

The state speech and hearing professionals board shall 3359
~~design, prepare, and revise such~~ establish the nature and scope 3360
of qualifying examinations as are determined that the board 3361
determines necessary by the board pursuant to under this 3362
chapter. It shall administer ~~all such~~ qualifying examinations 3363
and shall designate the time, place, and date the examinations 3364
are held. The board shall also furnish all materials and 3365
equipment necessary for the conducting of ~~all~~ qualifying 3366
examinations. 3367

Test materials, examinations, answer keys, or evaluation 3368
tools used in a qualifying examination under this chapter, 3369
whether administered by the board or by a private or government 3370
entity pursuant to a contract, are not public records under 3371
section 149.43 of the Revised Code. 3372

Sec. 4747.09. (A) Each licensed hearing aid dealer or 3373
fitter shall furnish each person supplied with a hearing aid a 3374
receipt ~~showing the licensee's signature, the number of his~~ 3375
~~license certificate, the complete address of his place of~~ 3376
~~business, a complete description of the make and model of~~ 3377
~~hearing aid furnished, the full terms of sale, including the~~ 3378
~~terms of guarantee, if any, and if the hearing aid sold is not~~ 3379
~~new, the receipt shall also be clearly marked "used" or~~ 3380
~~"reconditioned," whichever is applicable.~~ 3381

~~Each receipt shall also bear, in type no smaller than that~~ 3382
~~used in the body of the receipt, the following legend: "The~~ 3383
~~purchaser is advised that any examination, fitting,~~ 3384
~~recommendation, or representation made by a licensed hearing aid~~ 3385
~~dealer or fitter in connection with the sale of this hearing aid~~ 3386
~~is not an examination, diagnosis, or prescription made by a~~ 3387
~~person licensed to practice medicine in this state and therefore~~ 3388
~~must not be regarded as medical opinion or advice~~ that complies 3389
with rules adopted by the state speech and hearing professionals 3390
board under section 4747.04 of the Revised Code." ~~Each~~ 3391

(B) Each licensed hearing aid dealer or fitter shall, when 3392
dealing with a child sixteen years of age or less, ascertain 3393
whether such child has been examined by an otolaryngologist 3394
prior to being fitted for a hearing aid. If the licensee 3395
determines that such examination has not taken place, ~~he~~ the 3396
licensee shall recommend to the person legally responsible for 3397

the custody of such child that such examination take place and 3398
shall so state on a waiver to be specified by the board. 3399

Sec. 4747.10. Each person currently engaged in training to 3400
become a licensed hearing aid dealer or fitter shall apply to 3401
the state speech and hearing professionals board for a hearing 3402
aid dealer's and fitter's trainee permit. The board shall issue 3403
to each applicant within thirty days of receipt of a properly 3404
completed application and payment of ~~one hundred fifty dollars~~ 3405
an application fee set by the board in rules adopted under 3406
section 4747.04 of the Revised Code, a trainee permit if such 3407
applicant meets all of the following criteria: 3408

(A) Is at least eighteen years of age; 3409

(B) Is the holder of a diploma from an accredited high 3410
school or a certificate of high school equivalence issued by the 3411
department of education; 3412

(C) Has not committed a disqualifying offense or a crime 3413
of moral turpitude, as those terms are defined in section 3414
4776.10 of the Revised Code; 3415

(D) Is free of contagious or infectious disease. 3416

Subject to the next paragraph, the board shall not deny a 3417
trainee permit issued under this section to any individual based 3418
on the individual's past criminal history ~~or an interpretation~~ 3419
~~of moral character~~ unless the individual has committed a 3420
disqualifying offense or crime of moral turpitude as those terms 3421
are defined in section 4776.10 of the Revised Code. Except as 3422
otherwise provided in this paragraph, if an individual applying 3423
for a trainee permit has been convicted of or pleaded guilty to 3424
a misdemeanor that is not a crime of moral turpitude or a 3425
disqualifying offense less than one year prior to making the 3426

application, the board may use the board's discretion in 3427
granting or denying the individual a trainee permit. Except as 3428
otherwise provided in this paragraph, if an individual applying 3429
for a trainee permit has been convicted of or pleaded guilty to 3430
a felony that is not a crime of moral turpitude or a 3431
disqualifying offense less than three years prior to making the 3432
application, the board may use the board's discretion in 3433
granting or denying the individual a trainee permit. The 3434
provisions in this paragraph do not apply with respect to any 3435
offense unless the board, prior to September 28, 2012, was 3436
required or authorized to deny the application based on that 3437
offense. 3438

In all other circumstances not described in the preceding 3439
paragraph, the board shall follow the procedures it adopts by 3440
rule that conform to this section. 3441

In considering a renewal of an individual's trainee 3442
permit, the board shall not consider any conviction or plea of 3443
guilty prior to the issuance of the initial trainee permit. 3444
However, the board may consider a conviction or plea of guilty 3445
if it occurred after the individual was initially granted the 3446
trainee permit, or after the most recent trainee permit renewal. 3447
~~If the~~ The board denies shall comply with Chapter 119. of the 3448
Revised Code when denying an individual for a trainee permit or 3449
~~renewal, the reasons for such denial shall be put in writing.~~ 3450
Additionally, the board may grant an individual a conditional 3451
trainee permit that lasts for one year. After the one-year 3452
period has expired, the permit is no longer considered 3453
conditional, and the individual shall be considered to be 3454
granted a full trainee permit. 3455

Each trainee permit issued by the board expires one year 3456

from the date it was first issued, and may be renewed once if 3457
the trainee has not successfully completed the qualifying 3458
requirements for licensing as a hearing aid dealer or fitter 3459
before the expiration date of such permit. The board shall issue 3460
a renewed permit to each applicant upon receipt of a properly 3461
completed application and payment of ~~one hundred five dollars~~ a 3462
renewal fee set by the board in rules adopted under section 3463
4747.04 of the Revised Code. No person holding a trainee permit 3464
shall engage in the practice of dealing in or fitting of hearing 3465
aids except while under supervision by a licensed hearing aid 3466
dealer or fitter. 3467

Sec. 4747.11. Each person who holds a hearing aid dealer's 3468
or fitter's license or trainee permit shall notify the state 3469
speech and hearing professionals board in writing of the place 3470
or places where the person engages or intends to engage in the 3471
practice of dealing in and fitting of hearing aids, and shall 3472
~~immediately~~ notify the board in writing of any change in such 3473
address or addresses in accordance with rules the board adopts 3474
under section 4747.04 of the Revised Code. ~~The board shall keep~~ 3475
~~a record of the past and current place of business of each~~ 3476
~~person who holds a license or permit.~~ 3477

~~Any notice that is required to be given by the board to a~~ 3478
~~person holding a license or permit pursuant to the provisions of~~ 3479
~~this chapter shall be mailed to such person by certified mail to~~ 3480
~~the address of the person's current or most recent place of~~ 3481
~~business as revealed in the records of the board.~~ 3482

Sec. 4747.12. ~~The~~ (A) In accordance with Chapter 119. of 3483
the Revised Code, the state speech and hearing professionals 3484
board may revoke ~~or~~ , suspend, place on probation, or refuse to 3485
issue or renew a license or permit or reprimand a license or 3486

permit holder if the person who holds such license or permit: 3487

~~(A) (1)~~ Is convicted of a disqualifying offense or a crime 3488
of moral turpitude as those terms are defined in section 4776.10 3489
of the Revised Code. ~~The record of conviction, or a copy thereof~~ 3490
~~certified by the clerk of the court or by the judge in whose~~ 3491
~~court the conviction occurs, is conclusive evidence of such~~ 3492
~~conviction;~~ 3493

~~(B) (2)~~ Procured a license or permit by fraud or deceit 3494
practiced upon the board; 3495

~~(C) (3)~~ Obtained any fee or made any sale of a hearing aid 3496
by fraud or misrepresentation; 3497

~~(D)~~ Knowingly employed any person without a license or a 3498
person whose license was suspended or revoked to engage in the 3499
fitting or sale of hearing aids; 3500

~~(E) (4)~~ Used or caused or promoted the use of any 3501
advertising matter, promotional literature, testimonial, 3502
guarantee, warranty, label, brand, insignia, or any other 3503
representation, however disseminated or published, which is 3504
misleading, deceptive, or untruthful; 3505

~~(F) (5)~~ Advertised a particular model or type of hearing 3506
aid for sale when purchasers or prospective purchasers 3507
responding to the advertisement cannot purchase the specified 3508
model or type of hearing aid; 3509

~~(G) (6)~~ Represented or advertised that the service or 3510
advice of a person licensed to practice medicine will be used or 3511
made available in the selection, fitting, adjustment, 3512
maintenance, or repair of hearing aids when such is not true, or 3513
using the words "doctor," "clinic," or similar words, 3514
abbreviations, or symbols which connote the medical profession 3515

when such use is not accurate;	3516
(H) Is found by the board to be a person of habitual	3517
intemperance or gross immorality;	3518
(I) (7) Advertised a manufacturer's product or used a	3519
manufacturer's name or trademark in a manner which suggested the	3520
existence of a relationship with the manufacturer which did not	3521
or does not exist;	3522
(J) (8) Fitted or sold, or attempted to fit or sell, a	3523
hearing aid to a person without first utilizing the appropriate	3524
procedures and instruments required for proper fitting of	3525
hearing aids;	3526
(K) (9) Engaged in the fitting and sale of hearing aids	3527
under a false name or an alias;	3528
(L) (10) Engaged in the practice of dealing in or fitting	3529
of hearing aids while suffering from a contagious or infectious	3530
disease;	3531
(M) (11) Was found by the board to be guilty of gross	3532
incompetence or negligence in the fitting or sale of hearing	3533
aids;	3534
(N) (12) Permitted another person to use the licensee's	3535
license;	3536
(O) (13) Violate the code of ethical practice adopted	3537
under section 4744.50 of the Revised Code;	3538
<u>(14) Made or filed a false report or record in the sale or</u>	3539
<u>dispensing of a hearing aid;</u>	3540
<u>(15) Aided or abetted the unlicensed sale, fitting, or</u>	3541
<u>dispensing of a hearing aid;</u>	3542

(16) Committed an act of dishonorable, immoral, or unprofessional conduct while engaging in the sale or practice of dealing in or fitting of hearing aids; 3543
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(17) Engaged in illegal, incompetent, or habitually negligent practice; 3546
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(18) Provided professional services while mentally incompetent or under the influence of alcohol or while using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication; 3548
3549
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(19) Violated this chapter or any lawful order given or rule adopted by the board; 3552
3553

(20) Is disciplined by a licensing or disciplinary authority of this or any other state or country or is convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section; 3554
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(21) Engaged in conduct that the board has identified in a rule adopted under section 4747.04 of the Revised Code as requiring disciplinary action under this section. 3559
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(B) If the board revokes a person's license under division (A) of this section, the person may apply for reinstatement. The board may require the person to complete an examination or additional continuing education as a condition of reinstatement. 3562
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Sec. 4747.13. (A) Any person who wishes to make a complaint against any person, firm, partnership, association, or corporation licensed pursuant to this chapter shall submit such complaint in writing to the state speech and hearing professionals board within one year from the date of the action or event upon which the complaint is based. The board shall 3566
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determine whether the charges in the complaint ~~are of a~~ 3572
~~sufficiently serious nature to warrant a hearing before the~~ 3573
~~board to determine whether the license or permit held by the~~ 3574
~~person complained against shall be revoked or suspended~~ 3575
disciplinary action. If the board determines that a ~~hearing~~ 3576
disciplinary action is warranted, then it shall ~~fix the time and~~ 3577
~~place of such hearing and deliver or cause to have delivered,~~ 3578
~~either in person or by registered mail, at least twenty days~~ 3579
~~before the date of such hearing, an order instructing the~~ 3580
~~licensee complained against of the date, time, and place where~~ 3581
~~the licensee shall appear before the board. Such order shall~~ 3582
~~include a copy of the complaint against the licensee~~ proceed in 3583
accordance with Chapter 119. of the Revised Code. 3584

The board, and the licensee after receipt of the order and 3585
a copy of the complaint made against the licensee, may take 3586
depositions in advance of the hearing, provided that each party 3587
taking depositions shall give at least five days notice to the 3588
other party of the time, date, and place where such depositions 3589
shall be taken. Each party shall have the right to attend with 3590
counsel the taking of such depositions and may cross examine the 3591
deponent or deponents. Each licensee appearing before the board 3592
may be represented by counsel. No person shall have the person's 3593
license or permit revoked or suspended without an opportunity to 3594
present the person's case at a hearing before the board, and the 3595
board shall grant a continuance or adjournment of a hearing date 3596
for good cause. Each person whose license or permit is suspended 3597
or revoked by the board may appeal such action to the court of 3598
common pleas. 3599

(B) The board shall investigate any alleged irregularities 3600
in the sale or practice of dealing in or fitting hearing aids by 3601
persons licensed or permitted under this chapter and any 3602

violations of this chapter or rules adopted by the board. The 3603
board shall not investigate any person exempted from licensure 3604
by section 4747.15 of the Revised Code, provided the person is 3605
acting within the scope of the person's license. In conducting 3606
investigations under this division, the board may administer 3607
oaths, order the taking of depositions, issue subpoenas, and 3608
compel the attendance of witnesses and the production of books, 3609
accounts, papers, records, documents, and testimony. In any case 3610
of disobedience or neglect of any subpoena served on any person 3611
or the refusal of any witness to testify to any matter regarding 3612
which the witness may lawfully be interrogated, the court of 3613
common pleas of any county where that disobedience, neglect, or 3614
refusal occurs or any judge thereof, on application by the 3615
board, shall compel obedience by attachment proceedings for 3616
contempt, as in the case of disobedience of the requirements of 3617
a subpoena issued from the court, or a refusal to testify 3618
therein. 3619

(C) The board shall petition the court of common pleas of 3620
the county in which a person, firm, partnership, or corporation 3621
engages in the sale, practice of dealing in or fitting of 3622
hearing aids, advertises or assumes such practice, or engages in 3623
training to become a licensed hearing aid dealer or fitter 3624
without first being licensed, for an order enjoining any such 3625
acts or practices. The court may grant such injunctive relief 3626
upon a showing that the respondent named in the petition is 3627
engaging in such acts or practices without being licensed under 3628
this chapter. 3629

Sec. 4751.03. (A) There is hereby established in the 3630
department of aging a board of executives of long-term services 3631
and supports, which board shall be composed of the following 3632
eleven members: 3633

(1) Four members who are nursing home administrators, 3634
owners of nursing homes, or officers of corporations owning 3635
nursing homes, and who shall have an understanding of person- 3636
centered care, and experience with a range of long-term services 3637
and supports settings; 3638

(2) (a) Three members who work in long-term services and 3639
supports settings that are not nursing homes, and who shall have 3640
an understanding of person-centered care, and experience with a 3641
range of long-term services and supports settings; 3642

(b) At least one of the members described in division (A) 3643
(2) (a) of this section shall be a home health administrator, an 3644
owner of a home health agency, or an officer of a home health 3645
agency. 3646

(3) One member who is a member of the academic community; 3647

(4) One member who is ~~a~~ any of the following: 3648

(a) A consumer of services offered in a long-term services 3649
and supports setting; 3650

(b) A family member of such a consumer; 3651

(c) An advocate for such consumers. 3652

(5) One nonvoting member who is a representative of the 3653
department of health, designated by the director of health, who 3654
is involved in the nursing home survey and certification 3655
process, who shall serve in an advisory capacity only; 3656

(6) One nonvoting member who is a representative of the 3657
office of the state long-term care ombudsman, designated by the 3658
state long-term care ombudsman, who shall serve in an advisory 3659
capacity only. 3660

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

(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.

