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Committee**

**133rd General Assembly**

**Regular Session**

**Sub. H. B. No. 263**

**2019-2020**

**Representative Koehler**

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

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**A BILL**

To amend sections 9.78, 101.721, 101.921, 109.572, 1  
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5120.55, 5123.169, 5123.1611, 5123.452, and 55  
5502.011; to enact section 9.79; and to repeal 56  
section 4743.06 of the Revised Code to revise 57  
the initial occupational licensing restrictions 58  
applicable to individuals convicted of criminal 59  
offenses. 60

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

**Section 1.** That sections 9.78, 101.721, 101.921, 109.572, 61  
121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 169.17, 62  
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4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 100  
5123.452, and 5502.011 be amended and section 9.79 of the 101  
Revised Code be enacted to read as follows: 102

**Sec. 9.78.** (A) As used in this section: 103

(1) "License" means an authorization evidenced by a 104  
license, certificate, registration, permit, card, or other 105  
authority that is issued or conferred by a licensing authority 106  
to an individual by which the individual has or claims the 107  
privilege to engage in a profession, occupation, or occupational 108

activity over which the licensing authority has jurisdiction.	109
(2) "Licensing authority" means both of the following:	110
(a) A board, commission, or other entity that issues	111
licenses under Title XLVII or any other provision of the Revised	112
Code to practice an occupation or profession;	113
(b) A political subdivision that issues a license or that	114
charges a fee for an individual to practice an occupation or	115
profession in that political subdivision.	116
(B) An individual who has been convicted of any criminal	117
offense may request, at any time, that a licensing authority	118
determine whether the individual's criminal conviction	119
disqualifies the individual from obtaining a license issued or	120
conferred by the licensing authority. An individual making such	121
a request shall include details of the individual's criminal	122
conviction and any payment required by the licensing authority.	123
A licensing authority may charge a fee of not more than twenty-	124
five dollars for each request made under this section, to	125
reimburse the costs it incurs in making the determination.	126
Not later than thirty days after receiving a request under	127
this section, the licensing authority shall inform the	128
individual whether, based on the criminal record information	129
submitted, the individual is disqualified from receiving or	130
holding the license about which the individual inquired. A	131
licensing authority is not bound by a determination made under	132
this section, if, on further investigation, the licensing	133
authority determines that the individual's criminal convictions	134
differ from the information presented in the determination	135
request.	136
(C) A licensing authority shall make all of the following	137

available to the public on the licensing authority's internet	138
web site:	139
(1) A list of all criminal offenses of which conviction of	140
that offense shall disqualify an individual from obtaining a	141
license issued or conferred by the licensing authority;	142
(2) That a disqualification referenced in division (C) (1)	143
of this section may be overcome if the individual applying for	144
the license or, as applicable, the individual's employee, holds	145
a certificate of qualification for employment issued under	146
section 2953.25 of the Revised Code or a certificate of	147
achievement and employability issued under section 2961.22 of	148
the Revised Code;	149
(3) A reference to the certificate of qualification for	150
employment web site maintained by the department of	151
rehabilitation and correction.	152
(D) A licensing authority shall include on any form,	153
policy, manual, or other material that lists criminal offenses,	154
the conviction of which would disqualify an individual from	155
obtaining a license issued or conferred by that licensing	156
authority, a statement that a disqualification may be overcome	157
by the individual applying for the license or, as applicable, by	158
the individual's employee, holding a certificate of	159
qualification for employment issued under section 2953.25 of the	160
Revised Code or a certificate of achievement and employability	161
issued under section 2961.22 of the Revised Code, including a	162
reference to the certificate of qualification for employment web	163
site maintained by the department of rehabilitation and	164
correction.	165
(E) Any predetermination form, nonconviction statement	166

form, or other form used by a licensing authority to determine 167  
whether a conviction or adjudication record disqualifies an 168  
applicant from obtaining a particular license shall include a 169  
section requesting the applicant to provide information if they 170  
are a recipient of a certificate of qualification for employment 171  
under section 2953.25 of the Revised Code or a certificate of 172  
achievement and employability under section 2961.22 of the 173  
Revised Code. 174

(F) (1) Each licensing authority described in division (A) 175  
(2) (a) of this section annually shall provide to the director of 176  
administrative services the following information for each 177  
license the licensing authority is authorized to issue: 178

(a) The number of applications received for the license; 179

(b) The number of those applications that resulted in a 180  
license being granted; 181

(c) The number of those applications that resulted in a 182  
license being denied; 183

(d) A list of criminal offenses reported by individuals 184  
who were granted a license; 185

(e) A list of criminal offenses reported by individuals 186  
who were denied a license; 187

(f) A list of all of the requests received by the 188  
licensing authority under division (B) of this section that 189  
includes the following information: 190

(i) The number of requests for which the licensing 191  
authority determined that an individual's criminal conviction 192  
disqualified the individual from obtaining a license issued by 193  
the licensing authority; 194

<u>(ii) The number of requests for which the licensing authority determined that an individual's criminal conviction did not disqualify the individual from obtaining a license issued by the licensing authority;</u>	195
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<u>(iii) A list of the offenses reported by individuals described in division (F) (1) (f) (i) of this section;</u>	199
	200
<u>(iv) A list of the offenses reported by individuals described in division (F) (1) (f) (ii) of this section.</u>	201
	202
<u>(g) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were issued a license.</u>	203
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<u>(h) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were denied a license.</u>	208
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<u>(i) Any other information the director may require.</u>	213
<u>(2) The first report of information required under division (F) (1) of this section shall be submitted to the director by June 30, 2021, and include the required information from January 1, 2016, to December 31, 2020, if available. Each year thereafter, each licensing authority shall submit the required information from the past year by the thirtieth day of June.</u>	214
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<u>(3) The director shall compile the information submitted pursuant to division (F) (1) of this section and annually publish it in a searchable format on a web site created and maintained</u>	221
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by the director. The director may adopt rules in accordance with 224  
Chapter 119. of the Revised Code as the director determines 225  
necessary to implement division (F) of this section. 226

**Sec. 9.79. (A) As used in this section:** 227

(1) "License" means an authorization evidenced by a 228  
license, certificate, registration, permit, card, or other 229  
authority that is issued or conferred by a licensing authority 230  
to an individual by which the individual has or claims the 231  
privilege to engage in a profession, occupation, or occupational 232  
activity over which the licensing authority has jurisdiction. 233

(2) "Licensing authority" means a state agency that issues 234  
licenses under Title XLVII or any other provision of the Revised 235  
Code to practice an occupation or profession. 236

(3) "Offense of violence" has the same meaning as in 237  
section 2901.01 of the Revised Code. 238

(4) "Sexually oriented offense" has the same meaning as in 239  
section 2950.01 of the Revised Code. 240

(5) "State agency" has the same meaning as in section 1.60 241  
of the Revised Code. 242

(6) "Community control sanction" has the same meaning as 243  
in section 2929.01 of the Revised Code. 244

(7) "Post-release control sanction" has the same meaning 245  
as in section 2967.01 of the Revised Code. 246

(8) "Fiduciary duty" means a duty to act for someone 247  
else's benefit, while subordinating one's personal interest to 248  
that of the other person. 249

(B) (1) Notwithstanding any provision of the Revised Code 250

to the contrary, for each type of license issued or conferred by 251  
a licensing authority, the licensing authority shall establish 252  
within one hundred eighty days after the effective date of this 253  
section a list of specific criminal offenses for which a 254  
conviction, judicial finding of guilt, or plea of guilty may 255  
disqualify an individual from obtaining an initial license. The 256  
licensing authority shall make the list available to the public 257  
on the licensing authority's web site pursuant to division (C) 258  
of section 9.78 of the Revised Code. The licensing authority, in 259  
adopting the list, shall do both of the following: 260

(a) Identify each disqualifying offense by name or by the 261  
Revised Code section number that creates the offense; 262

(b) Include in the list only criminal offenses that are 263  
directly related to the duties and responsibilities of the 264  
licensed occupation. 265

(2) The licensing authority may include in the list an 266  
existing or former municipal ordinance or law of this or any 267  
other state or the United States that is substantially 268  
equivalent to any section or offense included in the list 269  
adopted under division (B)(1) of this section. 270

(C)(1) Except as provided in division (C)(2) or (D) of 271  
this section, a licensing authority shall not refuse to issue an 272  
initial license to an individual based on any of the following: 273

(a) Solely or in part on a conviction of, judicial finding 274  
of guilt of, or plea of guilty to an offense; 275

(b) A criminal charge that does not result in a 276  
conviction, judicial finding of guilt, or plea of guilty; 277

(c) A nonspecific qualification such as "moral turpitude" 278  
or lack of "moral character"; 279

(d) A disqualifying offense included on the list adopted 280  
under division (B) of this section, if consideration of that 281  
offense occurs after the time periods permitted in division (D) 282  
of this section. 283

(2) If the individual was convicted of, found guilty 284  
pursuant to a judicial finding of, or pleaded guilty to a 285  
disqualifying offense included in the list adopted under 286  
division (B) of this section for the license for which the 287  
individual applied, the licensing authority may take the 288  
conviction, judicial finding of guilt, or plea of guilty into 289  
consideration in accordance with division (D) of this section. 290

(D)(1) A licensing authority that may, under this section, 291  
consider a conviction of, judicial finding of guilt of, or plea 292  
of guilty to an offense in determining whether to refuse to 293  
issue an initial license to an individual shall consider all of 294  
the following factors and shall use a preponderance of the 295  
evidence standard in evaluating those factors to determine 296  
whether the conviction, judicial finding of guilt, or plea of 297  
guilty disqualifies the individual from receiving the license: 298

(a) The nature and seriousness of the offense for which 299  
the individual was convicted, found guilty pursuant to a 300  
judicial finding, or pleaded guilty; 301

(b) The passage of time since the individual committed the 302  
offense; 303

(c) The relationship of the offense to the ability, 304  
capacity, and fitness required to perform the duties and 305  
discharge the responsibilities of the occupation; 306

(d) Any evidence of mitigating rehabilitation or treatment 307  
undertaken by the individual, including whether the individual 308

has been issued a certificate of qualification for employment 309  
under section 2953.25 of the Revised Code or a certificate of 310  
achievement and employability under section 2961.22 of the 311  
Revised Code; 312

(e) Whether the denial of a license is reasonably 313  
necessary to ensure public safety. 314

(2) A licensing authority may take a disqualifying offense 315  
into account only during the following time periods: 316

(a) For a conviction of, judicial finding of guilt of, or 317  
plea of guilty to a disqualifying offense that does not involve 318  
a breach of fiduciary duty and that is not an offense of 319  
violence or a sexually oriented offense, whichever of the 320  
following is later, provided the individual was not convicted 321  
of, found guilty pursuant to a judicial finding of, and did not 322  
enter a plea of guilty to any other offense during the 323  
applicable period: 324

(i) Five years from the date of conviction, judicial 325  
finding of guilt, or plea of guilty; 326

(ii) Five years from the date of the release from 327  
incarceration; 328

(iii) The time period specified in division (D)(3) of this 329  
section. 330

(b) For a conviction of, judicial finding of guilt of, or 331  
plea of guilty to a disqualifying offense that involves a breach 332  
of fiduciary duty and that is not an offense of violence or a 333  
sexually oriented offense, whichever of the following is later, 334  
provided the individual was not convicted of, found guilty 335  
pursuant to a judicial finding of, and did not enter a plea of 336  
guilty to any other offense during the applicable period: 337

<u>(i) Ten years from the date of conviction, judicial</u>	338
<u>finding of guilt, or plea of guilty;</u>	339
<u>(ii) Ten years from the date of the release from</u>	340
<u>incarceration;</u>	341
<u>(iii) The time period specified in division (D)(4) of this</u>	342
<u>section.</u>	343
<u>(c) For a conviction of, judicial finding of guilt of, or</u>	344
<u>plea of guilty to a disqualifying offense that is an offense of</u>	345
<u>violence or a sexually oriented offense, any time.</u>	346
<u>(3) If an individual is subject to a community control</u>	347
<u>sanction, parole, or post-release control sanction based on a</u>	348
<u>conviction of, judicial finding of guilt of, or plea of guilty</u>	349
<u>to a disqualifying offense that is not an offense of violence or</u>	350
<u>a sexually oriented offense, a licensing authority may take the</u>	351
<u>offense into account during the following time periods:</u>	352
<u>(a) If the community control sanction, parole, or post-</u>	353
<u>release control sanction was for a term of less than five years,</u>	354
<u>the period of the community control sanction, parole, or post-</u>	355
<u>release control sanction plus the number of years after the date</u>	356
<u>of final discharge of the community control sanction, parole, or</u>	357
<u>post-release control sanction necessary to equal five years;</u>	358
<u>(b) If the community control sanction, parole, or post-</u>	359
<u>release control sanction was for a term of five years or more,</u>	360
<u>the period of the community control sanction, parole, or post-</u>	361
<u>release control sanction.</u>	362
<u>(4) If an individual is subject to a community control</u>	363
<u>sanction, parole, or post-release control sanction based on a</u>	364
<u>conviction of, judicial finding of guilt of, or plea of guilty</u>	365
<u>to a disqualifying offense that involved a breach of fiduciary</u>	366

duty and that is not an offense of violence or a sexually 367  
oriented offense, a licensing authority may take the offense 368  
into account during the following time periods: 369

(a) If the community control sanction, parole, or post- 370  
release control sanction was for a term of less than ten years, 371  
for the period of the community control sanction, parole, or 372  
post-release control sanction plus the number of years after the 373  
date of final discharge of the community control sanction, 374  
parole, or post-release control sanction necessary to equal ten 375  
years; 376

(b) If the community control sanction, parole, or post- 377  
release control sanction was for a term of ten years or more, 378  
the period of the community control sanction, parole, or post- 379  
release control sanction. 380

(E) If a licensing authority refuses to issue an initial 381  
license to an individual pursuant to division (D) of this 382  
section, the licensing authority shall notify the individual in 383  
writing of all of the following: 384

(1) The grounds and reasons for the refusal, including an 385  
explanation of the licensing authority's application of the 386  
factors under division (D) of this section to the evidence the 387  
licensing authority used to reach the decision; 388

(2) The individual's right to a hearing regarding the 389  
licensing authority's decision under section 119.06 of the 390  
Revised Code; 391

(3) The earliest date the individual may reapply for a 392  
license; 393

(4) Notice that evidence of rehabilitation may be 394  
considered on reapplication. 395

(F) In an administrative hearing or civil action reviewing a licensing authority's refusal to issue an initial license under this section, the licensing authority has the burden of proof on the question of whether the individual's conviction of, judicial finding of guilt of, or plea of guilty to an offense directly relates to the licensed occupation. 396  
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(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code. 402  
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(H) Each licensing authority shall adopt any rules that it determines are necessary to implement this section. 408  
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(I) This section does not apply to any of the following: 410

(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section; 411  
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(2) Any position for which federal law requires disqualification from licensure or employment based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense; 415  
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(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants issued under section 173.381 of the Revised Code; 419  
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(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code; 422  
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<u>(5) Certificates of authority to a health insuring</u>	425
<u>corporation issued under section 1751.05 of the Revised Code;</u>	426
<u>(6) Licenses to operate a home or residential care</u>	427
<u>facility issued under section 3721.07 of the Revised Code;</u>	428
<u>(7) Certificates of authority to make contracts of</u>	429
<u>indemnity issued under section 3931.10 of the Revised Code.</u>	430
<u>(J) Nothing in this section prohibits a licensing</u>	431
<u>authority from considering either of the following when making a</u>	432
<u>determination whether to issue a license to an individual:</u>	433
<u>(1) Past disciplinary action taken by the licensing</u>	434
<u>authority against the individual;</u>	435
<u>(2) Past disciplinary action taken against the individual</u>	436
<u>by an authority in another state that issues a license that is</u>	437
<u>substantially similar to the license for which the individual</u>	438
<u>applies.</u>	439
<u>(K) Notwithstanding any provision of the Revised Code to</u>	440
<u>the contrary, if a licensing authority issues a license to an</u>	441
<u>individual after considering a conviction of, judicial finding</u>	442
<u>of guilt of, or plea of guilty to an offense under division (D)</u>	443
<u>of this section, the licensing authority shall not refuse to</u>	444
<u>renew the individual's license based on that conviction,</u>	445
<u>judicial finding of guilt, or plea of guilty.</u>	446
<b>Sec. 101.721.</b> <u>(A) <del>No person</del>The joint legislative ethics</u>	447
<u>committee shall be permitted to permit a person who has been</u>	448
<u>convicted of or pleads guilty to an offense to register as a</u>	449
<u>legislative agent under division (A) or (B) of section 101.72 of</u>	450
<u>the Revised Code if the person is convicted of or pleads guilty</u>	451
<u>to committing on or after the effective date of this section any</u>	452
<u>of the following offenses that is a felony:</u>	453



- ~~(1) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;~~ 454  
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- ~~(2) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;~~ 456  
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- ~~(3) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) of this section;~~ 462  
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- ~~(4) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (2) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;~~ 466  
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- ~~(5) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (A) (1) or described in division (A) (3) of this section;~~ 474  
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- ~~(6) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (A) (2) or described in division (A) (4) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation that was the subject of the conspiracy, that would have constituted the~~ 477  
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~~offense attempted, or constituting the violation in which the~~ 483  
~~person was complicit was or would have been related to the~~ 484  
~~duties of the person's public office or to the person's actions~~ 485  
~~as a public official holding that public office~~ in a manner 486  
consistent with section 9.79 of the Revised Code. 487

(B) (1) If a legislative agent has registered with the 488  
~~joint legislative ethics committee~~ under division (A) or (B) of 489  
section 101.72 of the Revised Code and, on or after ~~the~~ 490  
~~effective date of this section~~ May 13, 2008, and during the 491  
period during which the registration is valid, the legislative 492  
agent is convicted of or pleads guilty to any felony offense 493  
listed or described in division ~~(A) (1), (2), (3), (4), (5), or~~ 494  
~~(6)~~ (B) (2) of this section in the circumstances specified in the 495  
particular division, the joint legislative ethics committee 496  
immediately upon becoming aware of the conviction or guilty plea 497  
shall terminate the registration of the person as a legislative 498  
agent, and, after the termination, ~~the ban imposed under~~ 499  
~~division (A) of this section applies to the person~~ impose a ban 500  
on the person. 501

(2) Division (B) (1) of this section applies to any of the 502  
the following offenses that is a felony: 503

(a) A violation of section 2921.02, 2921.03, 2921.05, 504  
2921.41, 2921.42, or 2923.32 of the Revised Code; 505

(b) A violation of section 2913.42, 2921.04, 2921.11, 506  
2921.12, 2921.31, or 2921.32 of the Revised Code if the person 507  
committed the violation while the person was serving in a public 508  
office and the conduct constituting the violation was related to 509  
the duties of the person's public office or to the person's 510  
actions as a public official holding that public office; 511

(c) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (B) (2) (a) of this section; 512  
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(d) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (B) (2) (b) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office; 516  
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(e) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (B) (2) (a) or described in division (B) (2) (c) of this section; 524  
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(f) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (B) (2) (b) or described in division (B) (2) (d) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the violation in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions as a public official holding that public office . 527  
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(C) The ban imposed under division ~~(A)~~ (B) (1) of this section is a lifetime ban, and the offender is forever disqualified from registering as a legislative agent under section 101.72 of the Revised Code. 537  
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(D) For purposes of ~~divisions (A) and division~~ division (B) (1) of 541  
this section, a violation of section 2923.32 of the Revised Code 542  
or any other violation or offense that includes as an element a 543  
course of conduct or the occurrence of multiple acts is 544  
"committed on or after ~~the effective date of this section~~ May 545  
13, 2008," if the course of conduct continues, one or more of 546  
the multiple acts occurs, or the subject person's accountability 547  
for the course of conduct or for one or more of the multiple 548  
acts continues, on or after ~~the effective date of this section~~ 549  
May 13, 2008. 550

(E) As used in this section, "public office" means any 551  
elected federal, state, or local government office in this 552  
state. 553

**Sec. 101.921.** (A) ~~No person~~ The joint legislative ethics 554  
committee shall be permitted to permit a person who has been 555  
convicted of or pleads guilty to an offense to register as a 556  
retirement system lobbyist under division (A) or (B) of section 557  
101.92 of the Revised Code ~~if the person is convicted of or~~ 558  
~~pleads guilty to committing on or after the effective date of~~ 559  
~~this section any felony offense listed or described in divisions~~ 560  
~~(A) (1) to (6) of section 101.721 of the Revised Code in the~~ 561  
~~circumstances specified in the particular division in a manner~~ 562  
consistent with section 9.79 of the Revised Code. 563

(B) If a retirement system lobbyist has registered with 564  
the ~~joint legislative ethics committee~~ under division (A) or (B) 565  
of section 101.92 of the Revised Code, and, on or after ~~the~~ 566  
~~effective date of this section~~ May 13, 2008, and during the 567  
period during which the registration is valid, the retirement 568  
system lobbyist is convicted of or pleads guilty to any felony 569  
offense listed or described in ~~divisions (A) (1) to (6)~~ division 570

(B) (2) of section 101.721 of the Revised Code in the 571  
circumstances specified in the particular division, the ~~joint-~~ 572  
~~legislative ethics~~ committee immediately upon becoming aware of 573  
the conviction or guilty plea shall terminate the registration 574  
of the person as a retirement system lobbyist, and, after the 575  
termination, ~~the ban imposed under division (A) of this section~~ 576  
~~applies to the person from registering as a retirement system~~ 577  
lobbyist. 578

(C) The ban imposed under division ~~(A)~~ (B) of this section 579  
is a lifetime ban, and the offender is forever disqualified from 580  
registering as a retirement system lobbyist under section 101.92 581  
of the Revised Code. 582

(D) For purposes of ~~divisions (A) and~~ division (B) of this 583  
section, a violation of section 2923.32 of the Revised Code or 584  
any other violation or offense that includes as an element a 585  
course of conduct or the occurrence of multiple acts is 586  
"committed on or after ~~the effective date of this section~~ May 587  
13, 2008," if the course of conduct continues, one or more of 588  
the multiple acts occurs, or the subject person's accountability 589  
for the course of conduct or for one or more of the multiple 590  
acts continues, on or after ~~the effective date of this section~~ 591  
May 13, 2008. 592

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 593  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 594  
Code, a completed form prescribed pursuant to division (C) (1) of 595  
this section, and a set of fingerprint impressions obtained in 596  
the manner described in division (C) (2) of this section, the 597  
superintendent of the bureau of criminal identification and 598  
investigation shall conduct a criminal records check in the 599  
manner described in division (B) of this section to determine 600

whether any information exists that indicates that the person 601  
who is the subject of the request previously has been convicted 602  
of or pleaded guilty to any of the following: 603

(a) A violation of section 2903.01, 2903.02, 2903.03, 604  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 605  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 606  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 607  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 608  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 609  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 610  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 611  
sexual penetration in violation of former section 2907.12 of the 612  
Revised Code, a violation of section 2905.04 of the Revised Code 613  
as it existed prior to July 1, 1996, a violation of section 614  
2919.23 of the Revised Code that would have been a violation of 615  
section 2905.04 of the Revised Code as it existed prior to July 616  
1, 1996, had the violation been committed prior to that date, or 617  
a violation of section 2925.11 of the Revised Code that is not a 618  
minor drug possession offense; 619

(b) A violation of an existing or former law of this 620  
state, any other state, or the United States that is 621  
substantially equivalent to any of the offenses listed in 622  
division (A)(1)(a) of this section; 623

(c) If the request is made pursuant to section 3319.39 of 624  
the Revised Code for an applicant who is a teacher, any offense 625  
specified under section 9.79 of the Revised Code or in section 626  
3319.31 of the Revised Code. 627

(2) On receipt of a request pursuant to section 3712.09 or 628  
3721.121 of the Revised Code, a completed form prescribed 629  
pursuant to division (C)(1) of this section, and a set of 630

fingerprint impressions obtained in the manner described in 631  
division (C) (2) of this section, the superintendent of the 632  
bureau of criminal identification and investigation shall 633  
conduct a criminal records check with respect to any person who 634  
has applied for employment in a position for which a criminal 635  
records check is required by those sections. The superintendent 636  
shall conduct the criminal records check in the manner described 637  
in division (B) of this section to determine whether any 638  
information exists that indicates that the person who is the 639  
subject of the request previously has been convicted of or 640  
pleaded guilty to any of the following: 641

(a) A violation of section 2903.01, 2903.02, 2903.03, 642  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 643  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 644  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 645  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 646  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 647  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 648  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 649  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 650

(b) An existing or former law of this state, any other 651  
state, or the United States that is substantially equivalent to 652  
any of the offenses listed in division (A) (2) (a) of this 653  
section. 654

(3) On receipt of a request pursuant to section 173.27, 655  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 656  
or 5123.081, ~~or 5123.169~~ of the Revised Code, a completed form 657  
prescribed pursuant to division (C) (1) of this section, and a 658  
set of fingerprint impressions obtained in the manner described 659  
in division (C) (2) of this section, the superintendent of the 660

bureau of criminal identification and investigation shall 661  
conduct a criminal records check of the person for whom the 662  
request is made. The superintendent shall conduct the criminal 663  
records check in the manner described in division (B) of this 664  
section to determine whether any information exists that 665  
indicates that the person who is the subject of the request 666  
previously has been convicted of, has pleaded guilty to, or 667  
(except in the case of a request pursuant to section 5164.34, 668  
5164.341, or 5164.342 of the Revised Code) has been found 669  
eligible for intervention in lieu of conviction for any of the 670  
following, regardless of the date of the conviction, the date of 671  
entry of the guilty plea, or (except in the case of a request 672  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 673  
Revised Code) the date the person was found eligible for 674  
intervention in lieu of conviction: 675

(a) A violation of section 959.13, 959.131, 2903.01, 676  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 677  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 678  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 679  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 680  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 681  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 682  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 683  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 684  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 685  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 686  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 687  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 688  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 689  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 690  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 691



2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 692  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 693  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 694

(b) Felonious sexual penetration in violation of former 695  
section 2907.12 of the Revised Code; 696

(c) A violation of section 2905.04 of the Revised Code as 697  
it existed prior to July 1, 1996; 698

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 699  
the Revised Code when the underlying offense that is the object 700  
of the conspiracy, attempt, or complicity is one of the offenses 701  
listed in divisions (A) (3) (a) to (c) of this section; 702

(e) A violation of an existing or former municipal 703  
ordinance or law of this state, any other state, or the United 704  
States that is substantially equivalent to any of the offenses 705  
listed in divisions (A) (3) (a) to (d) of this section. 706

(4) On receipt of a request pursuant to section 2151.86 or 707  
2151.904 of the Revised Code, a completed form prescribed 708  
pursuant to division (C) (1) of this section, and a set of 709  
fingerprint impressions obtained in the manner described in 710  
division (C) (2) of this section, the superintendent of the 711  
bureau of criminal identification and investigation shall 712  
conduct a criminal records check in the manner described in 713  
division (B) of this section to determine whether any 714  
information exists that indicates that the person who is the 715  
subject of the request previously has been convicted of or 716  
pleaded guilty to any of the following: 717

(a) A violation of section 959.13, 2903.01, 2903.02, 718  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 719  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 720

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 721  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 722  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 723  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 724  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 725  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 726  
2927.12, or 3716.11 of the Revised Code, a violation of section 727  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 728  
a violation of section 2919.23 of the Revised Code that would 729  
have been a violation of section 2905.04 of the Revised Code as 730  
it existed prior to July 1, 1996, had the violation been 731  
committed prior to that date, a violation of section 2925.11 of 732  
the Revised Code that is not a minor drug possession offense, 733  
two or more OVI or OVUAC violations committed within the three 734  
years immediately preceding the submission of the application or 735  
petition that is the basis of the request, or felonious sexual 736  
penetration in violation of former section 2907.12 of the 737  
Revised Code; 738

(b) A violation of an existing or former law of this 739  
state, any other state, or the United States that is 740  
substantially equivalent to any of the offenses listed in 741  
division (A) (4) (a) of this section. 742

(5) Upon receipt of a request pursuant to section 5104.013 743  
of the Revised Code, a completed form prescribed pursuant to 744  
division (C) (1) of this section, and a set of fingerprint 745  
impressions obtained in the manner described in division (C) (2) 746  
of this section, the superintendent of the bureau of criminal 747  
identification and investigation shall conduct a criminal 748  
records check in the manner described in division (B) of this 749  
section to determine whether any information exists that 750  
indicates that the person who is the subject of the request has 751

been convicted of or pleaded guilty to any of the following: 752

(a) A violation of section 2151.421, 2903.01, 2903.02, 753  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 754  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 755  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 756  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 757  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 758  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 759  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 760  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 761  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 762  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 763  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 764  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 765  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 766  
3716.11 of the Revised Code, felonious sexual penetration in 767  
violation of former section 2907.12 of the Revised Code, a 768  
violation of section 2905.04 of the Revised Code as it existed 769  
prior to July 1, 1996, a violation of section 2919.23 of the 770  
Revised Code that would have been a violation of section 2905.04 771  
of the Revised Code as it existed prior to July 1, 1996, had the 772  
violation been committed prior to that date, a violation of 773  
section 2925.11 of the Revised Code that is not a minor drug 774  
possession offense, a violation of section 2923.02 or 2923.03 of 775  
the Revised Code that relates to a crime specified in this 776  
division, or a second violation of section 4511.19 of the 777  
Revised Code within five years of the date of application for 778  
licensure or certification. 779

(b) A violation of an existing or former law of this 780  
state, any other state, or the United States that is 781  
substantially equivalent to any of the offenses or violations 782

described in division (A) (5) (a) of this section. 783

(6) Upon receipt of a request pursuant to section 5153.111 784  
of the Revised Code, a completed form prescribed pursuant to 785  
division (C) (1) of this section, and a set of fingerprint 786  
impressions obtained in the manner described in division (C) (2) 787  
of this section, the superintendent of the bureau of criminal 788  
identification and investigation shall conduct a criminal 789  
records check in the manner described in division (B) of this 790  
section to determine whether any information exists that 791  
indicates that the person who is the subject of the request 792  
previously has been convicted of or pleaded guilty to any of the 793  
following: 794

(a) A violation of section 2903.01, 2903.02, 2903.03, 795  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 796  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 797  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 798  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 799  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 800  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 801  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 802  
Code, felonious sexual penetration in violation of former 803  
section 2907.12 of the Revised Code, a violation of section 804  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 805  
a violation of section 2919.23 of the Revised Code that would 806  
have been a violation of section 2905.04 of the Revised Code as 807  
it existed prior to July 1, 1996, had the violation been 808  
committed prior to that date, or a violation of section 2925.11 809  
of the Revised Code that is not a minor drug possession offense; 810

(b) A violation of an existing or former law of this 811  
state, any other state, or the United States that is 812

substantially equivalent to any of the offenses listed in 813  
division (A) (6) (a) of this section. 814

(7) On receipt of a request for a criminal records check 815  
from an individual pursuant to section 4749.03 or 4749.06 of the 816  
Revised Code, accompanied by a completed copy of the form 817  
prescribed in division (C) (1) of this section and a set of 818  
fingerprint impressions obtained in a manner described in 819  
division (C) (2) of this section, the superintendent of the 820  
bureau of criminal identification and investigation shall 821  
conduct a criminal records check in the manner described in 822  
division (B) of this section to determine whether any 823  
information exists indicating that the person who is the subject 824  
of the request has been convicted of or pleaded guilty to ~~a~~ 825  
~~felony~~ any criminal offense in this state or in any other 826  
state. If the individual indicates that a firearm will be 827  
carried in the course of business, the superintendent shall 828  
require information from the federal bureau of investigation as 829  
described in division (B) (2) of this section. Subject to 830  
division (F) of this section, the superintendent shall report 831  
the findings of the criminal records check and any information 832  
the federal bureau of investigation provides to the director of 833  
public safety. 834

(8) On receipt of a request pursuant to section 1321.37, 835  
1321.53, or 4763.05 of the Revised Code, a completed form 836  
prescribed pursuant to division (C) (1) of this section, and a 837  
set of fingerprint impressions obtained in the manner described 838  
in division (C) (2) of this section, the superintendent of the 839  
bureau of criminal identification and investigation shall 840  
conduct a criminal records check with respect to any person who 841  
has applied for a license, permit, or certification from the 842  
department of commerce or a division in the department. The 843

superintendent shall conduct the criminal records check in the 844  
manner described in division (B) of this section to determine 845  
whether any information exists that indicates that the person 846  
who is the subject of the request previously has been convicted 847  
of or pleaded guilty to any ~~of the following: a violation of~~ 848  
~~section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the~~ 849  
~~Revised Code; any other criminal offense involving theft,~~ 850  
~~receiving stolen property, embezzlement, forgery, fraud, passing~~ 851  
~~bad checks, money laundering, or drug trafficking, or any~~ 852  
~~criminal offense involving money or securities, as set forth in~~ 853  
~~Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of~~ 854  
~~the Revised Code; or any existing or former law of in this~~ 855  
state, any other state, or the United States ~~that is~~ 856  
substantially equivalent to those offenses. 857

(9) On receipt of a request for a criminal records check 858  
from the treasurer of state under section 113.041 of the Revised 859  
Code or from an individual under section 928.03, 4701.08, 860  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 861  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 862  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 863  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 864  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 865  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 866  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 867  
Code, accompanied by a completed form prescribed under division 868  
(C) (1) of this section and a set of fingerprint impressions 869  
obtained in the manner described in division (C) (2) of this 870  
section, the superintendent of the bureau of criminal 871  
identification and investigation shall conduct a criminal 872  
records check in the manner described in division (B) of this 873  
section to determine whether any information exists that 874

indicates that the person who is the subject of the request has 875  
been convicted of or pleaded guilty to any criminal offense in 876  
this state or any other state. Subject to division (F) of this 877  
section, the superintendent shall send the results of a check 878  
requested under section 113.041 of the Revised Code to the 879  
treasurer of state and shall send the results of a check 880  
requested under any of the other listed sections to the 881  
licensing board specified by the individual in the request. 882

(10) On receipt of a request pursuant to section 124.74, 883  
718.131, 1121.23, 1315.141, 1733.47, ~~or~~ 1761.26, or 5123.169 of 884  
the Revised Code, a completed form prescribed pursuant to 885  
division (C) (1) of this section, and a set of fingerprint 886  
impressions obtained in the manner described in division (C) (2) 887  
of this section, the superintendent of the bureau of criminal 888  
identification and investigation shall conduct a criminal 889  
records check in the manner described in division (B) of this 890  
section to determine whether any information exists that 891  
indicates that the person who is the subject of the request 892  
previously has been convicted of or pleaded guilty to any 893  
criminal offense under any existing or former law of this state, 894  
any other state, or the United States. 895

(11) On receipt of a request for a criminal records check 896  
from an appointing or licensing authority under section 3772.07 897  
of the Revised Code, a completed form prescribed under division 898  
(C) (1) of this section, and a set of fingerprint impressions 899  
obtained in the manner prescribed in division (C) (2) of this 900  
section, the superintendent of the bureau of criminal 901  
identification and investigation shall conduct a criminal 902  
records check in the manner described in division (B) of this 903  
section to determine whether any information exists that 904  
indicates that the person who is the subject of the request 905

previously has been convicted of or pleaded guilty or no contest 906  
to any offense under any existing or former law of this state, 907  
any other state, or the United States that is a disqualifying 908  
offense as defined in section 3772.07 of the Revised Code or 909  
substantially equivalent to such an offense. 910

(12) On receipt of a request pursuant to section 2151.33 911  
or 2151.412 of the Revised Code, a completed form prescribed 912  
pursuant to division (C)(1) of this section, and a set of 913  
fingerprint impressions obtained in the manner described in 914  
division (C)(2) of this section, the superintendent of the 915  
bureau of criminal identification and investigation shall 916  
conduct a criminal records check with respect to any person for 917  
whom a criminal records check is required under that section. 918  
The superintendent shall conduct the criminal records check in 919  
the manner described in division (B) of this section to 920  
determine whether any information exists that indicates that the 921  
person who is the subject of the request previously has been 922  
convicted of or pleaded guilty to any of the following: 923

(a) A violation of section 2903.01, 2903.02, 2903.03, 924  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 925  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 926  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 927  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 928  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 929  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 930  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 931  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 932

(b) An existing or former law of this state, any other 933  
state, or the United States that is substantially equivalent to 934  
any of the offenses listed in division (A)(12)(a) of this 935



section.	936
(13) On receipt of a request pursuant to section 3796.12	937
of the Revised Code, a completed form prescribed pursuant to	938
division (C) (1) of this section, and a set of fingerprint	939
impressions obtained in a manner described in division (C) (2) of	940
this section, the superintendent of the bureau of criminal	941
identification and investigation shall conduct a criminal	942
records check in the manner described in division (B) of this	943
section to determine whether any information exists that	944
indicates that the person who is the subject of the request	945
previously has been convicted of or pleaded guilty to the	946
following:	947
(a) A disqualifying offense as specified in rules adopted	948
under <u>section 9.79 and division</u> (B) (2) (b) of section 3796.03 of	949
the Revised Code if the person who is the subject of the request	950
is an administrator or other person responsible for the daily	951
operation of, or an owner or prospective owner, officer or	952
prospective officer, or board member or prospective board member	953
of, an entity seeking a license from the department of commerce	954
under Chapter 3796. of the Revised Code;	955
(b) A disqualifying offense as specified in rules adopted	956
under <u>section 9.79 and division</u> (B) (2) (b) of section 3796.04 of	957
the Revised Code if the person who is the subject of the request	958
is an administrator or other person responsible for the daily	959
operation of, or an owner or prospective owner, officer or	960
prospective officer, or board member or prospective board member	961
of, an entity seeking a license from the state board of pharmacy	962
under Chapter 3796. of the Revised Code.	963
(14) On receipt of a request required by section 3796.13	964
of the Revised Code, a completed form prescribed pursuant to	965

division (C) (1) of this section, and a set of fingerprint 966  
impressions obtained in a manner described in division (C) (2) of 967  
this section, the superintendent of the bureau of criminal 968  
identification and investigation shall conduct a criminal 969  
records check in the manner described in division (B) of this 970  
section to determine whether any information exists that 971  
indicates that the person who is the subject of the request 972  
previously has been convicted of or pleaded guilty to the 973  
following: 974

(a) A disqualifying offense as specified in rules adopted 975  
under division (B) (8) (a) of section 3796.03 of the Revised Code 976  
if the person who is the subject of the request is seeking 977  
employment with an entity licensed by the department of commerce 978  
under Chapter 3796. of the Revised Code; 979

(b) A disqualifying offense as specified in rules adopted 980  
under division (B) (14) (a) of section 3796.04 of the Revised Code 981  
if the person who is the subject of the request is seeking 982  
employment with an entity licensed by the state board of 983  
pharmacy under Chapter 3796. of the Revised Code. 984