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

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

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

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson. 3690
3691

(G) The board shall hold and conduct meetings quarterly 3692
and at such other times as its business requires. A majority of 3693
the voting members of the board shall constitute a quorum. The 3694
affirmative vote of a majority of the voting members of the 3695
board is necessary for the board to act. 3696

(H) The board shall appoint a secretary who has no 3697
financial interest in a long-term services and supports setting, 3698
and may employ and prescribe the powers and duties of such 3699
employees and consultants as are necessary to carry out this 3700
chapter and the rules adopted under it. 3701

Sec. 4753.05. (A) The state speech and hearing 3702
professionals board may make reasonable rules necessary for the 3703
administration of this chapter. All rules adopted under this 3704
chapter shall be adopted in accordance with Chapter 119. of the 3705
Revised Code. 3706

(B) The board shall determine the nature and scope of 3707
examinations to be administered to applicants for licensure 3708
pursuant to this chapter in the practices of speech-language 3709
pathology and audiology, and shall evaluate the qualifications 3710
of all applicants. Written examinations may be supplemented by 3711
such practical and oral examinations as the board shall 3712
determine by rule. The board shall determine by rule the minimum 3713
examination score for licensure. Licensure shall be granted 3714
independently in speech-language pathology and audiology. 3715

Test materials, examinations, answer keys, or evaluation 3716
tools used in an examination for licensure pursuant to this 3717
chapter, whether administered by the board or by a private or 3718

government entity pursuant to a contract, are not public records 3719
under section 149.43 of the Revised Code. 3720

(C) The board shall publish and make available, upon 3721
request, the licensure and permit standards prescribed by this 3722
chapter and rules adopted pursuant thereto. 3723

(D) The board shall investigate all alleged irregularities 3724
in the practices of speech-language pathology and audiology by 3725
persons licensed or permitted pursuant to this chapter and any 3726
violations of this chapter or rules adopted by the board. The 3727
board shall not investigate the practice of any person 3728
specifically exempted from licensure under this chapter by 3729
section 4753.12 of the Revised Code, as long as the person is 3730
practicing within the scope of the person's license or is 3731
carrying out responsibilities as described in division (G) or 3732
(H) of section 4753.12 of the Revised Code and does not claim to 3733
be a speech-language pathologist or audiologist. 3734

In conducting investigations under this division, the 3735
board may administer oaths, order the taking of depositions, 3736
issue subpoenas, and compel the attendance of witnesses and the 3737
production of books, accounts, papers, records, documents, and 3738
testimony. In any case of disobedience or neglect of any 3739
subpoena served on any person or the refusal of any witness to 3740
testify to any matter regarding which the witness may lawfully 3741
be interrogated, the court of common pleas of any county where 3742
such disobedience, neglect, or refusal occurs or any judge 3743
thereof, on application by the board, shall compel obedience by 3744
attachment proceedings for contempt, as in the case of 3745
disobedience of the requirements of a subpoena issued from such 3746
court, or a refusal to testify therein. 3747

(E) The board shall conduct such hearings as are necessary 3748

to carry out this chapter. 3749

Sec. 4757.22. (A) The counselors professional standards 3750
committee of the counselor, social worker, and marriage and 3751
family therapist board shall issue a license to practice as a 3752
licensed professional clinical counselor to each applicant who 3753
submits a properly completed application, pays the fee 3754
established under section 4757.31 of the Revised Code, and meets 3755
the requirements specified in division (B) of this section. 3756

(B)(1) To be eligible for a licensed professional clinical 3757
counselor license, an individual must meet the following 3758
requirements: 3759

(a) The individual must be of good moral character. 3760

(b) The individual must hold ~~from an accredited~~ 3761
~~educational institution~~ a graduate degree in counseling as 3762
described in division (B)(2) of this section. 3763

(c) The individual must complete a minimum of ninety 3764
quarter hours or sixty semester hours of graduate credit in 3765
counselor training acceptable to the committee, including 3766
instruction in the following areas: 3767

(i) Clinical psychopathology, personality, and abnormal 3768
behavior; 3769

(ii) Evaluation of mental and emotional disorders; 3770

(iii) Diagnosis of mental and emotional disorders; 3771

(iv) Methods of prevention, intervention, and treatment of 3772
mental and emotional disorders. 3773

(d) The individual must complete, in either a private or 3774
clinical counseling setting, supervised experience in counseling 3775

that is of a type approved by the committee, is supervised by a 3776
licensed professional clinical counselor or other qualified 3777
professional approved by the committee, and is in the following 3778
amounts: 3779

(i) In the case of an individual holding only a master's 3780
degree, not less than two years of experience, which must be 3781
completed after the award of the master's degree; 3782

(ii) In the case of an individual holding a doctorate, not 3783
less than one year of experience, which must be completed after 3784
the award of the doctorate. 3785

(e) The individual must pass a field evaluation that meets 3786
the following requirements: 3787

(i) Has been completed by the applicant's instructors, 3788
employers, supervisors, or other persons determined by the 3789
committee to be competent to evaluate an individual's 3790
professional competence; 3791

(ii) Includes documented evidence of the quality, scope, 3792
and nature of the applicant's experience and competence in 3793
diagnosing and treating mental and emotional disorders. 3794

(f) The individual must pass an examination administered 3795
by the board for the purpose of determining ability to practice 3796
as a licensed professional clinical counselor. 3797

(2) To meet the requirement of division (B)(1)(b) of this 3798
section, a graduate degree in counseling obtained from a mental 3799
health counseling program in this state after January 1, 2018, 3800
must be from a-one of the following: 3801

(a) A clinical mental health counseling program, a 3802
clinical rehabilitation counseling program, or an addiction 3803

counseling program accredited by the council for accreditation 3804
of counseling and related educational programs; 3805

(b) A counseling education program approved by the board 3806
in accordance with rules adopted by the board under division (G) 3807
of this section. 3808

(3) All of the following meet the educational requirements 3809
of division (B) (1) (c) of this section: 3810

(a) A clinical mental health counseling program accredited 3811
by the council for accreditation of counseling and related 3812
educational programs; 3813

(b) Until January 1, 2018, a mental health counseling 3814
program accredited by the council for accreditation of 3815
counseling and related educational programs; 3816

(c) A graduate degree in counseling issued by another 3817
state from a clinical mental health counseling program, a 3818
clinical rehabilitation counseling program, or an addiction 3819
counseling program that is accredited by the council for 3820
accreditation of counseling and related educational programs; 3821

(d) ~~Any other accredited A counseling programs accepted~~ 3822
education program approved by the board in accordance with rules 3823
adopted under division ~~(F) (3)~~ (G) of this section. 3824

(C) To be accepted by the committee for purposes of 3825
division (B) of this section, counselor training must include at 3826
least the following: 3827

(1) Instruction in human growth and development; 3828
counseling theory; counseling techniques; group dynamics, 3829
processing, and counseling; appraisal of individuals; research 3830
and evaluation; professional, legal, and ethical 3831

responsibilities; social and cultural foundations; and lifestyle 3832
and career development; 3833

(2) Participation in a supervised practicum and internship 3834
in counseling. 3835

(D) The committee may issue a temporary license to an 3836
applicant who meets all of the requirements to be licensed under 3837
this section, pending the receipt of transcripts or action by 3838
the committee to issue a license to practice as a licensed 3839
professional clinical counselor. 3840

(E) An individual may not sit for the licensing 3841
examination unless the individual meets the educational 3842
requirements to be licensed under this section. An individual 3843
who is denied admission to the licensing examination may appeal 3844
the denial in accordance with Chapter 119. of the Revised Code. 3845

(F) The board shall adopt any rules necessary for the 3846
committee to implement this section. The rules shall do ~~all~~both 3847
of the following: 3848

(1) Establish criteria for the committee to use in 3849
determining whether an applicant's training should be accepted 3850
and supervised experience approved; 3851

(2) Establish course content requirements for qualifying 3852
counseling degrees issued by institutions in other states from 3853
clinical mental health counseling programs, clinical 3854
rehabilitation counseling programs, and addiction counseling 3855
programs that are not accredited by the council for 3856
accreditation of counseling and related educational programs~~and~~ 3857
~~for graduate degrees from other accredited counseling programs~~ 3858
~~approved by the board in accordance with rules adopted under~~ 3859
~~division (F) (3) of this section;~~ 3860

~~(3) For purposes of divisions (B) (2) (b) and (3) of this section, establish requirements for acceptance by the committee of accredited counseling programs.~~

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

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

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

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

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

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

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G) (1) of this section satisfies the requirements under divisions (B) (1) (b) and (c) of this section for the time period approved by

the board. 3890

Sec. 4757.23. (A) The counselors professional standards 3891
committee of the counselor, social worker, and marriage and 3892
family therapist board shall issue a license as a licensed 3893
professional counselor to each applicant who submits a properly 3894
completed application, pays the fee established under section 3895
4757.31 of the Revised Code, and meets the requirements 3896
established under division (B) of this section. 3897

(B) (1) To be eligible for a license as a licensed 3898
professional counselor, an individual must meet the following 3899
requirements: 3900

(a) The individual must be of good moral character. 3901

(b) The individual must hold ~~from an accredited~~ 3902
~~educational institution~~ a graduate degree in counseling as 3903
described in division (B) (2) of this section. 3904

(c) The individual must complete a minimum of ninety 3905
quarter hours or sixty semester hours of graduate credit in 3906
counselor training acceptable to the committee, which the 3907
individual may complete while working toward receiving a 3908
graduate degree in counseling, or subsequent to receiving the 3909
degree, and which shall include training in the following areas: 3910

(i) Clinical psychopathology, personality, and abnormal 3911
behavior; 3912

(ii) Evaluation of mental and emotional disorders; 3913

(iii) Diagnosis of mental and emotional disorders; 3914

(iv) Methods of prevention, intervention, and treatment of 3915
mental and emotional disorders. 3916

(d) The individual must pass an examination administered 3917
by the board for the purpose of determining ability to practice 3918
as a licensed professional counselor. 3919

(2) To meet the requirement of division (B)(1)(b) of this 3920
section, a graduate degree in counseling obtained from a mental 3921
health counseling program in this state after January 1, 2018, 3922
must be from a one of the following: 3923

(a) A clinical mental health counseling program, clinical 3924
rehabilitation counseling program, or addiction counseling 3925
program accredited by the council for accreditation of 3926
counseling and related educational programs; 3927

(b) A counseling education program approved by the board 3928
in accordance with rules adopted by the board under division (G) 3929
of this section. 3930

(3) All of the following meet the educational requirements 3931
of division (B)(1)(c) of this section: 3932

(a) A clinical mental health counseling program accredited 3933
by the council for accreditation of counseling and related 3934
educational programs; 3935

(b) Until January 1, 2018, a mental health counseling 3936
program accredited by the council for accreditation of 3937
counseling and related educational programs; 3938

(c) A graduate degree in counseling issued by an 3939
institution in another state from a clinical mental health 3940
counseling program, a clinical rehabilitation counseling 3941
program, or an addiction counseling program that is accredited 3942
by the council for accreditation of counseling and related 3943
educational programs; 3944

(d) ~~Any other accredited~~ A counseling programs ~~accepted~~ 3945
education program approved by the board in accordance with rules 3946
adopted under division ~~(F) (3)~~ (G) of this section. 3947

(C) To be accepted by the committee for purposes of 3948
division (B) of this section, counselor training must include at 3949
least the following: 3950

(1) Instruction in human growth and development; 3951
counseling theory; counseling techniques; group dynamics, 3952
processing, and counseling; appraisal of individuals; research 3953
and evaluation; professional, legal, and ethical 3954
responsibilities; social and cultural foundations; and lifestyle 3955
and career development; 3956

(2) Participation in a supervised practicum and internship 3957
in counseling. 3958

(D) The committee may issue a temporary license to 3959
practice as a licensed professional counselor to an applicant 3960
who meets all of the requirements to be licensed under this 3961
section as follows: 3962

(1) Pending the receipt of transcripts or action by the 3963
committee to issue a license as a licensed professional 3964
counselor; 3965

(2) For a period not to exceed ninety days, to an 3966
applicant who provides the board with a statement from the 3967
applicant's academic institution indicating that the applicant 3968
has met the academic requirements for the applicant's degree and 3969
the projected date the applicant will receive the applicant's 3970
transcript showing a conferred degree. 3971

On application to the committee, a temporary license 3972
issued under division (D) (2) of this section may be renewed for 3973

good cause shown. 3974

(E) An individual may not sit for the licensing 3975
examination unless the individual meets the educational 3976
requirements to be licensed under this section. An individual 3977
who is denied admission to the licensing examination may appeal 3978
the denial in accordance with Chapter 119. of the Revised Code. 3979

(F) The board shall adopt any rules necessary for the 3980
committee to implement this section. The rules shall do ~~all~~both 3981
of the following: 3982

(1) Establish criteria for the committee to use in 3983
determining whether an applicant's training should be accepted 3984
and supervised experience approved; 3985

(2) Establish course content requirements for qualifying 3986
counseling degrees issued by institutions in other states from 3987
clinical mental health counseling programs, clinical 3988
rehabilitation counseling programs, and addiction counseling 3989
programs that are not accredited by the council for 3990
accreditation of counseling and related educational programs~~and~~ 3991
~~for graduate degrees from other accredited counseling programs~~ 3992
~~accepted by the board in accordance with rules adopted under~~ 3993
~~division (F) (3) of this section;~~ 3994

~~(3) For purposes of divisions (B) (2) (b) and (3) of this~~ 3995
~~section, establish requirements for acceptance by the committee~~ 3996
~~of accredited counseling programs.~~ 3997