(15) On receipt of a request pursuant to section 4768.06 985  
of the Revised Code, a completed form prescribed under division 986  
(C) (1) of this section, and a set of fingerprint impressions 987  
obtained in the manner described in division (C) (2) of this 988  
section, the superintendent of the bureau of criminal 989  
identification and investigation shall conduct a criminal 990  
records check in the manner described in division (B) of this 991  
section to determine whether any information exists indicating 992  
that the person who is the subject of the request has been 993  
convicted of or pleaded guilty to ~~a felony~~ any criminal offense 994  
in this state or in any other state. 995

(16) On receipt of a request pursuant to division (B) of 996  
section 4764.07 or division (A) of section 4735.143 of the 997  
Revised Code, a completed form prescribed under division (C) (1) 998  
of this section, and a set of fingerprint impressions obtained 999  
in the manner described in division (C) (2) of this section, the 1000  
superintendent of the bureau of criminal identification and 1001  
investigation shall conduct a criminal records check in the 1002  
manner described in division (B) of this section to determine 1003  
whether any information exists indicating that the person who is 1004  
the subject of the request has been convicted of or pleaded 1005  
guilty to any ~~crime of moral turpitude, a felony, or an~~ 1006  
~~equivalent~~ criminal offense in any ~~other~~ state or the United 1007  
States. 1008

(17) On receipt of a request for a criminal records check 1009  
under section 147.022 of the Revised Code, a completed form 1010  
prescribed under division (C) (1) of this section, and a set of 1011  
fingerprint impressions obtained in the manner prescribed in 1012  
division (C) (2) of this section, the superintendent of the 1013  
bureau of criminal identification and investigation shall 1014  
conduct a criminal records check in the manner described in 1015  
division (B) of this section to determine whether any 1016  
information exists that indicates that the person who is the 1017  
subject of the request previously has been convicted of or 1018  
pleaded guilty or no contest to any ~~disqualifying criminal~~ 1019  
~~offense, as defined in section 147.011 of the Revised Code, or~~ 1020  
~~to any offense~~ under any existing or former law of this state, 1021  
any other state, or the United States ~~that is substantially~~ 1022  
~~equivalent to such a disqualifying offense.~~ 1023

(B) Subject to division (F) of this section, the 1024  
superintendent shall conduct any criminal records check to be 1025  
conducted under this section as follows: 1026

(1) The superintendent shall review or cause to be 1027  
reviewed any relevant information gathered and compiled by the 1028  
bureau under division (A) of section 109.57 of the Revised Code 1029  
that relates to the person who is the subject of the criminal 1030  
records check, including, if the criminal records check was 1031  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1032  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1033  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 1034  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 1035  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 1036  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 1037  
5153.111 of the Revised Code, any relevant information contained 1038  
in records that have been sealed under section 2953.32 of the 1039  
Revised Code; 1040

(2) If the request received by the superintendent asks for 1041  
information from the federal bureau of investigation, the 1042  
superintendent shall request from the federal bureau of 1043  
investigation any information it has with respect to the person 1044  
who is the subject of the criminal records check, including 1045  
fingerprint-based checks of national crime information databases 1046  
as described in 42 U.S.C. 671 if the request is made pursuant to 1047  
section 2151.86 or 5104.013 of the Revised Code or if any other 1048  
Revised Code section requires fingerprint-based checks of that 1049  
nature, and shall review or cause to be reviewed any information 1050  
the superintendent receives from that bureau. If a request under 1051  
section 3319.39 of the Revised Code asks only for information 1052  
from the federal bureau of investigation, the superintendent 1053  
shall not conduct the review prescribed by division (B) (1) of 1054  
this section. 1055

(3) The superintendent or the superintendent's designee 1056  
may request criminal history records from other states or the 1057

federal government pursuant to the national crime prevention and 1058  
privacy compact set forth in section 109.571 of the Revised 1059  
Code. 1060

(4) The superintendent shall include in the results of the 1061  
criminal records check a list or description of the offenses 1062  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1063  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1064  
of this section, whichever division requires the superintendent 1065  
to conduct the criminal records check. The superintendent shall 1066  
exclude from the results any information the dissemination of 1067  
which is prohibited by federal law. 1068

(5) The superintendent shall send the results of the 1069  
criminal records check to the person to whom it is to be sent 1070  
not later than the following number of days after the date the 1071  
superintendent receives the request for the criminal records 1072  
check, the completed form prescribed under division (C)(1) of 1073  
this section, and the set of fingerprint impressions obtained in 1074  
the manner described in division (C)(2) of this section: 1075

(a) If the superintendent is required by division (A) of 1076  
this section (other than division (A)(3) of this section) to 1077  
conduct the criminal records check, thirty; 1078

(b) If the superintendent is required by division (A)(3) 1079  
of this section to conduct the criminal records check, sixty. 1080

(C)(1) The superintendent shall prescribe a form to obtain 1081  
the information necessary to conduct a criminal records check 1082  
from any person for whom a criminal records check is to be 1083  
conducted under this section. The form that the superintendent 1084  
prescribes pursuant to this division may be in a tangible 1085  
format, in an electronic format, or in both tangible and 1086

electronic formats. 1087

(2) The superintendent shall prescribe standard impression 1088  
sheets to obtain the fingerprint impressions of any person for 1089  
whom a criminal records check is to be conducted under this 1090  
section. Any person for whom a records check is to be conducted 1091  
under this section shall obtain the fingerprint impressions at a 1092  
county sheriff's office, municipal police department, or any 1093  
other entity with the ability to make fingerprint impressions on 1094  
the standard impression sheets prescribed by the superintendent. 1095  
The office, department, or entity may charge the person a 1096  
reasonable fee for making the impressions. The standard 1097  
impression sheets the superintendent prescribes pursuant to this 1098  
division may be in a tangible format, in an electronic format, 1099  
or in both tangible and electronic formats. 1100

(3) Subject to division (D) of this section, the 1101  
superintendent shall prescribe and charge a reasonable fee for 1102  
providing a criminal records check under this section. The 1103  
person requesting the criminal records check shall pay the fee 1104  
prescribed pursuant to this division. In the case of a request 1105  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1106  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1107  
fee shall be paid in the manner specified in that section. 1108

(4) The superintendent of the bureau of criminal 1109  
identification and investigation may prescribe methods of 1110  
forwarding fingerprint impressions and information necessary to 1111  
conduct a criminal records check, which methods shall include, 1112  
but not be limited to, an electronic method. 1113

(D) The results of a criminal records check conducted 1114  
under this section, other than a criminal records check 1115  
specified in division (A)(7) of this section, are valid for the 1116

person who is the subject of the criminal records check for a 1117  
period of one year from the date upon which the superintendent 1118  
completes the criminal records check. If during that period the 1119  
superintendent receives another request for a criminal records 1120  
check to be conducted under this section for that person, the 1121  
superintendent shall provide the results from the previous 1122  
criminal records check of the person at a lower fee than the fee 1123  
prescribed for the initial criminal records check. 1124

(E) When the superintendent receives a request for 1125  
information from a registered private provider, the 1126  
superintendent shall proceed as if the request was received from 1127  
a school district board of education under section 3319.39 of 1128  
the Revised Code. The superintendent shall apply division (A)(1) 1129  
(c) of this section to any such request for an applicant who is 1130  
a teacher. 1131

(F)(1) Subject to division (F)(2) of this section, all 1132  
information regarding the results of a criminal records check 1133  
conducted under this section that the superintendent reports or 1134  
sends under division (A)(7) or (9) of this section to the 1135  
director of public safety, the treasurer of state, or the 1136  
person, board, or entity that made the request for the criminal 1137  
records check shall relate to the conviction of the subject 1138  
person, or the subject person's plea of guilty to, a criminal 1139  
offense. 1140

(2) Division (F)(1) of this section does not limit, 1141  
restrict, or preclude the superintendent's release of 1142  
information that relates to the arrest of a person who is 1143  
eighteen years of age or older, to an adjudication of a child as 1144  
a delinquent child, or to a criminal conviction of a person 1145  
under eighteen years of age in circumstances in which a release 1146

of that nature is authorized under division (E) (2), (3), or (4) 1147  
of section 109.57 of the Revised Code pursuant to a rule adopted 1148  
under division (E) (1) of that section. 1149

(G) As used in this section: 1150

(1) "Criminal records check" means any criminal records 1151  
check conducted by the superintendent of the bureau of criminal 1152  
identification and investigation in accordance with division (B) 1153  
of this section. 1154

(2) "Minor drug possession offense" has the same meaning 1155  
as in section 2925.01 of the Revised Code. 1156

(3) "OVI or OVUAC violation" means a violation of section 1157  
4511.19 of the Revised Code or a violation of an existing or 1158  
former law of this state, any other state, or the United States 1159  
that is substantially equivalent to section 4511.19 of the 1160  
Revised Code. 1161

(4) "Registered private provider" means a nonpublic school 1162  
or entity registered with the superintendent of public 1163  
instruction under section 3310.41 of the Revised Code to 1164  
participate in the autism scholarship program or section 3310.58 1165  
of the Revised Code to participate in the Jon Peterson special 1166  
needs scholarship program. 1167

**Sec. 121.22.** (A) This section shall be liberally construed 1168  
to require public officials to take official action and to 1169  
conduct all deliberations upon official business only in open 1170  
meetings unless the subject matter is specifically excepted by 1171  
law. 1172

(B) As used in this section: 1173

(1) "Public body" means any of the following: 1174



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

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

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

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

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

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

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

(4) "Public office" has the same meaning as in section	1204
149.011 of the Revised Code.	1205
(C) All meetings of any public body are declared to be	1206
public meetings open to the public at all times. A member of a	1207
public body shall be present in person at a meeting open to the	1208
public to be considered present or to vote at the meeting and	1209
for purposes of determining whether a quorum is present at the	1210
meeting.	1211
The minutes of a regular or special meeting of any public	1212
body shall be promptly prepared, filed, and maintained and shall	1213
be open to public inspection. The minutes need only reflect the	1214
general subject matter of discussions in executive sessions	1215
authorized under division (G) or (J) of this section.	1216
(D) This section does not apply to any of the following:	1217
(1) A grand jury;	1218
(2) An audit conference conducted by the auditor of state	1219
or independent certified public accountants with officials of	1220
the public office that is the subject of the audit;	1221
(3) The adult parole authority when its hearings are	1222
conducted at a correctional institution for the sole purpose of	1223
interviewing inmates to determine parole or pardon and the	1224
department of rehabilitation and correction when its hearings	1225
are conducted at a correctional institution for the sole purpose	1226
of making determinations under section 2967.271 of the Revised	1227
Code regarding the release or maintained incarceration of an	1228
offender to whom that section applies;	1229
(4) The organized crime investigations commission	1230
established under section 177.01 of the Revised Code;	1231

(5) Meetings of a child fatality review board established	1232
under section 307.621 of the Revised Code, meetings related to a	1233
review conducted pursuant to guidelines established by the	1234
director of health under section 3701.70 of the Revised Code,	1235
and meetings conducted pursuant to sections 5153.171 to 5153.173	1236
of the Revised Code;	1237
(6) The state medical board when determining whether to	1238
suspend a license or certificate without a prior hearing	1239
pursuant to division (G) of either section 4730.25 or 4731.22 of	1240
the Revised Code;	1241
(7) The board of nursing when determining whether to	1242
suspend a license or certificate without a prior hearing	1243
pursuant to division (B) of section 4723.281 of the Revised	1244
Code;	1245
(8) The state board of pharmacy when determining whether	1246
to suspend a license without a prior hearing pursuant to	1247
division (D) of section 4729.16 of the Revised Code;	1248
(9) The state chiropractic board when determining whether	1249
to suspend a license without a hearing pursuant to section	1250
4734.37 of the Revised Code;	1251
(10) The executive committee of the emergency response	1252
commission when determining whether to issue an enforcement	1253
order or request that a civil action, civil penalty action, or	1254
criminal action be brought to enforce Chapter 3750. of the	1255
Revised Code;	1256
(11) The board of directors of the nonprofit corporation	1257
formed under section 187.01 of the Revised Code or any committee	1258
thereof, and the board of directors of any subsidiary of that	1259
corporation or a committee thereof;	1260

(12) An audit conference conducted by the audit staff of	1261
the department of job and family services with officials of the	1262
public office that is the subject of that audit under section	1263
5101.37 of the Revised Code;	1264
(13) The occupational therapy section of the occupational	1265
therapy, physical therapy, and athletic trainers board when	1266
determining whether to suspend a license or limited permit	1267
without a hearing pursuant to division <del>(D)</del> <u>(E)</u> of section	1268
4755.11 of the Revised Code;	1269
(14) The physical therapy section of the occupational	1270
therapy, physical therapy, and athletic trainers board when	1271
determining whether to suspend a license without a hearing	1272
pursuant to division <del>(E)</del> <u>(F)</u> of section 4755.47 of the Revised	1273
Code;	1274
(15) The athletic trainers section of the occupational	1275
therapy, physical therapy, and athletic trainers board when	1276
determining whether to suspend a license without a hearing	1277
pursuant to division <del>(D)</del> <u>(E)</u> of section 4755.64 of the Revised	1278
Code;	1279
(16) Meetings of the pregnancy-associated mortality review	1280
board established under section 3738.01 of the Revised Code;	1281
(17) Meetings of a fetal-infant mortality review board	1282
established under section 3707.71 of the Revised Code.	1283
(E) The controlling board, the tax credit authority, or	1284
the minority development financing advisory board, when meeting	1285
to consider granting assistance pursuant to Chapter 122. or 166.	1286
of the Revised Code, in order to protect the interest of the	1287
applicant or the possible investment of public funds, by	1288
unanimous vote of all board or authority members present, may	1289

close the meeting during consideration of the following 1290  
information confidentially received by the authority or board 1291  
from the applicant: 1292

(1) Marketing plans; 1293

(2) Specific business strategy; 1294

(3) Production techniques and trade secrets; 1295

(4) Financial projections; 1296

(5) Personal financial statements of the applicant or 1297  
members of the applicant's immediate family, including, but not 1298  
limited to, tax records or other similar information not open to 1299  
public inspection. 1300

The vote by the authority or board to accept or reject the 1301  
application, as well as all proceedings of the authority or 1302  
board not subject to this division, shall be open to the public 1303  
and governed by this section. 1304

(F) Every public body, by rule, shall establish a 1305  
reasonable method whereby any person may determine the time and 1306  
place of all regularly scheduled meetings and the time, place, 1307  
and purpose of all special meetings. A public body shall not 1308  
hold a special meeting unless it gives at least twenty-four 1309  
hours' advance notice to the news media that have requested 1310  
notification, except in the event of an emergency requiring 1311  
immediate official action. In the event of an emergency, the 1312  
member or members calling the meeting shall notify the news 1313  
media that have requested notification immediately of the time, 1314  
place, and purpose of the meeting. 1315

The rule shall provide that any person, upon request and 1316  
payment of a reasonable fee, may obtain reasonable advance 1317

notification of all meetings at which any specific type of 1318  
public business is to be discussed. Provisions for advance 1319  
notification may include, but are not limited to, mailing the 1320  
agenda of meetings to all subscribers on a mailing list or 1321  
mailing notices in self-addressed, stamped envelopes provided by 1322  
the person. 1323

(G) Except as provided in divisions (G) (8) and (J) of this 1324  
section, the members of a public body may hold an executive 1325  
session only after a majority of a quorum of the public body 1326  
determines, by a roll call vote, to hold an executive session 1327  
and only at a regular or special meeting for the sole purpose of 1328  
the consideration of any of the following matters: 1329

(1) To consider the appointment, employment, dismissal, 1330  
discipline, promotion, demotion, or compensation of a public 1331  
employee or official, or the investigation of charges or 1332  
complaints against a public employee, official, licensee, or 1333  
regulated individual, unless the public employee, official, 1334  
licensee, or regulated individual requests a public hearing. 1335  
Except as otherwise provided by law, no public body shall hold 1336  
an executive session for the discipline of an elected official 1337  
for conduct related to the performance of the elected official's 1338  
official duties or for the elected official's removal from 1339  
office. If a public body holds an executive session pursuant to 1340  
division (G) (1) of this section, the motion and vote to hold 1341  
that executive session shall state which one or more of the 1342  
approved purposes listed in division (G) (1) of this section are 1343  
the purposes for which the executive session is to be held, but 1344  
need not include the name of any person to be considered at the 1345  
meeting. 1346

(2) To consider the purchase of property for public 1347

purposes, the sale of property at competitive bidding, or the 1348  
sale or other disposition of unneeded, obsolete, or unfit-for- 1349  
use property in accordance with section 505.10 of the Revised 1350  
Code, if premature disclosure of information would give an 1351  
unfair competitive or bargaining advantage to a person whose 1352  
personal, private interest is adverse to the general public 1353  
interest. No member of a public body shall use division (G) (2) 1354  
of this section as a subterfuge for providing covert information 1355  
to prospective buyers or sellers. A purchase or sale of public 1356  
property is void if the seller or buyer of the public property 1357  
has received covert information from a member of a public body 1358  
that has not been disclosed to the general public in sufficient 1359  
time for other prospective buyers and sellers to prepare and 1360  
submit offers. 1361

If the minutes of the public body show that all meetings 1362  
and deliberations of the public body have been conducted in 1363  
compliance with this section, any instrument executed by the 1364  
public body purporting to convey, lease, or otherwise dispose of 1365  
any right, title, or interest in any public property shall be 1366  
conclusively presumed to have been executed in compliance with 1367  
this section insofar as title or other interest of any bona fide 1368  
purchasers, lessees, or transferees of the property is 1369  
concerned. 1370

(3) Conferences with an attorney for the public body 1371  
concerning disputes involving the public body that are the 1372  
subject of pending or imminent court action; 1373

(4) Preparing for, conducting, or reviewing negotiations 1374  
or bargaining sessions with public employees concerning their 1375  
compensation or other terms and conditions of their employment; 1376

(5) Matters required to be kept confidential by federal 1377

law or regulations or state statutes;	1378
(6) Details relative to the security arrangements and	1379
emergency response protocols for a public body or a public	1380
office, if disclosure of the matters discussed could reasonably	1381
be expected to jeopardize the security of the public body or	1382
public office;	1383
(7) In the case of a county hospital operated pursuant to	1384
Chapter 339. of the Revised Code, a joint township hospital	1385
operated pursuant to Chapter 513. of the Revised Code, or a	1386
municipal hospital operated pursuant to Chapter 749. of the	1387
Revised Code, to consider trade secrets, as defined in section	1388
1333.61 of the Revised Code;	1389
(8) To consider confidential information related to the	1390
marketing plans, specific business strategy, production	1391
techniques, trade secrets, or personal financial statements of	1392
an applicant for economic development assistance, or to	1393
negotiations with other political subdivisions respecting	1394
requests for economic development assistance, provided that both	1395
of the following conditions apply:	1396
(a) The information is directly related to a request for	1397
economic development assistance that is to be provided or	1398
administered under any provision of Chapter 715., 725., 1724.,	1399
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to	1400
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to	1401
5709.81 of the Revised Code, or that involves public	1402
infrastructure improvements or the extension of utility services	1403
that are directly related to an economic development project.	1404
(b) A unanimous quorum of the public body determines, by a	1405
roll call vote, that the executive session is necessary to	1406



protect the interests of the applicant or the possible 1407  
investment or expenditure of public funds to be made in 1408  
connection with the economic development project. 1409

If a public body holds an executive session to consider 1410  
any of the matters listed in divisions (G) (2) to (8) of this 1411  
section, the motion and vote to hold that executive session 1412  
shall state which one or more of the approved matters listed in 1413  
those divisions are to be considered at the executive session. 1414

A public body specified in division (B) (1) (c) of this 1415  
section shall not hold an executive session when meeting for the 1416  
purposes specified in that division. 1417

(H) A resolution, rule, or formal action of any kind is 1418  
invalid unless adopted in an open meeting of the public body. A 1419  
resolution, rule, or formal action adopted in an open meeting 1420  
that results from deliberations in a meeting not open to the 1421  
public is invalid unless the deliberations were for a purpose 1422  
specifically authorized in division (G) or (J) of this section 1423  
and conducted at an executive session held in compliance with 1424  
this section. A resolution, rule, or formal action adopted in an 1425  
open meeting is invalid if the public body that adopted the 1426  
resolution, rule, or formal action violated division (F) of this 1427  
section. 1428

(I) (1) Any person may bring an action to enforce this 1429  
section. An action under division (I) (1) of this section shall 1430  
be brought within two years after the date of the alleged 1431  
violation or threatened violation. Upon proof of a violation or 1432  
threatened violation of this section in an action brought by any 1433  
person, the court of common pleas shall issue an injunction to 1434  
compel the members of the public body to comply with its 1435  
provisions. 1436

(2) (a) If the court of common pleas issues an injunction 1437  
pursuant to division (I) (1) of this section, the court shall 1438  
order the public body that it enjoins to pay a civil forfeiture 1439  
of five hundred dollars to the party that sought the injunction 1440  
and shall award to that party all court costs and, subject to 1441  
reduction as described in division (I) (2) of this section, 1442  
reasonable attorney's fees. The court, in its discretion, may 1443  
reduce an award of attorney's fees to the party that sought the 1444  
injunction or not award attorney's fees to that party if the 1445  
court determines both of the following: 1446

(i) That, based on the ordinary application of statutory 1447  
law and case law as it existed at the time of violation or 1448  
threatened violation that was the basis of the injunction, a 1449  
well-informed public body reasonably would believe that the 1450  
public body was not violating or threatening to violate this 1451  
section; 1452

(ii) That a well-informed public body reasonably would 1453  
believe that the conduct or threatened conduct that was the 1454  
basis of the injunction would serve the public policy that 1455  
underlies the authority that is asserted as permitting that 1456  
conduct or threatened conduct. 1457

(b) If the court of common pleas does not issue an 1458  
injunction pursuant to division (I) (1) of this section and the 1459  
court determines at that time that the bringing of the action 1460  
was frivolous conduct, as defined in division (A) of section 1461  
2323.51 of the Revised Code, the court shall award to the public 1462  
body all court costs and reasonable attorney's fees, as 1463  
determined by the court. 1464

(3) Irreparable harm and prejudice to the party that 1465  
sought the injunction shall be conclusively and irrebuttably 1466

presumed upon proof of a violation or threatened violation of 1467  
this section. 1468

(4) A member of a public body who knowingly violates an 1469  
injunction issued pursuant to division (I)(1) of this section 1470  
may be removed from office by an action brought in the court of 1471  
common pleas for that purpose by the prosecuting attorney or the 1472  
attorney general. 1473

(J)(1) Pursuant to division (C) of section 5901.09 of the 1474  
Revised Code, a veterans service commission shall hold an 1475  
executive session for one or more of the following purposes 1476  
unless an applicant requests a public hearing: 1477

(a) Interviewing an applicant for financial assistance 1478  
under sections 5901.01 to 5901.15 of the Revised Code; 1479

(b) Discussing applications, statements, and other 1480  
documents described in division (B) of section 5901.09 of the 1481  
Revised Code; 1482

(c) Reviewing matters relating to an applicant's request 1483  
for financial assistance under sections 5901.01 to 5901.15 of 1484  
the Revised Code. 1485

(2) A veterans service commission shall not exclude an 1486  
applicant for, recipient of, or former recipient of financial 1487  
assistance under sections 5901.01 to 5901.15 of the Revised 1488  
Code, and shall not exclude representatives selected by the 1489  
applicant, recipient, or former recipient, from a meeting that 1490  
the commission conducts as an executive session that pertains to 1491  
the applicant's, recipient's, or former recipient's application 1492  
for financial assistance. 1493

(3) A veterans service commission shall vote on the grant 1494  
or denial of financial assistance under sections 5901.01 to 1495

5901.15 of the Revised Code only in an open meeting of the 1496  
commission. The minutes of the meeting shall indicate the name, 1497  
address, and occupation of the applicant, whether the assistance 1498  
was granted or denied, the amount of the assistance if 1499  
assistance is granted, and the votes for and against the 1500  
granting of assistance. 1501

**Sec. 121.621.** (A) ~~No person~~ The joint legislative ethics 1502  
committee shall be permitted permit a person who has been 1503  
convicted of or pleaded guilty to an offense to register as an 1504  
executive agency lobbyist under division (A) or (B) of section 1505  
121.62 of the Revised Code ~~if the person is convicted of or~~ 1506  
~~pleads guilty to committing on or after the effective date of~~ 1507  
~~this section any felony offense listed or described in divisions~~ 1508  
~~(A) (1) to (6) of section 101.721 of the Revised Code in the~~ 1509  
~~circumstances specified in the particular division in a manner~~ 1510  
consistent with section 9.79 of the Revised Code. 1511

(B) If an executive agency lobbyist has registered with 1512  
the ~~joint legislative ethics~~ committee under division (A) or (B) 1513  
of section 121.62 of the Revised Code and, on or after ~~the~~ 1514  
~~effective date of this section~~ May 13, 2008, and during the 1515  
period during which the registration is valid, the executive 1516  
agency lobbyist is convicted of or pleads guilty to any felony 1517  
offense listed or described in ~~divisions (A) (1) to (6)~~ division 1518  
(B) (2) of section 101.721 of the Revised Code in the 1519  
circumstances specified in the particular division, the ~~joint~~ 1520  
~~legislative ethics~~ committee immediately upon becoming aware of 1521  
the conviction or guilty plea shall terminate the registration 1522  
of the person as an executive agency lobbyist, and, after the 1523  
termination, ~~the ban imposed under division (A) of this section~~ 1524  
~~applies to the person~~ from registering as an executive agency 1525  
lobbyist. 1526

(C) The ban imposed under ~~divisions (A) and division~~ (B) 1527  
of this section is a lifetime ban, and the offender is forever 1528  
disqualified from registering as an executive agency lobbyist 1529  
under section 121.62 of the Revised Code. 1530

(D) For purposes of ~~divisions (A) and division~~ (B) of this 1531  
section, a violation of section 2923.32 of the Revised Code or 1532  
any other violation or offense that includes as an element a 1533  
course of conduct or the occurrence of multiple acts is 1534  
"committed on or after ~~the effective date of this section~~ May 1535  
13, 2008," if the course of conduct continues, one or more of 1536  
the multiple acts occurs, or the subject person's accountability 1537  
for the course of conduct or for one or more of the multiple 1538  
acts continues, on or after ~~the effective date of this section~~ 1539  
May 13, 2008. 1540

**Sec. 147.01.** (A) The secretary of state may appoint and 1541  
commission as notaries public as many persons who meet the 1542  
qualifications of division (B) of this section as the secretary 1543  
of state considers necessary. 1544

(B) In order for a person to qualify to be appointed and 1545  
commissioned as a notary public, the person shall demonstrate to 1546  
the secretary of state that the person satisfies all of the 1547  
following: 1548

(1) The person has attained the age of eighteen years. 1549

(2) (a) Except as provided in division (B) (2) (b) of this 1550  
section, the person is a legal resident of this state. 1551

(b) The person is not a legal resident of this state, but 1552  
is an attorney admitted to the practice of law in this state by 1553  
the Ohio supreme court, and has the person's principal place of 1554  
business or the person's primary practice in this state. 1555

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

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

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

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

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

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

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

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

**Sec. 147.011.** As used in this chapter:

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

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

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

section 109.572 of the Revised Code. 1613

~~(C) "Disqualifying offense" means a crime of moral~~ 1614  
~~turpitude as defined in section 4776.10 of the Revised Code and~~ 1615  
~~a violation of a provision of Chapter 2913. of the Revised Code.~~ 1616

~~(D)~~"Jurat" means a notarial act in which both of the 1617  
following are met: 1618

(1) The signer of the notarized document is required to 1619  
give an oath or affirmation that the statement in the notarized 1620  
document is true and correct; 1621

(2) The signer signs the notarized document in the 1622  
presence of a notary public. 1623

~~(E)~~(D) "Notarial certificate" means the part of, or 1624  
attachment to, a document that is completed by the notary public 1625  
and upon which the notary public places the notary public's 1626  
signature and seal. 1627

**Sec. 147.05.** (A) The secretary of state shall maintain a 1628  
record of the commissions of each notary public appointed and 1629  
commissioned by the secretary of state under this chapter and 1630  
make a proper index to that record. 1631

The governor's office shall transfer to the secretary of 1632  
state's office, on or after June 6, 2001, the record of notaries 1633  
public formerly kept by the governor's office under section 1634  
107.10 of the Revised Code. The secretary of state's office 1635  
shall maintain that record together with the record and index of 1636  
commissions of notaries public required by this division. 1637

(B) If a notary public legally changes the notary public's 1638  
name or address after having been commissioned as a notary 1639  
public, the notary public shall notify the secretary of state 1640



within thirty days after the name or address change. Such a 1641  
notification shall be on a form prescribed by the secretary of 1642  
state. 1643

(C) A notary who resigns the person's commission shall 1644  
deliver to the secretary of state, on a form prescribed by the 1645  
secretary of state, a written notice indicating the effective 1646  
date of resignation. 1647

(D) (1) A notary shall inform the secretary of state of 1648  
being convicted of or pleading guilty or no contest to ~~any~~ 1649  
~~disqualifying offense, as defined in section 147.011 a crime of~~ 1650  
moral turpitude as defined in section 4776.10 of the Revised 1651  
Code, a violation of a provision of Chapter 2913. of the Revised 1652  
Code, or any offense under an existing or former law of this 1653  
state, any other state, or the United States that is 1654  
substantially equivalent to such a disqualifying offense during 1655  
the term of the notary's commission. 1656

(2) The secretary of state shall revoke the commission of 1657  
any person who is convicted of or pleads guilty or no contest to 1658  
a disqualifying offense, including an attorney licensed to 1659  
practice law in this state. 1660

**Sec. 169.16.** (A) No person, on behalf of any other person, 1661  
shall engage in any activity for the purpose of locating, 1662  
delivering, recovering, or assisting in the recovery of 1663  
unclaimed funds or contents of a safe deposit box, and receive a 1664  
fee, compensation, commission, or other remuneration for such 1665  
activity, without first having obtained a certificate of 1666  
registration from the director of commerce in accordance with 1667  
this section. 1668

(B) An application for a certificate of registration shall 1669

be in writing and in the form prescribed by the director. The 1670  
application shall be accompanied by a recent full-face color 1671  
photograph of the applicant and notarized ~~character~~ reference 1672  
letters from two reputable ~~character~~ witnesses. The application 1673  
shall, at a minimum, provide all of the following: 1674

(1) The applicant's full name, home address, and work 1675  
address; 1676

(2) The name, address, and telephone number of the two 1677  
~~character~~ witnesses who have provided the ~~character~~ reference 1678  
letters; 1679

(3) A statement that the applicant has not, during the 1680  
~~ten-year~~ five-year period immediately preceding the submission 1681  
of the application, violated division (A) of this section on or 1682  
after the effective date of this section, or division (C) of 1683  
section 169.13 of the Revised Code, ~~or;~~ 1684

(4) A statement that the applicant has not been convicted 1685  
of, or pleaded guilty to, ~~any felony or any~~ disqualifying 1686  
~~offense involving moral turpitude, including theft, attempted~~ 1687  
~~theft, falsification, tampering with records, securing writings~~ 1688  
~~by deception, fraud, forgery, and perjury as determined in~~ 1689  
accordance with section 9.79 of the Revised Code; 1690

~~(4)~~ (5) The notarized signature of the applicant 1691  
immediately following an acknowledgment that any false or 1692  
perjured statement subjects the applicant to criminal liability 1693  
under section 2921.13 of the Revised Code. 1694

(C) Upon the filing of the application with the division 1695  
of unclaimed funds, the division may investigate the applicant 1696  
to verify the information provided in the application and to 1697  
determine the applicant's eligibility for a certificate of 1698

registration under this section. False information on an 1699  
application is grounds for the denial or revocation of the 1700  
applicant's certificate of registration. 1701

(D) The director shall issue a certificate of registration 1702  
to an applicant if the director finds that the following 1703  
conditions are met: 1704

(1) The applicant has not, during the ~~ten-year~~ five-year 1705  
period immediately preceding the submission of the application, 1706  
violated division (A) of this section on or after the effective 1707  
date of this section, or division (C) of section 169.13 of the 1708  
Revised Code, ~~or~~; 1709

(2) The applicant has not been convicted of, or pleaded 1710  
guilty to, any felony or any disqualifying offense involving 1711  
moral turpitude, including theft, attempted theft, 1712  
falsification, tampering with records, securing writings by 1713  
deception, fraud, forgery, and perjury as determined in 1714  
accordance with section 9.79 of the Revised Code. 1715

~~(2)~~ (3) The applicant's ~~character and~~ general fitness 1716  
command the confidence of the public and warrant the belief that 1717  
the applicant's business will be conducted honestly and fairly. 1718

(E) The certificate of registration issued pursuant to 1719  
division (D) of this section may be renewed annually if the 1720  
director finds that the following conditions are met: 1721

(1) The applicant submits a renewal application form 1722  
prescribed by the director. 1723

(2) The applicant meets the conditions set forth in 1724  
~~division (D)~~ divisions (D) (1) and (3) of this section. 1725

(3) The applicant has not, during the ten-year period 1726

immediately preceding the submission of the renewal application 1727  
but excluding any time before the initial issuance of the 1728  
certificate of registration, been convicted of, or pleaded 1729  
guilty to, any felony or any offense involving moral turpitude, 1730  
including theft, attempted theft, falsification, tampering with 1731  
records, securing writings by deception, fraud, forgery, and 1732  
perjury. 1733

(4) The applicant's certificate of registration is not 1734  
subject to an order of revocation by the director. 1735

**Sec. 169.17.** (A) After notice and an opportunity for a 1736  
hearing conducted in accordance with Chapter 119. of the Revised 1737  
Code and except as provided in division (B) of this section, the 1738  
director of commerce shall revoke or refuse to issue or renew a 1739  
certificate of registration if the director finds either of the 1740  
following: 1741

(1) During the immediately preceding ten-year period, the 1742  
person violated division (A) of section 169.16 on or after the 1743  
effective date of this section, or division (C) of section 1744  
169.13 of the Revised Code, or has been convicted of, or pleaded 1745  
guilty to, any felony or any offense involving moral turpitude, 1746  
including theft, attempted theft, falsification, tampering with 1747  
records, securing writings by deception, fraud, forgery, and 1748  
perjury. 1749

(2) The person's character and general fitness do not 1750  
command the confidence of the public or warrant the belief that 1751  
the person's business will be conducted honestly and fairly. 1752

(B) The director shall not refuse to issue a license to a 1753  
person for reasons related to the person's character. The 1754  
director shall not refuse to issue a license to a person because 1755

of a conviction of or plea of guilty to an offense unless the 1756  
refusal is in accordance with section 9.79 of the Revised Code. 1757

(C) The director may investigate alleged violations of 1758  
division (C) of section 169.13 or division (A) of section 169.16 1759  
of the Revised Code or complaints concerning any such violation. 1760  
The director may make application to the court of common pleas 1761  
for an order enjoining any such violation and, upon a showing by 1762  
the director that a person has committed or is about to commit 1763  
such a violation, the court shall grant an injunction, 1764  
restraining order, or other appropriate relief. 1765

~~(C)~~ (D) In conducting any investigation pursuant to this 1766  
section, the director may compel, by subpoena, witnesses to 1767  
testify in relation to any matter over which the director has 1768  
jurisdiction and may require the production of any book, record, 1769  
or other document pertaining to that matter. If a person fails 1770  
to file any statement or report, obey any subpoena, give 1771  
testimony, produce any book, record, or other document as 1772  
required by a subpoena, or permit photocopying of any book, 1773  
record, or other document subpoenaed, the court of common pleas 1774  
of any county in this state, upon application made to it by the 1775  
director, shall compel obedience by attachment proceedings for 1776  
contempt, as in the case of disobedience of the requirements of 1777  
a subpoena issued from the court or a refusal to testify 1778  
therein. 1779

~~(D)~~ (E) If the director determines that a person is 1780  
engaged in or is believed to be engaged in activities that may 1781  
constitute a violation of division (C) of section 169.13 or 1782  
division (A) of section 169.16 of the Revised Code, the 1783  
director, after notice and a hearing conducted in accordance 1784  
with Chapter 119. of the Revised Code, may issue a cease and 1785

desist order. Such an order shall be enforceable in the court of 1786  
common pleas. 1787

**Sec. 903.05.** (A) Each application for a permit to install 1788  
or permit to operate a concentrated animal feeding facility that 1789  
is submitted by an applicant who has not owned or operated a 1790  
concentrated animal feeding facility in this state for at least 1791  
two of the five years immediately preceding the submission of 1792  
the application shall be accompanied by all of the following: 1793

(1) A listing of all animal feeding facilities that the 1794  
applicant or any person identified by the applicant under 1795  
division (C)(1) of section 903.02 or 903.03 of the Revised Code 1796  
owns, has owned, has operated, or is operating in this state; 1797

(2) A listing of the animal feeding facilities that the 1798  
applicant or any person identified by the applicant under 1799  
division (C)(1) of section 903.02 or 903.03 of the Revised Code 1800  
owns, has owned, has operated, or is operating elsewhere in the 1801  
United States and that are regulated under the Federal Water 1802  
Pollution Control Act together with a listing of the animal 1803  
feeding facilities that the applicant or any such person owns, 1804  
has owned, has operated, or is operating outside the United 1805  
States; 1806

(3) A listing of all administrative enforcement orders 1807  
issued to the applicant or any person identified by the 1808  
applicant under division (C)(1) of section 903.02 or 903.03 of 1809  
the Revised Code, all civil actions in which the applicant or 1810  
any such person was determined by the trier of fact to be liable 1811  
in damages or was the subject of injunctive relief or another 1812  
type of civil relief, and all criminal actions in which the 1813  
applicant or any such person pleaded guilty or was convicted, 1814  
during the five years immediately preceding the submission of 1815

the application, in connection with any violation of the Federal 1816  
Water Pollution Control Act, the "Safe Drinking Water Act," as 1817  
defined in section 6109.01 of the Revised Code, or any other 1818  
applicable state laws pertaining to environmental protection 1819  
that was alleged to have occurred or to be occurring at any 1820  
animal feeding facility that the applicant or any such person 1821  
owns, has owned, has operated, or is operating in the United 1822  
States or with any violation of the environmental laws of 1823  
another country that was alleged to have occurred or to be 1824  
occurring at any animal feeding facility that the applicant or 1825  
any such person owns, has owned, has operated, or is operating 1826  
outside the United States. 1827

The lists of animal feeding facilities owned or operated 1828  
by the applicant or any person identified by the applicant under 1829  
division (C) (1) of section 903.02 or 903.03 of the Revised Code 1830  
within or outside this state or outside the United States shall 1831  
include, respectively, all such facilities owned or operated by 1832  
the applicant or any such person during the five-year period 1833  
immediately preceding the submission of the application. 1834

(B) If the applicant for a permit to install or permit to 1835  
operate or any person identified by the applicant under division 1836  
(C) (1) of section 903.02 or 903.03 of the Revised Code has been 1837  
involved in any prior activity involving the operation of an 1838  
animal feeding facility, the director of agriculture may, except 1839  
as provided in division (E) of this section, deny the 1840  
application if the director finds from the application, the 1841  
information submitted under divisions (A) (1) to (3) of this 1842  
section, pertinent information submitted to the director, and 1843  
other pertinent information obtained by the director at the 1844  
director's discretion that the applicant and any such person, in 1845  
the operation of animal feeding facilities, have a history of 1846

substantial noncompliance with the Federal Water Pollution 1847  
Control Act, the "Safe Drinking Water Act," as defined in 1848  
section 6109.01 of the Revised Code, any other applicable state 1849  
laws pertaining to environmental protection, or the 1850  
environmental laws of another country that indicates that the 1851  
applicant or any such person lacks sufficient reliability, 1852  
expertise, and competence to operate the proposed new or 1853  
modified concentrated animal feeding facility in substantial 1854  
compliance with this chapter and rules adopted under it. 1855

(C) A person who seeks to acquire or operate a 1856  
concentrated animal feeding facility that has been issued an 1857  
installation permit that has been transferred from the director 1858  
of environmental protection to the director of agriculture, a 1859  
permit to install, or a permit to operate shall submit to the 1860  
director the information specified in divisions (A)(1) to (3) of 1861  
this section prior to the transfer of the permit. The permit 1862  
shall not, except as provided in division (E) of this section, 1863  
be transferred as otherwise provided in division (I) of section 1864  
903.09 of the Revised Code if the director finds from the 1865  
information submitted under divisions (A)(1) to (3) of this 1866  
section, pertinent information submitted to the director, and 1867  
other pertinent information obtained by the director at the 1868  
director's discretion that the person, in the operation of 1869  
animal feeding facilities, has a history of substantial 1870  
noncompliance with the Federal Water Pollution Control Act, the 1871  
"Safe Drinking Water Act," as defined in section 6109.01 of the 1872  
Revised Code, any other applicable state laws pertaining to 1873  
environmental protection, or the environmental laws of another 1874  
country that indicates that the person lacks sufficient 1875  
reliability, expertise, and competence to operate the 1876  
concentrated animal feeding facility in substantial compliance 1877



with this chapter and rules adopted under it. 1878

(D) An owner or operator of a concentrated animal feeding 1879  
facility that has been issued an installation permit that has 1880  
been transferred from the director of environmental protection 1881  
to the director of agriculture, a permit to install, or a permit 1882  
to operate shall submit to the director notice of any proposed 1883  
change in the persons identified to the director under division 1884  
(C) (1) of section 903.02 or 903.03 of the Revised Code, as 1885  
applicable. The director may deny approval of the proposed 1886  
change if the director finds from the information submitted 1887  
under divisions (A) (1) to (3) of this section, pertinent 1888  
information submitted to the director, and other pertinent 1889  
information obtained by the director at the director's 1890  
discretion that the proposed person, in the operation of animal 1891  
feeding facilities, has a history of substantial noncompliance 1892  
with the Federal Water Pollution Control Act, the "Safe Drinking 1893  
Water Act," as defined in section 6109.01 of the Revised Code, 1894  
any other applicable state laws pertaining to environmental 1895  
protection, or the environmental laws of another country that 1896  
indicates that the person lacks sufficient reliability, 1897  
expertise, and competence to operate the concentrated animal 1898  
feeding facility in substantial compliance with this chapter and 1899  
rules adopted under it. 1900

(E) The director shall not deny an application for or a 1901  
transfer of a permit to install or a permit to operate a 1902  
concentrated animal feeding facility because of a criminal 1903  
conviction unless the refusal is in accordance with section 9.79 1904  
of the Revised Code. 1905

**Sec. 921.23.** The (A) Except as provided in division (B) of 1906  
this section, the director of agriculture may suspend, prior to 1907

a hearing, for not longer than ten days, and after the 1908  
opportunity for a hearing may deny, suspend, revoke, refuse to 1909  
renew, or modify any provision of any license, permit, or 1910  
registration issued pursuant to this chapter if the director 1911  
finds that the applicant or the holder of a license, permit, or 1912  
registration is no longer qualified, has violated any provision 1913  
of this chapter or rules adopted under it, has been found guilty 1914  
of violating the federal act, or has been convicted of a 1915  
misdemeanor involving moral turpitude or of a felony. 1916

(B) The director shall not deny a license, permit, or 1917  
registration issued pursuant to this chapter because an 1918  
applicant was convicted of or pleaded guilty to an offense 1919  
unless the refusal is in accordance with section 9.79 of the 1920  
Revised Code. 1921

**Sec. 926.05.** (A) Each person desiring to obtain or renew a 1922  
handler's license shall file an application annually with the 1923  
director of agriculture at such times, on such forms, and 1924  
containing such information as the director prescribes, 1925  
including, if applicable, the appointment of a statutory agent 1926  
under section 926.051 of the Revised Code. 1927

(B) Each application for a license or license renewal 1928  
shall be accompanied by an application fee of two hundred 1929  
dollars for the first facility operated by the applicant plus 1930  
one hundred dollars for each additional facility operated by the 1931  
same applicant and by an examination fee, established by rule of 1932  
the director pursuant to section 926.02 of the Revised Code, for 1933  
each facility operated by the applicant. "Facility" means all 1934  
warehouse storage located on one premises, including any 1935  
additional warehouse storage located within one thousand yards 1936  
of that premises. The director may charge fees for examinations 1937

in an amount not to exceed those fees charged by the United States department of agriculture for comparable examinations.

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

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

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

(E) An application for renewal of a handler's license shall be filed with the director not later than thirty days before the current license expires. An applicant who fails to file a renewal application in time shall pay a late fee of one

dollar for each day the application is late or fifteen dollars, 1968  
whichever is greater. A renewal license shall not be issued 1969  
until a late fee that is due has been paid. 1970

(F) The director, with the approval of the commodity 1971  
advisory commission, may, except as provided in division (G) of 1972  
this section, revoke or refuse to issue or renew a handler's 1973  
license if any of the following occurred within five years 1974  
before the application for the license or renewal was filed: 1975

(1) The applicant, or the spouse, parent, sibling, or 1976  
child of the applicant, or a manager employed by the applicant, 1977  
or any other individual materially involved in the agricultural 1978  
commodity handling business of the applicant was a principal in 1979  
a receivership or insolvency that resulted in losses to 1980  
creditors or to the agricultural commodity depositors fund 1981  
established in section 926.16 of the Revised Code; 1982

(2) The applicant pled guilty to or was convicted of any 1983  
felony or charge of embezzlement under the laws of this state, 1984  
any other state, or of the United States; 1985

(3) The applicant made a delivery of commodities not 1986  
authorized under this chapter; 1987

(4) The applicant's license under the "United States 1988  
Warehouse Act," 39 Stat. 486 (1916), 7 U.S.C. 241, as amended, 1989  
was revoked or canceled due to a violation of that act. 1990

(G) The director shall not refuse to issue a handler's 1991  
license because an applicant was convicted of or pleaded guilty 1992  
to an offense unless the refusal is in accordance with section 1993  
9.79 of the Revised Code. 1994

**Sec. 935.06.** (A) Not later than ninety days after receipt 1995  
of an application under section 935.05 of the Revised Code, the 1996

director of agriculture shall issue or deny a wildlife shelter permit. The director shall issue a permit to an applicant only if all of the following apply: 1997  
1998  
1999

(1) The applicant is eighteen years of age or older. 2000

(2) The applicant has registered the dangerous wild animal or animals that are the subject of the application under section 935.04 of the Revised Code. 2001  
2002  
2003

(3) The applicant is in compliance with the standards of care established in rules adopted under division (A) (2) of section 935.17 of the Revised Code. 2004  
2005  
2006

(4) The applicant has sterilized each male dangerous wild animal that is possessed by the applicant. However, a dangerous wild animal is not required to be sterilized if a veterinarian that is qualified to provide veterinary care to the dangerous wild animal determines that the sterilization is medically contraindicated and the applicant has submitted a copy of the veterinarian's written determination with the applicant's application. 2007  
2008  
2009  
2010  
2011  
2012  
2013  
2014

(5) The applicant has signed an affidavit attesting that the applicant will not allow members of the public to be in physical contact with a dangerous wild animal possessed by the applicant. Division (A) (5) of this section does not apply to an employee of the applicant or a volunteer who has entered into a written agreement with the applicant to work for or volunteer for the applicant and assists in the care of a dangerous wild animal or animals specified in division (C) (20) of section 935.01 of the Revised Code possessed by the applicant if the care is provided under the direction of the applicant. 2015  
2016  
2017  
2018  
2019  
2020  
2021  
2022  
2023  
2024

(6) The applicant has not been convicted of or pleaded 2025

guilty to a ~~felony drug abuse offense, an offense of violence~~ 2026  
~~that is a felony, or a violation of section 959.13 or 959.131 of~~ 2027  
~~the Revised Code or of section 2927.21 of the Revised Code as~~ 2028  
~~that section existed prior to its repeal by S.B. 310 of the~~ 2029  
~~129th general assembly, a disqualifying offense as determined by~~ 2030  
~~a~~ in accordance with section 9.79 of the Revised Code and a 2031  
criminal records check performed in accordance with division (B) 2032  
of this section. 2033

(7) The facility at which a dangerous wild animal or 2034  
dangerous wild animals will be maintained under the permit 2035  
consists of at least one acre. Division (A) (7) of this section 2036  
does not apply to either of the following: 2037

(a) Dangerous wild animals specified in division (C) (20) 2038  
of section 935.01 of the Revised Code; 2039

(b) An applicant to whom the director issues a written 2040  
waiver stating that the acreage requirement does not apply to 2041  
the applicant. 2042

(8) The applicant has signed an affidavit attesting that 2043  
the facility at which a dangerous wild animal or dangerous wild 2044  
animals will be maintained under the permit and the conditions 2045  
in which each dangerous wild animal will be kept in that 2046  
facility are in compliance with this chapter and rules. 2047

(9) The applicant has submitted a complete application 2048  
that meets the requirements established in section 935.05 of the 2049  
Revised Code. 2050

(10) The applicant has submitted the applicable fee under 2051  
section 935.05 of the Revised Code. 2052

If a permit is issued, the director shall assign a unique 2053  
identification number to the permit. 2054

(B) Prior to issuing or denying a wildlife shelter permit, 2055  
the director shall submit a request to the bureau of criminal 2056  
identification and investigation in the office of the attorney 2057  
general for a criminal records check of the applicant for the 2058  
permit. Upon receipt of a request, the superintendent of the 2059  
bureau shall conduct a criminal records check in the manner 2060  
described in division (B) of section 109.572 of the Revised Code 2061  
to determine whether any information exists that indicates that 2062  
the applicant previously has been convicted of or pleaded guilty 2063  
to any of the following: 2064

(1) A felony drug abuse offense; 2065

(2) An offense of violence that is a felony; 2066

(3) A violation of section 959.13 or 959.131 of the 2067  
Revised Code or of section 2927.21 of the Revised Code as that 2068  
section existed prior to its repeal by S.B. 310 of the 129th 2069  
general assembly. 2070

The applicant is responsible for paying all costs 2071  
associated with the criminal records check. 2072

(C) If a permit application is denied, two hundred fifty 2073  
dollars of the permit application fee shall be retained by the 2074  
director as payment for the reasonable expense of processing the 2075  
application, and the remainder of the fee shall be returned to 2076  
the applicant. 2077

(D) Not later than the first day of December of each year, 2078  
a permit holder shall apply to the director, on a form 2079  
prescribed and provided by the director, for a renewal of the 2080  
permit if the permit holder intends to retain possession of the 2081  
dangerous wild animal or animals that are identified in the 2082  
permit. Not later than thirty days after receipt of an 2083

application for renewal, the director shall renew or deny the 2084  
renewal of the permit. The director shall renew the permit if 2085  
the permit holder complies with this chapter and rules and pays 2086  
a renewal fee in the same amount as the fee established for the 2087  
initial permit in section 935.05 of the Revised Code. If a 2088  
renewal permit is denied, two hundred fifty dollars of the 2089  
renewal fee shall be retained by the director as payment for the 2090  
reasonable expense of processing the application, and the 2091  
remainder of the renewal fee shall be returned to the applicant. 2092

(E) If the director denies an application for a permit or 2093  
a renewal of a permit, the director shall notify the person of 2094  
the denial, the grounds for the denial, and the person's right 2095  
to an adjudication under Chapter 119. of the Revised Code. 2096

(F) If a person does not appeal the determination of the 2097  
director to deny an application for a permit or a renewal of a 2098  
permit or if the determination of the director is affirmed under 2099  
Chapter 119. of the Revised Code, not later than thirty days 2100  
after the decision not to appeal or after the determination is 2101  
affirmed, as applicable, the person shall transfer the dangerous 2102  
wild animal or animals that the person possesses to a humane 2103  
society, wildlife sanctuary, rescue facility, facility that is 2104  
an accredited member of either the association of zoos and 2105  
aquariums or the zoological association of America, or facility 2106  
that is located in another state and that complies with that 2107  
state's applicable laws. After the transfer has occurred, the 2108  
person shall submit proof to the director that the dangerous 2109  
wild animal or animals were transferred and shall specify the 2110  
society, sanctuary, or facility to which the animal or animals 2111  
were transferred. 2112

The person is responsible for all costs associated with 2113



the transfer of the dangerous wild animal or animals. 2114

(G) If a person that has been issued a wildlife shelter 2115  
permit under this section or a wildlife propagation permit under 2116  
section 935.07 of the Revised Code dies, the person's next of 2117  
kin shall do one of the following: 2118

(1) If the next of kin wishes to possess the dangerous 2119  
wild animal or animals, obtain a wildlife shelter permit under 2120  
this section or a wildlife propagation permit under section 2121  
935.07 of the Revised Code, as applicable. That next of kin 2122  
shall comply with this chapter and rules, except that, with 2123  
respect to the next of kin's initial permit, the person need not 2124  
pay the applicable permit application fee. 2125

(2) If the deceased person has a last will and testament 2126  
that specifies that the dangerous wild animal or animals 2127  
possessed by the person are to be transferred to another person 2128  
that has been issued a wildlife shelter permit, wildlife 2129  
propagation permit, or rescue facility permit issued under this 2130  
chapter, transfer the dangerous wild animal or animals to the 2131  
applicable permit holder; 2132

(3) Transfer the dangerous wild animal or animals that 2133  
were possessed by the deceased person in accordance with 2134  
division (F) of this section. 2135

(H) All fees collected under this section shall be 2136  
credited to the dangerous and restricted animal fund created in 2137  
section 935.25 of the Revised Code. 2138

**Sec. 943.03.** (A) (1) Application for a license as a dealer 2139  
or broker shall be made in writing to the department of 2140  
agriculture. The application shall state the nature of the 2141  
business, the municipal corporation, township, and county, and 2142

the post-office address of the location where the business is to 2143  
be conducted, the name of any employee authorized to act in the 2144  
dealer's or broker's behalf, and such additional information as 2145  
the department prescribes. 2146

The applicant shall satisfy the department of the 2147  
applicant's ~~character and~~ good faith in seeking to engage in 2148  
such business. The department shall issue to the applicant a 2149  
license to conduct the business of a dealer or broker at the 2150  
place named in the application. Licenses, unless revoked, shall 2151  
expire annually on the thirty-first day of March and shall be 2152  
renewed according to the standard renewal procedure of sections 2153  
4745.01 to 4745.03 of the Revised Code. 2154

(2) No license shall be issued by the department to a 2155  
dealer or broker having weighing facilities until the applicant 2156  
has filed with the department a copy of a scale test certificate 2157  
showing the weighing facilities to be in satisfactory condition, 2158  
a copy of the license of each weigher employed by the applicant, 2159  
and a certificate of inspection by the department showing 2160  
livestock market facilities to be in satisfactory sanitary 2161  
condition. 2162

(3) Except as provided in division (A) (4) of this section, 2163  
no license shall be issued by the department until the applicant 2164  
has furnished proof of financial responsibility. Except as 2165  
provided in division (C) of this section, such proof may be in 2166  
the following forms: 2167

(a) A bond of a surety company authorized to do business 2168  
in this state in the form prescribed by and to the satisfaction 2169  
of the department, conditioned for the payment of a judgment 2170  
against the applicant furnishing the bond and arising out of the 2171  
failure of such dealer or broker to pay for the livestock 2172

purchased for the dealer's or broker's own or for the accounts 2173  
of others or to pay when due to the person entitled thereto the 2174  
gross amount, less lawful charges, for which all of the 2175  
livestock is sold. The amount of bond required, the termination 2176  
of the bond, and the limitation on filing claims against the 2177  
dealer or broker or their surety shall be the same as prescribed 2178  
in division (B) of this section. 2179

(b) A deposit with a trustee acceptable to the department 2180  
of the required amount in money or negotiable bonds of the 2181  
United States or of this state or of a political subdivision of 2182  
this state of that par or face value, or any combination 2183  
thereof, for the purpose of securing the payment of a judgment 2184  
against the dealer or broker furnishing the deposit and arising 2185  
out of the failure of the dealer or broker to pay for the 2186  
livestock purchased for the dealer's or broker's own or for the 2187  
accounts of others, or to pay when due to the person entitled 2188  
thereto the gross amount, less lawful charges, for which all of 2189  
the livestock is sold. The deposit shall be made under a deposit 2190  
agreement acceptable to the department. The deposit is not 2191  
subject to attachment for any other claim or levy of execution 2192  
upon a judgment based on any other claims. 2193

(4) An applicant for a license as a dealer or broker of 2194  
poultry is not required to maintain financial responsibility or 2195  
furnish proof of financial responsibility. 2196

(B) Any person damaged by failure of a dealer or broker to 2197  
pay for the livestock purchased for the dealer's or broker's or 2198  
for the accounts of others or to pay when due to the person 2199  
entitled thereto the gross amount, less lawful charges, for 2200  
which all of the livestock is sold may maintain an action 2201  
against the broker or dealer and the sureties on the bonds, or 2202

the trustee, provided for in this section. The aggregate 2203  
liability of the sureties or trustee for all such damage shall 2204  
not exceed the amount of the bond or deposit. 2205

Unless the person damaged files a claim with the dealer or 2206  
broker and the sureties or trustee within sixty days from the 2207  
date of the transaction on which the claim is based, the person 2208  
shall be barred from maintaining an action on the bond or for 2209  
the application of the deposit. Upon the filing of a claim, the 2210  
claimant shall notify the department of that action. 2211

The amount of the bond or deposit shall not be less than 2212  
the nearest multiple of one thousand dollars above the average 2213  
daily value of livestock sold by the dealer or broker for the 2214  
accounts of others and livestock purchased by the dealer or 2215  
broker for the dealer's or broker's or for the accounts of 2216  
others on the dealer's or broker's ten largest business days 2217  
during the preceding twelve months or such part thereof as the 2218  
dealer or broker was purchasing, selling, or exchanging 2219  
livestock. In no case shall the amount of the bond or deposit 2220  
total less than ten thousand dollars. 2221

Whenever the amount of bond or deposit calculated as above 2222  
specified exceeds fifty thousand dollars, the amount of the bond 2223  
shall be fifty thousand dollars plus ten per cent of the 2224  
valuation in excess of fifty thousand dollars. 2225

In no case shall the bond or deposit covering the business 2226  
of the dealer or broker be less than the amount specified above 2227  
or such higher amount as may be specified by the "Packer and 2228  
Stockyards Act of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as 2229  
amended. 2230

Whenever in the judgment of the department the business 2231

volume of the licensee is such as to render the bond or deposit 2232  
inadequate, the amount of the bond or deposit shall be adjusted, 2233  
upon thirty days' notice, to meet sections 943.01 to 943.18 of 2234  
the Revised Code and rules adopted under them. All of the bonds 2235  
or deposit agreements shall contain a provision requiring that 2236  
at least thirty days' prior notice in writing be given to the 2237  
department and the packers and stockyards administration of the 2238  
United States department of agriculture by the party terminating 2239  
the bonds or deposit agreements in order to effect termination, 2240  
except that a bond may be terminated as of the effective date of 2241  
a replacement bond. 2242

The termination of a bond shall not release the parties 2243  
from any liability arising out of facts or transactions 2244  
occurring prior to the termination date. 2245

The termination of a deposit agreement shall neither 2246  
release the party furnishing the deposit from any liability 2247  
arising out of acts or transactions occurring prior to the 2248  
termination date, nor shall the trustee permit the withdrawal of 2249  
the deposit until after sixty days after the termination date, 2250  
and then only if no claims under the agreement have been filed 2251  
with the trustee. If any claims have been filed with the 2252  
trustee, the withdrawal of the deposit shall not be permitted 2253  
until the claims have been satisfied or released and evidence of 2254  
the satisfaction or release filed with the trustee. 2255

(C) If approved by the director of agriculture, in lieu of 2256  
the bond or deposit required in division (A) (3) of this section, 2257  
a broker or dealer subject to the "Packers and Stockyards Act of 2258  
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended, may furnish 2259  
proof in a manner and form acceptable to the director that the 2260  
broker or dealer has an irrevocable letter of credit on file 2261

with the packers and stockyards administration under regulations 2262  
adopted by the packers and stockyards administration in 9 C.F.R. 2263  
201.35, as amended. 2264

(D) No licensed livestock dealer or broker shall employ as 2265  
an employee a person who, as a dealer or broker, previously 2266  
defaulted on contracts pertaining to the purchase, exchange, or 2267  
sale of livestock until the licensee does both of the following: 2268

(1) Increases the value of the dealer's or broker's bond, 2269  
deposit, or letter of credit, in addition to the amount of any 2270  
other bond, deposit, or letter of credit required by this 2271  
section, by an amount equal to that owed by such person for the 2272  
purchase, exchange, or sale of livestock prior to being employed 2273  
by the licensee; 2274

(2) Signs and files with the director an agreement that 2275  
guarantees, without condition, all contracts pertaining to the 2276  
purchase, exchange, or sale of livestock made by such person 2277  
while in the employ of the licensee. The agreement shall be in 2278  
addition to any other proof of financial responsibility required 2279  
by this section. The director shall prescribe the form and 2280  
content of the agreement. 2281

(E) No licensed livestock dealer or broker shall employ a 2282  
person whose dealer's or broker's license was revoked or is 2283  
suspended. 2284

**Sec. 943.031.** (A) Application for a license as a small 2285  
dealer shall be made in writing to the department of 2286  
agriculture. The application shall state the nature of the 2287  
business, the municipal corporation or township, county, and 2288  
post-office address of the location where the business is to be 2289  
conducted, the name of any employee who is authorized to act in 2290

the small dealer's behalf, and any additional information that 2291  
the department prescribes. 2292

(B) The applicant shall satisfy the department of the 2293  
applicant's ~~character and~~ good faith in seeking to engage in the 2294  
business of a small dealer. The department then shall issue to 2295  
the applicant a license to conduct the business of a small 2296  
dealer at the place named in the application. Licenses, unless 2297  
revoked, shall expire annually on the thirty-first day of March 2298  
and shall be renewed according to the standard renewal procedure 2299  
established in sections 4745.01 to 4745.03 of the Revised Code. 2300

(C) No license shall be issued by the department to a 2301  
small dealer having weighing facilities until the applicant has 2302  
filed with the department a copy of a scale test certificate 2303  
showing the weighing facilities to be in satisfactory condition, 2304  
a copy of the license of each weigher employed by the applicant, 2305  
and a certificate of inspection by the department showing 2306  
livestock market facilities to be in satisfactory sanitary 2307  
condition. 2308

(D) No licensed small dealer shall employ as an employee a 2309  
person who, as a small dealer, dealer, or broker, previously 2310  
defaulted on contracts pertaining to the purchase, exchange, or 2311  
sale of livestock until the licensee signs and files with the 2312  
director an agreement that guarantees, without condition, all 2313  
contracts pertaining to the purchase, exchange, or sale of 2314  
livestock made by the person while in the employ of the 2315  
licensee. The director shall prescribe the form and content of 2316  
the agreement. 2317

(E) A licensed small dealer is not required to maintain 2318  
financial responsibility or furnish proof of financial 2319  
responsibility. 2320

**Sec. 943.05.** (A) (1) The director of agriculture may, 2321  
except as provided in division (A) (2) of this section, refuse to 2322  
grant or may suspend a small dealer's, dealer's, or broker's 2323  
license, without prior hearing, after determining from evidence 2324  
presented to the director that there is reasonable cause to 2325  
believe any of the following situations exist: 2326

~~(1)~~ (a) Where the applicant or licensee or an employee has 2327  
violated the laws of the state or official regulations governing 2328  
the interstate or intrastate movement, shipment, or 2329  
transportation of animals, or has been convicted of a crime 2330  
involving moral turpitude or convicted of a felony; 2331

~~(2)~~ (b) Where there have been false or misleading 2332  
statements as to the health or physical condition of the animals 2333  
with regard to official tests or quantity of animals, or the 2334  
practice of fraud or misrepresentation in connection therewith 2335  
or in the buying or receiving of animals or receiving, selling, 2336  
exchanging, soliciting, or negotiating the sale, resale, 2337  
exchange, weighing, or shipment of animals; 2338

~~(3)~~ (c) Where the applicant or licensee acts as a small 2339  
dealer, dealer, or broker for a person attempting to conduct 2340  
business in violation of section 943.02 of the Revised Code, 2341  
after the notice of the violation has been given to the licensee 2342  
by the department of agriculture; 2343

~~(4)~~ (d) Where the applicant or licensee or employee fails 2344  
to practice measures of sanitation, disinfection, and inspection 2345  
as required by sections 943.01 to 943.18 of the Revised Code, or 2346  
prescribed by the department, of premises or vehicles used for 2347  
the yarding, holding, or transporting of animals; 2348

~~(5)~~ (e) Where there has been a failure to keep records 2349



required by the department or where there is a refusal on the 2350  
part of the applicant or licensee or employee to produce records 2351  
of transactions in the carrying on of the business for which the 2352  
license is granted; 2353

~~(6)~~ (f) Where the applicant or licensee providing weighing 2354  
facilities used for, in connection with, or incident to the 2355  
purchase or sale of livestock for the account of the licensee or 2356  
others, fails to maintain and operate the weighing facilities in 2357  
accordance with sections 943.08 and 943.10 of the Revised Code; 2358

~~(7)~~ (g) Where the applicant or licensee in the conduct of 2359  
the business covered by the license fails to maintain and 2360  
operate weighing facilities in accordance with sections 943.08 2361  
and 943.10 of the Revised Code or fails to cause its livestock 2362  
to be weighed by licensed weighers as provided in those 2363  
sections; 2364

~~(8)~~ (h) With regard to a dealer or broker licensee, where 2365  
the licensee fails to maintain a bond or deposit, or letter of 2366  
credit, if applicable, or fails to adjust the bond or deposit 2367  
upon thirty days' notice or refuses or neglects to pay the fees 2368  
or inspection charges required to be paid; 2369

~~(9)~~ (i) Where the licensee has been suspended by order of 2370  
the secretary of agriculture of the United States department of 2371  
agriculture under provisions of the "Packers and Stockyards Act 2372  
of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended; 2373

~~(10)~~ (j) With regard to a dealer or broker licensee, where 2374  
the surety company, trustee, or issuer of a letter of credit of 2375  
the licensee issues a notice of termination of the licensee's 2376  
bond agreement, deposit agreement, or letter of credit; 2377

~~(11)~~ (k) Where the applicant has had a small dealer's, 2378

dealer's, or broker's license revoked or has had a small 2379  
dealer's, dealer's, or broker's license suspended two or more 2380  
times in the previous five years. 2381

(2) The director shall not refuse to grant a small 2382  
dealer's, dealer's, or broker's license because of an 2383  
applicant's criminal conviction unless the refusal is in 2384  
accordance with section 9.79 of the Revised Code. 2385

(B) When the director refuses to grant or suspends a small 2386  
dealer's, dealer's, or broker's license, the director or the 2387  
director's designee may hand deliver the order. The licensee to 2388  
whom a suspension order is issued shall be afforded a hearing in 2389  
accordance with Chapter 119. of the Revised Code, after which 2390  
the director shall reinstate, revoke, or suspend for a longer or 2391  
indefinite period the suspended license. 2392

**Sec. 956.03.** (A) The director of agriculture shall adopt 2393  
rules in accordance with Chapter 119. of the Revised Code 2394  
establishing all of the following: 2395

(1) Requirements and procedures governing high volume 2396  
breeders, including the licensing and inspection of and record 2397  
keeping by high volume breeders, in addition to the requirements 2398  
and procedures established in this chapter. The rules shall 2399  
include a requirement that a high volume breeder keep and 2400  
maintain a record of veterinary care for each dog kept, housed, 2401  
and maintained by the high volume breeder. The rules shall 2402  
require the records to be kept and maintained for three years 2403  
after the care is provided by a veterinarian. 2404

(2) Requirements and procedures for conducting background 2405  
investigations of each applicant for a license issued under 2406  
section 956.04 of the Revised Code in order to determine if the 2407

applicant has been convicted of or pleaded guilty to ~~any of the~~ 2408  
~~violations specified in division (A) (2) of section 956.15 of the~~ 2409  
~~Revised Code~~ an offense the director determines is a 2410  
disqualifying offense under section 9.79 of the Revised Code; 2411

(3) Requirements and procedures governing dog brokers, 2412  
including the licensing of and record keeping by dog brokers, in 2413  
addition to the requirements and procedures established in this 2414  
chapter; 2415

(4) The form of applications for licenses issued under 2416  
this chapter and the information that is required to be 2417  
submitted in the applications; 2418

(5) The form of an application for registration and 2419  
registration renewal as an animal rescue for dogs under this 2420  
chapter and the information that is required to be provided with 2421  
a registration or registration renewal, including the name and 2422  
address of each foster home that an animal rescue for dogs 2423  
utilizes; 2424

(6) A requirement that each high volume breeder submit to 2425  
the director, with an application for a high volume breeder 2426  
license, evidence of insurance or, in the alternative, evidence 2427  
of a surety bond payable to the state to ensure compliance with 2428  
this chapter and rules adopted under it. The face value of the 2429  
insurance coverage or bond shall be in the following amounts: 2430

(a) Five thousand dollars for high volume breeders 2431  
keeping, housing, and maintaining not more than twenty-five 2432  
adult dogs; 2433

(b) Ten thousand dollars for high volume breeders keeping, 2434  
housing, and maintaining at least twenty-six adult dogs, but not 2435  
more than fifty adult dogs; 2436

(c) Fifty thousand dollars for high volume breeders	2437
keeping, housing, and maintaining more than fifty adult dogs.	2438
The rules shall require that the insurance be payable to	2439
the state or that the surety bond be subject to redemption by	2440
the state, as applicable, upon a suspension or revocation of a	2441
high volume breeder license for the purpose of paying for the	2442
maintenance and care of dogs that are seized or otherwise	2443
impounded from the high volume breeder in accordance with this	2444
chapter.	2445
(7) (a) For high volume breeders, standards of care	2446
governing all of the following:	2447
(i) Housing;	2448
(ii) Nutrition;	2449
(iii) Exercise;	2450
(iv) Grooming;	2451
(v) Biosecurity and disease control;	2452
(vi) Waste management;	2453
(vii) Whelping;	2454
(viii) Any other general standards of care for dogs.	2455
(b) In adopting rules under division (A) (7) (a) of this	2456
section, the director shall consider the following factors,	2457
without limitation:	2458
(i) Best management practices for the care and well-being	2459
of dogs;	2460
(ii) Biosecurity;	2461
(iii) The prevention of disease;	2462

(iv) Morbidity and mortality data;	2463
(v) Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association;	2464 2465 2466
(vi) Standards established by the United States department of agriculture under the federal animal welfare act as defined in section 959.131 of the Revised Code.	2467 2468 2469
(8) Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures established in that section, and procedures for making records of the inspections;	2470 2471 2472 2473
(9) (a) A requirement that an in-state retailer of a puppy or adult dog provide to the purchaser the complete name, address, and telephone number of all high volume breeders, dog brokers, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society, or a valid health certificate from the state of origin pertaining to the puppy or adult dog;	2474 2475 2476 2477 2478 2479 2480 2481 2482
(b) A requirement that an out-of-state retailer of a puppy or adult dog that is conducting business in this state provide to the purchaser a valid health certificate from the state of origin pertaining to the puppy or adult dog and the complete name, address, and telephone number of all breeders, brokers, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or	2483 2484 2485 2486 2487 2488 2489 2490 2491

humane society in this state or another state.	2492
(10) A requirement that a high volume breeder or a dog broker who advertises the sale of a puppy or adult dog include with the advertisement the vendor number assigned by the tax commissioner to the high volume breeder or to the dog broker if the sale of the puppy or dog is subject to the tax levied under Chapter 5739. of the Revised Code;	2493 2494 2495 2496 2497 2498
(11) A requirement that a licensed high volume breeder and a licensed dog broker comply with Chapter 5739. of the Revised Code. The rules shall authorize the director to suspend or revoke a license for failure to comply with that chapter. The director shall work in conjunction with the tax commissioner for the purposes of rules adopted under this division.	2499 2500 2501 2502 2503 2504
(12) Requirements and procedures governing pet stores, including requirements and procedures governing the initial licensing of pet stores and the renewal of pet store licenses;	2505 2506 2507
(13) The application form for a license issued under division (A) of section 956.21 of the Revised Code and the information that is required to be submitted in the application;	2508 2509 2510
(14) Requirements governing permanent implanted identification microchips for dogs to be sold at a pet store and by a dog broker;	2511 2512 2513
(15) Any other requirements and procedures that are determined by the director to be necessary for the administration and enforcement of this chapter and rules adopted under it. However, rules adopted under this division shall not establish additional requirements and procedures governing animal rescues for dogs other than those adopted under division (A) (5) of this section.	2514 2515 2516 2517 2518 2519 2520

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

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

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

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

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

(C) An application or a license shall not be denied, suspended, or revoked under this section without a written order of the director stating the findings on which the denial, suspension, or revocation is based. A copy of the order shall be sent to the applicant or license holder by certified mail or may be provided to the applicant or license holder by personal

service. In addition, the person to whom a denial, suspension, 2550  
or revocation applies may request an adjudication hearing under 2551  
Chapter 119. of the Revised Code. The director shall comply with 2552  
such a request. The determination of the director at an 2553  
adjudication hearing may be appealed in accordance with section 2554  
119.12 of the Revised Code, except that the determination may be 2555  
appealed only to the environmental division of the Franklin 2556  
county municipal court. 2557

**Sec. 1119.05.** (A) (1) For each representative office a 2558  
foreign bank proposes to operate, the foreign bank shall first 2559  
submit to the superintendent of financial institutions an 2560  
application for preliminary approval of the representative 2561  
office. The superintendent shall approve or disapprove the 2562  
application within sixty days after accepting the application. 2563

(2) In determining whether to approve or disapprove the 2564  
foreign bank's application, the superintendent shall consider 2565  
all of the following: 2566

(a) Whether the foreign bank is subject to comprehensive 2567  
supervision and regulation on a consolidated basis by the 2568  
appropriate authorities in the country that granted its banking 2569  
charter; 2570

(b) Whether the management of the foreign bank and the 2571  
proposed management of the representative office are adequate; 2572

(c) Whether any controlling person of the foreign bank, 2573  
each director and executive officer of the foreign bank, and 2574  
each director and executive officer of any controlling person of 2575  
the foreign bank is competent and of ~~good character and~~ sound 2576  
financial standing; 2577

(d) Whether the capital and financial resources of the 2578



foreign bank are adequate;	2579
(e) Whether the foreign bank is currently operating in compliance with applicable laws, regulations, and orders;	2580 2581
(f) Whether it is reasonable to believe the foreign bank will operate the representative office in compliance with applicable laws, regulations, and orders;	2582 2583 2584
(g) Any other reasonable criteria the superintendent may prescribe.	2585 2586
(B) The superintendent shall issue a license to a foreign bank to operate the representative office if all of the following have occurred:	2587 2588 2589
(1) The superintendent has approved the foreign bank's application for preliminary approval to operate the representative office under division (A) of this section.	2590 2591 2592
(2) The foreign bank has met all conditions of the superintendent's preliminary approval.	2593 2594
(3) The foreign bank has delivered to the superintendent an appointment of an agent for service of process, the agent's acknowledgment of the appointment, and the foreign bank's agreement to service of process upon the superintendent if reasonable efforts to serve the foreign bank's agent or place of business in this state are unsuccessful.	2595 2596 2597 2598 2599 2600
<b>Sec. 1119.08.</b> (A) (1) For each agency or branch a foreign bank proposes to operate, the foreign bank shall first submit to the superintendent of financial institutions an application for preliminary approval of the agency or branch. The superintendent shall determine whether to approve or disapprove the application within sixty days after accepting the application.	2601 2602 2603 2604 2605 2606

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

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

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

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

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

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

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

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

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

(1) The superintendent has approved the foreign bank's

application for preliminary approval to operate the agency or 2635  
branch under division (A) of this section. 2636

(2) The foreign bank has met all conditions of the 2637  
superintendent's preliminary approval. 2638

(3) The foreign bank has delivered to the superintendent 2639  
an appointment of an agent for service of process, the agent's 2640  
acknowledgment of the appointment, and the foreign bank's 2641  
agreement to service of process upon the superintendent if 2642  
reasonable efforts to serve the foreign bank's agent or place of 2643  
business in this state are unsuccessful. 2644

(4) The foreign bank has pledged assets as required under 2645  
section 1119.09 of the Revised Code and maintains assets in this 2646  
state as required by section 1119.10 of the Revised Code. 2647

**Sec. 1315.04.** (A) (1) After accepting an application for a 2648  
money transmitter license described in section 1315.03 of the 2649  
Revised Code, the superintendent of financial institutions shall 2650  
examine all the facts and circumstances relating to the 2651  
application. 2652

(2) At the applicant's expense, the superintendent may 2653  
conduct an on-site examination of the applicant's books, 2654  
records, and operations. If the superintendent requests, the 2655  
applicant shall advance to the superintendent the 2656  
superintendent's estimate of the cost of the on-site 2657  
examination, with any unconsumed portion to be returned to the 2658  
applicant. 2659

(3) The applicant shall pay the cost of its examination 2660  
described in division (A) of this section, or any balance of the 2661  
cost of its examination in the case of an applicant that 2662  
advanced the estimated cost of its examination, within fourteen 2663

days after receiving an invoice for payment. 2664

(B) In making a determination on an application described 2665  
in division (A) (1) of this section, the superintendent shall 2666  
consider all of the following: 2667

(1) The applicant's financial condition; 2668

(2) The applicant's business practices; 2669

(3) The applicant's and its directors', executive 2670  
officers', and controlling persons' experience, competence, 2671  
~~character,~~ and history of compliance with applicable laws. 2672

(C) The superintendent shall not approve an application 2673  
described in division (A) (1) of this section if the applicant 2674  
does not meet both of the following requirements: 2675

(1) The applicant is a legally established business entity 2676  
that is capitalized separately and distinctly from every other 2677  
legal entity and is qualified to do business in this state. 2678