Rules adopted under this division shall be adopted in 3998
accordance with Chapter 119. of the Revised Code. 3999

(G) (1) The board may adopt rules to temporarily approve a 4000
counseling education program created after January 1, 2018, that 4001
has not been accredited by the council for accreditation of 4002

counseling and related educational programs. If the board adopts 4003
rules under this division, the board shall do all of the 4004
following in the rules: 4005

(a) Create an application process under which a program 4006
administrator may apply to the board for approval of the 4007
program; 4008

(b) Identify the educational requirements that an 4009
individual must satisfy to receive a graduate degree in 4010
counseling from the approved program; 4011

(c) Establish a time period during which an individual may 4012
use an unaccredited degree granted under the program to satisfy 4013
the requirements of divisions (B) (1) (b) and (c) of this section; 4014

(d) Specify that, if the program is denied accreditation, 4015
a student enrolled in the program before the accreditation is 4016
denied may apply for licensure before completing the program 4017
and, on receiving a degree from the program, is considered to 4018
satisfy divisions (B) (1) (b) and (c) of this section. 4019

(2) A degree from a counseling education program approved 4020
by the board pursuant to the rules adopted under division (G) (1) 4021
of this section satisfies the requirements of divisions (B) (1) 4022
(b) and (c) of this section for the time period approved by the 4023
board. 4024

Sec. 4758.10. (A) There is hereby created the chemical 4025
dependency professionals board. 4026

(B) The governor shall appoint all of the following voting 4027
members of the board with the advice and consent of the senate: 4028

(1) ~~Four individuals who held a~~, each of whom holds one 4029
of the following: 4030

~~(a) A valid independent chemical dependency counselor-~~ 4031
~~clinical supervisor license or independent chemical dependency~~ 4032
~~counselor license issued under this chapter, including at least~~ 4033
~~two of whom have received at least a master's degree in a field~~ 4034
~~related to chemical dependency counseling from an accredited~~ 4035
~~educational institution;~~ 4036

~~(2) Two individuals who hold a~~ (b) A valid chemical 4037
dependency counselor III license issued under this chapter; 4038

~~(3) One individual who holds a~~ (c) A valid chemical 4039
dependency counselor II license issued under this chapter. 4040

~~(4) Two individuals~~ (2) One individual who hold ~~holds~~ a 4041
valid prevention consultant certificate or prevention specialist 4042
certificate issued under this chapter. 4043

~~(5)~~ (3) One individual who is a physician authorized under 4044
Chapter 4731. of the Revised Code to practice medicine and 4045
surgery or osteopathic medicine and surgery ~~and has experience~~ 4046
~~practicing in a field related to chemical dependency counseling;~~ 4047

~~(6) Two individuals, who is an advanced practice~~ 4048
registered nurse licensed under Chapter 4723. of the Revised 4049
Code, or who is a pharmacist licensed under Chapter 4729. of the 4050
Revised Code. 4051

(4) One individual who represent ~~represents~~ the public and 4052
~~have~~ has not practiced chemical dependency counseling or 4053
prevention services and ~~have~~ has not been involved in the 4054
delivery of chemical dependency counseling services or 4055
prevention services. ~~At least one of these individuals shall be~~ 4056
~~at least fifty years of age. During their terms, the~~ The public 4057
~~members~~ member shall not practice chemical dependency counseling 4058
or prevention services or be involved in the delivery of 4059

chemical dependency counseling services or prevention services 4060
during the individual's term. 4061

~~(C) Not later than ninety days after December 23, 2002,~~ 4062
~~the~~The director of mental health and addiction services shall 4063
appoint an individual who represents the department of mental 4064
health and addiction services to serve as an ex officio member 4065
of the chemical dependency professionals board. 4066

(D) The board may appoint additional nonvoting members at 4067
its discretion. Such members shall serve at the pleasure of the 4068
board. 4069

(E) Not more than two voting members of the board may hold 4070
the same license. Not more than one-half of the voting members 4071
of the board may be of the same gender or members of the same 4072
political party. At least two voting members of the board shall 4073
be of African, Native American, Hispanic, or Asian descent. 4074

Sec. 4758.11. ~~Of the initial appointees to the chemical-~~ 4075
~~dependency professionals board appointed by the governor under-~~ 4076
~~division (B) of section 4758.10 of the Revised Code, four shall-~~ 4077
~~be appointed for terms ending one year after December 23, 2002,~~ 4078
~~four shall be appointed for terms ending two years after~~ 4079
~~December 23, 2002, and four shall be appointed for terms ending~~ 4080
~~three years after December 23, 2002. After the initial-~~ 4081
~~appointments, terms~~Terms of office of the members of the 4082
chemical dependency professionals board shall be three years, 4083
each term ending on the same day of the same month of the year 4084
as the term it succeeds. 4085

A voting member of the board shall hold office from the 4086
date of appointment until the end of the term for which the 4087
member was appointed. A voting member appointed to fill a 4088

vacancy occurring prior to the expiration of the term for which 4089
the member's predecessor was appointed shall hold office for the 4090
remainder of that term. A voting member shall continue in office 4091
after the expiration date of the member's term until the 4092
member's successor takes office or until a period of sixty days 4093
has elapsed, whichever occurs first. Voting members may be 4094
reappointed, except that an individual who has held office for 4095
two consecutive full terms shall not be reappointed sooner than 4096
one year after the expiration of the second full term. 4097

The ex officio member of the board appointed by the 4098
director of mental health and addiction services under division 4099
(C) of section 4758.10 of the Revised Code shall serve at the 4100
pleasure of the director. 4101

Sec. 4764.01. As used in this chapter: 4102

(A) "Client" means a person who enters into a written 4103
contract with a home inspector to retain for compensation or 4104
other valuable consideration the services of that home inspector 4105
to conduct a home inspection and to provide a written report on 4106
the condition of a residential building. 4107

(B) "Crime of moral turpitude" has the same meaning as in 4108
section 4776.10 of the Revised Code. 4109

(C) "Home inspection" means the process by which a home 4110
inspector conducts a visual examination of the readily 4111
accessible components of a residential building for a client. 4112
"Home inspection" does not include pest inspections; 4113
environmental testing; inspection of any property or structure 4114
conducted by an employee or representative of an insurer 4115
licensed to transact business in this state under Title XXXIX of 4116
the Revised Code for purposes related to the business of 4117

insurance; or determination of compliance with applicable 4118
statutes, rules, resolutions, or ordinances, including, without 4119
limitation, building, zoning, or historic codes. 4120

(D) "Home inspection report" means a written report 4121
prepared by a licensed home inspector for compensation and 4122
issued after an on-site inspection of a residential property. A 4123
report shall include all of the following: 4124

(1) Information on any system or component inspected that, 4125
in the professional opinion of the inspector, is deficient to 4126
the degree that it is deficient; 4127

(2) The inspector's recommendation to repair or monitor 4128
deficiencies reported under division (D) (1) of this section; 4129

(3) A list of any systems or components that were 4130
designated for inspection in the standards of practice adopted 4131
by the board under division (A) (10) of section 4764.05 of the 4132
Revised Code but that were not inspected; 4133

(4) The reason a system or component listed under division 4134
(D) (3) of this section was not inspected. 4135

(E) "Licensed home inspector" means a person who holds a 4136
valid license issued pursuant to section 4764.07 or 4764.10 of 4137
the Revised Code to conduct a home inspection for compensation 4138
or other valuable consideration. 4139

(F) "Parallel inspection" means a home inspection 4140
performed by an applicant for a home inspector license at which 4141
both of the following take place concurrently: 4142

(1) A licensed home inspector observes and evaluates the 4143
applicant during the inspection to verify the applicant's 4144
compliance with the standards of practice specified in rules 4145

adopted by the Ohio home inspector board pursuant to division 4146

(A) (10) of section 4764.05 of the Revised Code. 4147

(2) The inspection is an on-site inspection of a 4148

residential building for the licensed home inspector's client. 4149

(G) "Readily accessible" means available for visual 4150

inspection without requiring a person to move or dismantle 4151

personal property, take destructive measures, or take any other 4152

action that will involve risk to a person or to the property. 4153

(H) "Residential building" has the same meaning as in 4154

section 3781.06 of the Revised Code but also includes the 4155

individual dwelling units within an apartment or condominium 4156

complex containing four or more dwelling units. 4157

(I) "Peer review session" means a practical exercise in 4158

which a prospective applicant for a home inspector license 4159

identifies and reports defects in a residential building that 4160

contains previously identified defects for the purpose of 4161

evaluating the prospective applicant's ability to conduct a home 4162

inspection and prepare a home inspection report. 4163

Sec. 4764.02. (A) No person shall knowingly conduct a home 4164

inspection or represent a qualification to conduct a home 4165

inspection for compensation or other valuable consideration 4166

unless that person is licensed pursuant to this chapter as a 4167

home inspector or performing a parallel inspection. 4168

(B) No person shall perform a home inspection unless it is 4169

performed pursuant to a written contract entered into between a 4170

licensed home inspector and a client. 4171

(C) No person shall perform a home inspection unless the 4172

home inspection conforms to requirements specified in rules 4173

adopted by the Ohio home inspector board pursuant to division 4174

(A) (10) of section 4764.05 of the Revised Code. 4175

(D) No person shall knowingly make or cause to be made any false representation concerning a material and relevant fact relating to the person's licensure as a home inspector. 4176
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Sec. 4764.03. Section 4764.02 of the Revised Code does not apply to any person described as follows if the person is acting within the scope of practice of the person's respective profession: 4179
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(A) A person who is employed by or whose services otherwise are retained by this state or a political subdivision of this state for the purpose of enforcing building codes; 4183
4184
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(B) A person holding a valid certificate to practice architecture issued under Chapter 4703. of the Revised Code; 4186
4187

(C) A person registered as a professional engineer under Chapter 4733. of the Revised Code; 4188
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(D) A heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor who is licensed under Chapter 4740. or section 3781.102 of the Revised Code or who is licensed or registered under section 715.27 of the Revised Code; 4190
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(E) A real estate broker, real estate salesperson, foreign real estate dealer, or foreign real estate salesperson who is licensed under Chapter 4735. of the Revised Code; 4196
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(F) A real estate appraiser who is licensed under Chapter 4763. of the Revised Code; 4199
4200

(G) A public insurance adjuster who holds a valid certificate of authority issued under Chapter 3951. of the 4201
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Revised Code or an employee or representative of an insurer 4203
licensed to transact business in this state under Title XXXIX of 4204
the Revised Code who conducts an inspection of any property or 4205
structure for purposes related to the business of insurance; 4206

(H) A commercial applicator of pesticide who is licensed 4207
under Chapter 921. of the Revised Code. 4208

Sec. 4764.04. There is hereby created the Ohio home 4209
inspector board consisting of seven members. The governor shall 4210
appoint five members who are licensed home inspectors. The 4211
president of the senate and the speaker of the house of 4212
representatives each shall appoint one member who represents the 4213
public and has no financial interest in the home inspection 4214
industry. Not more than four members of the board shall be 4215
members of the same political party. 4216

The governor, president of the senate, and speaker of the 4217
house of representatives shall make the initial appointments to 4218
the board not later than ninety days after the effective date of 4219
this section. Of the initial appointments to the board, the 4220
governor shall appoint one member to a term ending one year 4221
after the effective date of this section, two members to a term 4222
ending three years after that date, and two members to a term 4223
ending five years after that date. The president of the senate 4224
shall appoint one member to a term ending two years after that 4225
date, and the speaker of the house of representatives shall 4226
appoint one member to a term ending four years after that date. 4227
Thereafter, each term shall be for five years, ending on the 4228
same day of the same month as the term that it succeeds. Each 4229
member shall hold office from the date of appointment until the 4230
end of the term for which the member was appointed. Vacancies 4231
shall be filled in the manner provided for original 4232

appointments. A member appointed to fill a vacancy prior to the 4233
expiration of a term shall hold office for the remainder of that 4234
term. A member shall continue in office subsequent to the 4235
expiration of the term until the member's successor takes 4236
office. 4237

The members of the board shall not be compensated but 4238
shall be reimbursed for actual expenses reasonably incurred in 4239
the performance of their duties as members. 4240

The person who, or office that, appointed a member may 4241
remove that member for misconduct, neglect of duty, incapacity, 4242
or malfeasance. 4243

The Ohio home inspector board is a part of the department 4244
of commerce for administrative purposes. The director of 4245
commerce is ex officio the executive officer of the board, or 4246
the director may designate the superintendent of real estate and 4247
professional licensing to act as executive officer of the board. 4248

Sec. 4764.05. (A) The Ohio home inspector board shall 4249
adopt rules in accordance with Chapter 119. of the Revised Code 4250
to do all of the following: 4251

(1) Establish standards to govern the issuance, renewal, 4252
suspension, and revocation of licenses, other sanctions that may 4253
be imposed for violations of this chapter, the conduct of 4254
hearings related to these actions, and the process of 4255
reactivating a license; 4256

(2) Establish the amount of the following fees: 4257

(a) Establish the following fees in an amount that is 4258
sufficient to defray necessary expenses incurred in the 4259
administration of this chapter: 4260

(i) The fee for applying for and receiving a license 4261
issued under section 4764.07 of the Revised Code and the special 4262
assessment for the home inspection recovery fund created in 4263
section 4764.21 of the Revised Code, which together shall not 4264
exceed two hundred fifty dollars; 4265

(ii) The fee for renewal of a license under section 4266
4764.09 of the Revised Code and the special assessment for the 4267
home inspection recovery fund created in section 4764.21 of the 4268
Revised Code, which together shall not exceed two hundred fifty 4269
dollars. 4270

(b) The renewal late fee described in division (B) (2) of 4271
section 4764.09 of the Revised Code; 4272

(c) The fee an institution or organization described in 4273
division (A) (7) of this section shall pay to receive approval to 4274
offer continuing education courses and programs; 4275

(d) The fee an institution or organization that is 4276
approved to offer continuing education courses and programs 4277
shall pay for each course or program that the institution or 4278
organization wishes to have the superintendent approve pursuant 4279
to the rules adopted by the board under division (A) (8) of this 4280
section; 4281

(e) Any other fees as required by this chapter. 4282

(3) In accordance with division (C) of this section, 4283
specify methods and procedures the board shall use to approve a 4284
curriculum of education a person must successfully complete to 4285
obtain a license under this chapter; 4286

(4) In accordance with division (D) of this section, 4287
specify methods and procedures the board shall use to approve a 4288
curriculum of experience that a person may elect to complete the 4289