(2) The applicant has a minimum net worth of not less than 2679  
five hundred thousand dollars, calculated according to generally 2680  
accepted accounting principles, but excluding any assets that 2681  
the superintendent disqualifies and including any off-balance 2682  
sheet liabilities that the superintendent requires. 2683

(D) (1) In approving an application for a money transmitter 2684  
license, the superintendent may impose any condition the 2685  
superintendent determines to be appropriate. 2686

(2) When an applicant has satisfied all prior conditions 2687  
imposed by the superintendent in approving the applicant's 2688  
application for a money transmitter license and has provided a 2689  
security device as required by section 1315.07 of the Revised 2690  
Code, the superintendent shall issue the applicant a money 2691

transmitter license. A license issued pursuant to this section 2692  
remains in force and effect until surrendered by the licensee 2693  
pursuant to section 1315.18 of the Revised Code or suspended or 2694  
revoked by the superintendent pursuant to section 1315.151 of 2695  
the Revised Code. 2696

(E) On or before the first day of July of each year, each 2697  
licensee shall pay to the superintendent an annual fee for 2698  
carrying on the business as a money transmitter, which fee is 2699  
established by the superintendent pursuant to division (B) of 2700  
section 1315.13 of the Revised Code. 2701

**Sec. 1315.101.** (A) After accepting an application to 2702  
acquire control of a licensee described in section 1315.10 of 2703  
the Revised Code, the superintendent of financial institutions 2704  
shall examine all of the facts and circumstances relating to the 2705  
application. 2706

(B) The superintendent shall approve the application 2707  
described in division (A) of this section if the superintendent 2708  
determines both of the following: 2709

(1) The competence, ~~and experience, and character~~ of the 2710  
applicant or applicants seeking to acquire control of a licensee 2711  
and the applicant's or applicants' general fitness to operate 2712  
the licensee or person in control of the licensee in a lawful 2713  
and proper manner are acceptable. 2714

(2) The interests of the public are not jeopardized by the 2715  
change of control. 2716

**Sec. 1315.23.** (A) Upon the filing of an application for an 2717  
original license to engage in the business of cashing checks, 2718  
and the payment of the fees for investigation and licensure, the 2719  
superintendent of financial institutions shall investigate the 2720

financial condition and responsibility, ~~character,~~ and general 2721  
fitness of the applicant. As part of that investigation, the 2722  
superintendent shall request that the superintendent of the 2723  
bureau of criminal identification and investigation investigate 2724  
and determine, with respect to the applicant, whether the bureau 2725  
has any information gathered under section 109.57 of the Revised 2726  
Code that pertains to that applicant. 2727

(B) The superintendent shall issue a license, which shall 2728  
apply to all check-cashing business locations of the applicant, 2729  
if the superintendent determines that the applicant meets all 2730  
the following requirements: 2731

(1) The applicant is financially sound and has a net worth 2732  
of at least twenty-five thousand dollars. The applicant's net 2733  
worth shall be computed according to generally accepted 2734  
accounting principles. The applicant shall maintain a net worth 2735  
of at least twenty-five thousand dollars throughout the 2736  
licensure period. 2737

(2) The applicant ~~is a person of good character and has~~ 2738  
the ability and fitness in the capacity involved to engage in 2739  
the business of cashing checks. 2740

(3) The applicant has not been convicted of, or has not 2741  
pleaded guilty or no contest to, a felony disqualifying offense 2742  
determined in accordance with section 9.79 of the Revised Code. 2743

(4) The applicant has never had a check-cashing license 2744  
revoked. 2745

(C) (1) A license issued to a check-cashing business shall 2746  
remain in full force and effect through the thirty-first day of 2747  
December following its date of issuance, unless earlier 2748  
surrendered, suspended, or revoked. 2749

(2) Each check-cashing business shall conspicuously post 2750  
and at all times display in every business location its check- 2751  
cashing license. No check-cashing license is transferable or 2752  
assignable. 2753

(D) A check-cashing business voluntarily may surrender its 2754  
license at any time by giving written notice to the 2755  
superintendent and sending, by certified mail, to the 2756  
superintendent all license documents issued to it pursuant to 2757  
sections 1315.21 to 1315.28 of the Revised Code. 2758

(E) (1) A check-cashing business annually may apply to the 2759  
superintendent for a renewal of its license on or after the 2760  
first day of December of the year in which its existing license 2761  
expires. 2762

(2) If a check-cashing business files an application for a 2763  
renewal license with the superintendent before the first day of 2764  
January of any year, the license sought to be renewed shall 2765  
continue in full force and effect until the issuance by the 2766  
superintendent of the renewal license applied for or until ten 2767  
days after the superintendent has given the check-cashing 2768  
business notice of the superintendent's refusal to issue a 2769  
renewal license. 2770

(F) The superintendent may, except as otherwise provided 2771  
in this division, suspend, revoke, or refuse an original or 2772  
renewal license for failure to comply with this section or for 2773  
any violation of section 1315.28 of the Revised Code. If a 2774  
suspension, revocation, or refusal of an original or renewal 2775  
license is based on a violation of section 1315.28 of the 2776  
Revised Code that is committed, without the licensee's 2777  
knowledge, at a check-cashing business location of the licensee, 2778  
the suspension or revocation applies only to that check-cashing 2779

business location. In all other cases, a suspension, revocation, 2780  
or refusal of an original or renewal license applies to all 2781  
check-cashing business locations of the licensee. The 2782  
superintendent shall not refuse an original license to an 2783  
applicant because of a criminal conviction unless the refusal is 2784  
in accordance with section 9.79 of the Revised Code. 2785

(G) No original or renewal license shall be suspended, 2786  
revoked, or refused except after a hearing in accordance with 2787  
Chapter 119. of the Revised Code. In suspending a license under 2788  
this division, the superintendent shall establish the length of 2789  
the suspension, provided that no suspension may be for a period 2790  
exceeding one year. The superintendent's decision to revoke, 2791  
suspend, or refuse an original or renewal license may be 2792  
appealed pursuant to Chapter 119. of the Revised Code. 2793

(H) Upon revocation of a license, the licensee shall 2794  
immediately send, by certified mail, all license documents 2795  
issued pursuant to sections 1310.21 to 1310.28 of the Revised 2796  
Code to the superintendent. 2797

(I) The superintendent may, in lieu of a suspension or 2798  
revocation of a license, impose a fine of not more than one 2799  
thousand dollars for each violation. 2800

**Sec. 1321.04.** Upon the filing of an application under 2801  
section 1321.03 of the Revised Code and payment of fees pursuant 2802  
to section 1321.20 of the Revised Code, the division of 2803  
financial institutions shall investigate the facts concerning 2804  
the applicant and the requirements provided for in divisions (A) 2805  
and (B) of this section. 2806

The division shall approve the application and issue and 2807  
deliver a license to the applicant if the division finds both of 2808



the following: 2809

(A) That the financial responsibility, experience, 2810  
~~reputation,~~ and general fitness of the applicant and of the 2811  
members thereof, if the applicant is a partnership or an 2812  
association, and of the officers and directors thereof, if the 2813  
applicant is a corporation, are such as to warrant the belief 2814  
that the business will be operated lawfully, honestly, and 2815  
fairly under sections 1321.01 to 1321.19 of the Revised Code and 2816  
within the purposes of those sections, that the applicant has 2817  
fully complied with those sections, and that the applicant is 2818  
qualified to act as a licensed lender; 2819

(B) That the applicant has available for the operation of 2820  
such business cash or moneys deposited in a readily accessible 2821  
fund or account of not less than twenty-five thousand dollars. 2822

If the division does not so find, it shall enter an order 2823  
denying such application and forthwith notify the applicant of 2824  
the denial, the grounds for the denial, and the applicant's 2825  
reasonable opportunity to be heard on the action in accordance 2826  
with Chapter 119. of the Revised Code. In the event of denial, 2827  
the division shall return the license fee but shall retain the 2828  
investigation fee. 2829

**Sec. 1321.37.** (A) Application for an original or renewal 2830  
license to make short-term loans shall be in writing, under 2831  
oath, and in the form prescribed by the superintendent of 2832  
financial institutions, and shall contain the name and address 2833  
of the applicant, the location where the business of making 2834  
loans is to be conducted, and any further information as the 2835  
superintendent requires. At the time of making an application 2836  
for an original license, the applicant shall pay to the 2837  
superintendent a nonrefundable investigation fee of two hundred 2838

dollars. No investigation fee or any portion thereof shall be 2839  
refunded after an original license has been issued. The 2840  
application for an original or renewal license shall be 2841  
accompanied by an original or renewal license fee, for each 2842  
business location of one thousand dollars, except that 2843  
applications for original licenses issued on or after the first 2844  
day of July for any year shall be accompanied by an original 2845  
license fee of five hundred dollars, and except that an 2846  
application for an original or renewal license, for a nonprofit 2847  
corporation that is incorporated under Chapter 1702. of the 2848  
Revised Code, shall be accompanied by an original or renewal 2849  
license fee, for each business location, that is one-half of the 2850  
fee otherwise required. All fees paid to the superintendent 2851  
pursuant to this division shall be deposited into the state 2852  
treasury to the credit of the consumer finance fund. 2853

(B) Upon the filing of an application for an original 2854  
license and, with respect to an application filed for a renewal 2855  
license, on a schedule determined by the superintendent by rule 2856  
adopted pursuant to section 1321.43 of the Revised Code, and the 2857  
payment of fees in accordance with division (A) of this section, 2858  
the superintendent shall investigate the facts concerning the 2859  
applicant and the requirements provided by this division. The 2860  
superintendent shall request the superintendent of the bureau of 2861  
criminal identification and investigation, or a vendor approved 2862  
by the bureau, to conduct a criminal records check based on the 2863  
applicant's fingerprints in accordance with section 109.572 of 2864  
the Revised Code. Notwithstanding division (K) of section 121.08 2865  
of the Revised Code, the superintendent of financial 2866  
institutions shall request that criminal record information from 2867  
the federal bureau of investigation be obtained as part of the 2868  
criminal records check. The superintendent of financial 2869

institutions shall conduct a civil records check. The 2870  
superintendent shall approve an application and issue an 2871  
original or renewal license to the applicant if the 2872  
superintendent finds all of the following: 2873

(1) The financial responsibility, experience, ~~reputation,~~ 2874  
and general fitness of the applicant are such as to warrant the 2875  
belief that the business of making loans will be operated 2876  
lawfully, honestly, and fairly under sections 1321.35 to 1321.48 2877  
of the Revised Code and within the purposes of those sections; 2878  
that the applicant has fully complied with those sections and 2879  
any rule or order adopted or issued pursuant to section 1321.43 2880  
of the Revised Code; and that the applicant is qualified to 2881  
engage in the business of making loans under sections 1321.35 to 2882  
1321.48 of the Revised Code. 2883

(2) The applicant is financially sound and has a net worth 2884  
of not less than one hundred thousand dollars, or in the case of 2885  
a nonprofit corporation that is incorporated under Chapter 1702. 2886  
of the Revised Code, a net worth of not less than fifty thousand 2887  
dollars. The applicant's net worth shall be computed according 2888  
to generally accepted accounting principles. 2889

(3) The applicant has never had revoked a license to make 2890  
loans under sections 1321.35 to 1321.48 of the Revised Code, 2891  
under former sections 1315.35 to 1315.44 of the Revised Code, or 2892  
to do business under sections 1315.21 to 1315.30 of the Revised 2893  
Code. 2894

(4) Neither the applicant nor any senior officer, or 2895  
partner of the applicant, has pleaded guilty to or been 2896  
convicted of ~~any criminal offense involving theft, receiving~~ 2897  
~~stolen property, embezzlement, forgery, fraud, passing bad~~ 2898  
~~checks, money laundering, or drug trafficking, or any criminal~~ 2899

~~offense involving money or securities or any violation of an~~ 2900  
~~existing or former law of this state, any other state, or the~~ 2901  
~~United States that substantially is equivalent to a criminal~~ 2902  
~~offense described in that division. However, if the applicant or~~ 2903  
~~any of those other persons has pleaded guilty to or been~~ 2904  
~~convicted of any such offense other than theft, the~~ 2905  
~~superintendent shall not consider the offense if the applicant~~ 2906  
~~has proven to the superintendent, by a preponderance of the~~ 2907  
~~evidence, that the applicant's or other person's activities and~~ 2908  
~~employment record since the conviction show that the applicant~~ 2909  
~~or other person is honest, truthful, and of good reputation, and~~ 2910  
~~there is no basis in fact for believing that the applicant or~~ 2911  
~~other person will commit such an offense again a disqualifying~~ 2912  
~~offense as determined in accordance with section 9.79 of the~~ 2913  
~~Revised Code.~~ 2914

(5) Neither the applicant nor any senior officer, or 2915  
partner of the applicant, has been subject to any adverse 2916  
judgment for conversion, embezzlement, misappropriation of 2917  
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 2918  
duty, or if the applicant or any of those other persons has been 2919  
subject to such a judgment, the applicant has proven to the 2920  
superintendent, by a preponderance of the evidence, that the 2921  
applicant's or other person's activities and employment record 2922  
since the judgment show that the applicant or other person is 2923  
honest, and truthful, ~~and of good reputation,~~ and there is no 2924  
basis in fact for believing that the applicant or other person 2925  
will be subject to such a judgment again. 2926

(C) If the superintendent finds that the applicant does 2927  
not meet the requirements of division (B) of this section, or 2928  
the superintendent finds that the applicant knowingly or 2929  
repeatedly contracts with or employs persons to directly engage 2930

in lending activities who have been convicted of a felony crime 2931  
listed in division (B) (5) of this section, the superintendent 2932  
shall issue an order denying the application for an original or 2933  
renewal license and giving the applicant an opportunity for a 2934  
hearing on the denial in accordance with Chapter 119. of the 2935  
Revised Code. The superintendent shall notify the applicant of 2936  
the denial, the grounds for the denial, and the applicant's 2937  
opportunity for a hearing. If the application is denied, the 2938  
superintendent shall return the annual license fee but shall 2939  
retain the investigation fee. 2940

(D) No person licensed under sections 1321.35 to 1321.48 2941  
of the Revised Code shall conduct business in this state unless 2942  
the licensee has obtained and maintains in effect at all times a 2943  
corporate surety bond issued by a bonding company or insurance 2944  
company authorized to do business in this state. The bond shall 2945  
be in favor of the superintendent and in the penal sum of at 2946  
least one hundred thousand dollars, or in the case of a 2947  
nonprofit corporation that is incorporated under Chapter 1702. 2948  
of the Revised Code, in the amount of fifty thousand dollars. 2949  
The term of the bond shall coincide with the term of the 2950  
license. The licensee shall file a copy of the bond with the 2951  
superintendent. The bond shall be for the exclusive benefit of 2952  
any borrower injured by a violation by a licensee or any 2953  
employee of a licensee, of any provision of sections 1321.35 to 2954  
1321.48 of the Revised Code. 2955

**Sec. 1321.53.** (A) (1) An application for a certificate of 2956  
registration under sections 1321.51 to 1321.60 of the Revised 2957  
Code shall contain an undertaking by the applicant to abide by 2958  
those sections. The application shall be in writing, under oath, 2959  
and in the form prescribed by the division of financial 2960  
institutions, and shall contain any information that the 2961

division may require. Applicants that are foreign corporations 2962  
shall obtain and maintain a license pursuant to Chapter 1703. of 2963  
the Revised Code before a certificate is issued or renewed. 2964

(2) Upon the filing of the application and the payment by 2965  
the applicant of a nonrefundable two-hundred-dollar 2966  
investigation fee and a nonrefundable three-hundred-dollar 2967  
annual registration fee, the division shall investigate the 2968  
relevant facts. If the application involves investigation 2969  
outside this state, the applicant may be required by the 2970  
division to advance sufficient funds to pay any of the actual 2971  
expenses of such investigation, when it appears that these 2972  
expenses will exceed two hundred dollars. An itemized statement 2973  
of any of these expenses which the applicant is required to pay 2974  
shall be furnished to the applicant by the division. No 2975  
certificate shall be issued unless all the required fees have 2976  
been submitted to the division. 2977

(3) The investigation undertaken upon application shall 2978  
include both a civil and criminal records check of the applicant 2979  
including any individual whose identity is required to be 2980  
disclosed in the application. Where the applicant is a business 2981  
entity the superintendent shall have the authority to require a 2982  
civil and criminal background check of those persons that in the 2983  
determination of the superintendent have the authority to direct 2984  
and control the operations of the applicant. 2985

(4) (a) Notwithstanding division (K) of section 121.08 of 2986  
the Revised Code, the superintendent of financial institutions 2987  
shall obtain a criminal history records check and, as part of 2988  
that records check, request that criminal record information 2989  
from the federal bureau of investigation be obtained. To fulfill 2990  
this requirement, the superintendent shall request the 2991

superintendent of the bureau of criminal identification and 2992  
investigation, or a vendor approved by the bureau, to conduct a 2993  
criminal records check based on the applicant's fingerprints or, 2994  
if the fingerprints are unreadable, based on the applicant's 2995  
social security number, in accordance with section 109.572 of 2996  
the Revised Code. 2997

(b) Any fee required under division (C) (3) of section 2998  
109.572 of the Revised Code shall be paid by the applicant. 2999

(5) If an application for a certificate of registration 3000  
does not contain all of the information required under division 3001  
(A) of this section, and if such information is not submitted to 3002  
the division within ninety days after the superintendent 3003  
requests the information in writing, including by electronic 3004  
transmission or facsimile, the superintendent may consider the 3005  
application withdrawn. 3006

(6) If the division finds that the financial 3007  
responsibility, experience, ~~character~~, and general fitness of 3008  
the applicant command the confidence of the public and warrant 3009  
the belief that the business will be operated honestly and 3010  
fairly in compliance with the purposes of sections 1321.51 to 3011  
1321.60 of the Revised Code and the rules adopted thereunder, 3012  
and that the applicant has the applicable net worth and assets 3013  
required by division (B) of this section, the division shall 3014  
thereupon issue a certificate of registration to the applicant. 3015  
The superintendent shall not use a credit score as the sole 3016  
basis for a registration denial. 3017

(a) (i) Certificates of registration issued on or after 3018  
July 1, 2010, shall annually expire on the thirty-first day of 3019  
December, unless renewed by the filing of a renewal application 3020  
and payment of a three-hundred-dollar nonrefundable annual 3021

registration fee and any assessment as determined by the 3022  
superintendent pursuant to division (A) (6) (a) (ii) of this 3023  
section on or before the last day of December of each year. No 3024  
other fee or assessment shall be required of a registrant by the 3025  
state or any political subdivision of this state. 3026

(ii) If the renewal fees billed by the superintendent 3027  
pursuant to division (A) (6) (a) (i) of this section are less than 3028  
the estimated expenditures of the consumer finance section of 3029  
the division of financial institutions, as determined by the 3030  
superintendent, for the following fiscal year, the 3031  
superintendent may assess each registrant at a rate sufficient 3032  
to equal in the aggregate the difference between the renewal 3033  
fees billed and the estimated expenditures. Each registrant 3034  
shall pay the assessed amount to the superintendent prior to the 3035  
last day of June. In no case shall the assessment exceed ten 3036  
cents per each one hundred dollars of interest (excluding 3037  
charge-off recoveries), points, loan origination charges, and 3038  
credit line charges collected by that registrant during the 3039  
previous calendar year. If such an assessment is imposed, it 3040  
shall not be less than two hundred fifty dollars per registrant 3041  
and shall not exceed thirty thousand dollars less the total 3042  
renewal fees paid pursuant to division (A) (6) (a) (i) of this 3043  
section by each registrant. 3044

(b) Registrants shall timely file renewal applications on 3045  
forms prescribed by the division and provide any further 3046  
information that the division may require. If a renewal 3047  
application does not contain all of the information required 3048  
under this section, and if that information is not submitted to 3049  
the division within ninety days after the superintendent 3050  
requests the information in writing, including by electronic 3051  
transmission or facsimile, the superintendent may consider the 3052



application withdrawn. 3053

(c) Renewal shall not be granted if the applicant's 3054  
certificate of registration is subject to an order of 3055  
suspension, revocation, or an unpaid and past due fine imposed 3056  
by the superintendent. 3057

(d) If the division finds the applicant does not meet the 3058  
conditions set forth in this section, it shall issue a notice of 3059  
intent to deny the application, and forthwith notify the 3060  
applicant of the denial, the grounds for the denial, and the 3061  
applicant's reasonable opportunity to be heard on the action in 3062  
accordance with Chapter 119. of the Revised Code. 3063

(7) If there is a change of five per cent or more in the 3064  
ownership of a registrant, the division may make any 3065  
investigation necessary to determine whether any fact or 3066  
condition exists that, if it had existed at the time of the 3067  
original application for a certificate of registration, the fact 3068  
or condition would have warranted the division to deny the 3069  
application under division (A) (6) of this section. If such a 3070  
fact or condition is found, the division may, in accordance with 3071  
Chapter 119. of the Revised Code, revoke the registrant's 3072  
certificate. 3073

(B) Each registrant that engages in lending under sections 3074  
1321.51 to 1321.60 of the Revised Code shall maintain both of 3075  
the following: 3076

(1) A net worth of at least fifty thousand dollars; 3077

(2) For each certificate of registration, assets of at 3078  
least fifty thousand dollars either in use or readily available 3079  
for use in the conduct of the business. 3080

(C) Not more than one place of business shall be 3081

maintained under the same certificate, but the division may 3082  
issue additional certificates to the same registrant upon 3083  
compliance with sections 1321.51 to 1321.60 of the Revised Code, 3084  
governing the issuance of a single certificate. No change in the 3085  
place of business of a registrant to a location outside the 3086  
original municipal corporation shall be permitted under the same 3087  
certificate without the approval of a new application, the 3088  
payment of the registration fee and, if required by the 3089  
superintendent, the payment of an investigation fee of two 3090  
hundred dollars. When a registrant wishes to change its place of 3091  
business within the same municipal corporation, it shall give 3092  
written notice of the change in advance to the division, which 3093  
shall provide a certificate for the new address without cost. If 3094  
a registrant changes its name, prior to making loans under the 3095  
new name it shall give written notice of the change to the 3096  
division, which shall provide a certificate in the new name 3097  
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 3098  
not limit the loans of any registrant to residents of the 3099  
community in which the registrant's place of business is 3100  
situated. Each certificate shall be kept conspicuously posted in 3101  
the place of business of the registrant and is not transferable 3102  
or assignable. 3103

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 3104  
apply to any of the following: 3105

(1) Entities chartered and lawfully doing business under 3106  
the authority of any law of this state, another state, or the 3107  
United States as a bank, savings bank, trust company, savings 3108  
and loan association, or credit union, or a subsidiary of any 3109  
such entity, which subsidiary is regulated by a federal banking 3110  
agency and is owned and controlled by such a depository 3111  
institution; 3112

(2) Life, property, or casualty insurance companies	3113
licensed to do business in this state;	3114
(3) Any person that is a lender making a loan pursuant to	3115
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of	3116
the Revised Code or a business loan as described in division (B)	3117
(6) of section 1343.01 of the Revised Code;	3118
(4) Any political subdivision, or any governmental or	3119
other public entity, corporation, instrumentality, or agency, in	3120
or of the United States or any state of the United States, or	3121
any entity described in division (B) (3) of section 1343.01 of	3122
the Revised Code;	3123
(5) A college or university, or controlled entity of a	3124
college or university, as those terms are defined in section	3125
1713.05 of the Revised Code.	3126
(E) No person engaged in the business of selling tangible	3127
goods or services related to tangible goods may receive or	3128
retain a certificate under sections 1321.51 to 1321.60 of the	3129
Revised Code for such place of business.	3130
<b>Sec. 1321.64.</b> (A) An application for a license shall	3131
contain an undertaking by the applicant to abide by those	3132
sections. The application shall be in writing, under oath, and	3133
in the form prescribed by the superintendent of financial	3134
institutions, and shall contain any information that the	3135
superintendent may require. Applicants that are foreign	3136
corporations shall obtain and maintain a license pursuant to	3137
Chapter 1703. of the Revised Code before a license is issued or	3138
renewed.	3139
(B) Upon the filing of the application and the payment by	3140
the applicant of a nonrefundable investigation fee of two	3141

hundred dollars, a nonrefundable annual registration fee of 3142  
three hundred dollars, and any additional fee required by the 3143  
NMLSR, the division of financial institutions shall investigate 3144  
the relevant facts. If the application involves investigation 3145  
outside this state, the applicant may be required by the 3146  
division to advance sufficient funds to pay any of the actual 3147  
expenses of the investigation when it appears that these 3148  
expenses will exceed two hundred dollars. An itemized statement 3149  
of any of these expenses which the applicant is required to pay 3150  
shall be furnished to the applicant by the division. A license 3151  
shall not be issued unless all the required fees have been 3152  
submitted to the division. 3153

(C) (1) The investigation undertaken upon receipt of an 3154  
application shall include both a civil and criminal records 3155  
check of any control person. 3156

(2) (a) Notwithstanding division (K) of section 121.08 of 3157  
the Revised Code, the superintendent shall obtain a criminal 3158  
records check on each control person and, as part of that 3159  
records check, request that criminal records information from 3160  
the federal bureau of investigation be obtained. To fulfill this 3161  
requirement, the superintendent shall do either of the 3162  
following: 3163

(i) Request the superintendent of the bureau of criminal 3164  
identification and investigation, or a vendor approved by the 3165  
bureau, to conduct a criminal records check based on the control 3166  
person's fingerprints or, if the fingerprints are unreadable, 3167  
based on the control person's social security number, in 3168  
accordance with section 109.572 of the Revised Code; 3169

(ii) Authorize the NMLSR to request a criminal records 3170  
check of the control person. 3171

(b) Any fee required under division (C) (3) of section 3172  
109.572 of the Revised Code or by the NMLSR shall be paid by the 3173  
applicant. 3174

(D) If an application for a license does not contain all 3175  
of the information required under division (A) of this section, 3176  
and if such information is not submitted to the division or to 3177  
the NMLSR within ninety days after the superintendent or the 3178  
NMLSR requests the information in writing, including by 3179  
electronic transmission or facsimile, the superintendent may 3180  
consider the application withdrawn. 3181

(E) If the superintendent of financial institutions finds 3182  
that the financial responsibility, experience, ~~character,~~ and 3183  
general fitness of the applicant command the confidence of the 3184  
public and warrant the belief that the business will be operated 3185  
honestly and fairly in compliance with the purposes of sections 3186  
1321.62 to 1321.702 of the Revised Code and the rules adopted 3187  
thereunder, and that the applicant has the requisite net worth 3188  
and assets required under section 1321.65 of the Revised Code, 3189  
the superintendent shall issue a license to the applicant. The 3190  
license shall be valid until the thirty-first day of December of 3191  
the year in which it is issued. A person may be licensed under 3192  
both sections 1321.51 to 1321.60 and sections 1321.62 to 3193  
1321.702 of the Revised Code. 3194

(F) If the superintendent finds that the applicant does 3195  
not meet the conditions set forth in this section, the 3196  
superintendent shall issue a notice of intent to deny the 3197  
application, and promptly notify the applicant of the denial, 3198  
the grounds for the denial, and the applicant's reasonable 3199  
opportunity to be heard on the action in accordance with Chapter 3200  
119. of the Revised Code. 3201

**Sec. 1321.74.** (A) Application for a license as a premium 3202  
finance company shall be in writing, under oath, in the form 3203  
prescribed by the division of financial institutions. An 3204  
applicant also shall provide the form of premium finance 3205  
agreement it intends to use in doing business under sections 3206  
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3207  
application and the payment of the license fee, and upon deposit 3208  
of an investigation fee not to exceed three hundred dollars if 3209  
the investigation can be conducted in this state or the 3210  
estimated costs of the investigation if it must be conducted 3211  
outside this state, the division shall make an investigation of 3212  
each applicant and shall issue a license if the applicant is 3213  
qualified in accordance with sections 1321.71 to 1321.83 of the 3214  
Revised Code. An itemized statement of any investigation 3215  
expenses incurred which the applicant is required to pay shall 3216  
be furnished the applicant by the division, and only the actual 3217  
cost of such investigation shall be paid by the applicant, but 3218  
at no time shall the investigation fee be less than two hundred 3219  
dollars. If the division does not so find, it shall, within a 3220  
reasonable period of time after it has received the application, 3221  
at the request of the applicant, give the applicant opportunity 3222  
for a hearing conducted in accordance with Chapter 119. of the 3223  
Revised Code. 3224

(B) (1) The division shall, except as provided in division 3225  
(B) (2) of this section, issue or renew a license when it is 3226  
satisfied that the applicant: 3227

~~(1)~~ (a) Is competent and trustworthy and intends to act in 3228  
good faith in the capacity involved by the license applied for; 3229

~~(2)~~ (b) Has a good business reputation and has had 3230  
experience, training, or education so as to be qualified in the 3231

business for which the license is applied for; 3232

~~(3)~~ (c) If a corporation, is a corporation incorporated 3233  
under the laws of this state or is a foreign corporation 3234  
authorized to transact business in this state; 3235

~~(4)~~ (d) Has a net worth of at least fifty thousand 3236  
dollars, as determined in accordance with generally accepted 3237  
accounting principles; 3238

~~(5)~~ (e) With respect to the issuance of a license, has 3239  
filed with the division a form of premium finance agreement that 3240  
complies with sections 1321.71 to 1321.83 of the Revised Code. 3241

(2) The division shall not refuse to issue a license to an 3242  
applicant because of a criminal conviction unless the refusal is 3243  
in accordance with section 9.79 of the Revised Code. 3244

(C) Not more than one place of business shall be 3245  
maintained under the same license, but the division may issue 3246  
additional licenses to the same licensee upon compliance with 3247  
sections 1321.71 to 1321.83 of the Revised Code. 3248

No change in the place of business of a licensee to a 3249  
location outside the original municipal corporation shall be 3250  
permitted under the same license without the approval of a new 3251  
application, the payment of the license fee as determined by the 3252  
superintendent of financial institutions pursuant to section 3253  
1321.20 of the Revised Code, and, if required by the 3254  
superintendent, the payment of an investigation fee of two 3255  
hundred dollars. If a licensee wishes to change its place of 3256  
business within the same municipal corporation, it shall give 3257  
written notice of the change in advance to the division, which 3258  
shall provide a license for the new address without cost. If a 3259  
licensee changes its name, it shall give, prior to entering into 3260

or otherwise acquiring premium finance agreements under the new 3261  
name, written notice of the change to the division, which shall 3262  
provide a license in the new name, without cost. 3263

Each license shall be kept conspicuously posted in the 3264  
place of business of the licensee and is not transferable or 3265  
assignable. 3266

**Sec. 1322.10.** (A) Upon the conclusion of the investigation 3267  
required under division (B) of section 1322.09 of the Revised 3268  
Code, the superintendent of financial institutions shall issue a 3269  
certificate of registration to the applicant if the 3270  
superintendent finds that the following conditions are met: 3271

(1) The application is accompanied by the application fee 3272  
and any fee required by the nationwide mortgage licensing system 3273  
and registry. 3274

(a) If a check or other draft instrument is returned to 3275  
the superintendent for insufficient funds, the superintendent 3276  
shall notify the applicant by certified mail, return receipt 3277  
requested, that the application will be withdrawn unless the 3278  
applicant, within thirty days after receipt of the notice, 3279  
submits the application fee and a one-hundred-dollar penalty to 3280  
the superintendent. If the applicant does not submit the 3281  
application fee and penalty within that time period, or if any 3282  
check or other draft instrument used to pay the fee or penalty 3283  
is returned to the superintendent for insufficient funds, the 3284  
application shall be withdrawn. 3285

(b) If a check or other draft instrument is returned to 3286  
the superintendent for insufficient funds after the certificate 3287  
of registration has been issued, the superintendent shall notify 3288  
the registrant by certified mail, return receipt requested, that 3289



the certificate of registration issued in reliance on the check 3290  
or other draft instrument will be canceled unless the 3291  
registrant, within thirty days after receipt of the notice, 3292  
submits the application fee and a one-hundred-dollar penalty to 3293  
the superintendent. If the registrant does not submit the 3294  
application fee and penalty within that time period, or if any 3295  
check or other draft instrument used to pay the fee or penalty 3296  
is returned to the superintendent for insufficient funds, the 3297  
certificate of registration shall be canceled immediately 3298  
without a hearing, and the registrant shall cease activity as a 3299  
mortgage broker. 3300

(2) If the application is for a location that is a 3301  
residence, evidence that the use of the residence to transact 3302  
business as a mortgage lender or mortgage broker is not 3303  
prohibited. 3304

(3) The applicant maintains all necessary filings and 3305  
approvals required by the secretary of state. 3306

(4) The applicant complies with the surety bond 3307  
requirements of section 1322.32 of the Revised Code. 3308

(5) The applicant has not made a material misstatement of 3309  
fact or material omission of fact in the application. 3310

(6) Neither the applicant nor any person whose identity is 3311  
required to be disclosed on an application for a certificate of 3312  
registration has had such a certificate of registration or 3313  
mortgage loan originator license, or any comparable authority, 3314  
revoked in any governmental jurisdiction or has pleaded guilty 3315  
or nolo contendere to or been convicted of ~~any of the following~~ 3316  
~~in a domestic, foreign, or military court.~~ 3317

~~(a) During the seven year period immediately preceding the~~ 3318

~~date of application for the certificate of registration, a~~ 3319  
~~misdemeanor involving theft or any felony.~~ 3320

~~(b) At any time prior to the date the application for the~~ 3321  
~~certificate of registration is approved, a felony involving an~~ 3322  
~~act of fraud, dishonesty, a breach of trust, theft, or money~~ 3323  
~~laundering a disqualifying offense as determined in accordance~~ 3324  
~~with section 9.79 of the Revised Code.~~ 3325

(7) The applicant's operations manager successfully 3326  
completed the examination required by section 1322.27 of the 3327  
Revised Code. 3328

(8) The applicant's financial responsibility, experience, 3329  
~~character,~~ and general fitness command the confidence of the 3330  
public and warrant the belief that the business will be operated 3331  
honestly, fairly, and efficiently in compliance with the 3332  
purposes of this chapter and the rules adopted thereunder. The 3333  
superintendent shall not use a credit score or a bankruptcy as 3334  
the sole basis for registration denial. 3335

(B) For purposes of determining whether an applicant that 3336  
is a partnership, corporation, or other business entity or 3337  
association has met the conditions set forth in divisions (A) (6) 3338  
and (8) of this section, the superintendent shall determine 3339  
which partners, shareholders, or persons named in the 3340  
application must meet those conditions. This determination shall 3341  
be based on the extent and nature of the partner's, 3342  
shareholder's, or person's ownership interest in the 3343  
partnership, corporation, or other business entity or 3344  
association that is the applicant and on whether the person is 3345  
in a position to direct, control, or adversely influence the 3346  
operations of the applicant. 3347

(C) The certificate of registration issued pursuant to 3348  
division (A) of this section may be renewed annually on or 3349  
before the thirty-first day of December if the superintendent 3350  
finds that all of the following conditions are met: 3351

(1) The renewal application is accompanied by a 3352  
nonrefundable renewal fee of five hundred dollars for each 3353  
location of an office to be maintained by the applicant in 3354  
accordance with division (A) of section 1322.07 of the Revised 3355  
Code and any fee required by the nationwide mortgage licensing 3356  
system and registry. If a check or other draft instrument is 3357  
returned to the superintendent for insufficient funds, the 3358  
superintendent shall notify the registrant by certified mail, 3359  
return receipt requested, that the certificate of registration 3360  
renewed in reliance on the check or other draft instrument will 3361  
be canceled unless the registrant, within thirty days after 3362  
receipt of the notice, submits the renewal fee and a one- 3363  
hundred-dollar penalty to the superintendent. If the registrant 3364  
does not submit the renewal fee and penalty within that time 3365  
period, or if any check or other draft instrument used to pay 3366  
the fee or penalty is returned to the superintendent for 3367  
insufficient funds, the certificate of registration shall be 3368  
canceled immediately without a hearing and the registrant shall 3369  
cease activity as a mortgage broker. 3370

(2) The operations manager designated under section 3371  
1322.12 of the Revised Code has completed at least eight hours 3372  
of continuing education as required under section 1322.28 of the 3373  
Revised Code. 3374

(3) The applicant meets the conditions set forth in 3375  
divisions (A) ~~(2) to~~, (3), (4), (5), (7), and (8) of this 3376  
section. 3377

(4) Neither the applicant nor any person whose identity is 3378  
required to be disclosed on the renewal application has had a 3379  
certificate of registration or mortgage loan originator license, 3380  
or any comparable authority, revoked in any governmental 3381  
jurisdiction or has pleaded guilty or nolo contendere to or been 3382  
convicted of any of the following in a domestic, foreign, or 3383  
military court: 3384

(a) During the seven-year period immediately preceding the 3385  
date of the renewal application but excluding any time before 3386  
the certificate of registration was issued, a misdemeanor 3387  
involving theft or any felony; 3388

(b) At any time between the date of the original 3389  
certificate of registration and the date of the renewal 3390  
application, a felony involving an act of fraud, dishonesty, a 3391  
breach of trust, theft, or money laundering. 3392

(5) The applicant's certificate of registration is not 3393  
subject to an order of suspension or an unpaid and past due fine 3394  
imposed by the superintendent. 3395

(D) (1) Subject to division (D) (2) of this section, if a 3396  
renewal fee or additional fee required by the nationwide 3397  
mortgage licensing system and registry is received by the 3398  
superintendent after the thirty-first day of December, the 3399  
certificate of registration shall not be considered renewed, and 3400  
the applicant shall cease activity as a mortgage lender or 3401  
mortgage broker. 3402

(2) Division (D) (1) of this section shall not apply if the 3403  
applicant, not later than forty-five days after the renewal 3404  
deadline, submits the renewal fee or additional fee and a one- 3405  
hundred-dollar penalty to the superintendent. 3406

(E) Certificates of registration issued under this chapter 3407  
annually expire on the thirty-first day of December. 3408

(F) The pardon or expungement of a conviction shall not be 3409  
considered a conviction for purposes of this section. ~~When~~ 3410  
~~determining the eligibility of an applicant, the superintendent~~ 3411  
~~may consider the underlying crime, facts, or circumstances~~ 3412  
~~connected with a pardoned or expunged conviction.~~ 3413

**Sec. 1322.21.** (A) Upon the conclusion of the investigation 3414  
required under division (C) of section 1322.20 of the Revised 3415  
Code, the superintendent of financial institutions shall issue a 3416  
mortgage loan originator license to the applicant if the 3417  
superintendent finds that the following conditions are met: 3418

(1) The application is accompanied by the application fee 3419  
and any fee required by the nationwide mortgage licensing system 3420  
and registry. 3421

(a) If a check or other draft instrument is returned to 3422  
the superintendent for insufficient funds, the superintendent 3423  
shall notify the applicant by certified mail, return receipt 3424  
requested, that the application will be withdrawn unless the 3425  
applicant, within thirty days after receipt of the notice, 3426  
submits the application fee and a one-hundred-dollar penalty to 3427  
the superintendent. If the applicant does not submit the 3428  
application fee and penalty within that time period, or if any 3429  
check or other draft instrument used to pay the fee or penalty 3430  
is returned to the superintendent for insufficient funds, the 3431  
application shall be withdrawn. 3432

(b) If a check or other draft instrument is returned to 3433  
the superintendent for insufficient funds after the license has 3434  
been issued, the superintendent shall notify the licensee by 3435

certified mail, return receipt requested, that the license 3436  
issued in reliance on the check or other draft instrument will 3437  
be canceled unless the licensee, within thirty days after 3438  
receipt of the notice, submits the application fee and a one- 3439  
hundred-dollar penalty to the superintendent. If the licensee 3440  
does not submit the application fee and penalty within that time 3441  
period, or if any check or other draft instrument used to pay 3442  
the fee or penalty is returned to the superintendent for 3443  
insufficient funds, the license shall be canceled immediately 3444  
without a hearing, and the licensee shall cease activity as a 3445  
loan originator. 3446

(2) The applicant has not made a material misstatement of 3447  
fact or material omission of fact in the application. 3448

(3) The applicant has not been convicted of or pleaded 3449  
guilty or nolo contendere to ~~any of the following in a domestic,~~ 3450  
~~foreign, or military court:~~ 3451

~~(a) During the seven year period immediately preceding the~~ 3452  
~~date of application for the license, a misdemeanor involving~~ 3453  
~~theft or any felony;~~ 3454

~~(b) At any time prior to the date the application for the~~ 3455  
~~license is approved, a felony involving an act of fraud,~~ 3456  
~~dishonesty, a breach of trust, theft, or money laundering a~~ 3457  
disqualifying offense as determined in accordance with section 3458  
9.79 of the Revised Code. 3459

(4) The applicant completed the prelicensing instruction 3460  
set forth in division (B) of section 1322.20 of the Revised 3461  
Code. 3462

(5) The applicant's financial responsibility, ~~character,~~ 3463  
and general fitness command the confidence of the public and 3464

warrant the belief that the business will be operated honestly 3465  
and fairly in compliance with the purposes of this chapter. The 3466  
superintendent shall not use a credit score or bankruptcy as the 3467  
sole basis for a license denial. 3468

(6) The applicant is in compliance with the surety bond 3469  
requirements of section 1322.32 of the Revised Code. 3470

(7) The applicant has not had a mortgage loan originator 3471  
license, or comparable authority, revoked in any governmental 3472  
jurisdiction. 3473

(B) The license issued under division (A) of this section 3474  
may be renewed annually on or before the thirty-first day of 3475  
December if the superintendent finds that all of the following 3476  
conditions are met: 3477

(1) The renewal application is accompanied by a 3478  
nonrefundable renewal fee of one hundred fifty dollars and any 3479  
fee required by the nationwide mortgage licensing system and 3480  
registry. If a check or other draft instrument is returned to 3481  
the superintendent for insufficient funds, the superintendent 3482  
shall notify the licensee by certified mail, return receipt 3483  
requested, that the license renewed in reliance on the check or 3484  
other draft instrument will be canceled unless the licensee, 3485  
within thirty days after receipt of the notice, submits the 3486  
renewal fee and a one-hundred-dollar penalty to the 3487  
superintendent. If the licensee does not submit the renewal fee 3488  
and penalty within that time period, or if any check or other 3489  
draft instrument used to pay the fee or penalty is returned to 3490  
the superintendent for insufficient funds, the license shall be 3491  
canceled immediately without a hearing, and the licensee shall 3492  
cease activity as a loan originator. 3493

(2) The applicant has completed at least eight hours of continuing education as required under section 1322.28 of the Revised Code.