<u>proof of experience requirement specified in division (D) (6) of</u>	4290
<u>section 4764.07 of the Revised Code;</u>	4291
<u>(5) Establish the administrative reporting and review</u>	4292
<u>requirements for parallel inspections or equivalency for field</u>	4293
<u>experience to assure that an applicant for a license satisfies</u>	4294
<u>the requirements of division (D) (6) of section 4764.07 of the</u>	4295
<u>Revised Code, as applicable;</u>	4296
<u>(6) Establish a curriculum for continuing education that a</u>	4297
<u>licensed home inspector shall complete to satisfy the</u>	4298
<u>requirements for continuing education specified in section</u>	4299
<u>4764.08 of the Revised Code and procedures to assure continuing</u>	4300
<u>education requirements are updated periodically to make those</u>	4301
<u>requirements consistent with home inspection industry practices;</u>	4302
<u>(7) Establish requirements an institution or organization</u>	4303
<u>shall satisfy to obtain approval to provide courses or programs</u>	4304
<u>that enable a licensed home inspector to satisfy the</u>	4305
<u>requirements for continuing education specified in section</u>	4306
<u>4764.08 of the Revised Code and establish procedures that the</u>	4307
<u>superintendent of real estate and professional licensing shall</u>	4308
<u>use to approve an institution or organization that satisfies the</u>	4309
<u>requirements the board establishes;</u>	4310
<u>(8) Establish procedures and standards that the</u>	4311
<u>superintendent shall use to approve courses and programs,</u>	4312
<u>including online courses and programs, offered by an institution</u>	4313
<u>or organization that is approved by the superintendent to offer</u>	4314
<u>continuing education courses or programs pursuant to the rules</u>	4315
<u>adopted by the board under division (A) (7) of this section;</u>	4316
<u>(9) Establish reporting requirements for a licensed home</u>	4317
<u>inspector to follow to demonstrate that the licensed home</u>	4318

<u>inspector successfully completed the continuing education</u>	4319
<u>requirements specified in section 4764.08 of the Revised Code;</u>	4320
<u>(10) Establish requirements for conducting home</u>	4321
<u>inspections, standards of practice for home inspectors, and</u>	4322
<u>conflict of interest prohibitions to the extent that those</u>	4323
<u>provisions do not conflict with divisions (B) to (E) of section</u>	4324
<u>4764.14 of the Revised Code;</u>	4325
<u>(11) Specify requirements for settlement agreements</u>	4326
<u>entered into between the superintendent and a licensed home</u>	4327
<u>inspector under division (C) of section 4764.13 of the Revised</u>	4328
<u>Code;</u>	4329
<u>(12) Establish procedures for providing licensees with</u>	4330
<u>notice and applications for renewal under section 4764.09 of the</u>	4331
<u>Revised Code;</u>	4332
<u>(13) Establish a set of standards of practice and canons</u>	4333
<u>of ethics for the home inspection industry;</u>	4334
<u>(14) Establish directions for the superintendent of real</u>	4335
<u>estate and professional licensing to follow regarding the</u>	4336
<u>scheduling, instruction, and offerings of home inspection</u>	4337
<u>courses a person must successfully complete to obtain a license</u>	4338
<u>issued under this chapter;</u>	4339
<u>(15) Establish requirements a licensed home inspector</u>	4340
<u>shall satisfy to obtain approval to prepare and conduct peer</u>	4341
<u>review sessions.</u>	4342
<u>(B) The board shall do all of the following:</u>	4343
<u>(1) On appeal by any party affected, or on its own motion,</u>	4344
<u>review any order of or application determination made by the</u>	4345
<u>superintendent, and as the board determines necessary, reverse,</u>	4346

vacate, modify, or sustain such an order or determination; 4347

(2) Hear appeals from orders of the superintendent 4348
regarding claims against the home inspection recovery fund 4349
created under section 4764.21 of this section; 4350

(3) Disseminate to licensees and the public information 4351
relative to board activities and decisions; 4352

(4) Notify licensees of changes in state and federal laws 4353
pertaining to home inspections and relevant case law and inform 4354
licensees that they are subject to disciplinary action if they 4355
do not comply with the changes. 4356

(C) The board shall approve a curriculum of education a 4357
person must successfully complete to obtain a license issued 4358
under this chapter. The board shall approve a curriculum of 4359
education that satisfies all of the following requirements: 4360

(1) The curriculum is offered by an accredited public or 4361
private institution of higher education or a professional 4362
organization that has been approved by the board to offer a 4363
curriculum. 4364

(2) The curriculum includes a requirement that a person, 4365
to successfully complete the curriculum, complete at least 4366
eighty hours of classroom or online prelicensing instruction, 4367
including instruction about compliance with the requirements 4368
specified in this chapter, inspection safety, report writing, 4369
and any other administrative matters required by the board. 4370

(3) The curriculum satisfies any other requirements the 4371
board established in rules it adopts. 4372

(D) The board shall determine the equivalency of field 4373
experience that a person may elect to complete to satisfy the 4374

proof of experience requirement specified in division (D)(6) of 4375
section 4764.07 of the Revised Code. The board shall approve 4376
only a curriculum of experience that includes a requirement that 4377
a person, to successfully complete the curriculum, must perform 4378
at least forty hours of work in the home inspection field that 4379
allows the person to obtain practical experience or training 4380
regarding home inspections. The board shall approve only a 4381
curriculum of experience that includes a requirement that a 4382
person, to successfully complete the curriculum, must complete a 4383
peer review session with a licensed home inspector approved by 4384
the board before applying for a license. The peer review session 4385
may be used as part of the required eighty hours of prelicensing 4386
education. 4387

Sec. 4764.06. (A) The superintendent of real estate and 4388
professional licensing shall do all of the following: 4389

(1) Administer this chapter; 4390

(2) Provide the Ohio home inspector board with meeting 4391
space, staff services, and other technical assistance required 4392
by the board to carry out the duties of the board under this 4393
chapter; 4394

(3) Provide each applicant for a home inspector license 4395
with a copy of the requirements for home inspections specified 4396
in rules adopted by the board pursuant to division (A)(10) of 4397
section 4764.05 of the Revised Code, and make those requirements 4398
available to the public by posting them on the web site 4399
maintained by the department of commerce; 4400

(4) In accordance with division (B) of this section, issue 4401
a home inspector license to, or renew a home inspector license 4402
for, any person who satisfies the requirements specified in this 4403

chapter for such licensure or renewal, and make a list of those 4404
licensed home inspectors available to the public by posting the 4405
list on the web site maintained by the department of commerce; 4406

(5) Administer the home inspector recovery fund created 4407
under section 4764.21 of the Revised Code; 4408

(6) Establish procedures, in accordance with division (K) 4409
of section 121.08 of the Revised Code, to have fingerprint-based 4410
criminal records checks conducted by the bureau of criminal 4411
identification and investigation for all applicants for 4412
licensure; 4413

(7) In accordance with the procedures specified in rules 4414
adopted by the board in accordance with division (A)(7) of 4415
section 4764.05 of the Revised Code, approve an institution or 4416
organization wishing to provide continuing education courses or 4417
programs if that institution or organization satisfies the 4418
requirements specified in rules adopted by the board in 4419
accordance with that division and pays the fee established in 4420
rules adopted by the board pursuant to division (A)(2)(c) of 4421
that section; 4422

(8) In accordance with the procedures specified in rules 4423
adopted by the board in accordance with division (A)(8) of 4424
section 4764.05 of the Revised Code, approve a course or program 4425
that a licensed home inspector may complete to satisfy the 4426
continuing education requirements specified in section 4764.08 4427
of the Revised Code if all of the following are satisfied: 4428

(a) The course or program is offered by an institution or 4429
organization approved by the superintendent pursuant to division 4430
(A)(7) of this section. 4431

(b) The course or program satisfies the standards 4432

<u>established in rules adopted by the board pursuant to division</u>	4433
<u>(A) (8) of section 4764.05 of the Revised Code.</u>	4434
<u>(c) The institution or organization pays the fee</u>	4435
<u>established in rules adopted by the board pursuant to division</u>	4436
<u>(A) (2) (d) of section 4764.05 of the Revised Code.</u>	4437
<u>(9) Issue all orders necessary to implement this chapter;</u>	4438
<u>(10) In accordance with section 4764.12 of the Revised</u>	4439
<u>Code, investigate complaints concerning an alleged violation of</u>	4440
<u>this chapter or the conduct of any licensee and subpoena</u>	4441
<u>witnesses in connection with those investigations, as provided</u>	4442
<u>in that section. The subpoena may contain a direction that the</u>	4443
<u>witness produce and bring any documents, work files, inspection</u>	4444
<u>reports, records, or papers mentioned in the subpoena.</u>	4445
<u>(11) Establish and maintain an investigation and audit</u>	4446
<u>section to investigate complaints and conduct inspections,</u>	4447
<u>audits, and other inquiries as in the judgment of the</u>	4448
<u>superintendent are appropriate to enforce this chapter. The</u>	4449
<u>superintendent shall utilize the investigators and auditors</u>	4450
<u>employed pursuant to division (B) (4) of section 4735.05 of the</u>	4451
<u>Revised Code to assist in performing the duties specified in</u>	4452
<u>division (A) (10) of this section.</u>	4453
<u>(12) Specify the information that must be provided on an</u>	4454
<u>application for licensure under this chapter;</u>	4455
<u>(13) Establish procedures for processing, approving, and</u>	4456
<u>denying applications for licensure under this chapter;</u>	4457
<u>(14) Specify the format and content of all affidavits and</u>	4458
<u>other documents required for the administration of this chapter;</u>	4459
<u>(15) Appoint a hearing officer for any proceeding</u>	4460

involving a determination under section 3123.47 of the Revised Code, disciplinary action arising under section 4764.02 or division (F) of section 4764.14 of the Revised Code, or a proceeding under section 4764.16 of the Revised Code. 4461
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(B) The superintendent shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities. 4465
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Sec. 4764.07. (A) To obtain a license to perform home inspections, a person shall submit both of the following to the superintendent of real estate and professional licensing: 4470
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(1) An application meeting the requirements of division (D) of this section on a form the superintendent provides; 4473
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(2) The fee established in rules adopted by the Ohio home inspector board pursuant to division (A) (2) (a) of section 4764.05 of the Revised Code. 4475
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(B) Each person applying for a license shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The person shall provide the fingerprints using a method the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C) (2) of section 109.572 of the Revised Code and fill out the form the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C) (1) of section 109.572 of the Revised Code. Upon receiving an application under this section, the superintendent of real estate and professional licensing shall 4478
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request the superintendent of the bureau of criminal 4490
identification and investigation, or a vendor approved by the 4491
bureau, to conduct a criminal records check based on the 4492
applicant's fingerprint impressions in accordance with division 4493
(A) (15) of section 109.572 of the Revised Code. Notwithstanding 4494
division (K) of section 121.08 of the Revised Code, the 4495
superintendent of real estate and professional licensing shall 4496
request that criminal record information based on the 4497
applicant's fingerprints be obtained from the federal bureau of 4498
investigation as part of the criminal records check. Any fee 4499
required under division (C) (3) of section 109.572 of the Revised 4500
Code shall be paid by the applicant. 4501

(C) The superintendent shall issue a license to perform 4502
home inspections to applicants who satisfy the requirements set 4503
forth in this section, subject to section 4768.14 of the Revised 4504
Code. 4505

(D) Except as otherwise specified in division (E) of this 4506
section, the application shall include all of the following: 4507

(1) A pledge the applicant signs, agreeing to comply with 4508
the rules adopted by the board pursuant to division (A) (10) of 4509
section 4764.05 of the Revised Code; 4510

(2) A statement that the applicant understands the grounds 4511
for any disciplinary action that may be initiated under this 4512
chapter; 4513

(3) Proof of holding a comprehensive general liability 4514
insurance policy or a commercial general liability insurance 4515
policy in accordance with division (A) of section 4764.11 of the 4516
Revised Code; 4517

(4) Proof of successfully passing, within two years before 4518

the date of the application, the national home inspector 4519
examination; 4520

(5) Proof of successfully completing a curriculum of 4521
education approved by the board in accordance with rules the 4522
board adopts pursuant to division (A) (3) of section 4764.05 of 4523
the Revised Code; 4524

(6) Proof that the applicant has experience in the field 4525
of home inspections through either of the following: 4526

(a) Successful completion of a curriculum of experience 4527
approved by the board in accordance with rules the board adopts 4528
pursuant to divisions (A) (4) and (D) of section 4764.05 of the 4529
Revised Code; 4530

(b) Successful completion of ten parallel inspections or 4531
equivalent experience as determined by the board pursuant to 4532
division (A) (5) of section 4764.05 of the Revised Code; 4533

(7) Proof that the applicant is at least eighteen years of 4534
age; 4535

(8) Proof that the applicant has graduated from the 4536
twelfth grade, received a general educational development 4537
diploma, or satisfactorily completed a program that is the 4538
equivalent to graduating from the twelfth grade or receiving a 4539
general educational development diploma; 4540

(9) Any other information the board requires that the 4541
board determines is relevant to receiving a license to practice 4542
as a licensed home inspector. 4543

(E) The superintendent shall not require a person 4544
described in division (B) or (C) of section 4764.03 of the 4545
Revised Code who wishes to obtain a license to perform home 4546

inspections under this chapter to submit proof of education and 4547
experience as required under divisions (D) (5) and (6) of this 4548
section in the person's application in order for that person to 4549
receive a license. Such a person, however, shall satisfy all 4550
other requirements specified in divisions (A) and (D) of this 4551
section and provide proof of licensure in good standing 4552
described in division (B) or (C) of section 4764.03 of the 4553
Revised Code to receive a license. 4554

(F) The act of submitting an application to the 4555
superintendent does not create, shall not be construed as 4556
creating, and is not intended to indicate licensure as a home 4557
inspector. 4558

Sec. 4764.08. During each three-year period that a license 4559
is valid, a licensed home inspector shall successfully complete 4560
not less than fourteen hours of continuing education instruction 4561
annually in courses or programs directly applicable to the 4562
standards of practice and requirements specified in rules 4563
adopted by the Ohio home inspector board pursuant to division 4564
(A) (10) of section 4764.05 of the Revised Code. 4565

The superintendent of real estate and professional 4566
licensing shall accept only those courses and programs the 4567
superintendent approves in accordance with division (A) (8) of 4568
section 4764.06 of the Revised Code prior to the date the 4569
licensed home inspector completes the course or program. The 4570
superintendent shall not include parallel inspections completed 4571
by a person for credit toward satisfying the continuing 4572
education requirements specified in this section. 4573

Sec. 4764.09. (A) A home inspector license issued or 4574
renewed pursuant to this chapter expires three years after the 4575
date of issuance or renewal. 4576

(B) (1) To renew a home inspector license, a licensed home 4577
inspector shall file all of the following with the 4578
superintendent of real estate and professional licensing within 4579
the ninety-day period immediately preceding the date the license 4580
expires: 4581

(a) A renewal application pursuant to the procedures 4582
established by the Ohio home inspector board under section 4583
4764.05 of the Revised Code; 4584

(b) Proof of holding or being covered by a comprehensive 4585
general liability insurance policy or a commercial general 4586
liability insurance policy in accordance with division (A) of 4587
section 4764.11 of the Revised Code; 4588

(c) Proof of satisfying the continuing education 4589
requirements specified in section 4764.08 of the Revised Code. 4590

(2) A licensed home inspector who fails to renew a license 4591
before its expiration may, during the three months following the 4592
expiration, renew the license by following the procedures in 4593
division (B) (1) of this section and paying a late renewal fee in 4594
an amount the Ohio home inspector board establishes. A licensed 4595
home inspector who applies for a late renewal pursuant to this 4596
division shall not engage in any activities permitted under the 4597
license being renewed until the superintendent notifies the 4598
licensed home inspector that the licensed home inspector's 4599
license has been renewed. 4600

(C) A licensed home inspector who fails to renew a license 4601
prior to its expiration or during the three months following its 4602
expiration, or who fails to submit the proof required under 4603
division (B) (1) (b) or (c) of this section, may subsequently 4604
obtain a license by applying for a license pursuant to section 4605

4764.07 of the Revised Code. 4606

Sec. 4764.10. The superintendent of real estate and 4607
professional licensing may issue a home inspector license to an 4608
applicant who holds a license, registration, or certification as 4609
a home inspector in another jurisdiction if that applicant 4610
submits an application on a form the superintendent provides, 4611
pays the fee the Ohio home inspector board prescribes, and 4612
satisfies all of the following requirements: 4613

(A) The applicant is licensed, registered, or certified as 4614
a home inspector in a jurisdiction that the board determines 4615
grants the same privileges to persons licensed under this 4616
chapter as this state grants to persons in that jurisdiction. 4617

(B) That other jurisdiction has licensing, registration, 4618
or certification requirements that are substantially similar to, 4619
or exceed, those of this state. 4620

(C) The applicant attests that the applicant is familiar 4621
with and will abide by this chapter. 4622

(D) The applicant attests to all of the following in a 4623
written statement that the applicant submits to the 4624
superintendent: 4625

(1) To provide the superintendent the name and address of 4626
an agent to receive service of process in this state or that the 4627
applicant authorizes the superintendent to act as agent for that 4628
applicant; 4629

(2) That service of process in accordance with the Revised 4630
Code is proper and the applicant is subject to the jurisdiction 4631
of the courts of this state; 4632

(3) That any cause of action arising out of the conduct of 4633

the applicant's business in this state shall be filed in the 4634
county in which the events that gave rise to that cause of 4635
action occurred. 4636

Sec. 4764.11. (A) Every licensed home inspector shall 4637
maintain, or be covered by, a comprehensive general liability 4638
insurance policy or a commercial general liability insurance 4639
policy with coverage limits of not less than one hundred 4640
thousand dollars per occurrence and not less than a three- 4641
hundred-thousand-dollar aggregate limit. The insurance policy 4642
shall provide coverage against liability of the licensed home 4643
inspector for loss, damage, or expense as a result of an act 4644
that occurred while the licensed home inspector was on the 4645
premises performing a home inspection. If the employer of a 4646
licensed home inspector is not a licensed home inspector and 4647
maintains an insurance policy covering the licensed home 4648
inspector, the licensed home inspector is not required to 4649
maintain the licensed home inspector's own insurance policy. 4650

(B) Every licensed home inspector shall retain for a 4651
period of five years the original or a true copy of each written 4652
contract for the licensee's services relating to home inspection 4653
work, all home inspection reports, and all work file 4654
documentation and data assembled in preparing those reports. The 4655
retention period begins on the date the report is submitted to 4656
the client unless, prior to expiration of the retention period, 4657
the licensee is notified that the services or report is the 4658
subject of or is otherwise involved in pending investigation or 4659
litigation, in which case the retention period begins on the 4660
date of final disposition of the litigation. 4661

A licensee shall make available all records required to be 4662
maintained under this section for inspection and copying by the 4663

superintendent of real estate and professional licensing upon 4664
reasonable notice to the licensee. 4665

Sec. 4764.12. (A) On receipt of a written complaint or on 4666
the superintendent's or the board's own motion, the 4667
superintendent of real estate and professional licensing may 4668
investigate licensed home inspectors concerning any alleged 4669
violation of this chapter. Investigators and auditors employed 4670
by the superintendent may review and audit, during normal 4671
business hours, the licensed home inspector's business records 4672
that are directly related to complaints. The licensed home 4673
inspector shall permit such a review and audit. 4674

(B) Within five business days after a person files a 4675
complaint against a licensed home inspector with the 4676
superintendent, the superintendent shall provide to that person 4677
an acknowledgment of the receipt of the complaint and send a 4678
notice regarding that complaint to the licensee who is the 4679
subject of the complaint. The superintendent shall include in 4680
that notice a description of the activities in which the 4681
licensed home inspector allegedly engaged that violate this 4682
chapter. Within twenty days after the superintendent sends the 4683
notice to the complainant and the licensed home inspector who is 4684
the subject of the complainant's complaint, the complainant and 4685
the licensed home inspector may file with the superintendent a 4686
request to have an informal mediation hearing. 4687

If both the complainant and the licensed home inspector 4688
file such a request, the superintendent shall notify the 4689
complainant and the licensed home inspector of the date and time 4690
of the informal mediation hearing. A mediator employed by the 4691
superintendent shall conduct the informal mediation hearing. If 4692
the complainant and the licensed home inspector reach an 4693

accommodation during that informal mediation hearing, the 4694
mediator shall send a written report describing the 4695
accommodation to the superintendent, complainant, and licensee. 4696
Notwithstanding division (C) of this section, the written report 4697
describing the accommodation is confidential and is not a public 4698
record for purposes of section 149.43 of the Revised Code. The 4699
superintendent shall close the complaint upon satisfactory 4700
completion of the accommodation. 4701

If the licensee or the complainant fails to file a request 4702
for an informal mediation hearing, or if the parties fail to 4703
agree on an accommodation during that informal mediation 4704
hearing, the superintendent shall proceed with an investigation 4705
of the complaint. 4706

(C) This section does not prohibit the superintendent of 4707
real estate and professional licensing from releasing 4708
information relating to licensees to the superintendent of 4709
financial institutions for purposes relating to the 4710
administration of sections 1322.01 to 1322.12 of the Revised 4711
Code, to the superintendent of insurance for purposes relating 4712
to the administration of Chapter 3953. of the Revised Code, to 4713
the commissioner of the division of securities for purposes 4714
relating to the administration of Chapter 1707. of the Revised 4715
Code, to the attorney general, or to local law enforcement and 4716
appropriate prosecutorial authorities. Information released by 4717
the superintendent pursuant to this section remains 4718
confidential. 4719

(D) The Ohio home inspector board or the superintendent 4720
may compel, by order or subpoena, the attendance of witnesses to 4721
testify in relation to any matter over which the board or 4722
superintendent has jurisdiction and that is the subject of 4723

inquiry and investigation by the board or superintendent, and 4724
may require the production of any book, paper, or document 4725
pertaining to such a matter. For that purpose, the board or 4726
superintendent shall have the same power as judges of county 4727
courts to administer oaths, compel the attendance of witnesses, 4728
and punish them for refusal to testify. Service of the subpoena 4729
may be made by sheriffs or constables, or by certified mail, 4730
return receipt requested, and the subpoena shall be considered 4731
served on the date delivery is made or the date the person 4732
refused to accept delivery. A witness shall receive, after the 4733
witness's appearance before the board or superintendent, the 4734
fees and mileage allowed in civil actions in courts of common 4735
pleas. If two or more witnesses travel together in the same 4736
vehicle, the mileage fee shall be paid to only one of those 4737
witnesses, but the witnesses may agree to divide the fee among 4738
themselves in any manner. 4739

(E) If any person fails to file any statement or report, 4740
obey any subpoena, give testimony, answer questions, or produce 4741
any books, records, or papers as required by the board or 4742
superintendent under this chapter, the board or superintendent 4743
may apply to the court of common pleas of any county in the 4744
state setting forth the failure. 4745

The court may make an order awarding process of subpoena 4746
or subpoena duces tecum for the person to appear and testify 4747
before the board or superintendent. The court also may order any 4748
person to give testimony and answer questions, and to produce 4749
books, records, or papers, as required by the board or 4750
superintendent. 4751

Upon the filing of such order in the office of the clerk 4752
of the court of common pleas, the clerk, under the seal of the 4753

court, shall issue process of subpoena for the person to appear 4754
before the board or superintendent at a time and place named in 4755
the subpoena, and each day thereafter until the examination of 4756
such person is completed. The subpoena may contain a direction 4757
that the witness bring with the witness to the examination any 4758
books, records, or papers mentioned in the subpoena. The clerk 4759
shall also issue, under the seal of the court, such other 4760
orders, in reference to the examination, appearance, and 4761
production of books, records, or papers, as the court directs. 4762

If any person so summoned by subpoena fails to obey the 4763
subpoena, to give testimony, to answer questions as required, or 4764
to obey an order of the court, the court, on motion supported by 4765
proof, may order an attachment for contempt to be issued against 4766
the person charged with disobedience of any order or injunction 4767
issued by the court under this chapter. If the person is brought 4768
before the court by virtue of the attachment, and if upon a 4769
hearing the disobedience appears, the court may order the 4770
offender to be committed and kept in close custody. 4771

Sec. 4764.13. (A) If, upon examining the results of an 4772
investigation, the superintendent of real estate and 4773
professional licensing determines that reasonable evidence 4774
exists that a licensed home inspector has violated this chapter 4775
or engaged in an activity described in divisions (A) to (G) of 4776
section 4764.14 of the Revised Code, the superintendent shall 4777
proceed in accordance with the notice and hearing requirements 4778
prescribed in Chapter 119. of the Revised Code. After a hearing 4779
officer conducts a hearing and issues a report pursuant to 4780
division (D) of this section, the Ohio home inspector board 4781
shall review the report and shall order the disciplinary action 4782
the board considers appropriate, which may include any one or 4783
more of the following: 4784

<u>(1) A reprimand;</u>	4785
<u>(2) A fine not exceeding one thousand dollars per violation;</u>	4786 4787
<u>(3) Completion of hours of education in subjects related to the underlying cause of the violation in an amount determined by the board;</u>	4788 4789 4790
<u>(4) Suspension of the license until the licensed home inspector complies with conditions the board establishes;</u>	4791 4792
<u>(5) Suspension of the license for a specific period of time;</u>	4793 4794
<u>(6) Revocation of the license;</u>	4795
<u>(7) Surrender of the license in lieu of discipline.</u>	4796
<u>(B) The superintendent shall not credit any hours of education a licensed home inspector completes in accordance with division (A) (3) of this section toward satisfying the requirements for continuing education specified in section 4764.08 of the Revised Code.</u>	4797 4798 4799 4800 4801
<u>(C) At any time after the superintendent notifies a licensee in accordance with division (A) of this section that a hearing will be held, the licensee may apply to the superintendent to enter into a settlement agreement regarding the alleged violation. The superintendent and the licensed home inspector shall comply with the requirements for settlement agreements established in rules adopted by the board pursuant to division (A) (11) of section 4764.05 of the Revised Code. If the parties enter into the settlement agreement and comply with all of the requirements set forth in that agreement, the investigation regarding that alleged violation is considered</u>	4802 4803 4804 4805 4806 4807 4808 4809 4810 4811 4812

closed. Notwithstanding division (C) of section 4764.12 of the 4813
Revised Code, the settlement agreement is a public record for 4814
purposes of section 149.43 of the Revised Code. 4815

(D) The superintendent shall appoint a hearing officer to 4816
conduct adjudication hearings in accordance with Chapter 119. of 4817
the Revised Code. 4818

In accordance with section 119.09 of the Revised Code, 4819
after conducting a hearing, a hearing officer shall submit to 4820
the board a report of the hearing and a recommendation for the 4821
action to be taken against the licensed home inspector. All 4822
parties may file objections to the report and recommendations as 4823
permitted under that section, and the board shall issue an order 4824
in accordance with the procedures prescribed in that section. 4825

(E) If the board assesses a licensee a fine for a 4826
violation of section 4764.02 of the Revised Code and the person 4827
fails to pay that fine within the time period prescribed by the 4828
board, the superintendent shall forward to the attorney general 4829
the name of the person and the amount of the fine for the 4830
purpose of collecting that fine. In addition to the fine 4831
assessed pursuant to this section, the person also shall pay any 4832
fee assessed by the attorney general for collection of the fine. 4833

(F) The decision and order of the board is final, subject 4834
to review in the manner provided in Chapter 119. of the Revised 4835
Code and appeal to the court of common pleas of Franklin county. 4836

Sec. 4764.14. The superintendent of real estate and 4837
professional licensing may refuse to issue or renew a license if 4838
the applicant for the license or renewal has done any of the 4839
following: 4840

(A) Failed to establish to the satisfaction of the 4841

superintendent that the applicant is honest, truthful, and of 4842
good reputation; 4843

(B) Accepted compensation or other valuable consideration 4844
from more than one interested party for the same service without 4845
the written consent of all interested parties; 4846

(C) Accepted commissions, allowances, or other valuable 4847
consideration, directly or indirectly, from other parties who 4848
deal with a client in connection with the home inspection for 4849
which the home inspector is responsible, or from other parties 4850
who are involved in any part of the real estate transaction 4851
involving a residential building for which that home inspector 4852
conducted a home inspection; 4853

(D) Repaired, replaced, or upgraded, or solicited to 4854
repair, replace, or upgrade, for compensation or other valuable 4855
consideration, systems or components in a residential building 4856
after completing a home inspection of that residential building, 4857
but prior to the close of the real estate transaction associated 4858
with that home inspection and the resolution of all contingent 4859
issues involving that building and transaction; 4860

(E) Failed to disclose to a client in writing and before 4861
entering into a written contract with the client information 4862
about any business interest of the home inspector that may 4863
affect the client in connection with the home inspection; 4864

(F) Pleading guilty to or been convicted of any crime of 4865
moral turpitude, a felony, or an equivalent offense under the 4866
laws of any other state or the United States, or was required to 4867
register under Chapter 2950. of the Revised Code; 4868