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

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

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

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

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

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

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



(D) Mortgage originator licenses annually expire on the	3523
thirty-first day of December.	3524
(E) The pardon or expungement of a conviction shall not be	3525
considered a conviction for purposes of this section. When	3526
determining the eligibility of an applicant, the superintendent	3527
may consider the underlying crime, facts, or circumstances	3528
connected with a pardoned or expunged conviction.	3529
<b>Sec. 1322.24.</b> (A) As used in this section:	3530
(1) "Out-of-state mortgage loan originator" means an	3531
individual to whom both of the following apply:	3532
(a) The individual holds a valid mortgage loan originator	3533
license, or comparable authority, issued pursuant to the law of	3534
any other state of the United States.	3535
(b) The individual is registered, fingerprinted, and	3536
maintains a unique identifier through the nationwide mortgage	3537
licensing system and registry.	3538
(2) "Sponsor" means a registrant that employs or is	3539
associated with an applicant for a temporary mortgage loan	3540
originator license and, during the term of the applicant's	3541
temporary license, covers the applicant under its corporate	3542
surety bond or requires the applicant to obtain and maintain a	3543
corporate surety bond.	3544
(B) The superintendent of financial institutions may, in	3545
accordance with this section, issue to an out-of-state mortgage	3546
loan originator a temporary mortgage loan originator license	3547
that enables the licensee to engage in the business of a	3548
mortgage loan originator while the individual completes the	3549
requirements necessary to meet the conditions set forth in	3550
section 1322.21 of the Revised Code for a mortgage loan	3551

originator license. A temporary mortgage loan originator license 3552  
shall be valid for a term of not more than one hundred twenty 3553  
days from the date of issuance. A temporary mortgage loan 3554  
originator license may not be renewed. 3555

(C) An application for a temporary mortgage loan 3556  
originator license shall be in writing, under oath, and in a 3557  
form that meets the requirements of the nationwide mortgage 3558  
licensing system and registry. The application shall be 3559  
accompanied by a nonrefundable application fee, the amount of 3560  
which shall be determined by the superintendent in rule, and a 3561  
certification that, as of the date of application, the applicant 3562  
meets the following conditions: 3563

(1) The applicant has at least two years of experience in 3564  
the field of residential mortgage lending in the five years 3565  
immediately preceding the date of application for the temporary 3566  
mortgage loan originator license. 3567

(2) The applicant has not previously applied for a 3568  
temporary mortgage loan originator license in this state. 3569

(3) The applicant has not had a mortgage loan originator 3570  
license, or comparable authority, revoked in any governmental 3571  
jurisdiction. For purposes of division (C)(3) of this section, a 3572  
subsequent formal vacation of such a revocation shall not be 3573  
considered a revocation. 3574

(4) The applicant has not been convicted of, or pleaded 3575  
guilty or nolo contendere to, ~~any of the following in a~~ 3576  
~~domestic, foreign, or military court:~~ 3577

~~(a) During the seven-year period immediately preceding the~~ 3578  
~~date of application, a misdemeanor involving theft or any~~ 3579  
~~felony;~~ 3580

~~(b) At any time prior to the date of application, a felony~~ 3581  
~~involving an act of fraud, dishonesty, a breach of trust, theft,~~ 3582  
~~or money laundering, a disqualifying offense as determined in~~ 3583  
accordance with section 9.79 of the Revised Code. 3584

For purposes of division (C) (4) of this section, any 3585  
conviction for which the applicant has received a pardon shall 3586  
not be considered a conviction. 3587

(D) The superintendent shall issue a temporary mortgage 3588  
loan originator license to the applicant if the superintendent 3589  
finds that all of the following conditions are met: 3590

(1) The application is accompanied by the application fee 3591  
and the certification described in division (C) of this section. 3592

(2) The applicant is registered, fingerprinted, and has a 3593  
valid unique identifier through the nationwide mortgage 3594  
licensing system and registry as of the date of application. 3595

(3) The applicant has authorized the nationwide mortgage 3596  
licensing system and registry to obtain a credit report for 3597  
submission to the superintendent. 3598

(4) The applicant has a sponsor that certifies employment 3599  
of, or association with, the applicant and has signed the 3600  
application. 3601

(E) The sponsor of a temporary licensee shall have an 3602  
affirmative duty to supervise the conduct of the temporary 3603  
licensee in the same manner as is required of its other 3604  
licensees. If the temporary licensee's employment or association 3605  
with the sponsor is terminated, the sponsor shall notify the 3606  
division of financial institutions of the termination through 3607  
the nationwide mortgage licensing system and registry. Upon the 3608  
division's receipt of the notice, the sponsor shall no longer be 3609

held responsible for the conduct of the temporary licensee. 3610

**Sec. 1533.342.** (A) The chief of the division of wildlife, 3611  
with the approval of the wildlife council, may limit the type 3612  
and number of commercial fishing licenses to be issued for 3613  
fishing in the Lake Erie fishing district and other water 3614  
wherein nets are licensed by law, except that such limitations 3615  
shall not prohibit any person who was issued an Ohio commercial 3616  
fishing license in the prior fishing season from being issued, 3617  
upon satisfaction of the qualifications established in division 3618  
(C) of this section and proper application, a license of the 3619  
same type for the current fishing season unless the issuance of 3620  
such a license is prohibited by this chapter or Chapter 1531. of 3621  
the Revised Code or division rule. 3622

In limiting the number and type of licenses, the chief and 3623  
the council shall give consideration to the number and type of 3624  
licenses needed to harvest the fish determined to be 3625  
harvestable; the capacity of the boats and characteristics of 3626  
the equipment owned or used by the applicant; and any other 3627  
facts or data relating to the protection, preservation, 3628  
management, and utilization of fish species in a biologically 3629  
sound manner. 3630

(B) The chief, in prescribing forms for license 3631  
applications, may require the applicant to list information 3632  
relating to the kind and condition of boats and fishing 3633  
equipment proposed to be used by the applicant, port or ports of 3634  
entry, years of commercial fishing experience, quantity and 3635  
kinds of fish taken during the previous five years, conviction 3636  
records relating to Chapter 1531. and this chapter of the 3637  
Revised Code and division rules, and any other facts the chief 3638  
determines necessary to assist the chief in determining whether 3639

or not the applicant may engage in commercial fishing in 3640  
accordance with those chapters and division rules. All questions 3641  
shall be answered fully and completely by the applicant. The 3642  
application shall be sworn to and signed by the applicant before 3643  
a person authorized to administer oaths. 3644

(C) Any person, prior to making application for an Ohio 3645  
commercial fishing license, first shall satisfy the following 3646  
qualifications to the satisfaction of the chief: over eighteen 3647  
years of age; no prior conviction of or plea of guilty on or 3648  
after ~~the effective date of this amendment~~ October 10, 2007, to 3649  
a ~~felony concerning commercial fishing activities for a~~ 3650  
~~violation of state or federal law~~ disqualifying offense as 3651  
determined in accordance with section 9.79 of the Revised Code; 3652  
ninety days Ohio residency immediately preceding application; 3653  
two years commercial fishing gear experience or holder of an 3654  
Ohio commercial license of another gear; and posting of a one 3655  
thousand dollar performance bond or cash deposit in a like 3656  
amount. In the event the person does not meet these pre- 3657  
application qualifications or does meet those qualifications, 3658  
but a license is not granted, the bond or cash deposit 3659  
immediately shall be returned by the division. In the event the 3660  
person is granted a license, the bond or cash deposit shall be 3661  
held by the division during the term of the license. 3662

(D) In determining the terms and conditions of any 3663  
commercial fishing license, the chief, with the approval of the 3664  
wildlife council, may do both of the following: 3665

(1) Fix by species, the weight, number, or size of fish to 3666  
be taken; 3667

(2) Specify the home port and up to two alternate ports at 3668  
which the licensee shall land the licensee's catch, as listed on 3669

the licensee's application. 3670

(E) Any wildlife officer, or other division employee 3671  
designated by the chief to inspect commercial fishing 3672  
operations, may enter upon any property used, owned, or leased 3673  
by the holder of a commercial fishing license and may inspect 3674  
any boat, net, seine, or other equipment used in commercial 3675  
fishing; any building or premises used to hold, store, repair, 3676  
or build commercial fishing gear or equipment; and any building 3677  
or premises used in boxing, storing, or processing fish. No 3678  
person shall assault, threaten, abuse, or interfere with any 3679  
wildlife officer or designated inspector when carrying out an 3680  
inspection under authority of this section, nor shall any person 3681  
prohibit such an inspection. 3682

(F) No person shall fail to comply with this section or a 3683  
division rule adopted pursuant thereto. 3684

(G) No person having been issued a commercial fishing 3685  
license shall fail to comply with all terms, specifications, and 3686  
conditions set forth in the license. 3687

(H) (1) In addition to other penalties provided in the 3688  
Revised Code, the license of any person who is convicted of 3689  
assaulting, threatening, abusing, or interfering with any person 3690  
inspecting by authority of this section is suspended upon such 3691  
conviction by operation of law for a period of eighteen fishing 3692  
season months immediately following that conviction. 3693

(2) In addition to other penalties provided in the Revised 3694  
Code, the license of any person who is convicted of two 3695  
violations of provisions of this section relating to inspection 3696  
or terms and conditions of any commercial fishing license that 3697  
occurred within a twelve-month period is suspended upon the 3698

second such conviction by operation of law for a period of sixty 3699  
fishing season days immediately following that conviction. 3700

(3) In addition to other penalties provided in the Revised 3701  
Code, the license of any person who is convicted of three or 3702  
more violations of provisions of this section relating to 3703  
inspection or terms and conditions of any commercial fishing 3704  
licenses that occurred within a twelve-month period is suspended 3705  
upon the third or subsequent such conviction by operation of law 3706  
for a period of eighteen fishing season months immediately 3707  
following that conviction. 3708

(I) During any period of suspension, no person shall use 3709  
or engage in fishing with commercial gear owned, used, or 3710  
controlled at the time of conviction by the licensee whose 3711  
license has been suspended. 3712

**Sec. 1533.631.** Any person may apply for a permit to handle 3713  
commercial fish, or other fish that may be bought or sold under 3714  
the Revised Code or division rule, at wholesale. Prior to making 3715  
application for such a permit, a person first shall satisfy the 3716  
following qualifications to the satisfaction of the chief of the 3717  
division of wildlife: over eighteen years of age, no prior 3718  
conviction of or plea of guilty on or after ~~the effective date~~ 3719  
~~of this amendment October 10, 2007,~~ to a ~~felony concerning~~ 3720  
~~commercial fishing activities for a violation of state or~~ 3721  
~~federal law~~ disqualifying offense as determined in accordance 3722  
with section 9.79 of the Revised Code, and ninety days Ohio 3723  
residency immediately preceding application. The chief shall 3724  
issue an annual permit granting the applicant the privilege to 3725  
handle such fish at wholesale at one or more designated premises 3726  
upon satisfaction of the pre-application qualifications, filing 3727  
of an application on a form prescribed by the chief, and payment 3728

of a fee of sixty-five dollars. No person or a person's agent 3729  
shall handle at wholesale any fresh water fish or part thereof 3730  
unless a permit has been issued for the calendar year in which 3731  
the fish is handled at wholesale for the premises at which the 3732  
fish is handled. 3733

A fish is handled at wholesale for purposes of this 3734  
section when it is on a premises within the state and is being 3735  
held, stored, handled, or processed for the purpose of sale to a 3736  
person who resells the fish. 3737

The permit required by this section shall be issued 3738  
subject to the right of entry and inspection of the designated 3739  
premises of the permittee by any law enforcement officer 3740  
authorized by section 1531.13 of the Revised Code to enforce the 3741  
laws and rules of the division of wildlife. Such an officer may 3742  
enter and inspect the designated premises and any box, package, 3743  
or receptacle, and the contents thereof, for the purpose of 3744  
determining whether any provision of this chapter or Chapter 3745  
1531. of the Revised Code or division rule is being violated. 3746

No person holding a permit under this section shall remove 3747  
a label required by section 1533.301 of the Revised Code unless 3748  
the box, package, or receptacle bearing the label has been 3749  
opened or unless the label is replaced with another label that 3750  
meets the requirements of that section. 3751

No person shall fail to comply with any provision of this 3752  
section or division rule adopted pursuant to it. 3753

**Sec. 1546.16.** The chief of the division of parks and 3754  
watercraft shall issue pilot licenses and engineer licenses to 3755  
all persons employed by a boat owner or operator to act as pilot 3756  
or engineer on any boat carrying passengers for hire on 3757



reservoir parks or other bodies of water under the supervision 3758  
and control of the division. The applicant for such license 3759  
shall be over eighteen years of age ~~and of good character~~. The 3760  
violation of any of the sections of the Revised Code relating to 3761  
reservoir parks or other bodies of water under supervision and 3762  
control of the division or any rule or regulation of the 3763  
division for the management of such reservoir parks or other 3764  
bodies of water shall be cause for the chief to revoke such 3765  
license. 3766

**Sec. 1561.12.** An applicant for any examination or 3767  
certificate under this section shall, before being examined, 3768  
register the applicant's name with the chief of the division of 3769  
mineral resources management and file with the chief an 3770  
affidavit as to all matters of fact establishing the applicant's 3771  
right to receive the examination, ~~a certificate of good~~ 3772  
~~character and temperate habits signed by at least three~~ 3773  
~~reputable citizens of the community in which the applicant~~ 3774  
~~resides,~~ and a certificate from a reputable and disinterested 3775  
physician as to the physical condition of the applicant showing 3776  
that the applicant is physically capable of performing the 3777  
duties of the office or position. 3778

Each applicant for examination for any of the following 3779  
positions shall present evidence satisfactory to the chief that 3780  
the applicant has been a resident and citizen of this state for 3781  
two years next preceding the date of application: 3782

(A) An applicant for the position of deputy mine inspector 3783  
of underground mines shall have had actual practical experience 3784  
of not less than six years, at least two of which shall have 3785  
been in the underground workings of mines in this state. In the 3786  
case of an applicant who would inspect underground coal mines, 3787

the two years shall consist of actual practical experience in 3788  
underground coal mines. In the case of an applicant who would 3789  
inspect noncoal mines, the two years shall consist of actual 3790  
practical experience in noncoal mines. In lieu of two years of 3791  
the actual practical experience required, the chief may accept 3792  
as the equivalent thereof a certificate evidencing graduation 3793  
from an accredited school of mines or mining, after a four-year 3794  
course of study, but such credit shall not apply as to the two 3795  
years' actual practical experience required in the mines in this 3796  
state. 3797

The applicant shall pass an examination as to the 3798  
applicant's practical and technological knowledge of mine 3799  
surveying, mining machinery, and appliances; the proper 3800  
development and operation of mines; the best methods of working 3801  
and ventilating mines; the nature, properties, and powers of 3802  
noxious, poisonous, and explosive gases, particularly methane; 3803  
the best means and methods of detecting, preventing, and 3804  
removing the accumulation of such gases; the use and operation 3805  
of gas detecting devices and appliances; first aid to the 3806  
injured; and the uses and dangers of electricity as applied and 3807  
used in, at, and around mines. The applicant shall also hold a 3808  
certificate for foreperson of gaseous mines issued by the chief. 3809

(B) An applicant for the position of deputy mine inspector 3810  
of surface mines shall have had actual practical mining 3811  
experience of not less than six years, at least two of which 3812  
shall have been in surface mines in this state. In lieu of two 3813  
years of the actual practical experience required, the chief may 3814  
accept as the equivalent thereof a certificate evidencing 3815  
graduation from an accredited school of mines or mining, after a 3816  
four-year course of study, but that credit shall not apply as to 3817  
the two years' actual practical experience required in the mines 3818

in this state. The applicant shall pass an examination as to the 3819  
applicant's practical and technological knowledge of surface 3820  
mine surveying, machinery, and appliances; the proper 3821  
development and operations of surface mines; first aid to the 3822  
injured; and the use and dangers of explosives and electricity 3823  
as applied and used in, at, and around surface mines. The 3824  
applicant shall also hold a surface mine foreperson certificate 3825  
issued by the chief. 3826

(C) An applicant for the position of electrical inspector 3827  
shall have had at least five years' practical experience in the 3828  
installation and maintenance of electrical circuits and 3829  
equipment in mines, and the applicant shall be thoroughly 3830  
familiar with the principles underlying the safety features of 3831  
permissible and approved equipment as authorized and used in 3832  
mines. 3833

The applicant shall be required to pass the examination 3834  
required for deputy mine inspectors and an examination testing 3835  
and determining the applicant's qualification and ability to 3836  
competently inspect and administer the mining law that relates 3837  
to electricity used in and around mines and mining in this 3838  
state. 3839

(D) An applicant for the position of superintendent or 3840  
assistant superintendent of rescue stations shall possess the 3841  
same qualifications as those required for a deputy mine 3842  
inspector. In addition, the applicant shall present evidence 3843  
satisfactory to the chief that the applicant is sufficiently 3844  
qualified and trained to organize, supervise, and conduct group 3845  
training classes in first aid, safety, and rescue work. 3846

The applicant shall pass the examination required for 3847  
deputy mine inspectors and shall be tested as to the applicant's 3848

practical and technological experience and training in first 3849  
aid, safety, and mine rescue work. 3850

(E) An applicant for the position of mine chemist shall 3851  
have such educational training as is represented by the degree 3852  
MS in chemistry from a university of recognized standing, and at 3853  
least five years of actual practical experience in research work 3854  
in chemistry or as an assistant chemist. The chief may provide 3855  
that an equivalent combination of education and experience 3856  
together with a wide knowledge of the methods of and skill in 3857  
chemical analysis and research may be accepted in lieu of the 3858  
above qualifications. It is preferred that the chemist shall 3859  
have had actual experience in mineralogy and metallurgy. 3860

**Sec. 1561.23.** The chief of the division of mineral 3861  
resources management shall issue the following certificates to 3862  
those applicants who pass their examination: 3863

- (A) Certificates for mine forepersons of gaseous mines; 3864
- (B) Certificates for mine forepersons of nongaseous mines; 3865
- (C) Certificates for forepersons of gaseous mines; 3866
- (D) Certificates for forepersons of nongaseous mines; 3867
- (E) Certificates for forepersons of surface maintenance 3868  
facilities of underground or surface mines; 3869
- (F) Certificates for mine forepersons of surface mines; 3870
- (G) Certificates for forepersons of surface mines; 3871
- (H) Certificates for fire bosses; 3872
- (I) Certificates for mine electricians; 3873
- (J) Certificates for surface mine blasters; 3874

(K) Certificates for shot firers. 3875

Applicants for certificates shall make application to the 3876  
chief, on a form provided by the chief, for examination. All 3877  
applicants shall be able to read and write the English language 3878  
intelligently, and shall furnish the chief with a certificate as 3879  
to ~~their character, the~~ length and description of their 3880  
practical experience, and satisfactory evidence of their ability 3881  
to perform the duties of the position for which they make 3882  
application for examination. 3883

Except as provided in sections 1561.16 and 1561.17 of the 3884  
Revised Code, any certificate issued by the former mine 3885  
examining board prior to October 29, 1995, shall remain in 3886  
effect notwithstanding the new classifications of certificates 3887  
established by this section. 3888

**Sec. 1571.012.** An applicant for the position of gas 3889  
storage well inspector shall register the applicant's name with 3890  
the chief of the division of oil and gas resources management 3891  
and file with the chief an affidavit as to all matters of fact 3892  
establishing the applicant's right to take the examination for 3893  
that position, ~~a certificate of good character and temperate~~ 3894  
~~habits signed by at least three reputable citizens of the~~ 3895  
~~community in which the applicant resides,~~ and a certificate from 3896  
a reputable and disinterested physician as to the physical 3897  
condition of the applicant showing that the applicant is 3898  
physically capable of performing the duties of the position. The 3899  
applicant also shall present evidence satisfactory to the chief 3900  
that the applicant has been a resident and citizen of this state 3901  
for at least two years next preceding the date of application. 3902

An applicant shall possess the same qualifications as an 3903  
applicant for the position of deputy mine inspector established 3904

in section 1561.12 of the Revised Code. In addition, the 3905  
applicant shall have practical knowledge and experience of and 3906  
in the operation, location, drilling, maintenance, and 3907  
abandonment of oil and gas wells, especially in coal or mineral 3908  
bearing townships, and shall have a thorough knowledge of the 3909  
latest and best method of plugging and sealing abandoned oil and 3910  
gas wells. 3911

An applicant for gas storage well inspector shall pass an 3912  
examination conducted by the chief to determine the applicant's 3913  
fitness to act as gas storage well inspector before being 3914  
eligible for appointment. 3915

**Sec. 1707.19.** (A) (1) An original license, or a renewal 3916  
thereof, applied for by a dealer or salesperson of securities, 3917  
or by an investment adviser, investment adviser representative, 3918  
bureau of workers' compensation chief investment officer, or 3919  
state retirement system investment officer, may, except as 3920  
provided in division (A)(2) of this section, be refused, and any 3921  
such license granted may be suspended and, after notice and 3922  
hearing in accordance with Chapter 119. of the Revised Code, may 3923  
be revoked, by the division of securities, if the division 3924  
determines that the applicant or the licensed dealer, 3925  
salesperson, investment adviser, investment adviser 3926  
representative, bureau of workers' compensation chief investment 3927  
officer, or state retirement system investment officer: 3928

~~(1)~~ (a) Is not of good business repute; 3929

~~(2)~~ (b) Is conducting an illegitimate or fraudulent 3930  
business; 3931

~~(3)~~ (c) Is, in the case of a dealer or investment adviser, 3932  
insolvent; 3933

~~(4)~~ (d) Has knowingly violated any provision of sections 3934  
1707.01 to 1707.45 of the Revised Code, or any regulation or 3935  
order made thereunder; 3936

~~(5)~~ (e) Has knowingly made a false statement of a material 3937  
fact or an omission of a material fact in an application for a 3938  
license, in a description or application that has been filed, or 3939  
in any statement made to the division under such sections; 3940

~~(6)~~ (f) Has refused to comply with any lawful order or 3941  
requirement of the division under section 1707.23 of the Revised 3942  
Code; 3943

~~(7)~~ (g) Has been guilty of any fraudulent act in 3944  
connection with the sale of any securities or in connection with 3945  
acting as an investment adviser, investment adviser 3946  
representative, bureau of workers' compensation chief investment 3947  
officer, or state retirement system investment officer; 3948

~~(8)~~ (h) Conducts business in purchasing or selling 3949  
securities at such variations from the existing market as in the 3950  
light of all the circumstances are unconscionable; 3951

~~(9)~~ (i) Conducts business in violation of such rules and 3952  
regulations as the division prescribes for the protection of 3953  
investors, clients, or prospective clients; 3954

~~(10)~~ (a) (j) Has failed to furnish to the division any 3955  
information with respect to the purchases or sales of securities 3956  
within this state that may be reasonably requested by the 3957  
division as pertinent to the protection of investors in this 3958  
state. 3959

~~(b)~~ (k) Has failed to furnish to the division any 3960  
information with respect to acting as an investment adviser, 3961  
investment adviser representative, bureau of workers' 3962

compensation chief investment officer, or state retirement 3963  
system investment officer within this state that may be 3964  
reasonably requested by the division. 3965

(2) The division of securities shall not refuse to issue 3966  
an original license to an applicant under division (A) (1) of 3967  
this section because of a criminal conviction unless the refusal 3968  
is in accordance with section 9.79 of the Revised Code. 3969

(B) For the protection of investors the division may 3970  
prescribe reasonable rules defining fraudulent, evasive, 3971  
deceptive, or grossly unfair practices or devices in the 3972  
purchase or sale of securities. 3973

(C) For the protection of investors, clients, or 3974  
prospective clients, the division may prescribe reasonable rules 3975  
regarding the acts and practices of an investment adviser or an 3976  
investment adviser representative. 3977

(D) Pending any investigation or hearing provided for in 3978  
sections 1707.01 to 1707.45 of the Revised Code, the division 3979  
may order the suspension of any dealer's, salesperson's, 3980  
investment adviser's, investment adviser representative's, 3981  
bureau of workers' compensation chief investment officer's, or 3982  
state retirement system investment officer's license by 3983  
notifying the party concerned of such suspension and the cause 3984  
for it. If it is a salesperson whose license is suspended, the 3985  
division shall also notify the dealer employing the salesperson. 3986  
If it is an investment adviser representative whose license is 3987  
suspended, the division also shall notify the investment adviser 3988  
with whom the investment adviser representative is employed or 3989  
associated. If it is a state retirement system investment 3990  
officer whose license is suspended, the division shall also 3991  
notify the state retirement system with whom the state 3992



retirement system investment officer is employed. If it is a 3993  
bureau of workers' compensation chief investment officer whose 3994  
license is suspended, the division shall also notify the bureau 3995  
of workers' compensation. 3996

(E) (1) The suspension or revocation of the dealer's 3997  
license suspends the licenses of all the dealer's salespersons. 3998

(2) The suspension or revocation of the investment 3999  
adviser's license suspends the licenses of all the investment 4000  
adviser's investment adviser representatives. The suspension or 4001  
revocation of an investment adviser's registration under section 4002  
203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, 4003  
suspends the licenses of all the investment adviser's investment 4004  
adviser representatives. 4005

(F) It is sufficient cause for refusal, revocation, or 4006  
suspension of the license in case of a partnership, partnership 4007  
association, corporation, or unincorporated association if any 4008  
general partner of the partnership, manager of the partnership 4009  
association, or executive officer of the corporation or 4010  
unincorporated association is not of good business repute or has 4011  
been guilty of any act or omission which would be cause for 4012  
refusing or revoking the license of an individual dealer, 4013  
salesperson, investment adviser, or investment adviser 4014  
representative. 4015

**Sec. 1716.05.** (A) No person shall act as a fund-raising 4016  
counsel unless the person first has complied with the 4017  
requirements of this chapter and any rules adopted under this 4018  
chapter. 4019

(B) Any fund-raising counsel that at any time has custody 4020  
of contributions from a solicitation shall do all of the 4021

following: 4022

(1) Register with the attorney general. Applications for 4023  
registration or renewal of registration shall be in writing, 4024  
under oath, and in the form prescribed by the attorney general, 4025  
and shall be accompanied by a fee in the amount of two hundred 4026  
dollars. Any corporation, partnership, association, or other 4027  
entity that intends to act as a fund-raising counsel may 4028  
register for and pay a single fee of two hundred dollars on 4029  
behalf of all its members, officers, employees, and agents. In 4030  
that case, the names and addresses of all the officers, 4031  
employees, and agents of the fund-raising counsel and all other 4032  
persons with whom the fund-raising counsel has contracted to 4033  
work under its direction shall be listed in the application. The 4034  
application shall contain any other information that the 4035  
attorney general may require. The registration or renewal of 4036  
registration shall be for a period of one year or part of one 4037  
year and shall expire on the thirty-first day of March of each 4038  
year. All fees prescribed in this division shall be paid into 4039  
the state treasury to the credit of the charitable law fund 4040  
established under section 109.32 of the Revised Code. 4041

(2) At the time of making an application for registration 4042  
or renewal of registration, file with and have approved by the 4043  
attorney general a bond in which the fund-raising counsel shall 4044  
be the principal obligor, in the sum of twenty-five thousand 4045  
dollars, with one or more sureties authorized to do business in 4046  
this state. The fund-raising counsel shall maintain the bond in 4047  
effect as long as the registration is in effect; however, the 4048  
liability of the surety under the bond shall not exceed an all- 4049  
time aggregate liability of twenty-five thousand dollars. The 4050  
bond, which may be in the form of a rider to a larger blanket 4051  
liability bond, shall run to the state and to any person who may 4052

have a cause of action against the principal obligor of the bond 4053  
for any liability arising out of a violation by the obligor of 4054  
any provision of this chapter or any rule adopted pursuant to 4055  
this chapter. 4056

(3) Not later than ninety days after a solicitation 4057  
campaign has been completed and on the anniversary of the 4058  
commencement of a solicitation campaign lasting more than one 4059  
year, furnish an accounting of all contributions collected and 4060  
expenses paid, to the charitable organization with which the 4061  
fund-raising counsel has contracted. The accounting shall be in 4062  
writing and shall be retained by the charitable organization for 4063  
three years. The fund-raising counsel shall file a copy of the 4064  
accounting with the attorney general not later than seven days 4065  
after it is furnished to the charitable organization. 4066

(4) Not later than two days after receipt of each 4067  
contribution, deposit the entire amount of the contribution in 4068  
an account at a bank or other federally insured financial 4069  
institution which shall be in the name of the charitable 4070  
organization with which the fund-raising counsel has contracted. 4071  
Each contribution collected by the fund-raising counsel shall be 4072  
solely in the name of that charitable organization. The 4073  
charitable organization shall have sole control of all 4074  
withdrawals from the account and the fund-raising counsel shall 4075  
not be given the authority to withdraw any deposited funds from 4076  
the account. 4077

(5) During each solicitation campaign and for not less 4078  
than three years after its completion, maintain the following 4079  
records that shall be made available to the attorney general 4080  
upon the attorney general's request: 4081

(a) A record of each contribution that at any time is in 4082

the custody of the fund-raising counsel, including the name and 4083  
address of each contributor and the date and amount of the 4084  
contribution, provided that the attorney general shall not 4085  
disclose that information except to the extent necessary for 4086  
investigative or law enforcement purposes; 4087

(b) The location of each bank or financial institution in 4088  
which the fund-raising counsel has deposited revenue from the 4089  
solicitation campaign and the account number of each account in 4090  
which the deposits were made. 4091

(C) Unless otherwise provided in this section, any change 4092  
in any information filed with the attorney general pursuant to 4093  
this section shall be reported in writing to the attorney 4094  
general within seven days after the change occurs. 4095

(D) No person shall serve as a fund-raising counsel, or be 4096  
a member, officer, employee, or agent of any fund-raising 4097  
counsel, who has been convicted ~~in the last five years of either~~ 4098  
~~of the following:~~ 4099

~~(1) Any violation of this chapter or any rule adopted~~ 4100  
~~under this chapter, or of any charitable solicitation~~ 4101  
~~legislation or regulation of a political subdivision of this~~ 4102  
~~state or charitable solicitation law of any other jurisdiction~~ 4103  
~~that is similar to this chapter;~~ 4104

~~(2) A felony in this or another state a disqualifying~~ 4105  
~~offense as determined in accordance with section 9.79 of the~~ 4106  
~~Revised Code.~~ 4107

(E) The information provided under this section to the 4108  
attorney general by a fund-raising counsel shall be included in 4109  
the reports and files required to be compiled and maintained by 4110  
the attorney general pursuant to divisions (E) and (F) of 4111

section 1716.08 of the Revised Code. 4112

(F) If a fund-raising counsel fails to comply in a timely 4113  
or complete manner with any of the requirements under this 4114  
section, the fund-raising counsel is liable for and, in addition 4115  
to any fee required in this section, shall pay two hundred 4116  
dollars for each late filing. Each registration, renewal of 4117  
registration, bond, or accounting shall be considered a separate 4118  
filing for the purposes of this section. Any fees required by 4119  
this section are in addition to, and not in place of, penalties 4120  
prescribed in this chapter. 4121

**Sec. 1716.07.** (A) No professional solicitor shall engage 4122  
in any solicitation unless it has complied with the requirements 4123  
of this chapter and any rules adopted under this chapter. 4124

(B) Every professional solicitor, before engaging in any 4125  
solicitation, shall register with the attorney general. 4126  
Applications for registration or renewal of registration shall 4127  
be in writing, under oath, and in the form prescribed by the 4128  
attorney general, and shall be accompanied by a fee in the 4129  
amount of two hundred dollars. Any corporation, partnership, 4130  
association, or other entity that intends to act as a 4131  
professional solicitor may register for and pay a single fee of 4132  
two hundred dollars on behalf of all its members, officers, 4133  
employees, agents, and solicitors. In that case, the names and 4134  
addresses of all the officers, employees, and agents of the 4135  
professional solicitor and all other persons with whom the 4136  
professional solicitor has contracted to work under its 4137  
direction, including solicitors, shall be listed in the 4138  
application or furnished to the attorney general within five 4139  
days of the date of employment or contractual arrangement. The 4140  
application shall contain any other information that the 4141

attorney general may require. The registration shall be for a 4142  
period of one year or part of one year and shall expire on the 4143  
thirty-first day of March of each year. Upon application and 4144  
payment of the fee specified in this division and filing of the 4145  
bond prescribed in division (C) of this section, the 4146  
registration may be renewed for additional one-year periods. All 4147  
fees prescribed in this division shall be paid into the state 4148  
treasury to the credit of the charitable law fund established 4149  
under section 109.32 of the Revised Code. 4150

(C) At the time of making an application for registration 4151  
or renewal of registration, the professional solicitor shall 4152  
file with and have approved by the attorney general a bond in 4153  
which the professional solicitor shall be the principal obligor, 4154  
in the sum of twenty-five thousand dollars, with one or more 4155  
sureties authorized to do business in this state. The 4156  
professional solicitor shall maintain the bond in effect as long 4157  
as the registration is in effect; however, the liability of the 4158  
surety under the bond shall not exceed an all-time aggregate 4159  
liability of twenty-five thousand dollars. The bond, which may 4160  
be in the form of a rider to a larger blanket liability bond, 4161  
shall run to the state and to any person who may have a cause of 4162  
action against the principal obligor of the bond for any 4163  
liability arising out of a violation by the obligor of any 4164  
provision of this chapter or any rule adopted pursuant to this 4165  
chapter. 4166

(D) (1) Prior to the commencement of any solicitation, the 4167  
professional solicitor shall file all of the following with the 4168  
attorney general: 4169

(a) A completed document called "Solicitation Notice" upon 4170  
a form prescribed by the attorney general and containing all of 4171

the information specified in division (D) (2) of this section;	4172
(b) A copy of the contract described in division (A) of section 1716.08 of the Revised Code;	4173 4174
(c) A sworn statement by the charitable organization on whose behalf the professional solicitor is acting certifying that the solicitation notice and any accompanying material are true and correct to the best of its knowledge.	4175 4176 4177 4178
(2) The solicitation notice shall include all of the following:	4179 4180
(a) The fund-raising methods to be used;	4181
(b) The projected dates when the solicitation will commence and terminate;	4182 4183
(c) The location and telephone number from where the solicitation will be conducted if it will be conducted by telephone;	4184 4185 4186
(d) The name and residence address of each person responsible for directing and supervising the conduct of the solicitation campaign;	4187 4188 4189
(e) A statement of whether the professional solicitor will at any time have custody of any contributions;	4190 4191
(f) A full and fair description of the charitable program for which the solicitation campaign is being carried out;	4192 4193
(g) The written and signed consent of every charitable organization on whose behalf the professional solicitor will be soliciting contributions or whose name will be mentioned during the solicitation.	4194 4195 4196 4197
(E) Not later than ninety days after a solicitation	4198

campaign has been completed and on the anniversary of the 4199  
commencement of a solicitation campaign lasting more than one 4200  
year, the professional solicitor shall provide to the charitable 4201  
organization and file with the attorney general a financial 4202  
report of the campaign, including the gross revenue received and 4203  
an itemization of all expenses incurred. The report shall be 4204  
completed on a form prescribed by the attorney general and 4205  
signed by an authorized official of the professional solicitor 4206  
who shall certify under oath that the report is true and 4207  
correct. 4208