(G) Failed to maintain or provide copies of records to the 4869
superintendent as required by section 4764.11 of the Revised 4870

Code or failed to cooperate with an investigation conducted by 4871
the superintendent under section 4764.12 of the Revised Code. 4872
Failure of a licensee to comply with a subpoena issued under 4873
division (D) of section 4764.12 of the Revised Code is prima 4874
facie evidence of a violation of division (B) of section 4764.11 4875
of the Revised Code. 4876

(H) Failed to maintain, be covered by, or submit proof of 4877
a comprehensive general liability insurance policy or a 4878
commercial general liability insurance policy as required under 4879
division (A) of section 4764.11 of the Revised Code at any point 4880
during the term of a prior license; 4881

(I) Violated rules adopted under section 4764.05 of the 4882
Revised Code or is otherwise not in compliance with this 4883
chapter; 4884

(J) Failed to submit proof of satisfying the continuing 4885
education requirements specified in section 4764.08 of the 4886
Revised Code. 4887

Sec. 4764.15. The superintendent of real estate and 4888
professional licensing may apply to any court of common pleas to 4889
enjoin a violation of this chapter. Upon a showing by the 4890
superintendent that a person has violated or is violating this 4891
chapter, the court shall grant an injunction, restraining order, 4892
or other appropriate relief. 4893

Sec. 4764.16. (A) Upon receipt of a written complaint or 4894
upon the motion of the superintendent of real estate and 4895
professional licensing, the superintendent may investigate any 4896
person who is not a licensed home inspector who has allegedly 4897
violated section 4764.02 of the Revised Code. 4898

(B) The superintendent has the same powers to investigate 4899

an alleged violation of section 4764.02 of the Revised Code by a 4900
person who is not licensed as a home inspector as those powers 4901
are specified in section 4764.12 of the Revised Code. If, after 4902
an investigation pursuant to section 4764.12 of the Revised 4903
Code, the superintendent determines that reasonable evidence 4904
exists that an unlicensed person has violated section 4764.02 of 4905
the Revised Code, within seven days after that determination, 4906
the superintendent shall send a written notice to that person by 4907
regular mail and shall include in the notice the information 4908
specified in section 119.07 of the Revised Code for notices 4909
given to licensees, except that the notice shall specify that a 4910
hearing will be held and specify the date, time, and place of 4911
the hearing. 4912

(C) The Ohio home inspector board shall hold a hearing 4913
regarding the alleged violation in the same manner prescribed 4914
for an adjudication hearing under section 119.09 of the Revised 4915
Code. If the board, after the hearing, determines a violation 4916
has occurred, the board may impose a civil penalty on the 4917
person, not exceeding five hundred dollars per violation which 4918
is distinct from any criminal fine imposed pursuant to section 4919
4764.99 of the Revised Code. Each day a violation occurs or 4920
continues is a separate violation. The superintendent may 4921
approve a payment plan if the unlicensed person requests such. 4922
The board shall maintain a transcript of the proceedings of the 4923
hearing and issue a written order to all parties, citing its 4924
findings and grounds for any action taken. The board's 4925
determination regarding a violation of section 4764.02 of the 4926
Revised Code is an order that the person may appeal in 4927
accordance with section 119.12 of the Revised Code. 4928

(D) If the unlicensed person who allegedly committed a 4929
violation of section 4764.02 of the Revised Code fails to appear 4930

for a hearing, the board may request the court of common pleas 4931
of the county where the alleged violation occurred to compel the 4932
person to appear before the board for a hearing. 4933

(E) If the board assesses an unlicensed person a civil 4934
penalty for a violation of section 4764.02 of the Revised Code 4935
and the person fails to pay that civil penalty within the time 4936
period prescribed by the board, the superintendent shall forward 4937
to the attorney general the name of the person and the amount of 4938
the civil penalty for the purpose of collecting that civil 4939
penalty. In addition to the civil penalty assessed pursuant to 4940
this section, the person also shall pay any fee assessed by the 4941
attorney general for collection of the civil penalty. 4942

If the board finds, or an unlicensed person admits to the 4943
board, a violation of section 4764.02 of the Revised Code, the 4944
superintendent shall not issue to the person a home inspector 4945
license without prior board approval. 4946

Sec. 4764.17. (A) Except as provided in divisions (B) and 4947
(C) of this section, nothing in this chapter shall be construed 4948
to create or imply a private cause of action against a licensed 4949
home inspector for a violation of this chapter if that action is 4950
not otherwise maintainable under common law. 4951

(B) An action for damages that is based on professional 4952
services that were rendered or that should have been rendered by 4953
a licensed home inspector shall not be brought, commenced, or 4954
maintained unless the action is filed within one year after the 4955
date that the home inspection is performed. 4956

(C) Before bringing, commencing, or maintaining an action 4957
under division (B) of this section, a client shall notify the 4958
licensed home inspector of the alleged deficiencies and shall 4959

allow the licensed home inspector the opportunity to review and 4960
remedy the alleged deficiencies. The statute of limitations 4961
specified in division (B) of this section shall be tolled for 4962
the period that begins on the date the client notifies the 4963
licensed home inspector of the alleged deficiencies and that 4964
ends on the date that the licensed home inspector reviews, 4965
declines to review, remedies, or declines to remedy the alleged 4966
deficiencies, whichever comes later. 4967

(D) The remedies provided under sections 4764.12 to 4968
4764.15 of the Revised Code are the exclusive remedies for 4969
alleged violations of any conflict of interest prohibitions 4970
specified in the rules adopted by the Ohio home inspector board 4971
pursuant to division (A) (10) of section 4764.05 of the Revised 4972
Code. 4973

(E) Nothing in this section shall be construed to prohibit 4974
the superintendent of real estate and professional licensing 4975
from investigating, or to prohibit the board from taking action 4976
against a licensed home inspector for violations of this chapter 4977
if the investigation commences more than one year after the date 4978
that the licensed home inspector conducts the home inspection 4979
that is the subject of the investigation and action. 4980

Sec. 4764.18. Except as provided in section 4764.21 of the 4981
Revised Code, the superintendent of real estate and professional 4982
licensing shall deposit all money collected under this chapter 4983
in the state treasury to the credit of the home inspectors fund, 4984
which is hereby created. Money credited to the fund shall be 4985
used solely by the superintendent to pay costs associated with 4986
the administration and enforcement of this chapter. 4987

Sec. 4764.19. On receipt of a notice pursuant to section 4988
3123.43 of the Revised Code, the superintendent of real estate 4989

and professional licensing shall comply with sections 3123.41 to 4990
3123.50 of the Revised Code and any applicable rules adopted 4991
under section 3123.63 of the Revised Code with respect to a 4992
license issued pursuant to this chapter. 4993

Sec. 4764.20. The superintendent of real estate and 4994
professional licensing shall comply with section 4776.20 of the 4995
Revised Code. 4996

Sec. 4764.21. (A) The home inspection recovery fund is 4997
hereby created in the state treasury, to be administered by the 4998
superintendent of real estate and professional licensing. 4999
Amounts collected by the superintendent as prescribed in this 5000
section and interest earned on the assets of the fund shall be 5001
ascertained by the superintendent as of the first day of July 5002
each year. 5003

The Ohio home inspector board, in accordance with rules 5004
adopted under division (A) (2) of section 4764.05 of the Revised 5005
Code, shall impose a special assessment not to exceed five 5006
dollars per year for each year of a licensing period on each 5007
person applying for a license under section 4764.07 of the 5008
Revised Code and on each licensee filing a notice of renewal 5009
under section 4764.09 of the Revised Code if the amount 5010
available in the fund is less than two hundred and fifty 5011
thousand dollars on the first day of July preceding that filing. 5012
The board may impose a special assessment not to exceed three 5013
dollars per year for each year of a licensing period if the 5014
amount available is greater than five hundred thousand dollars, 5015
but less than one million dollars on the first day of July 5016
preceding that filing. The board shall not impose a special 5017
assessment if the amount available in the fund exceeds one 5018
million dollars on the first day of July preceding that filing. 5019

(B) (1) Any person who obtains a final judgment in any 5020
court of competent jurisdiction against any home inspector 5021
licensed under this chapter, on the grounds of conduct that is 5022
in violation of this chapter or the rules adopted under it, and 5023
that is associated with an act or transaction that only a 5024
licensed home inspector is authorized to perform as specified in 5025
section 4764.02 of the Revised Code, may file an application, as 5026
described in division (B) (3) of this section, in the court of 5027
common pleas of Franklin county for an order directing payment 5028
out of the home inspection recovery fund of the portion of the 5029
judgment that remains unpaid and that represents an actual and 5030
direct loss sustained by the applicant. 5031

(2) Punitive damages, attorney's fees, and interest on a 5032
judgment are not recoverable from the fund. The superintendent 5033
may allow court costs to be recovered from the fund, and, if the 5034
superintendent authorizes the recovery of court costs, the order 5035
of the court of common pleas then may direct their payment from 5036
the fund. 5037

(3) The applicant shall describe in the application the 5038
nature of the act or transaction on which the underlying 5039
judgment was based, the activities of the applicant in pursuit 5040
of remedies available under law for the collection of judgments, 5041
and the actual and direct losses, attorney's fees, and the court 5042
costs sustained or incurred by the applicant. The applicant 5043
shall attach to the application a copy of each pleading and 5044
order in the underlying court action. 5045

(4) The court shall order the superintendent to make 5046
payments out of the fund when the person seeking the order has 5047
shown all of the following: 5048

(a) The person has obtained a judgment, as provided in 5049

<u>this division;</u>	5050
<u>(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;</u>	5051 5052 5053
<u>(c) The person is not a spouse of the judgment debtor, or the personal representative of the spouse;</u>	5054 5055
<u>(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;</u>	5056 5057 5058 5059
<u>(e) The person is applying not more than one year after termination of all proceedings, including appeals, in connection with the judgment.</u>	5060 5061 5062
<u>(5) Divisions (B) (1) to (4) of this section do not apply to any of the following:</u>	5063 5064
<u>(a) Actions arising from home inspections conducted by an unlicensed individual;</u>	5065 5066
<u>(b) A bonding company when it is not a principal in the real estate transaction;</u>	5067 5068
<u>(c) A person in an action for the payment of a fee or other compensation for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4764.02 of the Revised Code;</u>	5069 5070 5071 5072
<u>(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.</u>	5073 5074
<u>(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the</u>	5075 5076

application with the superintendent. The superintendent may 5077
defend any action on behalf of the fund and shall have recourse 5078
to all appropriate means of defense and review, including 5079
examination of witnesses, verification of actual and direct 5080
losses, and challenges to the underlying judgment required in 5081
division (B) (4) (a) of this section to determine whether the 5082
underlying judgment is based on activity only a licensed home 5083
inspector is permitted to perform. The superintendent may move 5084
the court at any time to dismiss the application when it appears 5085
there are no triable issues and the application is without 5086
merit. The motion may be supported by affidavit of any person 5087
having knowledge of the facts and may be made on the basis that 5088
the application, including the judgment referred to in it, does 5089
not form the basis for a meritorious recovery claim; provided, 5090
that the superintendent shall give written notice to the 5091
applicant at least ten days before making the motion. The 5092
superintendent may, subject to court approval, compromise a 5093
claim based upon the application of an aggrieved party. The 5094
superintendent shall not be bound by any prior compromise or 5095
stipulation of the judgment debtor. 5096

(D) Notwithstanding any other provision of this section to 5097
the contrary, the liability of the fund shall not exceed forty 5098
thousand dollars for any one licensee. If a licensee's license 5099
is reactivated as provided in division (E) of this section, the 5100
liability of the fund for the licensee under this section shall 5101
again be forty thousand dollars, but only for transactions that 5102
occur subsequent to the time of reactivation. 5103

If the forty-thousand-dollar liability of the fund is 5104
insufficient to pay in full the valid claims of all aggrieved 5105
persons by whom claims have been filed against any one licensee, 5106
the forty thousand dollars shall be distributed among them in 5107

the ratio that their respective claims bear to the aggregate of 5108
valid claims or in any other manner as the court finds 5109
equitable. Distribution of moneys shall be among the persons 5110
entitled to share in it, without regard to the order of priority 5111
in which their respective judgments may have been obtained or 5112
their claims have been filed. Upon petition of the 5113
superintendent, the court may require all claimants and 5114
prospective claimants against one licensee to be joined in one 5115
action, to the end that the respective rights of all the 5116
claimants to the fund may be equitably adjudicated and settled. 5117

(E) If the superintendent pays from the fund any amount in 5118
settlement of a claim or toward satisfaction of a judgment 5119
against a licensed home inspector, the superintendent may 5120
suspend the home inspector's license. The superintendent shall 5121
not reactivate the suspended license of that home inspector 5122
until the home inspector has repaid in full, plus interest per 5123
annum at the rate specified in division (A) of section 1343.03 5124
of the Revised Code, the amount paid from the fund on the home 5125
inspector's account. A discharge in bankruptcy does not relieve 5126
a person from the suspension and requirements for reactivation 5127
provided in this section unless the underlying judgment has been 5128
included in the discharge and has not been reaffirmed by the 5129
debtor. 5130

(F) If, at any time, the money deposited in the fund is 5131
insufficient to satisfy any duly authorized claim or portion of 5132
a claim, the superintendent shall, when sufficient money has 5133
been deposited in the fund, satisfy the unpaid claims or 5134
portions, in the order that the claims or portions were 5135
originally filed, plus accumulated interest per annum at the 5136
rate specified in division (A) of section 1343.03 of the Revised 5137
Code. 5138

(G) When, upon the order of the court, the superintendent 5139
has paid from the fund any sum to the judgment creditor, the 5140
superintendent shall be subrogated to all of the rights of the 5141
judgment creditor to the extent of the amount so paid, and the 5142
judgment creditor shall assign all the judgment creditor's 5143
right, title, and interest in the judgment to the superintendent 5144
to the extent of the amount so paid. Any amount and interest so 5145
recovered by the superintendent on the judgment shall be 5146
deposited in the fund. 5147

(H) Nothing contained in this section shall limit the 5148
authority of the superintendent to take disciplinary action 5149
against any licensee under other provisions of this chapter; nor 5150
shall the repayment in full of all obligations to the fund by 5151
any licensee nullify or modify the effect of any other 5152
disciplinary proceeding brought pursuant to this chapter. 5153

(I) The superintendent shall collect from the fund a 5154
service fee in an amount equivalent to the interest rate 5155
specified in division (A) of section 1343.03 of the Revised Code 5156
multiplied by the annual interest earned on the assets of the 5157
fund, to defray the expenses incurred in the administration of 5158
the fund. 5159

Sec. 4764.99. (A) Whoever violates division (A) of section 5160
4764.02 of the Revised Code is guilty of a misdemeanor of the 5161
first degree. 5162

(B) Whoever violates division (D) of section 4764.02 of 5163
the Revised Code is guilty of a felony of the fifth degree. 5164

Sec. 4765.02. (A) (1) There is hereby created the state 5165
board of emergency medical, fire, and transportation services 5166
within the division of emergency medical services of the 5167

department of public safety. The board shall consist of the 5168
members specified in this section who are residents of this 5169
state. The governor, with the advice and consent of the senate, 5170
shall appoint all members of the board, except the employee of 5171
the department of public safety designated by the director of 5172
public safety under this section to be a member of the board. In 5173
making the appointments, the governor shall appoint only members 5174
with background or experience in emergency medical services or 5175
trauma care and shall attempt to include members representing 5176
urban and rural areas, various geographical regions of the 5177
state, and various schools of training. 5178

(2) One member of the board shall be a physician certified 5179
by the American board of emergency medicine or the American 5180
osteopathic board of emergency medicine who is active in the 5181
practice of emergency medicine and is actively involved with an 5182
emergency medical service organization. The governor shall 5183
appoint this member from among three persons nominated by the 5184
Ohio chapter of the American college of emergency physicians and 5185
three persons nominated by the Ohio osteopathic association. One 5186
member shall be a physician certified by the American board of 5187
surgery or the American osteopathic board of surgery who is 5188
active in the practice of trauma surgery and is actively 5189
involved with emergency medical services. The governor shall 5190
appoint this member from among three persons nominated by the 5191
Ohio chapter of the American college of surgeons and three 5192
persons nominated by the Ohio osteopathic association. One 5193
member shall be a physician certified by the American academy of 5194
pediatrics or American osteopathic board of pediatrics who is 5195
active in the practice of pediatric emergency medicine and 5196
actively involved with an emergency medical service 5197
organization. The governor shall appoint this member from among 5198

three persons nominated by the Ohio chapter of the American 5199
academy of pediatrics and three persons nominated by the Ohio 5200
osteopathic association. One member shall be the administrator 5201
of a hospital located in this state. The governor shall appoint 5202
this member from among three persons nominated by ~~OHA:~~ the Ohio 5203
hospital association ~~for hospitals and health systems~~, three 5204
persons nominated by the Ohio osteopathic association, and three 5205
persons nominated by the ~~association of~~ Ohio children's 5206
~~hospitals~~ hospital association. One member shall be an adult or 5207
pediatric trauma program manager or trauma program director who 5208
is involved in the daily management of a verified trauma center. 5209
The governor shall appoint this member from among three persons 5210
nominated by the Ohio nurses association, three persons 5211
nominated by the Ohio society of trauma nurse leaders, and three 5212
persons nominated by the Ohio state council of the emergency 5213
nurses association. One member shall be the chief of a fire 5214
department that is also an emergency medical service 5215
organization in which more than fifty per cent of the persons 5216
who provide emergency medical services are full-time paid 5217
employees. The governor shall appoint this member from among 5218
three persons nominated by the Ohio fire chiefs' association. 5219
One member shall be the chief of a fire department that is also 5220
an emergency medical service organization in which more than 5221
fifty per cent of the persons who provide emergency medical 5222
services are volunteers. The governor shall appoint this member 5223
from among three persons nominated by the Ohio fire chiefs' 5224
association. One member shall be a person who is certified to 5225
teach under section 4765.23 of the Revised Code and holds a 5226
valid certificate to practice as an EMT, AEMT, or paramedic. The 5227
governor shall appoint this member from among three persons 5228
nominated by the Ohio emergency medical technician instructors 5229
association and the Ohio instructor/coordinators' society. One 5230

member shall be an EMT, AEMT, or paramedic, and one member shall 5231
be a paramedic. The governor shall appoint these members from 5232
among three EMTs or AEMTs and three paramedics nominated by the 5233
Ohio association of professional fire fighters and three EMTs, 5234
three AEMTs, and three paramedics nominated by the northern Ohio 5235
fire fighters. One member shall be an EMT, AEMT, or paramedic, 5236
and one member shall be a paramedic. The governor shall appoint 5237
these members from among three EMTs or AEMTs and three 5238
paramedics nominated by the Ohio state ~~firefighter's~~ 5239
firefighters' association. One member shall be a person whom the 5240
governor shall appoint from among an EMT, AEMT, or a paramedic 5241
nominated by the Ohio association of emergency medical services 5242
or the Ohio ambulance and medical transportation association. 5243
One member shall be an EMT, AEMT, or a paramedic, whom the 5244
governor shall appoint from among three persons nominated by the 5245
Ohio ambulance and medical transportation association. One 5246
member shall be a paramedic, whom the governor shall appoint 5247
from among three persons nominated by the Ohio ambulance and 5248
medical transportation association. One member shall be the 5249
owner or operator of a private emergency medical service 5250
organization whom the governor shall appoint from among three 5251
persons nominated by the Ohio ambulance and medical 5252
transportation association. One member shall be a member of a 5253
third-service emergency medical service agency or organization 5254
whom the governor shall appoint from among three persons 5255
nominated by the Ohio EMS chiefs association. One member shall 5256
be a provider of mobile intensive care unit transportation in 5257
this state whom the governor shall appoint from among three 5258
persons nominated by the Ohio association of critical care 5259
transport. One member shall be a provider of air-medical 5260
transportation in this state whom the governor shall appoint 5261
from among three persons nominated by the Ohio association of 5262

critical care transport. One member shall be the owner or 5263
operator of a nonemergency medical service organization in this 5264
state that provides ambulance services whom the governor shall 5265
appoint from among three persons nominated by the Ohio ambulance 5266
and medical transportation association. 5267

As used in this division "EMT" means a person who is an 5268
emergency medical technician-basic and is also known as an 5269
emergency medical technician or EMT pursuant to section 4765.011 5270
of the Revised Code and "AEMT" means an emergency medical 5271
technician-intermediate who is also known as an advanced 5272
emergency medical technician or AEMT pursuant to that section. 5273

The governor may refuse to appoint any of the persons 5274
nominated by one or more organizations under division (A) (2) of 5275
this section, except the employee of the department of public 5276
safety designated by the director of public safety under this 5277
section to be a member of the board. In that event, the 5278
organization or organizations shall continue to nominate the 5279
required number of persons until the governor appoints to the 5280
board one or more of the persons nominated by the organization 5281
or organizations. 5282

The director of public safety shall designate an employee 5283
of the department of public safety to serve as a member of the 5284
board at the director's pleasure. This member shall serve as a 5285
liaison between the department and the division of emergency 5286
medical services in cooperation with the executive director of 5287
the board. 5288

(B) Terms of office of all members appointed by the 5289
governor shall be for three years, each term ending on the same 5290
day of the same month as did the term it succeeds. Each member 5291
shall hold office from the date of appointment until the end of 5292

the term for which the member was appointed. A member shall 5293
continue in office subsequent to the expiration date of the 5294
member's term until the member's successor takes office, or 5295
until a period of sixty days has elapsed, whichever occurs 5296
first. 5297

Each vacancy shall be filled in the same manner as the 5298
original appointment, except that in the case of a member to be 5299
appointed by the governor, if, thirty days after a vacancy 5300
occurs, the governor has not received a nomination from the 5301
respective organization under division (A) (2) of this section, 5302
the governor may appoint a member the governor chooses, as long 5303
as the member meets the qualifications specified in division (A) 5304
(2) of this section. A member appointed to fill a vacancy 5305
occurring prior to the expiration of the term for which the 5306
member's predecessor was appointed shall hold office for the 5307
remainder of the unexpired term. 5308

The term of a member shall expire if the member ceases to 5309
meet any of the requirements to be appointed as that member. The 5310
governor may remove any member from office for neglect of duty, 5311
malfeasance, misfeasance, or nonfeasance, after an adjudication 5312
hearing held in accordance with Chapter 119. of the Revised 5313
Code. 5314

(C) The members of the board shall serve without 5315
compensation but shall be reimbursed for their actual and 5316
necessary expenses incurred in carrying out their duties as 5317
board members. 5318

(D) The board shall organize by annually selecting a chair 5319
and vice-chair from among its members. The board may adopt 5320
bylaws to regulate its affairs. A majority of all members of the 5321
board shall constitute a quorum. No action shall be taken 5322

without the concurrence of a majority of all members of the 5323
board. The board shall meet at least four times annually and at 5324
the call of the chair. The chair shall call a meeting on the 5325
request of the executive director or the medical director of the 5326
board or on the written request of five members. The board shall 5327
maintain written or electronic records of its meetings. 5328

(E) Upon twenty-four hours' notice from a member of the 5329
board, the member's employer shall release the member from the 5330
member's employment duties to attend meetings of the full board. 5331
Nothing in this division requires the employer of a member of 5332
the board to compensate the member for time the member is 5333
released from employment duties under this paragraph, but any 5334
civil immunity, workers' compensation, disability, or similar 5335
coverage that applies to a member of the board as a result of 5336
the member's employment shall continue to apply while the member 5337
is released from employment duties under this paragraph. 5338

Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 5339
4747., ~~and 4749., and 4764.,~~ and sections 4725.40 to 4725.59 of 5340
the Revised Code: 5341

(A) "Crime of moral turpitude" or "moral turpitude" means 5342
all of the following: 5343

(1) A violation of section 2903.01 or 2903.02 of the 5344
Revised Code; 5345

(2) A sexually oriented offense as defined in section 5346
2950.01 of the Revised Code; 5347

(3) An offense that is an offense of violence as defined 5348
in section 2901.01 of the Revised Code, if the offense is a 5349
felony of the first or second degree; 5350

(4) Complicity in committing an offense described in 5351

division (A) (1) of this section; 5352

(5) An attempt or conspiracy to commit or complicity in 5353
committing any offense described in division (A) (1), (2), (3), 5354
or (4) of this section if the attempt, conspiracy, or complicity 5355
is a felony of the first or second degree; 5356

(6) A violation of any former law of this state, any 5357
existing or former law applicable in a military court or in an 5358
Indian tribal court, or any existing or former law of any nation 5359
other than the United States that is or was substantially 5360
equivalent to any offense listed in division (A) (1), (2), (3), 5361
(4), or (5) of this section. 5362

(B) "Direct nexus" means that the nature of the offense 5363
for which the individual was convicted or to which the 5364
individual pleaded guilty has a direct bearing on the fitness or 5365
ability of the individual to perform one or more of the duties 5366
or responsibilities necessarily related to a particular 5367
occupation, profession, or trade. 5368

(C) "Disqualifying offense" means an offense that is a 5369
felony and that has a direct nexus to an individual's proposed 5370
or current field of licensure, certification, or employment. 5371

Sec. 4776.20. (A) As used in this section: 5372

(1) "Licensing agency" means, in addition to each board 5373
identified in division (C) of section 4776.01 of the Revised 5374
Code, the board or other government entity authorized to issue a 5375
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 5376
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 5377
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 5378
4764., 4765., 4766., 4771., 4773., and 4781. of the Revised 5379
Code. "Licensing agency" includes an administrative officer that 5380

has authority to issue a license. 5381

(2) "Licensee" means, in addition to a licensee as 5382
described in division (B) of section 4776.01 of the Revised 5383
Code, the person to whom a license is issued by the board or 5384
other government entity authorized to issue a license under 5385
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 5386
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 5387
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 5388
4766., 4771., 4773., and 4781. of the Revised Code. 5389

(3) "Prosecutor" has the same meaning as in section 5390
2935.01 of the Revised Code. 5391

(B) On a licensee's conviction of, plea of guilty to, 5392
judicial finding of guilt of, or judicial finding of guilt 5393
resulting from a plea of no contest to the offense of 5394
trafficking in persons in violation of section 2905.32 of the 5395
Revised Code, the prosecutor in the case shall promptly notify 5396
the licensing agency of the conviction, plea, or finding and 5397
provide the licensee's name and residential address. On receipt 5398
of this notification, the licensing agency shall immediately 5399
suspend the licensee's license. 5400

(C) If there is a conviction of, plea of guilty to, 5401
judicial finding of guilt of, or judicial finding of guilt 5402
resulting from a plea of no contest to the offense of 5403
trafficking in persons in violation of section 2905.32 of the 5404
Revised Code and all or part of the violation occurred on the 5405
premises of a facility that is licensed by a licensing agency, 5406
the prosecutor in the case shall promptly notify the licensing 5407
agency of the conviction, plea, or finding and provide the 5408
facility's name and address and the offender's name and 5409
residential address. On receipt of this notification, the 5410

licensing agency shall immediately suspend the facility's 5411
license. 5412

(D) Notwithstanding any provision of the Revised Code to 5413
the contrary, the suspension of a license under division (B) or 5414
(C) of this section shall be implemented by a licensing agency 5415
without a prior hearing. After the suspension, the licensing 5416
agency shall give written notice to the subject of the 5417
suspension of the right to request a hearing under Chapter 119. 5418
of the Revised Code. After a hearing is held, the licensing 5419
agency shall either revoke or permanently revoke the license of 5420
the subject of the suspension, unless it determines that the 5421
license holder has not been convicted of, pleaded guilty to, 5422
been found guilty of, or been found guilty based on a plea of no 5423
contest to the offense of trafficking in persons in violation of 5424
section 2905.32 of the Revised Code. 5425

Sec. 4798.01. (A) As used in this chapter: 5426

"Certification" means a voluntary program in which a 5427
private organization or the state grants nontransferable 5428
recognition to an individual who meets personal qualifications 5429
established by the private organization or state law. 5430

"Individual" means a natural person. 5431

"Lawful occupation" means a course of conduct, pursuit, or 5432
profession that includes the sale of goods or services that are 5433
not themselves illegal to sell irrespective of whether the 5434
individual selling the goods or services is subject to an 5435
occupational regulation. 5436

"Least restrictive regulation" means the public policy of 5437
relying on one of the following, listed from the least to the 5438
most restrictive, as a means of consumer protection: market 5439

competition; third-party or consumer-created ratings and 5440
reviews; private certification; specific private civil cause of 5441
action to remedy consumer harm; actions under Chapter 1345. of 5442
the Revised Code; regulation of the process of providing the 5443
specific goods or services to consumers; inspection; bonding or 5444
insurance; registration; government certification; specialty 5445
occupational license for medical reimbursement; and occupational 5446
license. 5447

"Occupational license" means nontransferable authorization 5448
in law that an individual must possess in order to perform a 5449
lawful occupation for compensation based on meeting personal 5450
qualifications established by statute, or by a rule authorized 5451
by statute. "Occupational license" does not include a commercial 5452
or other driver's license issued under the Revised Code. 5453