(F) Each contribution collected by or in the custody of 4209  
the professional solicitor shall be solely in the name of the 4210  
charitable organization on whose behalf the contribution was 4211  
solicited. Not later than two days after receipt of each 4212  
contribution, the professional solicitor shall deposit the 4213  
entire amount of the contribution in an account at a bank or 4214  
other federally insured financial institution, which shall be in 4215  
the name of that charitable organization. The charitable 4216  
organization shall have sole control of all withdrawals from the 4217  
account and the professional solicitor shall not be given the 4218  
authority to withdraw any deposited funds from the account. 4219

(G) (1) During each solicitation campaign and for not less 4220  
than three years after its completion, the professional 4221  
solicitor shall maintain the following records: 4222

(a) The name and, if known to the professional solicitor, 4223  
the address and telephone number of each contributor and the 4224  
date and amount of the contribution, provided that the attorney 4225  
general shall not disclose that information except to the extent 4226  
necessary for investigative or law enforcement purposes; 4227

(b) The name and residence address of each employee, 4228



agent, and any other person, however designated, who is involved 4229  
in the solicitation, the amount of compensation paid to each, 4230  
and the dates on which the payments were made; 4231

(c) A record of all contributions that at any time are in 4232  
the custody of the professional solicitor; 4233

(d) A record of all expenses incurred by the professional 4234  
solicitor for the payment of which the professional solicitor is 4235  
liable; 4236

(e) A record of all expenses incurred by the professional 4237  
solicitor for the payment of which the charitable organization 4238  
is liable; 4239

(f) The location of each bank or financial institution in 4240  
which the professional solicitor has deposited revenue from the 4241  
solicitation campaign and the account number of each account in 4242  
which the deposits were made; 4243

(g) A copy of each pitch sheet or solicitation script used 4244  
during the solicitation campaign; 4245

(h) If a refund of a contribution has been requested, the 4246  
name and address of each person requesting the refund, and if a 4247  
refund was made, its amount and the date it was made. 4248

(i) Any other record of such information as the attorney 4249  
general may require. 4250

(2) If the professional solicitor sells tickets to any 4251  
event and represents that the tickets will be donated for use by 4252  
another person, the professional solicitor also shall maintain 4253  
for the same period as specified in division (G)(1) of this 4254  
section the following records: 4255

(a) The name and address of each contributor that 4256

purchases or donates tickets and the number of tickets purchased	4257
or donated by the contributor;	4258
(b) The name and address of each organization that	4259
receives the donated tickets for the use of others, and the	4260
number of tickets received by the organization.	4261
(3) Any of the records described in divisions (G) (1) and	4262
(2) of this section shall be made available to the attorney	4263
general upon the attorney general's request and shall be	4264
furnished to the attorney general within ten days of the	4265
request.	4266
(H) Unless otherwise provided in this section or section	4267
1716.08 of the Revised Code, any change in any information filed	4268
with the attorney general pursuant to this section and section	4269
1716.08 of the Revised Code shall be reported in writing to the	4270
attorney general within seven days after the change occurs.	4271
(I) No person shall serve as a professional solicitor, or	4272
be a member, officer, employee, or agent of any professional	4273
solicitor, who has been convicted <del>in the last five years of</del>	4274
<del>either of the following:</del>	4275
<del>(1) Any violation of this chapter or any rule adopted</del>	4276
<del>under this chapter, or of any charitable solicitation</del>	4277
<del>legislation or regulation of a political subdivision of this</del>	4278
<del>state or charitable solicitation law of any other jurisdiction</del>	4279
<del>that is similar to this chapter;</del>	4280
<del>(2) A felony in this or another state <u>a disqualifying</u></del>	4281
<del><u>offense determined in accordance with section 9.79 of the</u></del>	4282
<del><u>Revised Code.</u></del>	4283
(J) If a professional solicitor fails to comply in a	4284
timely or complete manner with any of the requirements under	4285

this section, the professional solicitor is liable for and, in 4286  
addition to any fee required in this section, shall pay two 4287  
hundred dollars for each late filing. Each registration, renewal 4288  
of registration, bond, solicitation notice, contract, sworn 4289  
statement, or financial report shall be considered a separate 4290  
filing for the purposes of this section. Any fees required by 4291  
this section are in addition to, and not in place of, penalties 4292  
prescribed in this chapter. 4293

**Sec. 2915.081.** (A) No distributor shall sell, offer to 4294  
sell, or otherwise provide or offer to provide bingo supplies to 4295  
another person, or modify, convert, add to, or remove parts from 4296  
bingo supplies to further their promotion or sale, for use in 4297  
this state without having obtained a license from the attorney 4298  
general under this section. 4299

(B) The attorney general may issue a distributor license 4300  
to any person that meets the requirements of this section. The 4301  
application for the license shall be on a form prescribed by the 4302  
attorney general and be accompanied by the annual fee prescribed 4303  
by this section. The license is valid for a period of one year, 4304  
and the annual fee for the license is five thousand dollars. 4305

(C) The attorney general may refuse to issue a distributor 4306  
license to any person to which any of the following applies, or 4307  
to any person that has an officer, partner, or other person who 4308  
has an ownership interest of ten per cent or more and to whom 4309  
any of the following applies: 4310

(1) The person, officer, or partner has been convicted of 4311  
a ~~felony under the laws of this state, another state, or the~~ 4312  
~~United States.~~ 4313

~~(2) The person, officer, or partner has been convicted of~~ 4314

~~any gambling offense~~ disqualifying offense as determined in 4315  
accordance with section 9.79 of the Revised Code. 4316

~~(3)~~ (2) The person, officer, or partner has made an 4317  
incorrect or false statement that is material to the granting of 4318  
a license in an application submitted to the attorney general 4319  
under this section or in a similar application submitted to a 4320  
gambling licensing authority in another jurisdiction if the 4321  
statement resulted in license revocation through administrative 4322  
action in the other jurisdiction. 4323

~~(4)~~ (3) The person, officer, or partner has submitted any 4324  
incorrect or false information relating to the application to 4325  
the attorney general under this section, if the information is 4326  
material to the granting of the license. 4327

~~(5)~~ (4) The person, officer, or partner has failed to 4328  
correct any incorrect or false information that is material to 4329  
the granting of the license in the records required to be 4330  
maintained under division ~~(E)~~ (F) of section 2915.10 of the 4331  
Revised Code. 4332

~~(6)~~ (5) The person, officer, or partner has had a license 4333  
related to gambling revoked or suspended under the laws of this 4334  
state, another state, or the United States. 4335

(D) The attorney general shall not issue a distributor 4336  
license to any person that is involved in the conduct of bingo 4337  
on behalf of a charitable organization or that is a lessor of 4338  
premises used for the conduct of bingo. This division does not 4339  
prohibit a distributor from advising charitable organizations on 4340  
the use and benefit of specific bingo supplies or prohibit a 4341  
distributor from advising a customer on operational methods to 4342  
improve bingo profitability. 4343

(E) (1) No distributor shall sell, offer to sell, or 4344  
otherwise provide or offer to provide bingo supplies to any 4345  
person, or modify, convert, add to, or remove parts from bingo 4346  
supplies to further their promotion or sale, for use in this 4347  
state except to or for the use of a charitable organization that 4348  
has been issued a license under section 2915.08 of the Revised 4349  
Code or to another distributor that has been issued a license 4350  
under this section. No distributor shall accept payment for the 4351  
sale or other provision of bingo supplies other than by check or 4352  
electronic fund transfer. 4353

(2) No distributor may donate, give, loan, lease, or 4354  
otherwise provide any bingo supplies or equipment, or modify, 4355  
convert, add to, or remove parts from bingo supplies to further 4356  
their promotion or sale, to or for the use of a charitable 4357  
organization for use in a bingo session conditioned on or in 4358  
consideration for an exclusive right to provide bingo supplies 4359  
to the charitable organization. A distributor may provide a 4360  
licensed charitable organization with free samples of the 4361  
distributor's products to be used as prizes or to be used for 4362  
the purpose of sampling. 4363

(3) No distributor shall purchase bingo supplies for use 4364  
in this state from any person except from a manufacturer issued 4365  
a license under section 2915.082 of the Revised Code or from 4366  
another distributor issued a license under this section. Subject 4367  
to division (D) of section 2915.082 of the Revised Code, no 4368  
distributor shall pay for purchased bingo supplies other than by 4369  
check or electronic fund transfer. 4370

(4) No distributor shall participate in the conduct of 4371  
bingo on behalf of a charitable organization or have any direct 4372  
or indirect ownership interest in a premises used for the 4373

conduct of bingo. 4374

(5) No distributor shall knowingly solicit, offer, pay, or 4375  
receive any kickback, bribe, or undocumented rebate, directly or 4376  
indirectly, overtly or covertly, in cash or in kind, in return 4377  
for providing bingo supplies to any person in this state. 4378

(F) The attorney general may suspend or revoke a 4379  
distributor license for any of the following reasons: 4380

(1) Any reason for which the attorney general may refuse 4381  
to issue a distributor license specified in ~~division~~ divisions 4382  
(C) (2) to (5) of this section ~~or if the~~; 4383

(2) The distributor holding the license violates any 4384  
provision of this chapter or any rule adopted by the attorney 4385  
general under this chapter; 4386

(3) The distributor or any officer, partner, or other 4387  
person who has an ownership interest of ten per cent or more in 4388  
the distributor is convicted of either of the following: 4389

(a) A felony under the laws of this state, another state, 4390  
or the United States; 4391

(b) Any gambling offense. 4392

(G) Whoever violates division (A) or (E) of this section 4393  
is guilty of illegally operating as a distributor. Except as 4394  
otherwise provided in this division, illegally operating as a 4395  
distributor is a misdemeanor of the first degree. If the 4396  
offender previously has been convicted of a violation of 4397  
division (A) or (E) of this section, illegally operating as a 4398  
distributor is a felony of the fifth degree. 4399

**Sec. 2915.082.** (A) No manufacturer shall sell, offer to 4400  
sell, or otherwise provide or offer to provide bingo supplies 4401

for use in this state without having obtained a license from the attorney general under this section.

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

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

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

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

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

~~(4)~~ (3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is

material to the granting of the license. 4431

~~(5)~~ (4) The person, officer, or partner has failed to 4432  
correct any incorrect or false information that is material to 4433  
the granting of the license in the records required to be 4434  
maintained under division ~~(F)~~ (G) of section 2915.10 of the 4435  
Revised Code. 4436

~~(6)~~ (5) The person, officer, or partner has had a license 4437  
related to gambling revoked or suspended under the laws of this 4438  
state, another state, or the United States. 4439

(D) (1) No manufacturer shall sell, offer to sell, or 4440  
otherwise provide or offer to provide bingo supplies to any 4441  
person for use in this state except to a distributor that has 4442  
been issued a license under section 2915.081 of the Revised 4443  
Code. No manufacturer shall accept payment for the sale of bingo 4444  
supplies other than by check or electronic fund transfer. 4445

(2) No manufacturer shall knowingly solicit, offer, pay, 4446  
or receive any kickback, bribe, or undocumented rebate, directly 4447  
or indirectly, overtly or covertly, in cash or in kind, in 4448  
return for providing bingo supplies to any person in this state. 4449

(E) (1) The attorney general may suspend or revoke a 4450  
manufacturer license for any of the following reasons: 4451

(a) Any reason for which the attorney general may refuse 4452  
to issue a manufacturer license specified in ~~division~~ divisions 4453  
(C) (2) to (5) of this section ~~or if the;~~ 4454

(b) The manufacturer holding the license violates any 4455  
provision of this chapter or any rule adopted by the attorney 4456  
general under this chapter; 4457

(c) The manufacturer or any officer, partner, or other 4458



person who has an ownership interest of ten per cent or more in 4459  
the manufacturer is convicted of either of the following: 4460

(i) A felony under the laws of this state, another state, 4461  
or the United States; 4462

(ii) Any gambling offense. 4463

(2) The attorney general may perform an onsite inspection 4464  
of a manufacturer of bingo supplies that is selling, offering to 4465  
sell, or otherwise providing or offering to provide bingo 4466  
supplies or that is applying for a license to sell, offer to 4467  
sell, or otherwise provide or offer to provide bingo supplies in 4468  
this state. 4469

(F) Whoever violates division (A) or (D) of this section 4470  
is guilty of illegally operating as a manufacturer. Except as 4471  
otherwise provided in this division, illegally operating as a 4472  
manufacturer is a misdemeanor of the first degree. If the 4473  
offender previously has been convicted of a violation of 4474  
division (A) or (D) of this section, illegally operating as a 4475  
manufacturer is a felony of the fifth degree. 4476

**Sec. 3304.31.** (A) Licenses issued by the bureau of 4477  
services for the visually impaired under section 3304.29 of the 4478  
Revised Code shall be in effect until suspended or revoked. ~~The~~ 4479  
Except as provided in division (B) of this section, the bureau 4480  
may deny, revoke, or suspend a license or otherwise discipline a 4481  
licensee upon proof that the licensee is guilty of fraud or 4482  
deceit in procuring or attempting to procure a license, is 4483  
guilty of a felony or a crime of moral turpitude, is addicted to 4484  
the use of habit-forming drugs or alcohol, or is mentally 4485  
incompetent. Such license may also be denied, revoked, or 4486  
suspended on proof of violation by the applicant or licensee of 4487

the rules established by the bureau for the operation of 4488  
suitable vending facilities by the blind or if a licensee fails 4489  
to maintain a vending facility as a suitable vending facility. 4490

(B) The bureau shall not refuse to issue a license to an 4491  
applicant because of a conviction of or plea of guilty to an 4492  
offense unless the refusal is in accordance with section 9.79 of 4493  
the Revised Code. 4494

(C) Any individual who is blind and who has had the 4495  
individual's license suspended or revoked or the individual's 4496  
application denied by the bureau may reapply for a license and 4497  
may be reinstated or be granted a license by the bureau upon 4498  
presentation of satisfactory evidence that there is no longer 4499  
cause for such suspension, revocation, or denial. Before the 4500  
bureau may revoke, deny, or suspend a license, or otherwise 4501  
discipline a licensee, written charges must be filed by the 4502  
director of the bureau and a hearing shall be held as provided 4503  
in Chapter 119. of the Revised Code. 4504

**Sec. 3310.43.** (A) As used in this section: 4505

(1) "Registered private provider" has the same meaning as 4506  
in section 3310.41 of the Revised Code. 4507

(2) "Two years of study" means the equivalent of forty- 4508  
eight semester hours or seventy-two quarter hours. 4509

(B) The state board of education may issue an 4510  
instructional assistant permit to an individual, upon the 4511  
request of a registered private provider, qualifying that 4512  
individual to provide services to a child under the autism 4513  
scholarship program under section 3310.41 of the Revised Code. 4514  
The permit shall be valid for one year from the date of issue 4515  
and shall be renewable. 4516

For an individual to qualify for a permit under this 4517  
section, the registered private provider shall assure to the 4518  
state board all of the following: 4519

~~(1) The individual is of good moral character.~~ 4520

~~(2)~~The individual possesses the appropriate skills 4521  
necessary to perform the duties of an instructional assistant, 4522  
including the supervision of children and assistance with 4523  
instructional tasks. 4524

~~(3)~~(2)The individual demonstrates the potential to 4525  
benefit from and consents to participating in in-service 4526  
training, as required by the registered private provider. 4527

~~(4)~~(3)The individual either: 4528

(a) Has an associate degree or higher from an accredited 4529  
institution of higher education; 4530

(b) Has completed at least two years of study at an 4531  
accredited institution of higher education. 4532

(C) An individual issued a permit under this section may 4533  
provide instructional services in the home of a child so long as 4534  
the individual is subject to adequate training and supervision. 4535  
The state board shall adopt rules, pursuant to Chapter 119. of 4536  
the Revised Code, regarding how providers will demonstrate this 4537  
supervision. 4538

(D) An individual issued a permit under this section shall 4539  
be subject to the requirements of sections 3319.291, 3319.31, 4540  
3319.311, and 3319.313 of the Revised Code. 4541

**Sec. 3319.088.** As used in this section, "educational 4542  
assistant" means any nonteaching employee in a school district 4543  
who directly assists a teacher as defined in section 3319.09 of 4544

the Revised Code, by performing duties for which a license 4545  
issued pursuant to sections 3319.22 to 3319.30 of the Revised 4546  
Code is not required. 4547

(A) The state board of education shall issue educational 4548  
aide permits and educational paraprofessional licenses for 4549  
educational assistants and shall adopt rules for the issuance 4550  
and renewal of such permits and licenses which shall be 4551  
consistent with the provisions of this section. Educational aide 4552  
permits and educational paraprofessional licenses may be of 4553  
several types and the rules shall prescribe the minimum 4554  
qualifications of education, ~~and health, and character~~ for the 4555  
service to be authorized under each type. The prescribed minimum 4556  
qualifications may require special training or educational 4557  
courses designed to qualify a person to perform effectively the 4558  
duties authorized under an educational aide permit or 4559  
educational paraprofessional license. 4560

(B) (1) Any application for a permit or license, or a 4561  
renewal or duplicate of a permit or license, under this section 4562  
shall be accompanied by the payment of a fee in the amount 4563  
established under division (A) of section 3319.51 of the Revised 4564  
Code. Any fees received under this division shall be paid into 4565  
the state treasury to the credit of the state board of education 4566  
licensure fund established under division (B) of section 3319.51 4567  
of the Revised Code. 4568

(2) Any person applying for or holding a permit or license 4569  
pursuant to this section is subject to sections 3123.41 to 4570  
3123.50 of the Revised Code and any applicable rules adopted 4571  
under section 3123.63 of the Revised Code and sections 3319.31 4572  
and 3319.311 of the Revised Code. 4573

(C) Educational assistants shall at all times while in the 4574

performance of their duties be under the supervision and 4575  
direction of a teacher as defined in section 3319.09 of the 4576  
Revised Code. Educational assistants may assist a teacher to 4577  
whom assigned in the supervision of pupils, in assisting with 4578  
instructional tasks, and in the performance of duties which, in 4579  
the judgment of the teacher to whom the assistant is assigned, 4580  
may be performed by a person not licensed pursuant to sections 4581  
3319.22 to 3319.30 of the Revised Code and for which a teaching 4582  
license, issued pursuant to sections 3319.22 to 3319.30 of the 4583  
Revised Code is not required. The duties of an educational 4584  
assistant shall not include the assignment of grades to pupils. 4585  
The duties of an educational assistant need not be performed in 4586  
the physical presence of the teacher to whom assigned, but the 4587  
activity of an educational assistant shall at all times be under 4588  
the direction of the teacher to whom assigned. The assignment of 4589  
an educational assistant need not be limited to assisting a 4590  
single teacher. In the event an educational assistant is 4591  
assigned to assist more than one teacher the assignments shall 4592  
be clearly delineated and so arranged that the educational 4593  
assistant shall never be subject to simultaneous supervision or 4594  
direction by more than one teacher. 4595

Educational assistants assigned to supervise children 4596  
shall, when the teacher to whom assigned is not physically 4597  
present, maintain the degree of control and discipline that 4598  
would be maintained by the teacher. 4599

Educational assistants may not be used in place of 4600  
classroom teachers or other employees and any payment of 4601  
compensation by boards of education to educational assistants 4602  
for such services is prohibited. The ratio between the number of 4603  
licensed teachers and the pupils in a school district may not be 4604  
decreased by utilization of educational assistants and no 4605

grouping, or other organization of pupils, for utilization of 4606  
educational assistants shall be established which is 4607  
inconsistent with sound educational practices and procedures. A 4608  
school district may employ up to one full time equivalent 4609  
educational assistant for each six full time equivalent licensed 4610  
employees of the district. Educational assistants shall not be 4611  
counted as licensed employees for purposes of state support in 4612  
the school foundation program and no grouping or regrouping of 4613  
pupils with educational assistants may be counted as a class or 4614  
unit for school foundation program purposes. Neither special 4615  
courses required by the regulations of the state board of 4616  
education, prescribing minimum qualifications of education for 4617  
an educational assistant, nor years of service as an educational 4618  
assistant shall be counted in any way toward qualifying for a 4619  
teacher license, for a teacher contract of any type, or for 4620  
determining placement on a salary schedule in a school district 4621  
as a teacher. 4622

(D) Educational assistants employed by a board of 4623  
education shall have all rights, benefits, and legal protection 4624  
available to other nonteaching employees in the school district, 4625  
except that provisions of Chapter 124. of the Revised Code shall 4626  
not apply to any person employed as an educational assistant, 4627  
and shall be members of the school employees retirement system. 4628  
Educational assistants shall be compensated according to a 4629  
salary plan adopted annually by the board. 4630

Except as provided in this section nonteaching employees 4631  
shall not serve as educational assistants without first 4632  
obtaining an appropriate educational aide permit or educational 4633  
paraprofessional license from the state board of education. A 4634  
nonteaching employee who is the holder of a valid educational 4635  
aide permit or educational paraprofessional license shall 4636

neither render nor be required to render services inconsistent 4637  
with the type of services authorized by the permit or license 4638  
held. No person shall receive compensation from a board of 4639  
education for services rendered as an educational assistant in 4640  
violation of this provision. 4641

Nonteaching employees whose functions are solely 4642  
secretarial-clerical and who do not perform any other duties as 4643  
educational assistants, even though they assist a teacher and 4644  
work under the direction of a teacher shall not be required to 4645  
hold a permit or license issued pursuant to this section. 4646  
Students preparing to become licensed teachers or educational 4647  
assistants shall not be required to hold an educational aide 4648  
permit or paraprofessional license for such periods of time as 4649  
such students are assigned, as part of their training program, 4650  
to work with a teacher in a school district. Such students shall 4651  
not be compensated for such services. 4652

Following the determination of the assignment and general 4653  
job description of an educational assistant and subject to 4654  
supervision by the teacher's immediate administrative officer, a 4655  
teacher to whom an educational assistant is assigned shall make 4656  
all final determinations of the duties to be assigned to such 4657  
assistant. Teachers shall not be required to hold a license 4658  
designated for being a supervisor or administrator in order to 4659  
perform the necessary supervision of educational assistants. 4660

(E) No person who is, or who has been employed as an 4661  
educational assistant shall divulge, except to the teacher to 4662  
whom assigned, or the administrator of the school in the absence 4663  
of the teacher to whom assigned, or when required to testify in 4664  
a court or proceedings, any personal information concerning any 4665  
pupil in the school district which was obtained or obtainable by 4666

the educational assistant while so employed. Violation of this 4667  
provision is grounds for disciplinary action or dismissal, or 4668  
both. 4669

(F) Notwithstanding anything to the contrary in this 4670  
section, the superintendent of a school district may allow an 4671  
employee who does not hold a permit or license issued under this 4672  
section to work as a substitute for an educational assistant who 4673  
is absent on account of illness or on a leave of absence, or to 4674  
fill a temporary position created by an emergency, provided that 4675  
the superintendent believes the employee's application materials 4676  
indicate that the employee is qualified to obtain a permit or 4677  
license under this section. 4678

An employee shall begin work as a substitute under this 4679  
division not earlier than on the date on which the employee 4680  
files an application with the state board for a permit or 4681  
license under this section. An employee shall cease working as a 4682  
substitute under this division on the earliest of the following: 4683

(1) The date on which the employee files a valid permit or 4684  
license issued under this section with the superintendent; 4685

(2) The date on which the employee is denied a permit or 4686  
license under this section; 4687

(3) Sixty days following the date on which the employee 4688  
began work as a substitute under this division. 4689

The superintendent shall ensure that an employee assigned 4690  
to work as a substitute under division (F) of this section has 4691  
undergone a criminal records check in accordance with section 4692  
3319.391 of the Revised Code. 4693

**Sec. 3319.225.** (A) No temporary educator license shall be 4694  
issued under this section for employment as a principal after 4695



the effective date of the rules prescribed by division (A) of 4696  
section 3319.27 of the Revised Code. No temporary educator 4697  
license shall be issued under this section for employment as a 4698  
superintendent or in any other administrative position except 4699  
principal after the effective date of the rules prescribed by 4700  
division (B) of section 3319.27 of the Revised Code. 4701

(B) Notwithstanding sections 3319.01 and 3319.22 of the 4702  
Revised Code, the board of education of any city, local, or 4703  
exempted village, or joint vocational school district, or the 4704  
governing board of any educational service center may request 4705  
the state board of education to issue a one-year temporary 4706  
educator license valid for being employed as a superintendent, 4707  
or in any other administrative position, to an individual 4708  
specified by the district board. The state board of education 4709  
may issue the educator license if the requesting district board 4710  
has determined ~~both of the following:~~ 4711

~~(1) The individual is of good moral character;~~ 4712

~~(2) The that the individual holds at least a baccalaureate 4713  
degree from an accredited institution of higher education in a 4714  
field related to finance or administration, or has five years of 4715  
recent work experience in education, management, or 4716  
administration. 4717~~

A one-year temporary educator license is valid only in the 4718  
district whose board requested the license. An individual 4719  
holding such a license may be employed as a superintendent or in 4720  
any other administrative position in such district. The state 4721  
board of education may renew such license annually upon request 4722  
of the employing district. 4723

**Sec. 3319.30.** Except as provided in section 3319.36 of the 4724

Revised Code, no person shall receive any compensation for the 4725  
performance of duties as teacher in any school supported wholly 4726  
or in part by the state or by federal funds who has not obtained 4727  
a license of qualification for the position as provided for 4728  
under section 3319.22 of the Revised Code ~~and which license~~ 4729  
~~shall further certify to the good moral character of the holder~~ 4730  
~~thereof.~~ Any teacher so qualified may, at the discretion of the 4731  
employing board of education, receive compensation for days on 4732  
which the teacher is excused by such board for the purpose of 4733  
attending professional meetings, and the board may provide and 4734  
pay the salary of a substitute teacher for such days. 4735

**Sec. 3319.31.** (A) As used in this section and sections 4736  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 4737  
means a certificate, license, or permit described in this 4738  
chapter or in division (B) of section 3301.071 or in section 4739  
3301.074 of the Revised Code. 4740

(B) For any of the following reasons, the state board of 4741  
education, except as provided in division (H) of this section 4742  
and in accordance with Chapter 119. and section 3319.311 of the 4743  
Revised Code, may refuse to issue a license to an applicant; may 4744  
limit a license it issues to an applicant; may suspend, revoke, 4745  
or limit a license that has been issued to any person; or may 4746  
revoke a license that has been issued to any person and has 4747  
expired: 4748

(1) Engaging in an immoral act, incompetence, negligence, 4749  
or conduct that is unbecoming to the applicant's or person's 4750  
position; 4751

(2) A plea of guilty to, a finding of guilt by a jury or 4752  
court of, or a conviction of any of the following: 4753

(a) A felony other than a felony listed in division (C) of this section; 4754  
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(b) An offense of violence other than an offense of violence listed in division (C) of this section; 4756  
4757

(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section; 4758  
4759  
4760

(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section; 4761  
4762  
4763

(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section. 4764  
4765  
4766

(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section; 4767  
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(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 4773  
4774

(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for ~~a license or renewal~~ of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny ~~issuance or renewal~~ of the license 4775  
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to the person. The state board or the superintendent shall 4783  
revoke a license that has been issued to a person to whom this 4784  
division applies and has expired in the same manner as a license 4785  
that has not expired. 4786

Revocation of a license or denial of ~~issuance or renewal~~ 4787  
of a license under this division is effective immediately at the 4788  
time and date that the board or superintendent issues the 4789  
written order and is not subject to appeal in accordance with 4790  
Chapter 119. of the Revised Code. Revocation of a license or 4791  
denial of ~~issuance or renewal~~ of license under this division 4792  
remains in force during the pendency of an appeal by the person 4793  
of the plea of guilty, finding of guilt, or conviction that is 4794  
the basis of the action taken under this division. 4795

The state board or superintendent shall take the action 4796  
required by this division for a violation of division (B) (1), 4797  
(2), (3), or (4) of section 2919.22 of the Revised Code; a 4798  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 4799  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 4800  
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 4801  
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 4802  
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 4803  
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 4804  
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 4805  
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 4806  
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 4807  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 4808  
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 4809  
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 4810  
violation of section 2905.04 of the Revised Code as it existed 4811  
prior to July 1, 1996; a violation of section 2919.23 of the 4812  
Revised Code that would have been a violation of section 2905.04 4813

of the Revised Code as it existed prior to July 1, 1996, had the 4814  
violation been committed prior to that date; felonious sexual 4815  
penetration in violation of former section 2907.12 of the 4816  
Revised Code; or a violation of an ordinance of a municipal 4817  
corporation that is substantively comparable to an offense 4818  
listed in this paragraph. 4819

(D) The state board may delegate to the superintendent of 4820  
public instruction the authority to revoke a person's license or 4821  
to deny ~~issuance or~~ renewal of a license to a person under 4822  
division (C) or (F) of this section. 4823

(E) (1) If the plea of guilty, finding of guilt, or 4824  
conviction that is the basis of the action taken under division 4825  
(B) (2) or (C) of this section, or under the version of division 4826  
(F) of section 3319.311 of the Revised Code in effect prior to 4827  
September 12, 2008, is overturned on appeal, upon exhaustion of 4828  
the criminal appeal, the clerk of the court that overturned the 4829  
plea, finding, or conviction or, if applicable, the clerk of the 4830  
court that accepted an appeal from the court that overturned the 4831  
plea, finding, or conviction, shall notify the state board that 4832  
the plea, finding, or conviction has been overturned. Within 4833  
thirty days after receiving the notification, the state board 4834  
shall initiate proceedings to reconsider the revocation or 4835  
denial of the person's license in accordance with division (E) 4836  
(2) of this section. In addition, the person whose license was 4837  
revoked or denied may file with the state board a petition for 4838  
reconsideration of the revocation or denial along with 4839  
appropriate court documents. 4840

(2) Upon receipt of a court notification or a petition and 4841  
supporting court documents under division (E) (1) of this 4842  
section, the state board, after offering the person an 4843

opportunity for an adjudication hearing under Chapter 119. of 4844  
the Revised Code, shall determine whether the person committed 4845  
the act in question in the prior criminal action against the 4846  
person that is the basis of the revocation or denial and may 4847  
continue the revocation or denial, may reinstate the person's 4848  
license, with or without limits, or may grant the person a new 4849  
license, with or without limits. The decision of the board shall 4850  
be based on grounds for revoking, denying, suspending, or 4851  
limiting a license adopted by rule under division (G) of this 4852  
section and in accordance with the evidentiary standards the 4853  
board employs for all other licensure hearings. The decision of 4854  
the board under this division is subject to appeal under Chapter 4855  
119. of the Revised Code. 4856

(3) A person whose license is revoked or denied under 4857  
division (C) of this section shall not apply for any license if 4858  
the plea of guilty, finding of guilt, or conviction that is the 4859  
basis of the revocation or denial, upon completion of the 4860  
criminal appeal, either is upheld or is overturned but the state 4861  
board continues the revocation or denial under division (E) (2) 4862  
of this section and that continuation is upheld on final appeal. 4863

(F) The state board may take action under division (B) of 4864  
this section, and the state board or the superintendent shall 4865  
take the action required under division (C) of this section, on 4866  
the basis of substantially comparable conduct occurring in a 4867  
jurisdiction outside this state or occurring before a person 4868  
applies for or receives any license. 4869

(G) The state board may adopt rules in accordance with 4870  
Chapter 119. of the Revised Code to carry out this section and 4871  
section 3319.311 of the Revised Code. 4872

(H) The state board shall not refuse to issue a license to 4873

an applicant because of a conviction of, a plea of guilty to, or 4874  
a finding of guilt by a jury or court of an offense unless the 4875  
refusal is in accordance with section 9.79 of the Revised Code. 4876

**Sec. 3319.39.** (A) (1) Except as provided in division (F) (2) 4877  
(b) of section 109.57 of the Revised Code, the appointing or 4878  
hiring officer of the board of education of a school district, 4879  
the governing board of an educational service center, or of a 4880  
chartered nonpublic school shall request the superintendent of 4881  
the bureau of criminal identification and investigation to 4882  
conduct a criminal records check with respect to any applicant 4883  
who has applied to the school district, educational service 4884  
center, or school for employment in any position. The appointing 4885  
or hiring officer shall request that the superintendent include 4886  
information from the federal bureau of investigation in the 4887  
criminal records check, unless all of the following apply to the 4888  
applicant: 4889

(a) The applicant is applying to be an instructor of adult 4890  
education. 4891

(b) The duties of the position for which the applicant is 4892  
applying do not involve routine interaction with a child or 4893  
regular responsibility for the care, custody, or control of a 4894  
child or, if the duties do involve such interaction or 4895  
responsibility, during any period of time in which the 4896  
applicant, if hired, has such interaction or responsibility, 4897  
another employee of the school district, educational service 4898  
center, or chartered nonpublic school will be present in the 4899  
same room with the child or, if outdoors, will be within a 4900  
thirty-yard radius of the child or have visual contact with the 4901  
child. 4902

(c) The applicant presents proof that the applicant has 4903

been a resident of this state for the five-year period 4904  
immediately prior to the date upon which the criminal records 4905  
check is requested or provides evidence that within that five- 4906  
year period the superintendent has requested information about 4907  
the applicant from the federal bureau of investigation in a 4908  
criminal records check. 4909

(2) A person required by division (A)(1) of this section 4910  
to request a criminal records check shall provide to each 4911  
applicant a copy of the form prescribed pursuant to division (C) 4912  
(1) of section 109.572 of the Revised Code, provide to each 4913  
applicant a standard impression sheet to obtain fingerprint 4914  
impressions prescribed pursuant to division (C)(2) of section 4915  
109.572 of the Revised Code, obtain the completed form and 4916  
impression sheet from each applicant, and forward the completed 4917  
form and impression sheet to the superintendent of the bureau of 4918  
criminal identification and investigation at the time the person 4919  
requests a criminal records check pursuant to division (A)(1) of 4920  
this section. 4921

(3) An applicant who receives pursuant to division (A)(2) 4922  
of this section a copy of the form prescribed pursuant to 4923  
division (C)(1) of section 109.572 of the Revised Code and a 4924  
copy of an impression sheet prescribed pursuant to division (C) 4925  
(2) of that section and who is requested to complete the form 4926  
and provide a set of fingerprint impressions shall complete the 4927  
form or provide all the information necessary to complete the 4928  
form and shall provide the impression sheet with the impressions 4929  
of the applicant's fingerprints. If an applicant, upon request, 4930  
fails to provide the information necessary to complete the form 4931  
or fails to provide impressions of the applicant's fingerprints, 4932  
the board of education of a school district, governing board of 4933  
an educational service center, or governing authority of a 4934



chartered nonpublic school shall not employ that applicant for 4935  
any position. 4936

(4) Notwithstanding any provision of this section to the 4937  
contrary, an applicant who meets the conditions prescribed in 4938  
divisions (A) (1) (a) and (b) of this section and who, within the 4939  
two-year period prior to the date of application, was the 4940  
subject of a criminal records check under this section prior to 4941  
being hired for short-term employment with the school district, 4942  
educational service center, or chartered nonpublic school to 4943  
which application is being made shall not be required to undergo 4944  
a criminal records check prior to the applicant's rehiring by 4945  
that district, service center, or school. 4946

(B) (1) Except as provided in rules adopted by the 4947  
department of education in accordance with division (E) of this 4948  
section and as provided in division (B) (3) of this section, no 4949  
board of education of a school district, no governing board of 4950  
an educational service center, and no governing authority of a 4951  
chartered nonpublic school shall employ a person if the person 4952  
previously has been convicted of or pleaded guilty to any of the 4953  
following: 4954

(a) A violation of section 2903.01, 2903.02, 2903.03, 4955  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4956  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 4957  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 4958  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 4959  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 4960  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 4961  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 4962  
section 2905.04 of the Revised Code as it existed prior to July 4963  
1, 1996, a violation of section 2919.23 of the Revised Code that 4964

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, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B) (1) (a) of this section.

(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.

(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.

(C) (1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the appointing or hiring officer of the board or governing

authority. 4995

(2) A board and the governing authority of a chartered 4996  
nonpublic school may charge an applicant a fee for the costs it 4997  
incurs in obtaining a criminal records check under this section. 4998  
A fee charged under this division shall not exceed the amount of 4999  
fees the board or governing authority pays under division (C) (1) 5000  
of this section. If a fee is charged under this division, the 5001  
board or governing authority shall notify the applicant at the 5002  
time of the applicant's initial application for employment of 5003  
the amount of the fee and that, unless the fee is paid, the 5004  
board or governing authority will not consider the applicant for 5005  
employment. 5006

(D) The report of any criminal records check conducted by 5007  
the bureau of criminal identification and investigation in 5008  
accordance with section 109.572 of the Revised Code and pursuant 5009  
to a request under division (A) (1) of this section is not a 5010  
public record for the purposes of section 149.43 of the Revised 5011  
Code and shall not be made available to any person other than 5012  
the applicant who is the subject of the criminal records check 5013  
or the applicant's representative, the board or governing 5014  
authority requesting the criminal records check or its 5015  
representative, and any court, hearing officer, or other 5016  
necessary individual involved in a case dealing with the denial 5017  
of employment to the applicant. 5018

(E) The department of education shall adopt rules pursuant 5019  
to Chapter 119. of the Revised Code to implement this section, 5020  
including rules specifying circumstances under which the board 5021  
or governing authority may hire a person who has been convicted 5022  
of an offense listed in division (B) (1) or (3) of this section 5023  
but who meets standards in regard to rehabilitation set by the 5024

department. Any rules adopted by the department under this 5025  
division regarding the employment of a person holding a 5026  
certificate, license, or permit described in this chapter or in 5027  
division (B) of section 3301.071 or in section 3301.074 of the 5028  
Revised Code shall comply with section 9.79 of the Revised Code. 5029

The department shall amend rule 3301-83-23 of the Ohio 5030  
Administrative Code that took effect August 27, 2009, and that 5031  
specifies the offenses that disqualify a person for employment 5032  
as a school bus or school van driver and establishes 5033  
rehabilitation standards for school bus and school van drivers. 5034

(F) Any person required by division (A) (1) of this section 5035  
to request a criminal records check shall inform each person, at 5036  
the time of the person's initial application for employment, of 5037  
the requirement to provide a set of fingerprint impressions and 5038  
that a criminal records check is required to be conducted and 5039  
satisfactorily completed in accordance with section 109.572 of 5040  
the Revised Code if the person comes under final consideration 5041  
for appointment or employment as a precondition to employment 5042  
for the school district, educational service center, or school 5043  
for that position. 5044

(G) As used in this section: 5045

(1) "Applicant" means a person who is under final 5046  
consideration for appointment or employment in a position with a 5047  
board of education, governing board of an educational service 5048  
center, or a chartered nonpublic school, except that "applicant" 5049  
does not include a person already employed by a board or 5050  
chartered nonpublic school who is under consideration for a 5051  
different position with such board or school. 5052

(2) "Teacher" means a person holding an educator license 5053

or permit issued under section 3319.22 or 3319.301 of the Revised Code and teachers in a chartered nonpublic school.