"Occupational licensing board" means any board, 5454
commission, committee, or council, or any other similar state 5455
public body, and any administrative department enumerated under 5456
section 121.02 of the Revised Code, and any agency, division, or 5457
office of state government, that issues an occupational license. 5458

"Occupational regulation" means a statute, policy, rule, 5459
adjudication order, practice, or other state law requiring an 5460
individual to possess certain personal qualifications to use an 5461
occupational title or work in a lawful occupation. "Occupational 5462
regulation" includes registration, certification, and 5463
occupational license. "Occupational regulation" excludes a 5464
business license, facility license, building permit, or zoning 5465
and land use regulation, except to the extent those laws 5466
regulate an individual's personal qualifications to perform a 5467
lawful occupation, and excludes sections of the Revised Code 5468
related to commercial or other driver's license. 5469

"Personal qualifications" mean criteria related to an individual's personal background and characteristics including completion of an approved educational program, satisfactory performance on an examination, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education. 5470-5475

"Registration" means a requirement to give notice to the government that may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. "Registration" does not include personal qualifications but may require a bond or insurance. 5476-5481

"Specialty occupational license for medical reimbursement" is a nontransferable authorization in law for an individual to qualify for payment or reimbursement from a government agency, for providing identified medical services, based on meeting personal qualifications established in law, which may be recognized by a private company. 5482-5487

(B) For purposes of this chapter: 5488

(1) The terms "certification" and "registration" are not synonymous with "occupational license." 5489-5490

(2) The use of the words "certification" and "certified" in other statutes to mean requiring an individual to meet certain personal qualifications to work legally shall be interpreted for the purposes of this chapter as requiring an individual to meet the requirements of an "occupational license." 5491-5496

(3) The use of the words "registration" and "registered" in other statutes to mean requiring an individual to meet 5497-5498

certain personal qualifications to work legally shall be 5499
interpreted for the purposes of this chapter as requiring an 5500
individual to meet the requirements of an "occupational 5501
license." 5502

Sec. 4798.02. With respect to occupational regulation of 5503
individuals, all of the following are the policy of the state: 5504

(A) Occupational regulations shall be construed and 5505
applied to increase economic opportunities, promote competition, 5506
and encourage innovation. 5507

(B) Where the state finds it is necessary to displace 5508
competition, the state will use the least restrictive regulation 5509
to protect consumers from present, significant, and 5510
substantiated harms that threaten public health, safety, or 5511
welfare. The policy of employing the least restrictive 5512
regulation shall presume that market competition and private 5513
remedies are sufficient to protect consumers. Where needed, 5514
regulations shall be tailored to meet the predominate identified 5515
need to protect consumers, as follows: 5516

(1) If regulations are intended to protect consumers 5517
against fraud, the appropriate state action shall be to 5518
strengthen powers under deceptive trade practices acts. 5519

(2) If regulations are intended to protect consumers 5520
against unsanitary facilities and general health, safety, or 5521
welfare concerns, the appropriate state action shall be to 5522
require periodic inspections. 5523

(3) If regulations are intended to protect consumers 5524
against potential damages to third parties who are not party to 5525
a contract between the seller and buyer, and other types of 5526
externalities, the appropriate state action shall be to require 5527

bonding or insurance. 5528

(4) If regulations are intended to protect consumers 5529
against potential damages by transient providers, the 5530
appropriate state action shall be to require registration with 5531
the secretary of state. 5532

(5) If regulations are intended to protect consumers 5533
against asymmetrical information between the seller and buyer, 5534
the appropriate state action shall be to offer voluntary 5535
certification, unless suitable, privately offered voluntary 5536
certification for the relevant occupation is available. 5537

As used in this division, "suitable" means widely 5538
recognized as reflecting established standards of competency, 5539
skill, or knowledge in the field. 5540

(6) If regulations are intended to facilitate governmental 5541
reimbursement for providing medical services for an emerging 5542
medical specialty, the appropriate state action shall be to 5543
require a specialty occupational license for medical 5544
reimbursement. 5545

(7) If regulations are required to perform services 5546
regulated by both federal laws and laws of this state, require 5547
the state to recognize an individual's occupational license from 5548
another United States state or territory to allow that 5549
individual to practice in this state, and are based on uniform 5550
national laws, practices, and examinations that have been 5551
adopted by at least fifty United States states and territories, 5552
the appropriate state action shall be to require an occupational 5553
license. 5554

For purposes of this division, a uniform national law is 5555
one that has been adopted in a substantially equivalent manner 5556

in at least fifty United States states and territories. 5557

(C) An occupational regulation may be enforced against an individual only to the extent the individual sells goods and services that are included explicitly in the statute that defines the occupation's scope of practice. 5558
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(D) Nothing in this chapter is intended to restrict an occupational licensing board from requiring, as a condition of licensure or renewal of licensure, that an individual's personal qualifications include obtaining or maintaining certification from a private organization that credentials individuals in the relevant occupation. 5562
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By establishing and executing the policies in this section, in concert with section 107.56 of the Revised Code, the state intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws. 5568
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Sec. 4798.03. This chapter preempts any ordinance or other local law or regulation, which conflicts with or is inconsistent with any policy of the state expressed in this chapter, by any political subdivision that regulates an occupation that is also regulated by the state. 5572
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Section 2. That existing sections 109.572, 121.08, 125.22, 145.012, 355.02, 355.03, 355.04, 2925.01, 3301.61, 3333.74, 4104.33, 4141.131, 4141.25, 4141.292, 4713.01, 4713.69, 4723.02, 4723.493, 4725.48, 4725.49, 4725.52, 4735.181, 4735.99, 4747.04, 4747.05, 4747.06, 4747.07, 4747.08, 4747.09, 4747.10, 4747.11, 4747.12, 4747.13, 4751.03, 4753.05, 4757.22, 4757.23, 4758.10, 4758.11, 4765.02, 4776.10, and 4776.20, and sections 1521.031, 3333.731, 4141.08, 5101.91, and 5101.92 of the Revised Code are hereby repealed. 5577
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Section 3. Nothing in this act shall be construed to apply 5586
to any rules prescribed under Section 5 of Article IV, Ohio 5587
Constitution. 5588

Section 4. It is the intention of this act that for the 5589
first biennium, starting in year 2019, the Legislative Service 5590
Commission's review of approximately thirty-three per cent of 5591
the occupations listed under section 103.27 of the Revised Code 5592
shall not consist of a review of the same occupations that will 5593
be reviewed by the General Assembly under section 101.63 of the 5594
Revised Code. This will permit the General Assembly to review 5595
the same occupations beginning in the biennium starting in 2021, 5596
and every biennium thereafter, that had just been reviewed by 5597
the Legislative Service Commission in the previous biennium. 5598

Section 5. Section 4764.02 of the Revised Code, as enacted 5599
by this act, takes effect two hundred ten days after the 5600
effective date of this act. 5601

Section 6. Notwithstanding section 4764.04 of the Revised 5602
Code, as enacted by this act, persons appointed to the Ohio Home 5603
Inspector Board during the first year after the effective date 5604
of this act need not be licensed as required under that section. 5605

Section 7. Not later than one hundred eighty days after 5606
the effective date of this act, the Ohio Home Inspector Board 5607
shall adopt the rules the Board is required to adopt under this 5608
act. 5609

Section 8. (A) Notwithstanding section 4764.07 of the 5610
Revised Code, as enacted by this act, and except as provided 5611
under section 4764.14 of the Revised Code, as enacted by this 5612
act, during the period of time beginning on the date the last 5613
initial member of the Ohio Home Inspector Board is appointed 5614

pursuant to section 4764.04 of the Revised Code, as enacted by 5615
this act, and ending one hundred twenty days after that date, 5616
the Superintendent of Real Estate and Professional Licensing 5617
shall issue a home inspector license if a person applies for a 5618
license on a form the Superintendent provides and pays the fee 5619
specified in section 4764.05 of the Revised Code, as enacted by 5620
this act, and if the applicant demonstrates all of the 5621
following: 5622

(1) Proof of maintaining or being covered by a 5623
comprehensive general liability insurance policy or a commercial 5624
general liability insurance policy in accordance with division 5625
(A) of section 4764.11 of the Revised Code, as enacted by this 5626
act; 5627

(2) Proof by direct documentation or signed affidavit 5628
attesting to having met any three of the following requirements 5629
to demonstrate participation in the home inspection field prior 5630
to the effective date of this act: 5631

(a) Having performed at least two hundred home inspections 5632
for clients for compensation or other valuable consideration; 5633

(b) Having successfully passed a home inspector 5634
examination specified in division (D)(4) of section 4764.07 of 5635
the Revised Code, as enacted by this act; 5636

(c) Having actively operated a home inspection business in 5637
this state for three years before the effective date of this act 5638
under a business name officially registered with the Secretary 5639
of State; 5640

(d) Having been employed as a home inspector for the 5641
consecutive thirty-six months before the effective date of this 5642
act by an inspection company or person whose owner or manager 5643

meets the license requirement specified in this section; 5644

(e) Having successfully completed eighty hours of 5645
instruction of the type that would qualify for continuing 5646
education credit under section 4764.08 of the Revised Code, as 5647
enacted by this act; 5648

(f) Having a license, registration, or certification in 5649
good standing to perform the duties of a home inspector in 5650
another jurisdiction that has requirements for licensure, 5651
registration, or certification that are substantially similar to 5652
Chapter 4764. of the Revised Code, as enacted by this act; 5653

(g) Having prepared at least five home inspection reports 5654
that have been verified as being in compliance with standards 5655
adopted by a national organization that consists of and 5656
represents home inspectors; 5657

(h) Having completed, not more than one year before the 5658
effective date of this act, at least one peer review session 5659
conducted by a national organization that consists of and 5660
represents home inspectors. 5661

(3) Proof of signing an attestation that the applicant 5662
agrees to comply with the requirements specified in rules 5663
adopted by the Board pursuant to division (A) (10) of section 5664
4764.05 of the Revised Code, as enacted by this act; 5665

(4) In a written statement, acknowledgment that the person 5666
understands the grounds for any disciplinary action that may be 5667
initiated under Chapter 4764. of the Revised Code, as enacted by 5668
this act. 5669

The Superintendent shall have a fingerprint-based criminal 5670
records check conducted pursuant to section 121.08 of the 5671
Revised Code and the rules adopted by the Superintendent 5672

pursuant to division (A) (6) of section 4764.06 of the Revised Code, as enacted by this act, on any applicant who applies for a license under this section. 5673
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(B) Any license issued under this section shall expire 5676
three years after the date the license was issued. A licensed 5677
home inspector may renew the licensed home inspector's license 5678
in accordance with section 4764.09 of the Revised Code, as 5679
enacted by this act. 5680

(C) As used in this section, "home inspection," "peer 5681
review session," and "residential building" have the same 5682
meanings as in section 4764.01 of the Revised Code, as enacted 5683
by this act. "Home inspector" means a person who conducts home 5684
inspections for compensation or other valuable consideration. 5685

Section 9. The amendment made by this act to section 5686
4723.02 of the Revised Code providing for a reduction in the 5687
Board of Nursing does not affect the members holding office on 5688
the effective date of this act. The reduction shall be 5689
implemented by not filling vacancies that correspond with the 5690
changes made by this act to the Board's membership. 5691

Section 10. The amendment made by this act to section 5692
4723.493 of the Revised Code providing for a reduction in the 5693
Board of Nursing's Advisory Committee on Advanced Practice 5694
Registered Nurses shall be implemented by removing from the 5695
Committee the three members with the shortest remaining terms of 5696
office. The removal shall occur on the effective date of this 5697
act. Of the members not subject to removal under this section, 5698
each shall continue in office for the remainder of the member's 5699
term. Members appointed to the Committee on or after the 5700
effective date of this act shall meet the qualifications as set 5701
forth in section 4723.493 of the Revised Code as amended by this 5702

act. 5703

Section 11. (A) As used in this section, "licensee" means 5704
a person holding a license as a hearing aid dealer or fitter 5705
under Chapter 4747. of the Revised Code issued on or before the 5706
effective date of this act. 5707

(B) Notwithstanding sections 4747.05 and 4747.06 of the 5708
Revised Code, as amended by this act, a licensee who intends to 5709
renew the licensee's license under former section 4747.06 of the 5710
Revised Code shall complete, during the period between January 5711
1, 2019, and January 30, 2020, not less than ten hours of 5712
continuing professional education approved by the State Speech 5713
and Hearing Professionals Board. Not later than January 30, 5714
2020, the licensee shall certify to the Board, on a form 5715
provided by the Board, that the licensee has completed the 5716
continuing education required by this division and shall submit 5717
any additional information required by the Board regarding the 5718
continuing education. The license of a licensee who complies 5719
with the requirements of this division expires on December 31, 5720
2021. 5721

(C) Not later than January 30, 2020, a licensee who does 5722
not intend to renew the licensee's license under former section 5723
4747.06 of the Revised Code shall certify to the Board, on a 5724
form provided by the Board, that the licensee does not intend to 5725
renew under former section 4747.06 of the Revised Code. The 5726
licensee's license expires on January 31, 2020. 5727

(D) The license of a licensee who fails to comply with 5728
division (B) or (C) of this section expires on January 31, 2020. 5729
The person may apply for a new license in accordance with 5730
section 4747.05 of the Revised Code, as amended by this act. 5731

(E) The Board shall provide, not later than November 1, 5732
2019, notice of the requirements under this section to all 5733
licensees. 5734

Section 12. The amendment made by this act to section 5735
4758.10 of the Revised Code providing for a reduction in the 5736
Chemical Dependency Professionals Board does not affect the 5737
members holding office on the effective date of this act. The 5738
reduction shall be implemented by not filling vacancies that 5739
correspond with the changes made by this act to the Board's 5740
membership. 5741

Section 13. The General Assembly, applying the principle 5742
stated in division (B) of section 1.52 of the Revised Code that 5743
amendments are to be harmonized if reasonably capable of 5744
simultaneous operation, finds that the following sections, 5745
presented in this act as composites of the sections as amended 5746
by the acts indicated, are the resulting versions of the 5747
sections in effect prior to the effective date of the sections 5748
as presented in this act: 5749

Section 109.572 of the Revised Code as amended by Am. Sub. 5750
H.B. 49, Sub. H.B. 199, and Sub. H.B. 213, all of the 132nd 5751
General Assembly. 5752

Section 2925.01 of the Revised Code as amended by both Am. 5753
Sub. H.B. 49 and Am. Sub. S.B. 1 of the 132nd General Assembly. 5754