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

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

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers and substitutes for other district employees under this section, the appointing or hiring officer of such educational service center shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers and other substitute employees for the local district.

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

of each driver to ascertain the driver's physical fitness for 5084  
such employment. The examination shall be performed by one of 5085  
the following: 5086

(1) A person licensed under Chapter 4731. or 4734. of the 5087  
Revised Code or by another state to practice medicine and 5088  
surgery, osteopathic medicine and surgery, or chiropractic; 5089

(2) A physician assistant; 5090

(3) A certified nurse practitioner; 5091

(4) A clinical nurse specialist; 5092

(5) A certified nurse-midwife; 5093

(6) A medical examiner who is listed on the national 5094  
registry of certified medical examiners established by the 5095  
federal motor carrier safety administration in accordance with 5096  
49 C.F.R. part 390. 5097

Any certificate may be revoked by the authority granting 5098  
the same on proof that the holder has been guilty of failing to 5099  
comply with division (D) (1) of this section, or upon a 5100  
conviction or a guilty plea for a violation, or any other 5101  
action, that results in a loss or suspension of driving rights. 5102  
Failure to comply with such division may be cause for 5103  
disciplinary action or termination of employment under division 5104  
(C) of section 3319.081, or section 124.34 of the Revised Code. 5105

(B) No person shall be employed as driver of a school bus 5106  
or motor van not subject to the rules of the department of 5107  
education pursuant to division (A) of this section who has not 5108  
received a certificate from the school administrator or 5109  
contractor certifying that such person is at least eighteen 5110  
years of age, ~~is of good moral character,~~ and is qualified 5111

physically and otherwise for such position. Each driver shall 5112  
have an annual physical examination which conforms to the state 5113  
highway patrol rules, ascertaining the driver's physical fitness 5114  
for such employment. The examination shall be performed by one 5115  
of the following: 5116

(1) A person licensed under Chapter 4731. or 4734. of the 5117  
Revised Code or by another state to practice medicine and 5118  
surgery, osteopathic medicine and surgery, or chiropractic; 5119

(2) A physician assistant; 5120

(3) A certified nurse practitioner; 5121

(4) A clinical nurse specialist; 5122

(5) A certified nurse-midwife; 5123

(6) A medical examiner who is listed on the national 5124  
registry of certified medical examiners established by the 5125  
federal motor carrier safety administration in accordance with 5126  
49 C.F.R. part 390. 5127

Any written documentation of the physical examination 5128  
shall be completed by the individual who performed the 5129  
examination. 5130

Any certificate may be revoked by the authority granting 5131  
the same on proof that the holder has been guilty of failing to 5132  
comply with division (D)(2) of this section. 5133

(C) Any person who drives a school bus or motor van must 5134  
give satisfactory and sufficient bond except a driver who is an 5135  
employee of a school district and who drives a bus or motor van 5136  
owned by the school district. 5137

(D) No person employed as driver of a school bus or motor 5138

van under this section who is convicted of a traffic violation 5139  
or who has had the person's commercial driver's license 5140  
suspended shall drive a school bus or motor van until the person 5141  
has filed a written notice of the conviction or suspension, as 5142  
follows: 5143

(1) If the person is employed under division (A) of this 5144  
section, the person shall file the notice with the 5145  
superintendent, or a person designated by the superintendent, of 5146  
the school district for which the person drives a school bus or 5147  
motor van as an employee or drives a privately owned and 5148  
operated school bus or motor van under contract. 5149

(2) If employed under division (B) of this section, the 5150  
person shall file the notice with the employing school 5151  
administrator or contractor, or a person designated by the 5152  
administrator or contractor. 5153

(E) In addition to resulting in possible revocation of a 5154  
certificate as authorized by divisions (A) and (B) of this 5155  
section, violation of division (D) of this section is a minor 5156  
misdemeanor. 5157

(F) (1) Not later than thirty days after June 30, 2007, 5158  
each owner of a school bus or motor van shall obtain the 5159  
complete driving record for each person who is currently 5160  
employed or otherwise authorized to drive the school bus or 5161  
motor van. An owner of a school bus or motor van shall not 5162  
permit a person to operate the school bus or motor van for the 5163  
first time before the owner has obtained the person's complete 5164  
driving record. Thereafter, the owner of a school bus or motor 5165  
van shall obtain the person's driving record not less frequently 5166  
than semiannually if the person remains employed or otherwise 5167  
authorized to drive the school bus or motor van. An owner of a 5168



school bus or motor van shall not permit a person to resume 5169  
operating a school bus or motor van, after an interruption of 5170  
one year or longer, before the owner has obtained the person's 5171  
complete driving record. 5172

(2) The owner of a school bus or motor van shall not 5173  
permit a person to operate the school bus or motor van for ten 5174  
years after the date on which the person pleads guilty to or is 5175  
convicted of a violation of section 4511.19 of the Revised Code 5176  
or a substantially equivalent municipal ordinance. 5177

(3) An owner of a school bus or motor van shall not permit 5178  
any person to operate such a vehicle unless the person meets all 5179  
other requirements contained in rules adopted by the state board 5180  
of education prescribing qualifications of drivers of school 5181  
buses and other student transportation. 5182

(G) No superintendent of a school district, educational 5183  
service center, community school, or public or private employer 5184  
shall permit the operation of a vehicle used for pupil 5185  
transportation within this state by an individual unless both of 5186  
the following apply: 5187

(1) Information pertaining to that driver has been 5188  
submitted to the department of education, pursuant to procedures 5189  
adopted by that department. Information to be reported shall 5190  
include the name of the employer or school district, name of the 5191  
driver, driver license number, date of birth, date of hire, 5192  
status of physical evaluation, and status of training. 5193

(2) The most recent criminal records check required by 5194  
division (J) of this section has been completed and received by 5195  
the superintendent or public or private employer. 5196

(H) A person, school district, educational service center, 5197

community school, nonpublic school, or other public or nonpublic 5198  
entity that owns a school bus or motor van, or that contracts 5199  
with another entity to operate a school bus or motor van, may 5200  
impose more stringent restrictions on drivers than those 5201  
prescribed in this section, in any other section of the Revised 5202  
Code, and in rules adopted by the state board. 5203

(I) For qualified drivers who, on July 1, 2007, are 5204  
employed by the owner of a school bus or motor van to drive the 5205  
school bus or motor van, any instance in which the driver was 5206  
convicted of or pleaded guilty to a violation of section 4511.19 5207  
of the Revised Code or a substantially equivalent municipal 5208  
ordinance prior to two years prior to July 1, 2007, shall not be 5209  
considered a disqualifying event with respect to division (F) of 5210  
this section. 5211

(J) (1) This division applies to persons hired by a school 5212  
district, educational service center, community school, 5213  
chartered nonpublic school, or science, technology, engineering, 5214  
and mathematics school established under Chapter 3326. of the 5215  
Revised Code to operate a vehicle used for pupil transportation. 5216

For each person to whom this division applies who is hired 5217  
on or after November 14, 2007, the employer shall request a 5218  
criminal records check in accordance with section 3319.39 of the 5219  
Revised Code and every six years thereafter. For each person to 5220  
whom this division applies who is hired prior to that date, the 5221  
employer shall request a criminal records check by a date 5222  
prescribed by the department of education and every six years 5223  
thereafter. 5224

(2) This division applies to persons hired by a public or 5225  
private employer not described in division (J) (1) of this 5226  
section to operate a vehicle used for pupil transportation. 5227

For each person to whom this division applies who is hired 5228  
on or after November 14, 2007, the employer shall request a 5229  
criminal records check prior to the person's hiring and every 5230  
six years thereafter. For each person to whom this division 5231  
applies who is hired prior to that date, the employer shall 5232  
request a criminal records check by a date prescribed by the 5233  
department and every six years thereafter. 5234

(3) Each request for a criminal records check under 5235  
division (J) of this section shall be made to the superintendent 5236  
of the bureau of criminal identification and investigation in 5237  
the manner prescribed in section 3319.39 of the Revised Code, 5238  
except that if both of the following conditions apply to the 5239  
person subject to the records check, the employer shall request 5240  
the superintendent only to obtain any criminal records that the 5241  
federal bureau of investigation has on the person: 5242

(a) The employer previously requested the superintendent 5243  
to determine whether the bureau of criminal identification and 5244  
investigation has any information, gathered pursuant to division 5245  
(A) of section 109.57 of the Revised Code, on the person in 5246  
conjunction with a criminal records check requested under 5247  
section 3319.39 of the Revised Code or under division (J) of 5248  
this section. 5249

(b) The person presents proof that the person has been a 5250  
resident of this state for the five-year period immediately 5251  
prior to the date upon which the person becomes subject to a 5252  
criminal records check under this section. 5253

Upon receipt of a request, the superintendent shall 5254  
conduct the criminal records check in accordance with section 5255  
109.572 of the Revised Code as if the request had been made 5256  
under section 3319.39 of the Revised Code. However, as specified 5257

in division (B) (2) of section 109.572 of the Revised Code, if 5258  
the employer requests the superintendent only to obtain any 5259  
criminal records that the federal bureau of investigation has on 5260  
the person for whom the request is made, the superintendent 5261  
shall not conduct the review prescribed by division (B) (1) of 5262  
that section. 5263

(K) (1) Until the effective date of the amendments to rule 5264  
3301-83-23 of the Ohio Administrative Code required by the 5265  
second paragraph of division (E) of section 3319.39 of the 5266  
Revised Code, any person who is the subject of a criminal 5267  
records check under division (J) of this section and has been 5268  
convicted of or pleaded guilty to any offense described in 5269  
division (B) (1) of section 3319.39 of the Revised Code shall not 5270  
be hired or shall be released from employment, as applicable, 5271  
unless the person meets the rehabilitation standards prescribed 5272  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 5273  
Administrative Code. 5274

(2) Beginning on the effective date of the amendments to 5275  
rule 3301-83-23 of the Ohio Administrative Code required by the 5276  
second paragraph of division (E) of section 3319.39 of the 5277  
Revised Code, any person who is the subject of a criminal 5278  
records check under division (J) of this section and has been 5279  
convicted of or pleaded guilty to any offense that, under the 5280  
rule, disqualifies a person for employment to operate a vehicle 5281  
used for pupil transportation shall not be hired or shall be 5282  
released from employment, as applicable, unless the person meets 5283  
the rehabilitation standards prescribed by the rule. 5284

**Sec. 3332.05.** (A) The state board of career colleges and 5285  
schools shall issue a certificate of registration to an 5286  
applicant ~~of good reputation~~ seeking to offer one or more 5287

programs upon receipt of the fee established in accordance with 5288  
section 3332.07 of the Revised Code and upon determining the 5289  
applicant has the facilities, resources, and faculty to provide 5290  
students with the kind of instruction that it proposes to offer 5291  
and meets the minimum standards of the board. A certificate of 5292  
registration shall be granted or denied within one hundred 5293  
twenty days of the receipt of the application therefor by the 5294  
board. A person shall obtain a separate certificate for each 5295  
location at which the person offers programs. The first 5296  
certificate of registration issued on or after June 29, 1999, 5297  
for each new location is valid for one year, unless earlier 5298  
revoked for cause by the board under section 3332.09 of the 5299  
Revised Code. Any other certificate of registration is valid for 5300  
two years, unless earlier revoked for cause by the board under 5301  
that section. 5302

(B) The board shall issue program authorization for an 5303  
associate degree, certificate, or diploma program to an 5304  
applicant holding a certificate of registration issued pursuant 5305  
to division (A) of this section upon receipt of the fee 5306  
established in accordance with section 3332.07 of the Revised 5307  
Code and upon determining the applicant has the facilities, 5308  
resources, and faculty to provide students the kind of program 5309  
it proposes to offer and meets the minimum standards of the 5310  
state board. 5311

Any program authorization issued by the board under this 5312  
division is valid only for the specified program at the location 5313  
for which it is issued and does not cover any other program 5314  
offered at the school or at other schools operated by the owner. 5315  
Program authorization is valid for the period of time specified 5316  
by the board, unless earlier suspended or revoked for cause by 5317  
the board under section 3332.09 of the Revised Code. 5318

(C) (1) The state board shall accept and review 5319  
applications for program authorization for baccalaureate, 5320  
master's, and doctoral degree programs only from the following: 5321

(a) Any school holding a certificate of registration 5322  
issued by the board that has held such certificate for the ten 5323  
previous consecutive years; 5324

(b) Any school holding a certificate of registration 5325  
issued by the board that also holds an equivalent certificate 5326  
issued by another state and has held the equivalent certificate 5327  
for the ten previous consecutive years. 5328

(2) After review the board shall refer any application it 5329  
finds valid to the Ohio board of regents for approval. The board 5330  
of regents shall review, and approve or disapprove, such degree 5331  
programs and if so approved, issue certificates of authorization 5332  
to such schools to offer such degree programs pursuant to 5333  
Chapter 1713. of the Revised Code. The board of regents shall 5334  
notify the state board of career colleges and schools of each 5335  
school registered with the state board that receives a 5336  
certificate of authorization and the approval to offer any 5337  
degree program. Upon receipt of such notification and the fee 5338  
established in accordance with section 3332.07 of the Revised 5339  
Code, the state board shall review, and may issue program 5340  
authorization to offer, such a degree program. Any program 5341  
authorization issued by the board under this division is valid 5342  
only for the specified program at the location for which it is 5343  
issued and does not cover any other program offered at the 5344  
school or at other schools operated by the owner. Program 5345  
authorization is valid for the period of time specified by the 5346  
board, unless earlier suspended or revoked for cause by the 5347  
board under section 3332.09 of the Revised Code. The state board 5348

shall not issue such program authorization unless the degree 5349  
program has been approved by the board of regents. 5350

(D) The board may cause an investigation to be made into 5351  
the correctness of the information submitted in any application 5352  
received under this section. If the board believes that false, 5353  
misleading, or incomplete information has been submitted to it 5354  
in connection with any application, the board shall conduct a 5355  
hearing on the matter pursuant to Chapter 119. of the Revised 5356  
Code, and may withhold a certificate of registration or program 5357  
authorization upon finding that the applicant has failed to meet 5358  
the standards for such certificate or program authorization or 5359  
has submitted false, misleading, or incomplete information to 5360  
the board. Application for a certificate of registration or 5361  
program authorization shall be made in writing to the board on 5362  
forms furnished by the board. A certificate of registration or 5363  
program authorization is not transferable and shall be 5364  
prominently displayed on the premises of an institution. 5365

The board shall assign registration numbers to all schools 5366  
registered with it. Schools shall display their registration 5367  
numbers on all school publications and on all advertisements 5368  
bearing the name of the school. 5369

Notwithstanding the requirements of this section for 5370  
issuance of certificates of registration and program 5371  
authorization, the board may, in accordance with rules adopted 5372  
by it, grant certificates of registration and program 5373  
authorization to schools, colleges, institutes, or universities 5374  
that have been approved by the state department of education 5375  
pursuant to the "Act of March 3, 1966," 80 Stat. 20, 38 U.S.C.A. 5376  
1771. 5377

**Sec. 3332.09. (A)** The state board of career colleges and 5378

schools may, except as provided in division (B) of this section, 5379  
limit, suspend, revoke, or refuse to issue or renew a 5380  
certificate of registration or program authorization or may 5381  
impose a penalty pursuant to section 3332.091 of the Revised 5382  
Code for any one or combination of the following causes: 5383

~~(A)~~ (1) Violation of any provision of sections 3332.01 to 5384  
3332.09 of the Revised Code, the board's minimum standards, or 5385  
any rule made by the board; 5386

~~(B)~~ (2) Furnishing of false, misleading, deceptive, 5387  
altered, or incomplete information or documents to the board; 5388

~~(C)~~ (3) The ~~signing of an application or the~~ holding of a 5389  
certificate of registration by a person who has pleaded guilty 5390  
or has been found guilty of a felony or has pleaded guilty or 5391  
been found guilty of a crime involving moral turpitude; 5392

~~(D)~~ (4) The signing of an application or the holding of a 5393  
certificate of registration by a person who is addicted to the 5394  
use of any controlled substance, or who is found to be mentally 5395  
incompetent; 5396

~~(E)~~ (5) Violation of any commitment made in an application 5397  
for a certificate of registration or program authorization; 5398

~~(F)~~ (6) Presenting to prospective students, either at the 5399  
time of solicitation or enrollment, or through advertising, mail 5400  
circulars, or phone solicitation, misleading, deceptive, false, 5401  
or fraudulent information relating to any program, employment 5402  
opportunity, or opportunities for enrollment in accredited 5403  
institutions of higher education after entering or completing 5404  
programs offered by the holder of a certificate of registration; 5405

~~(G)~~ (7) Failure to provide or maintain premises or 5406  
equipment for offering programs in a safe and sanitary 5407



condition;	5408
<del>(H)</del> <u>(8)</u> Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	5409 5410
<del>(I)</del> <u>(9)</u> Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be licensed by the state board of education or to hold any type of post-high school degree;	5411 5412 5413 5414 5415 5416
<del>(J)</del> <u>(10)</u> Offering training or programs other than those presented in the application, except that schools may offer special courses adapted to the needs of individual students when the special courses are in the subject field specified in the application;	5417 5418 5419 5420 5421
<del>(K)</del> <u>(11)</u> Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin;	5422 5423
<del>(L)</del> <u>(12)</u> Accepting the services of an agent not holding a valid permit issued under section 3332.10 or 3332.11 of the Revised Code;	5424 5425 5426
<del>(M)</del> <u>(13)</u> The use of monetary or other valuable consideration by the school's agents or representatives to induce prospective students to enroll in the school, or the practice of awarding monetary or other valuable considerations without board approval to students in exchange for procuring the enrollment of others;	5427 5428 5429 5430 5431 5432
<del>(N)</del> <u>(14)</u> Failure to provide at the request of the board, any information, records, or files pertaining to the operation of the school or recruitment and enrollment of students.	5433 5434 5435

(B) The board shall not refuse to issue a certificate of registration to an applicant because the applicant was found guilty of or pleaded guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) If the board modifies or adopts additional minimum standards or rules pursuant to section 3332.031 of the Revised Code, all schools and agents shall have sixty days from the effective date of the modifications or additional standards or rules to comply with such modifications or additions.

**Sec. 3332.11.** Any agent's permit applied for pursuant to section 3332.10 of the Revised Code shall be granted or denied within thirty days of the receipt of the application by the state board of career colleges and schools. If the board has not completed its determination with respect to the issuance of a permit within such thirty-day period, it shall issue a temporary permit to the applicant, which permit is sufficient to meet the requirements of section 3332.10 of the Revised Code until such time as such determination is made.

~~No permit shall be issued to any person found by the board not to be of good moral character.~~

**Sec. 3332.12.** Any agent's permit issued may be suspended or revoked by the state board of career colleges and schools if the holder of the permit solicits or enrolls students through fraud, deception, or misrepresentation, upon a finding that the permit holder has violated any provision enumerated in division (A) (1), ~~(B) (2)~~, ~~(F) (6)~~, ~~(H) (8)~~, ~~(J) (10)~~, ~~(K) (11)~~, or ~~(M) (13)~~ of section 3332.09 of the Revised Code, or upon finding that the permit holder is not of good moral character.

Upon receipt of any written complaint from any person, the

board shall conduct a preliminary investigation. If after such 5465  
investigation or if as a result of any investigation conducted 5466  
under division (A) or (D) of section 3332.091 of the Revised 5467  
Code, the board determines it is probable violations were 5468  
committed, the board shall hold informal conferences in the same 5469  
manner as provided in section 3332.091 of the Revised Code with 5470  
an agent believed to be in violation of one or more of the above 5471  
conditions. If after sixty days these conferences fail to 5472  
eliminate the agent's objectionable practices or procedures, the 5473  
board shall issue a formal complaint to the agent and the school 5474  
that employs the agent. The formal complaint shall state the 5475  
charges against the agent and the holder of the certificate of 5476  
registration of the school and shall require them to appear 5477  
before the board at a public hearing pursuant to Chapter 119. of 5478  
the Revised Code. If, after the public hearing, the board 5479  
determines that an agent has violated one or more of the 5480  
provisions described above, the board shall suspend or revoke 5481  
the agent's permit. 5482

If after such hearing the board also determines that the 5483  
school at which the agent was employed was negligent in its 5484  
supervision of the agent or encouraged or caused the commission 5485  
of the violations, the board shall levy penalties against such 5486  
school in accordance with division (A) of section 3332.091 of 5487  
the Revised Code. Nothing said or done in the informal 5488  
conferences shall be disclosed by the board or any member of its 5489  
staff nor be used as evidence in any subsequent proceedings. 5490

**Sec. 3710.06.** (A) Within fifteen business days after 5491  
receiving an application, the director of environmental 5492  
protection shall acknowledge receipt of the application and 5493  
notify the applicant of any deficiency in the application. 5494  
Within sixty calendar days after receiving a completed 5495

application, including all additional information requested by 5496  
the director, the director shall issue a license or certificate 5497  
or deny the application. The director shall issue only one 5498  
license or certificate that is in effect at one time to a 5499  
business entity and its principal officers and a public entity 5500  
and its principal officers. 5501

(B) (1) The director shall deny an application if it 5502  
determines that the applicant has not demonstrated the ability 5503  
to comply fully with all applicable federal and state 5504  
requirements and all requirements, procedures, and standards 5505  
established by the director in this chapter, Chapter 3704. of 5506  
the Revised Code, or rules adopted under those chapters, as 5507  
those chapters and rules pertain to asbestos. 5508

(2) The director shall deny any application for an 5509  
asbestos hazard abatement contractor's license if the applicant 5510  
or an officer or employee of the applicant has been convicted of 5511  
~~a felony or found liable in a civil proceeding under any state~~ 5512  
~~or federal law designed to protect the environment~~ disqualifying 5513  
offense as determined under section 9.79 of the Revised Code. 5514

(3) The director shall send all denials of an application 5515  
by certified mail to the applicant. If the director receives a 5516  
timely request for a hearing from the applicant on the proposed 5517  
denial of an application, the director shall hold a hearing in 5518  
accordance with Chapter 119. of the Revised Code, as provided in 5519  
division (A) of section 3710.13 of the Revised Code. 5520

(C) In an emergency that results from a sudden, unexpected 5521  
event that is not a planned asbestos hazard abatement project, 5522  
the director may waive the requirements for a license. For the 5523  
purposes of this division, "emergency" includes operations 5524  
necessitated by nonroutine failures of equipment or by actions 5525

of fire and emergency medical personnel pursuant to duties 5526  
within their official capacities. Any person who performs an 5527  
asbestos hazard abatement project under emergency conditions 5528  
shall notify the director within three days after performance 5529  
thereof. 5530

(D) Each license or certificate issued under this chapter 5531  
expires one year after the date of issue, but each licensee or 5532  
certificate holder may apply to the environmental protection 5533  
agency for the extension of the holder's license or certificate 5534  
under the standard renewal procedures of Chapter 4745. of the 5535  
Revised Code. 5536

To qualify for renewal of a license or certificate issued 5537  
under this chapter, each licensee or certificate holder shall 5538  
send the appropriate renewal fee set forth in division (D) of 5539  
section 3710.05 of the Revised Code or as adopted by rule by the 5540  
director pursuant to division (A) (4) of section 3710.02 of the 5541  
Revised Code. 5542

Certificate holders also shall successfully complete an 5543  
annual renewal course approved by the agency pursuant to section 5544  
3710.10 of the Revised Code. 5545

(E) The director may charge a fee in addition to those 5546  
specified in division (D) of section 3710.05 of the Revised Code 5547  
or in rules adopted by the director pursuant to division (A) (4) 5548  
of section 3710.02 of the Revised Code if the licensee or 5549  
certificate holder applies for renewal after the expiration 5550  
thereof or requests a reissuance of any license or certificate, 5551  
provided that no such fee shall exceed the original fees by more 5552  
than fifty per cent. 5553

**Sec. 3734.42.** (A) (1) Every applicant for a permit shall 5554

file a disclosure statement, on a form developed by the attorney 5555  
general, with the director of environmental protection and the 5556  
attorney general at the same time the applicant files an 5557  
application for the permit with the director. 5558

(2) Any individual required to be listed in the disclosure 5559  
statement shall be fingerprinted for identification and 5560  
investigation purposes in accordance with procedures established 5561  
by the attorney general. An individual required to be 5562  
fingerprinted under this section shall not be required to be 5563  
fingerprinted more than once under this section. 5564

(3) The attorney general, within one hundred eighty days 5565  
after receipt of the disclosure statement from an applicant for 5566  
a permit, shall prepare and transmit to the director an 5567  
investigative report on the applicant, based in part upon the 5568  
disclosure statement, except that this deadline may be extended 5569  
for a reasonable period of time, for good cause, by the director 5570  
or the attorney general. In preparing this report, the attorney 5571  
general may request and receive criminal history information 5572  
from the federal bureau of investigation and any other law 5573  
enforcement agency or organization. The attorney general may 5574  
provide such confidentiality regarding the information received 5575  
from a law enforcement agency as may be imposed by that agency 5576  
as a condition for providing that information to the attorney 5577  
general. 5578

(4) The review of the application by the director shall 5579  
include a review of the disclosure statement and investigative 5580  
report. 5581

(B) All applicants and permittees shall provide any 5582  
assistance or information requested by the director or the 5583  
attorney general and shall cooperate in any inquiry or 5584

investigation conducted by the attorney general and any inquiry, 5585  
investigation, or hearing conducted by the director. If, upon 5586  
issuance of a formal request to answer any inquiry or produce 5587  
information, evidence, or testimony, any applicant or permittee, 5588  
any officer, director, or partner of any business concern, or 5589  
any key employee of the applicant or permittee refuses to 5590  
comply, the permit of the applicant or permittee may be denied 5591  
or revoked by the director. 5592

(C) The attorney general may charge and collect such fees 5593  
from applicants and permittees as are necessary to cover the 5594  
costs of administering and enforcing the investigative 5595  
procedures authorized in sections 3734.41 to 3734.47 of the 5596  
Revised Code. The attorney general shall transmit moneys 5597  
collected under this division to the treasurer of state to be 5598  
credited to the solid and hazardous waste background 5599  
investigations fund, which is hereby created in the state 5600  
treasury. Moneys in the fund shall be used solely for paying the 5601  
attorney general's costs of administering and enforcing the 5602  
investigative procedures authorized in sections 3734.41 to 5603  
3734.47 of the Revised Code. 5604

(D) An appropriate applicant, a permittee, or a 5605  
prospective owner shall submit to the attorney general, on a 5606  
form provided by the attorney general, the following information 5607  
within the periods specified: 5608

(1) Information required to be included in the disclosure 5609  
statement for any new officer, director, partner, or key 5610  
employee, to be submitted within ninety days from the addition 5611  
of the officer, director, partner, or key employee; 5612

(2) Information required to be included in a disclosure 5613  
statement regarding the addition of any new business concern to 5614

be submitted within ninety days from the addition of the new 5615  
business concern. 5616

(E) (1) The attorney general shall enter in the database 5617  
established under section 109.5721 of the Revised Code the name, 5618  
the fingerprints, and other relevant information concerning each 5619  
officer, director, partner, or key employee of an applicant, 5620  
permittee, or prospective owner. 5621

(2) For purposes of section 109.5721 of the Revised Code, 5622  
annually on a date assigned by the attorney general, an 5623  
applicant, permittee, or prospective owner shall provide the 5624  
attorney general with a list of both of the following: 5625

(a) Each officer, director, partner, or key employee of 5626  
the applicant, permittee, or prospective owner and the person's 5627  
address and social security number; 5628

(b) Any officer, director, partner, or key employee of the 5629  
applicant, permittee, or prospective owner who has left a 5630  
position previously held with the applicant, permittee, or 5631  
prospective owner during the previous one-year period and the 5632  
person's social security number. 5633

(3) Annually, the attorney general shall update the 5634  
database established under section 109.5721 of the Revised Code 5635  
to reflect the information provided by an applicant, permittee, 5636  
or prospective owner under divisions (E) (2) (a) and (b) of this 5637  
section. 5638

(4) Notwithstanding division (C) of this section, the 5639  
attorney general shall charge and collect fees from an 5640  
applicant, permittee, or prospective owner that is required to 5641  
submit information under this division in accordance with rules 5642  
adopted under section 109.5721 of the Revised Code. The fees 5643



shall not exceed fees that are charged to any other person who 5644  
is charged fees for purposes of the database established under 5645  
that section and who is not an officer, director, partner, or 5646  
key employee of an applicant, permittee, or prospective owner 5647  
under this section. 5648

(F) (1) Every five years, the attorney general shall 5649  
request from the federal bureau of investigation any information 5650  
regarding a criminal conviction with respect to each officer, 5651  
director, partner, or key employee of an applicant, permittee, 5652  
or prospective owner. The attorney general may take any actions 5653  
necessary for purposes of this division, including, as 5654  
necessary, requesting the submission of any necessary documents 5655  
authorizing the release of information. 5656

(2) Every five years, an applicant, permittee, or 5657  
prospective owner shall submit an affidavit listing all of the 5658  
following regarding a business concern required to be listed in 5659  
the applicant's, permittee's, or prospective owner's disclosure 5660  
statement: 5661

(a) Any administrative enforcement order issued to the 5662  
business concern in connection with any violation of any federal 5663  
or state environmental protection laws, rules, or regulations 5664  
during the previous five-year period; 5665

(b) Any civil action in which the business concern was 5666  
determined to be liable or was the subject of injunctive relief 5667  
or another type of civil relief in connection with any violation 5668  
of any federal or state environmental protection laws, rules, or 5669  
regulations during the previous five-year period; 5670

(c) Any criminal conviction for a violation of any federal 5671  
or state environmental protection laws, rules, or regulations 5672

that has been committed knowingly or recklessly by the business 5673  
concern during the previous five-year period. 5674

(G) With respect to an applicant, permittee, or 5675  
prospective owner, the attorney general shall notify the 5676  
director of environmental protection of any crime ascertained 5677  
under division (E) or (F) of this section that is a 5678  
disqualifying ~~crime-offense~~ under section ~~3734.44~~ 9.79 of the 5679  
Revised Code. The attorney general shall provide the 5680  
notification not later than thirty days after the crime was 5681  
ascertained. 5682

(H) The failure to provide information under this section 5683  
may constitute the basis for the revocation of a permit or 5684  
license, the denial of a permit or license application, the 5685  
denial of a renewal of a permit or license, or the disapproval 5686  
of a change in ownership as described in division (I) of this 5687  
section. Prior to a denial, revocation, or disapproval, the 5688  
director shall notify the applicant, permittee, or prospective 5689  
owner of the director's intention to do so. The director shall 5690  
give the applicant, permittee, or prospective owner fourteen 5691  
days from the date of the notice to explain why the information 5692  
was not provided. The director shall consider the explanation 5693  
when determining whether to revoke the permit or license, deny 5694  
the permit or license application or renewal, or disapprove the 5695  
change in ownership. 5696

Nothing in this section affects the rights of the director 5697  
or the attorney general granted under sections 3734.40 to 5698  
3734.47 of the Revised Code to request information from a person 5699  
at any other time. 5700

(I) (1) Whenever there is a change in ownership of any 5701  
operating off-site solid waste facility, any operating off-site 5702

infectious waste facility, or any operating off-site hazardous 5703  
waste facility, the prospective owner shall file a disclosure 5704  
statement with the attorney general and the director at least 5705  
one hundred eighty days prior to the proposed change in 5706  
ownership. In addition, whenever there is a change in ownership 5707  
of any operating on-site solid waste facility, any operating on- 5708  
site infectious waste facility, or any operating on-site 5709  
hazardous waste facility and the prospective owner intends to 5710  
operate the facility as an off-site facility by accepting wastes 5711  
other than wastes generated by the facility owner, the 5712  
prospective owner shall file a disclosure statement with the 5713  
attorney general and the director. The prospective owner shall 5714  
file the disclosure statement at least one hundred eighty days 5715  
prior to the proposed change in ownership. 5716

Upon receipt of the disclosure statement, the attorney 5717  
general shall prepare an investigative report and transmit it to 5718  
the director. The director shall review the disclosure statement 5719  
and investigative report to determine whether the statement or 5720  
report contains information that if submitted with a permit 5721  
application would require a denial of the permit pursuant to 5722  
section 3734.44 of the Revised Code. If the director determines 5723  
that the statement or report contains such information, the 5724  
director shall disapprove the change in ownership. 5725

(2) If the parties to a change in ownership decide to 5726  
proceed with the change prior to the action of the director on 5727  
the disclosure statement and investigative report, the parties 5728  
shall include in all contracts or other documents reflecting the 5729  
change in ownership language expressly making the change in 5730  
ownership subject to the approval of the director and expressly 5731  
negating the change if it is disapproved by the director 5732  
pursuant to division (I)(1) of this section. 5733

(3) As used in this section, "change in ownership" 5734  
includes a change of the individuals or entities who own a solid 5735  
waste facility, infectious waste facility, or hazardous waste 5736  
facility. "Change in ownership" does not include a legal change 5737  
in a business concern's name when its ownership otherwise 5738  
remains the same. "Change in ownership" also does not include a 5739  
personal name change of officers, directors, partners, or key 5740  
employees contained in a disclosure statement. 5741

**Sec. 3734.44.** Notwithstanding the provisions of any law to 5742  
the contrary and except as provided in division (F) of this 5743  
section, no permit or license shall be issued or renewed by the 5744  
director of environmental protection or a board of health: 5745

(A) Unless the director or the board of health finds that 5746  
the applicant, in any prior performance record in the 5747  
transportation, transfer, treatment, storage, or disposal of 5748  
solid wastes, infectious wastes, or hazardous waste, has 5749  
exhibited sufficient reliability, expertise, and competency to 5750  
operate the solid waste, infectious waste, or hazardous waste 5751  
facility, given the potential for harm to human health and the 5752  
environment that could result from the irresponsible operation 5753  
of the facility, or, if no prior record exists, that the 5754  
applicant is likely to exhibit that reliability, expertise, and 5755  
competence; 5756

(B) If any individual or business concern required to be 5757  
listed in the disclosure statement or shown to have a beneficial 5758  
interest in the business of the applicant or the permittee, 5759  
other than an equity interest or debt liability, by the 5760  
investigation thereof, has been convicted of any of the 5761  
following crimes under the laws of this state or equivalent laws 5762  
of any other jurisdiction: 5763

(1) Murder;	5764
(2) Kidnapping;	5765
(3) Gambling;	5766
(4) Robbery;	5767
(5) Bribery;	5768
(6) Extortion;	5769
(7) Criminal usury;	5770
(8) Arson;	5771
(9) Burglary;	5772
(10) Theft and related crimes;	5773
(11) Forgery and fraudulent practices;	5774
(12) Fraud in the offering, sale, or purchase of securities;	5775 5776
(13) Alteration of motor vehicle identification numbers;	5777
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	5778 5779
(15) Unlawful possession or use of destructive devices or explosives;	5780 5781
(16) A violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	5782 5783 5784 5785 5786 5787 5788

(17) Engaging in a pattern of corrupt activity under	5789
section 2923.32 of the Revised Code;	5790
(18) A violation of the criminal provisions of Chapter	5791
1331. of the Revised Code;	5792
(19) Any violation of the criminal provisions of any	5793
federal or state environmental protection laws, rules, or	5794
regulations that is committed knowingly or recklessly, as	5795
defined in section 2901.22 of the Revised Code;	5796
(20) A violation of any provision of Chapter 2909. of the	5797
Revised Code;	5798
(21) Any offense specified in Chapter 2921. of the Revised	5799
Code.	5800
(C) Notwithstanding division (B) of this section, no	5801
applicant shall be denied the issuance or renewal of a permit or	5802
license on the basis of a conviction of any individual or	5803
business concern required to be listed in the disclosure	5804
statement or shown to have a beneficial interest in the business	5805
of the applicant or the permittee, other than an equity interest	5806
or debt liability, by the investigation thereof for any of the	5807
offenses enumerated in that division as disqualification	5808
criteria if that applicant has affirmatively demonstrated	5809
rehabilitation of the individual or business concern by a	5810
preponderance of the evidence. If any such individual was	5811
convicted of any of the offenses so enumerated that are	5812
felonies, a permit shall be denied unless five years have	5813
elapsed since the individual was fully discharged from	5814
imprisonment and parole for the offense, from a community	5815
control sanction imposed under section 2929.15 of the Revised	5816
Code, from a post-release control sanction imposed under section	5817

2967.28 of the Revised Code for the offense, or imprisonment, 5818  
probation, and parole for an offense that was committed prior to 5819  
July 1, 1996. In determining whether an applicant has 5820  
affirmatively demonstrated rehabilitation, the director or the 5821  
board of health shall request a recommendation on the matter 5822  
from the attorney general and shall consider and base the 5823  
determination on the following factors: 5824

(1) The nature and responsibilities of the position a 5825  
convicted individual would hold; 5826

(2) The nature and seriousness of the offense; 5827

(3) The circumstances under which the offense occurred; 5828

(4) The date of the offense; 5829

(5) The age of the individual when the offense was 5830  
committed; 5831

(6) Whether the offense was an isolated or repeated 5832  
incident; 5833

(7) Any social conditions that may have contributed to the 5834  
offense; 5835

(8) Any evidence of rehabilitation, including good conduct 5836  
in prison or in the community, counseling or psychiatric 5837  
treatment received, acquisition of additional academic or 5838  
vocational schooling, successful participation in correctional 5839  
work release programs, or the recommendation of persons who have 5840  
or have had the applicant under their supervision; 5841

(9) In the instance of an applicant that is a business 5842  
concern, rehabilitation shall be established if the applicant 5843  
has implemented formal management controls to minimize and 5844  
prevent the occurrence of violations and activities that will or 5845

may result in permit or license denial or revocation or if the 5846  
applicant has formalized those controls as a result of a 5847  
revocation or denial of a permit or license. Those controls may 5848  
include, but are not limited to, instituting environmental 5849  
auditing programs to help ensure the adequacy of internal 5850  
systems to achieve, maintain, and monitor compliance with 5851  
applicable environmental laws and standards or instituting an 5852  
antitrust compliance auditing program to help ensure full 5853  
compliance with applicable antitrust laws. The business concern 5854  
shall prove by a preponderance of the evidence that the 5855  
management controls are effective in preventing the violations 5856  
that are the subject of concern. 5857

(D) Unless the director or the board of health finds that 5858  
the applicant has a history of compliance with environmental 5859  
laws in this state and other jurisdictions and is presently in 5860  
substantial compliance with, or on a legally enforceable 5861  
schedule that will result in compliance with, environmental laws 5862  
in this state and other jurisdictions; 5863

(E) With respect to the approval of a permit, if the 5864  
director determines that current prosecutions or pending charges 5865  
in any jurisdiction for any of the offenses enumerated in 5866  
division (B) of this section against any individual or business 5867  
concern required to be listed in the disclosure statement or 5868  
shown by the investigation to have a beneficial interest in the 5869  
business of the applicant other than an equity interest or debt 5870  
liability are of such magnitude that they prevent making the 5871  
finding required under division (A) of this section, provided 5872  
that at the request of the applicant or the individual or 5873  
business concern charged, the director shall defer decision upon 5874  
the application during the pendency of the charge. 5875



(F) The director or the board of health shall not refuse 5876  
to issue a permit or license to an applicant because of a 5877  
conviction of an offense unless the refusal is in accordance 5878  
with section 9.79 of the Revised Code. 5879

**Sec. 3743.03.** (A) If a person submits an application for 5880  
licensure as a manufacturer of fireworks, together with the 5881  
license fee, fingerprints, and proof of the insurance coverage, 5882  
as required by section 3743.02 of the Revised Code, the state 5883  
fire marshal shall review the application and accompanying 5884  
matter, request the criminal records check described in division 5885  
(E) of this section, inspect the premises of the fireworks plant 5886  
described in the application, and determine whether the 5887  
applicant will be issued the license. In determining whether to 5888  
issue the license, the state fire marshal shall consider the 5889  
results of the criminal records check and the inspection, and 5890  
the information set forth in the application, and shall decide 5891  
whether the applicant and the fireworks plant described in the 5892  
application conform to sections 3743.02 to 3743.08 of the 5893  
Revised Code and the rules adopted by the state fire marshal 5894  
pursuant to section 3743.05 of the Revised Code, and are in full 5895  
compliance with Chapters 3781. and 3791. of the Revised Code, 5896  
and any applicable building or zoning regulations. 5897

(B) Subject to section 3743.70 of the Revised Code, the 5898  
state fire marshal shall issue a license in accordance with 5899  
Chapter 119. of the Revised Code to an applicant for licensure 5900  
as a manufacturer of fireworks only if the applicant and the 5901  
fireworks plant described in the application conform to sections 5902  
3743.02 to 3743.08 of the Revised Code and the rules adopted by 5903  
the state fire marshal pursuant to section 3743.05 of the 5904  
Revised Code, only if the fireworks plant described in the 5905  
application complies with the Ohio building code adopted under 5906

Chapter 3781. of the Revised Code, if that fireworks plant was 5907  
constructed after May 30, 1986, and only if the state fire 5908  
marshal is satisfied that the application and accompanying 5909  
matter are complete and in conformity with section 3743.02 of 5910  
the Revised Code. The requirements of this chapter and of the 5911  
rules adopted under this chapter as applicable to the structure 5912  
of a building do not apply to a building in a fireworks plant if 5913  
the building was inspected and approved by the department of 5914  
industrial relations or by any building department certified 5915  
pursuant to division (E) of section 3781.10 of the Revised Code 5916  
prior to May 30, 1986. 5917

(C) Each license issued pursuant to this section shall 5918  
contain a distinct number assigned to the licensed manufacturer 5919  
and, if the licensed manufacturer will engage in the processing 5920  
of fireworks as any part of its manufacturing of fireworks at 5921  
the fireworks plants, a notation indicating that fact. The state 5922  
fire marshal shall maintain a list of all licensed manufacturers 5923  
of fireworks. In the list next to each manufacturer's name, the 5924  
state fire marshal shall insert the period of licensure, the 5925  
license number of the manufacturer, and, if applicable, a 5926  
notation that the manufacturer will engage in the processing of 5927  
fireworks as part of its manufacturing of fireworks. 5928

(D) The holder of a license issued pursuant to this 5929  
section may request the state fire marshal to cancel that 5930  
license and issue in its place a license to sell fireworks at 5931  
wholesale under section 3743.16 of the Revised Code. Upon 5932  
receipt of such a request, the state fire marshal shall cancel 5933  
the license issued under this section and issue a license under 5934  
section 3743.16 of the Revised Code if the applicant meets the 5935  
requirements of that section. 5936

(E) Upon receipt of an application and the required 5937  
accompanying matter under section 3743.02 of the Revised Code, 5938  
the state fire marshal shall forward to the superintendent of 5939  
the bureau of criminal identification and investigation a 5940  
request that the bureau conduct an investigation of the 5941  
applicant and, if applicable, additional individuals who hold, 5942  
own, or control a five per cent or greater beneficial or equity 5943  
interest in the applicant, to determine whether the applicant or 5944  
the additional associated individuals have been convicted of or 5945  
pled guilty to a ~~felony-disqualifying offense as determined~~ 5946  
under section 9.79 of the Revised Code, under the laws of this 5947  
state, another state, or the United States. 5948

If the applicant for initial licensure has resided in this 5949  
state for less than five continuous years immediately prior to 5950  
the date the applicant submits an initial application, the 5951  
superintendent also shall request that the federal bureau of 5952  
investigation conduct an investigation of the applicant and, if 5953  
applicable, additional individuals who hold, own, or control a 5954  
five per cent or greater beneficial or equity interest in the 5955  
applicant, to determine whether the applicant or the additional 5956  
associated individuals have been convicted of or pled guilty to 5957  
a ~~felony-disqualifying offense as determined under section 9.79~~ 5958  
of the Revised Code, under the laws of this state, another 5959  
state, or the United States. 5960

The superintendent shall forward the results of an 5961  
investigation conducted pursuant to this division to the state 5962  
fire marshal and may charge a reasonable fee for providing the 5963  
results. The state fire marshal shall assess any fee charged by 5964  
the superintendent for the results to the applicant. 5965

**Sec. 3743.16.** (A) If a person submits an application for 5966

licensure as a wholesaler of fireworks, together with the 5967  
license fee, fingerprints, and proof of the insurance coverage, 5968  
as required by section 3743.15 of the Revised Code, the state 5969  
fire marshal shall review the application and accompanying 5970  
matter, request the criminal records check described in division 5971  
(D) of this section, inspect the premises on which the fireworks 5972  
would be sold, and determine whether the applicant will be 5973  
issued the license. In determining whether to issue the license, 5974  
the state fire marshal shall consider the results of the 5975  
criminal records check and the inspection, and the information 5976  
set forth in the application, and shall decide whether the 5977  
applicant and the premises on which the fireworks will be sold 5978  
conform to sections 3743.15 to 3743.21 of the Revised Code and 5979  
the rules adopted by the state fire marshal pursuant to section 5980  
3743.18 of the Revised Code, and are in full compliance with 5981  
Chapters 3781. and 3791. of the Revised Code, and any applicable 5982  
building or zoning regulations. 5983

(B) Subject to section 3743.70 of the Revised Code, the 5984  
state fire marshal shall issue a license in accordance with 5985  
Chapter 119. of the Revised Code to the applicant for licensure 5986  
as a wholesaler of fireworks only if the applicant and the 5987  
premises on which the fireworks will be sold conform to sections 5988  
3743.15 to 3743.21 of the Revised Code and the rules adopted by 5989  
the state fire marshal pursuant to section 3743.18 of the 5990  
Revised Code, only if the premises on which the fireworks will 5991  
be sold complies with the Ohio building code adopted under 5992  
Chapter 3781. of the Revised Code, if that premises was 5993  
constructed after May 30, 1986, and only if the state fire 5994  
marshal is satisfied that the application and accompanying 5995  
matter are complete and in conformity with section 3743.15 of 5996  
the Revised Code. The requirements of this chapter and of the 5997

rules adopted under this chapter as applicable to the structure 5998  
of a building do not apply to a building used by a wholesaler if 5999  
the building was inspected and approved by the department of 6000  
industrial relations or by any building department certified 6001  
pursuant to division (E) of section 3781.10 of the Revised Code 6002  
prior to May 30, 1986. 6003

(C) Each license issued pursuant to this section shall 6004  
contain a distinct number assigned to the particular wholesaler. 6005  
The state fire marshal shall maintain a list of all licensed 6006  
wholesalers of fireworks. In this list next to each wholesaler's 6007  
name, the state fire marshal shall insert the period of 6008  
licensure and the license number of the particular wholesaler. 6009

(D) Upon receipt of an application and the required 6010  
accompanying matter under section 3743.15 of the Revised Code, 6011  
the state fire marshal shall forward to the superintendent of 6012  
the bureau of criminal identification and investigation a 6013  
request that the bureau conduct an investigation of the 6014  
applicant and, if applicable, additional individuals who hold, 6015  
own, or control a five per cent or greater beneficial or equity 6016  
interest in the applicant, to determine whether the applicant or 6017  
the additional associated individuals have been convicted of or 6018  
pled guilty to a ~~felony-disqualifying offense in accordance with~~ 6019  
section 9.79 of the Revised Code, under the laws of this state, 6020  
another state, or the United States. 6021

If the applicant for initial licensure has resided in this 6022  
state for less than five continuous years immediately prior to 6023  
the date the applicant submits an initial application, the 6024  
superintendent also shall request that the federal bureau of 6025  
investigation conduct an investigation of the applicant and, if 6026  
applicable, additional individuals who hold, own, or control a 6027

five per cent or greater beneficial or equity interest in the 6028  
applicant, to determine whether the applicant or the additional 6029  
associated individuals have been convicted of or pled guilty to 6030  
a ~~felony~~ disqualifying offense in accordance with section 9.79 6031  
of the Revised Code, under the laws of this state, another 6032  
state, or the United States. 6033

The superintendent shall forward the results of an 6034  
investigation conducted pursuant to this division to the state 6035  
fire marshal and may charge a reasonable fee for providing the 6036  
results. The state fire marshal shall assess any fee charged by 6037  
the superintendent for the results to the applicant. 6038

**Sec. 3743.70.** (A) The state fire marshal shall not refuse 6039  
to issue a license, permit, or registration under this chapter 6040  
if the applicant or any individual holding, owning, or 6041  
controlling a five per cent or greater beneficial or equity 6042  
interest in the applicant for the license, permit, or 6043  
registration has been convicted of or pleaded guilty to a 6044  
disqualifying offense under section 9.79 of the Revised Code 6045  
unless the refusal is in accordance with that section. 6046

(B) The state fire marshal shall not issue an initial or a 6047  
renewal of a license, permit, or registration under this chapter 6048  
on or after June 30, 1997, if the applicant for the license or 6049  
permit, or any individual holding, owning, or controlling a five 6050  
per cent or greater beneficial or equity interest in the 6051  
applicant for the license or permit, has been convicted of or 6052  
pleaded guilty to a felony under the laws of this state, another 6053  
state, or the United States. 6054

(C) The state fire marshal shall revoke or deny renewal of 6055  
a license or permit first issued under this chapter on or after 6056  
June 30, 1997, if the holder of the license or permit, or any 6057

individual holding, owning, or controlling a five per cent or 6058  
greater beneficial or equity interest in the holder of the 6059  
license or permit, is convicted of or pleads guilty to a felony 6060  
under the laws of this state, another state, or the United 6061  
States. 6062

(D) The state fire marshal may adopt rules under Chapter 6063  
119. of the Revised Code specifying the method to be used by the 6064  
applicants subject to this section to provide the fingerprint or 6065  
similar identifying information, fees to be assessed by the 6066  
state fire marshal to conduct such background checks, and the 6067  
procedures to be used by the state fire marshal to verify 6068  
compliance with this section. Such rules may include provisions 6069  
establishing rules for conducting background checks ~~and~~ 6070  
~~prohibiting licensure, permitting or registration under this~~ 6071  
~~chapter for persons convicted of a felony or similar offense in~~ 6072  
~~another country~~, the frequency that license renewal applicants 6073  
must update background check information filed by the applicant 6074  
with previous license applications, provisions describing 6075  
alternative forms of background check information that may be 6076  
accepted by the state fire marshal to verify compliance with 6077  
this section, and provisions that permit the state fire marshal 6078  
to waive the applicability of this section if the applicant 6079  
produces verified documentation that demonstrates that this 6080  
state, another state, the United States, or another country has 6081  
determined that applicant is appropriate for licensure, 6082  
permitting, or registration under this chapter. 6083

**Sec. 3743.99.** (A) Whoever violates division (A) or (B) of 6084  
section 3743.60 or division (H) of section 3743.64 of the 6085  
Revised Code is guilty of a felony of the third degree. 6086

(B) Whoever violates division (C) or (D) of section 6087

3743.60, division (A), (B), (C), or (D) of section 3743.61, or 6088  
division (A) or (B) of section 3743.64 of the Revised Code is 6089  
guilty of a felony of the fourth degree. 6090

(C) Whoever violates division (E), (F), (G), (H), (I), or 6091  
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 6092  
of section 3743.61, section 3743.63, division (D), (E), (F), or 6093  
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 6094  
section 3743.65, or section 3743.66 of the Revised Code is 6095  
guilty of a misdemeanor of the first degree. If the offender 6096  
previously has been convicted of or pleaded guilty to a 6097  
violation of division (I) of section 3743.60 or 3743.61 of the 6098  
Revised Code, a violation of either of these divisions is a 6099  
felony of the fifth degree. 6100

(D) Whoever violates division (C) of section 3743.64 of 6101  
the Revised Code is guilty of a misdemeanor of the first degree. 6102  
In addition to any other penalties that may be imposed on a 6103  
licensed exhibitor of fireworks under this division and unless 6104  
the third sentence of this division applies, the person's 6105  
license as an exhibitor of fireworks or as an assistant 6106  
exhibitor of fireworks shall be suspended, ~~and the person is~~ 6107  
~~ineligible to apply for either type of license, for a period of~~ 6108  
~~five years.~~ If the violation of division (C) of section 3743.64 6109  
of the Revised Code results in serious physical harm to persons 6110  
or serious physical harm to property, the person's license as an 6111  
exhibitor of fireworks or as an assistant exhibitor of fireworks 6112  
shall be revoked, ~~and that person is ineligible to apply for a~~ 6113  
~~license as or to be licensed as an exhibitor of fireworks or as~~ 6114  
~~an assistant exhibitor of fireworks in this state.~~ 6115

(E) Whoever violates division (F) of section 3743.65 of 6116  
the Revised Code is guilty of a felony of the fifth degree. 6117



**Sec. 3770.05.** (A) As used in this section, "person" means 6118  
any individual, association, corporation, limited liability 6119  
company, partnership, club, trust, estate, society, receiver, 6120  
trustee, person acting in a fiduciary or representative 6121  
capacity, instrumentality of the state or any of its political 6122  
subdivisions, or any other business entity or combination of 6123  
individuals meeting the requirements set forth in this section 6124  
or established by rule or order of the state lottery commission. 6125

(B) The director of the state lottery commission may 6126  
license any person as a lottery sales agent. 6127

Before issuing any license to a lottery sales agent, the 6128  
director shall consider all of the following: 6129

(1) The financial responsibility and security of the 6130  
applicant and the applicant's business or activity; 6131

(2) The accessibility of the applicant's place of business 6132  
or activity to the public; 6133

(3) The sufficiency of existing licensed agents to serve 6134  
the public interest; 6135

(4) The volume of expected sales by the applicant; 6136

(5) Any other factors pertaining to the public interest, 6137  
convenience, or trust. 6138

(C) Except as otherwise provided in ~~division~~divisions (F) 6139  
and (G) of this section, the director of the state lottery 6140  
commission may refuse to grant, or may suspend or revoke, a 6141  
license if the applicant or licensee: 6142

(1) Has been convicted of a felony or has been convicted 6143  
of a crime involving moral turpitude; 6144

(2) Has been convicted of an offense that involves illegal gambling; 6145  
6146

(3) Has been found guilty of fraud or misrepresentation in any connection; 6147  
6148

(4) Has been found to have violated any rule or order of the commission; or 6149  
6150

(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits. 6151  
6152

(D) Except as otherwise provided in division ~~(F)~~ (G) of this section, the director of the state lottery commission may refuse to grant, or may suspend or revoke, a license if the applicant or licensee is a corporation or other business entity, and any of the following applies: 6153  
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6155  
6156  
6157

(1) Any of the directors, officers, managers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C) (1) to (5) of this section; 6158  
6159  
6160

(2) It appears to the director of the state lottery commission that, due to the experience, ~~character,~~ or general fitness of any director, officer, manager, or controlling shareholder, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust; 6161  
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(3) The corporation or other business entity is not the owner or lessee of the business at which it would conduct a lottery sales agency pursuant to the license applied for; 6167  
6168  
6169

(4) Any person, firm, association, or corporation other than the applicant or licensee shares or will share in the profits of the applicant or licensee, other than receiving 6170  
6171  
6172

dividends or distributions as a shareholder, or participates or 6173  
will participate in the management of the affairs of the 6174  
applicant or licensee. 6175

(E) (1) The director of the state lottery commission shall 6176  
~~refuse to grant a license to an applicant for a lottery sales-~~ 6177  
~~agent license and shall~~ revoke a lottery sales agent license if 6178  
the applicant or licensee is or has been convicted of a 6179  
violation of division (A) or (C) (1) of section 2913.46 of the 6180  
Revised Code. 6181

(2) The director shall ~~refuse to grant a license to an~~ 6182  
~~applicant for a lottery sales agent license that is a~~ 6183  
~~corporation and shall~~ revoke the lottery sales agent license of 6184  
a corporation if the corporation is or has been convicted of a 6185  
violation of division (A) or (C) (1) of section 2913.46 of the 6186  
Revised Code. 6187

(F) The director of the state lottery commission shall not 6188  
refuse to issue a license to an applicant because of a 6189  
conviction of an offense unless the refusal is in accordance 6190  
with section 9.79 of the Revised Code. 6191

(G) The director of the state lottery commission shall 6192  
request the bureau of criminal identification and investigation, 6193  
the department of public safety, or any other state, local, or 6194  
federal agency to supply the director with the criminal records 6195  
of any applicant for a lottery sales agent license, and may 6196  
periodically request the criminal records of any person to whom 6197  
a lottery sales agent license has been issued. At or prior to 6198  
the time of making such a request, the director shall require an 6199  
applicant or licensee to obtain fingerprint impressions on 6200  
fingerprint cards prescribed by the superintendent of the bureau 6201  
of criminal identification and investigation at a qualified law 6202

enforcement agency, and the director shall cause those 6203  
fingerprint cards to be forwarded to the bureau of criminal 6204  
identification and investigation, to the federal bureau of 6205  
investigation, or to both bureaus. The commission shall assume 6206  
the cost of obtaining the fingerprint cards. 6207

The director shall pay to each agency supplying criminal 6208  
records for each investigation a reasonable fee, as determined 6209  
by the agency. 6210

The commission may adopt uniform rules specifying time 6211  
periods after which the persons described in divisions (C) (1) to 6212  
(5) and (D) (1) to (4) of this section may be issued a license 6213  
and establishing requirements for those persons to seek a court 6214  
order to have records sealed in accordance with law. 6215

~~(G)~~(H) (1) Each applicant for a lottery sales agent license 6216  
shall do both of the following: 6217

(a) Pay fees to the state lottery commission, if required 6218  
by rule adopted by the director under Chapter 119. of the 6219  
Revised Code and the controlling board approves the fees; 6220

(b) Prior to approval of the application, obtain a surety 6221  
bond in an amount the director determines by rule adopted under 6222  
Chapter 119. of the Revised Code or, alternatively, with the 6223  
director's approval, deposit the same amount into a dedicated 6224  
account for the benefit of the state lottery. The director also 6225  
may approve the obtaining of a surety bond to cover part of the 6226  
amount required, together with a dedicated account deposit to 6227  
cover the remainder of the amount required. The director also 6228  
may establish an alternative program or policy, with the 6229  
approval of the commission by rule adopted under Chapter 119. of 6230  
the Revised Code, that otherwise ensures the lottery's financial 6231

interests are adequately protected. If such an alternative 6232  
program or policy is established, an applicant or lottery sales 6233  
agent, subject to the director's approval, may be permitted to 6234  
participate in the program or proceed under that policy in lieu 6235  
of providing a surety bond or dedicated amount. 6236

A surety bond may be with any company that complies with 6237  
the bonding and surety laws of this state and the requirements 6238  
established by rules of the commission pursuant to this chapter. 6239  
A dedicated account deposit shall be conducted in accordance 6240  
with policies and procedures the director establishes. 6241

A surety bond, dedicated account, other established 6242  
program or policy, or any combination of these resources, as 6243  
applicable, may be used to pay for the lottery sales agent's 6244  
failure to make prompt and accurate payments for lottery ticket 6245  
sales, for missing or stolen lottery tickets, for damage to 6246  
equipment or materials issued to the lottery sales agent, or to 6247  
pay for expenses the commission incurs in connection with the 6248  
lottery sales agent's license. 6249

(2) A lottery sales agent license is effective for at 6250  
least one year, but not more than three years. 6251

A licensed lottery sales agent, on or before the date 6252  
established by the director, shall renew the agent's license and 6253  
provide at that time evidence to the director that the surety 6254  
bond, dedicated account deposit, or both, required under 6255  
division ~~(G)~~ (H) (1) (b) of this section has been renewed or is 6256  
active, whichever applies. 6257

Before the commission renews a lottery sales agent 6258  
license, the lottery sales agent shall submit a renewal fee to 6259  
the commission, if one is required by rule adopted by the 6260

director under Chapter 119. of the Revised Code and the 6261  
controlling board approves the renewal fee. The renewal fee 6262  
shall not exceed the actual cost of administering the license 6263  
renewal and processing changes reflected in the renewal 6264  
application. The renewal of the license is effective for at 6265  
least one year, but not more than three years. 6266

(3) A lottery sales agent license shall be complete, 6267  
accurate, and current at all times during the term of the 6268  
license. Any changes to an original license application or a 6269  
renewal application may subject the applicant or lottery sales 6270  
agent, as applicable, to paying an administrative fee that shall 6271  
be in an amount that the director determines by rule adopted 6272  
under Chapter 119. of the Revised Code, and that the controlling 6273  
board approves, and that shall not exceed the actual cost of 6274  
administering and processing the changes to an application. 6275

(4) The relationship between the commission and a lottery 6276  
sales agent is one of trust. A lottery sales agent collects 6277  
funds on behalf of the commission through the sale of lottery 6278  
tickets for which the agent receives a compensation. 6279

~~(H)~~ (I) Pending a final resolution of any question arising 6280  
under this section, the director of the state lottery commission 6281  
may issue a temporary lottery sales agent license, subject to 6282  
the terms and conditions the director considers appropriate. 6283

~~(I)~~ (J) If a lottery sales agent's rental payments for the 6284  
lottery sales agent's premises are determined, in whole or in 6285  
part, by the amount of retail sales the lottery sales agent 6286  
makes, and if the rental agreement does not expressly provide 6287  
that the amount of those retail sales includes the amounts the 6288  
lottery sales agent receives from lottery ticket sales, only the 6289  
amounts the lottery sales agent receives as compensation from 6290

the state lottery commission for selling lottery tickets shall 6291  
be considered to be amounts the lottery sales agent receives 6292  
from the retail sales the lottery sales agent makes, for the 6293  
purpose of computing the lottery sales agent's rental payments. 6294

**Sec. 3770.073.** (A) If a person is entitled to a lottery 6295  
prize award and is indebted to the state for the payment of any 6296  
tax, workers' compensation premium, unemployment contribution, 6297  
payment in lieu of unemployment contribution, certified claim 6298  
under section 131.02 or 131.021 of the Revised Code, or is 6299  
indebted to a political subdivision that has a certified claim 6300  
under section 131.02 of the Revised Code, lottery sales receipts 6301  
held in trust on behalf of the state lottery commission as 6302  
described in division ~~(G)~~(H) (4) of section 3770.05 of the 6303  
Revised Code, or charge, penalty, or interest arising from these 6304  
debts and if the amount of the prize money or the cost of goods 6305  
or services awarded as a lottery prize award is five thousand 6306  
dollars or more, the director of the state lottery commission, 6307  
or the director's designee, shall do either of the following: 6308

(1) If the prize award will be paid in a lump sum, deduct 6309  
from the prize award and pay to the attorney general an amount 6310  
in satisfaction of the debt and pay any remainder to that 6311  
person. If the amount of the prize award is less than the amount 6312  
of the debt, the entire amount of the prize award shall be 6313  
deducted and paid in partial satisfaction of the debt. 6314

(2) If the prize award will be paid in annual 6315  
installments, on the date the initial installment payment is 6316  
due, deduct from that installment and pay to the attorney 6317  
general an amount in satisfaction of the debt and, if necessary 6318  
to collect the full amount of the debt, do the same for any 6319  
subsequent annual installments, at the time the installments 6320

become due and owing to the person, until the debt is fully 6321  
satisfied. 6322

(B) If a person entitled to a lottery prize award owes 6323  
more than one debt, any debt owed to the state shall be 6324  
satisfied first, subject to both section 5739.33 and division 6325  
(G) of section 5747.07 of the Revised Code having first 6326  
priority, and subject to division (C) of this section. 6327

(C) Any debt owed under section 3770.071 of the Revised 6328  
Code shall be satisfied with first priority over debts owed 6329  
under this section. 6330

(D) Except as provided in section 131.021 of the Revised 6331  
Code, this section applies only to debts that have become final. 6332

**Sec. 3772.01.** As used in this chapter: 6333

(A) "Applicant" means any person who applies to the 6334  
commission for a license under this chapter. 6335

(B) "Casino control commission fund" means the casino 6336  
control commission fund described in Section 6(C)(3)(d) of 6337  
Article XV, Ohio Constitution, the money in which shall be used 6338  
to fund the commission and its related affairs. 6339

(C) "Casino facility" means a casino facility as defined 6340  
in Section 6(C)(9) of Article XV, Ohio Constitution. 6341

(D) "Casino game" means any slot machine or table game as 6342  
defined in this chapter. 6343

(E) "Casino gaming" means any type of slot machine or 6344  
table game wagering, using money, casino credit, or any 6345  
representative of value, authorized in any of the states of 6346  
Indiana, Michigan, Pennsylvania, and West Virginia as of January 6347  
1, 2009, and includes slot machine and table game wagering 6348



subsequently authorized by, but shall not be limited by, 6349  
subsequent restrictions placed on such wagering in such states. 6350  
"Casino gaming" does not include bingo, as authorized in Section 6351  
6 of Article XV, Ohio Constitution and conducted as of January 6352  
1, 2009, or horse racing where the pari-mutuel system of 6353  
wagering is conducted, as authorized under the laws of this 6354  
state as of January 1, 2009. 6355

(F) "Casino gaming employee" means any employee of a 6356  
casino operator or management company, but not a key employee, 6357  
and as further defined in section 3772.131 of the Revised Code. 6358

(G) "Casino operator" means any person, trust, 6359  
corporation, partnership, limited partnership, association, 6360  
limited liability company, or other business enterprise that 6361  
directly or indirectly holds an ownership or leasehold interest 6362  
in a casino facility. "Casino operator" does not include an 6363  
agency of the state, any political subdivision of the state, any 6364  
person, trust, corporation, partnership, limited partnership, 6365  
association, limited liability company, or other business 6366  
enterprise that may have an interest in a casino facility, but 6367  
who is legally or contractually restricted from conducting 6368  
casino gaming. 6369

(H) "Central system" means a computer system that provides 6370  
the following functions related to casino gaming equipment used 6371  
in connection with casino gaming authorized under this chapter: 6372  
security, auditing, data and information retrieval, and other 6373  
purposes deemed necessary and authorized by the commission. 6374

(I) "Cheat" means to alter the result of a casino game, 6375  
the element of chance, the operation of a machine used in a 6376  
casino game, or the method of selection of criteria that 6377  
determines (a) the result of the casino game, (b) the amount or 6378

frequency of payment in a casino game, (c) the value of a 6379  
wagering instrument, or (d) the value of a wagering credit. 6380  
"Cheat" does not include an individual who, without the 6381  
assistance of another individual or without the use of a 6382  
physical aid or device of any kind, uses the individual's own 6383  
ability to keep track of the value of cards played and uses 6384  
predictions formed as a result of the tracking information in 6385  
the individual's playing and betting strategy. 6386

(J) "Commission" means the Ohio casino control commission. 6387

(K) "Gaming agent" means a peace officer employed by the 6388  
commission that is vested with duties to enforce this chapter 6389  
and conduct other investigations into the conduct of the casino 6390  
gaming and the maintenance of the equipment that the commission 6391  
considers necessary and proper and is in compliance with section 6392  
109.77 of the Revised Code. 6393

(L) "Gaming-related vendor" means any individual, 6394  
partnership, corporation, association, trust, or any other group 6395  
of individuals, however organized, who supplies gaming-related 6396  
equipment, goods, or services to a casino operator or management 6397  
company, that are directly related to or affect casino gaming 6398  
authorized under this chapter, including, but not limited to, 6399  
the manufacture, sale, distribution, or repair of slot machines 6400  
and table game equipment. 6401

(M) "Holding company" means any corporation, firm, 6402  
partnership, limited partnership, limited liability company, 6403  
trust, or other form of business organization not a natural 6404  
person which directly or indirectly does any of the following: 6405

(1) Has the power or right to control a casino operator, 6406  
management company, or gaming-related vendor license applicant 6407

or licensee; 6408

(2) Holds an ownership interest of five per cent or more, 6409  
as determined by the commission, in a casino operator, 6410  
management company, or gaming-related vendor license applicant 6411  
or licensee; 6412

(3) Holds voting rights with the power to vote five per 6413  
cent or more of the outstanding voting rights of a casino 6414  
operator, management company, or gaming-related vendor applicant 6415  
or licensee. 6416

(N) "Initial investment" includes costs related to 6417  
demolition, engineering, architecture, design, site preparation, 6418  
construction, infrastructure improvements, land acquisition, 6419  
fixtures and equipment, insurance related to construction, and 6420  
leasehold improvements. 6421

(O) "Institutional investor" means any of the following 6422  
entities owning five per cent or more, but less than fifteen per 6423  
cent, of an ownership interest in a casino facility, casino 6424  
operator, management company, or holding company: a corporation, 6425  
bank, insurance company, pension fund or pension fund trust, 6426  
retirement fund, including funds administered by a public 6427  
agency, employees' profit-sharing fund or employees' profit- 6428  
sharing trust, any association engaged, as a substantial part of 6429  
its business or operations, in purchasing or holding securities, 6430  
including a hedge fund, mutual fund, or private equity fund, or 6431  
any trust in respect of which a bank is trustee or cotrustee, 6432  
investment company registered under the "Investment Company Act 6433  
of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust 6434  
organized by banks under Part Nine of the Rules of the 6435  
Comptroller of the Currency, closed-end investment trust, 6436  
chartered or licensed life insurance company or property and 6437

casualty insurance company, investment advisor registered under 6438  
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 6439  
and such other persons as the commission may reasonably 6440  
determine to qualify as an institutional investor for reasons 6441  
consistent with this chapter, and that does not exercise control 6442  
over the affairs of a licensee and its ownership interest in a 6443  
licensee is for investment purposes only, as set forth in 6444  
division ~~(E)~~(F) of section 3772.10 of the Revised Code. 6445

(P) "Key employee" means any executive, employee, agent, 6446  
or other individual who has the power to exercise significant 6447  
influence over decisions concerning any part of the operation of 6448  
a person that has applied for or holds a casino operator, 6449  
management company, or gaming-related vendor license or the 6450  
operation of a holding company of a person that has applied for 6451  
or holds a casino operator, management company, or gaming- 6452  
related vendor license, including: 6453

(1) An officer, director, trustee, partner, or an 6454  
equivalent fiduciary; 6455

(2) An individual who holds a direct or indirect ownership 6456  
interest of five per cent or more; 6457

(3) An individual who performs the function of a principal 6458  
executive officer, principal operating officer, principal 6459  
accounting officer, or an equivalent officer; 6460

(4) Any other individual the commission determines to have 6461  
the power to exercise significant influence over decisions 6462  
concerning any part of the operation. 6463

(Q) "Licensed casino operator" means a casino operator 6464  
that has been issued a license by the commission and that has 6465  
been certified annually by the commission to have paid all 6466

applicable fees, taxes, and debts to the state. 6467

(R) "Majority ownership interest" in a license or in a 6468  
casino facility, as the case may be, means ownership of more 6469  
than fifty per cent of such license or casino facility, as the 6470  
case may be. For purposes of the foregoing, whether a majority 6471  
ownership interest is held in a license or in a casino facility, 6472  
as the case may be, shall be determined under the rules for 6473  
constructive ownership of stock provided in Treas. Reg. 1.409A- 6474  
3(i)(5)(iii) as in effect on January 1, 2009. 6475

(S) "Management company" means an organization retained by 6476  
a casino operator to manage a casino facility and provide 6477  
services such as accounting, general administration, 6478  
maintenance, recruitment, and other operational services. 6479

(T) "Ohio law enforcement training fund" means the state 6480  
law enforcement training fund described in Section 6(C)(3)(f) of 6481  
Article XV, Ohio Constitution, the money in which shall be used 6482  
to enhance public safety by providing additional training 6483  
opportunities to the law enforcement community. 6484

(U) "Person" includes, but is not limited to, an 6485  
individual or a combination of individuals; a sole 6486  
proprietorship, a firm, a company, a joint venture, a 6487  
partnership of any type, a joint-stock company, a corporation of 6488  
any type, a corporate subsidiary of any type, a limited 6489  
liability company, a business trust, or any other business 6490  
entity or organization; an assignee; a receiver; a trustee in 6491  
bankruptcy; an unincorporated association, club, society, or 6492  
other unincorporated entity or organization; entities that are 6493  
disregarded for federal income tax purposes; and any other 6494  
nongovernmental, artificial, legal entity that is capable of 6495  
engaging in business. 6496

(V) "Problem casino gambling and addictions fund" means 6497  
the state problem gambling and addictions fund described in 6498  
Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money 6499  
in which shall be used for treatment of problem gambling and 6500  
substance abuse, and for related research. 6501

(W) "Promotional gaming credit" means a slot machine or 6502  
table game credit, discount, or other similar item issued to a 6503  
patron to enable the placement of, or increase in, a wager at a 6504  
slot machine or table game. 6505

(X) "Slot machine" means any mechanical, electrical, or 6506  
other device or machine which, upon insertion of a coin, token, 6507  
ticket, or similar object, or upon payment of any consideration, 6508  
is available to play or operate, the play or operation of which, 6509  
whether by reason of the skill of the operator or application of 6510  
the element of chance, or both, makes individual prize 6511  
determinations for individual participants in cash, premiums, 6512  
merchandise, tokens, or any thing of value, whether the payoff 6513  
is made automatically from the machine or in any other manner, 6514  
but does not include any device that is a skill-based amusement 6515  
machine, as defined in section 2915.01 of the Revised Code. 6516

(Y) "Table game" means any game played with cards, dice, 6517  
or any mechanical, electromechanical, or electronic device or 6518  
machine for money, casino credit, or any representative of 6519  
value. "Table game" does not include slot machines. 6520

(Z) "Upfront license" means the first plenary license 6521  
issued to a casino operator. 6522

(AA) "Voluntary exclusion program" means a program 6523  
provided by the commission that allows persons to voluntarily 6524  
exclude themselves from the gaming areas of facilities under the 6525

jurisdiction of the commission by placing their name on a 6526  
voluntary exclusion list and following the procedures set forth 6527  
by the commission. 6528

**Sec. 3772.07.** The following appointing or licensing 6529  
authorities shall obtain a criminal records check of the person 6530  
who is to be appointed or licensed: 6531

(A) The governor, before appointing an individual as a 6532  
member of the commission; 6533

(B) The commission, before appointing an individual as 6534  
executive director or a gaming agent; 6535

(C) The commission, before issuing a license for a key 6536  
employee or casino gaming employee, and before issuing a license 6537  
for each investor, except an institutional investor, for a 6538  
casino operator, management company, holding company, or gaming- 6539  
related vendor; 6540

(D) The executive director, before appointing an 6541  
individual as a professional, technical, or clerical employee of 6542  
the commission. 6543

Thereafter, such an appointing or licensing authority 6544  
shall obtain a criminal records check of the same individual at 6545  
three-year intervals. 6546

The appointing or licensing authority shall make available 6547  
to each person of whom a criminal records check is required a 6548  
copy of the form and the standard fingerprint impression sheet 6549  
prescribed under divisions (C) (1) and (2) of section 109.572 of 6550  
the Revised Code. The person shall complete the form and 6551  
impression sheet and return them as directed by the appointing 6552  
or licensing authority. If a person fails to complete and return 6553  
the form and impression sheet within a reasonable time, the 6554

person is ineligible to be appointed or licensed or to continue 6555  
in the appointment or licensure. 6556

The appointing or licensing authority shall cause the 6557  
completed form and impression sheet to be forwarded to the 6558  
superintendent of the bureau of criminal identification and 6559  
investigation. The appointing or licensing authority shall 6560  
request the superintendent also to obtain information from the 6561  
federal bureau of investigation, including fingerprint-based 6562  
checks of the national crime information databases, and from 6563  
other states and the federal government under the national crime 6564  
prevention and privacy compact as part of the criminal records 6565  
check. 6566

For all criminal records checks conducted under this 6567  
section, the applicant for a casino operator, management 6568  
company, holding company, gaming-related vendor, key employee, 6569  
or casino gaming employee license shall pay the fee charged by 6570  
the bureau of criminal identification and investigation or by a 6571  
vendor approved by the bureau to conduct a criminal records 6572  
check based on the applicant's fingerprints in accordance with 6573  
division (A)(15) of section 109.572 of the Revised Code. If the 6574  
applicant for a key employee or casino gaming employee license 6575  
is applying at the request of a casino operator, management 6576  
company, holding company, or gaming-related vendor, the casino 6577  
operator, management company, holding company, or gaming-related 6578  
vendor shall pay the fee charged for all criminal records checks 6579  
conducted under this section. 6580

The appointing or licensing authority shall review the 6581  
results of a criminal records check. An appointee for a 6582  
commission member shall forward the results of the criminal 6583  
records check to the president of the senate before the senate 6584



advises and consents to the appointment of the commission 6585  
member. The appointing ~~or licensing~~ authority shall not appoint 6586  
~~or license~~ or retain the appointment ~~or licensure~~ of a person a 6587  
criminal records check discloses has been convicted of or has 6588  
pleaded guilty or no contest to a ~~disqualifying offense~~. A 6589  
~~"disqualifying offense"~~ means any gambling offense, any theft 6590  
offense, any offense having an element of fraud or 6591  
misrepresentation, any offense having an element of moral 6592  
turpitude, and any felony not otherwise included in the 6593  
foregoing list, except as otherwise provided in section 3772.10 6594  
of the Revised Code. The licensing authority shall not license a 6595  
person if a criminal records check discloses that the person has 6596  
been convicted of a disqualifying offense, as determined under 6597  
section 9.79 of the Revised Code. 6598

The report of a criminal records check is not a public 6599  
record that is open to public inspection and copying. The 6600  
commission shall not make the report available to any person 6601  
other than the person who was the subject of the criminal 6602  
records check; an appointing or licensing authority; a member, 6603  
the executive director, or an employee of the commission; or any 6604  
court or agency, including a hearing examiner, in a judicial or 6605  
administrative proceeding relating to the person's employment or 6606  
application for a license under this chapter. 6607

**Sec. 3772.10.** (A) In determining whether to grant or 6608  
maintain the privilege of a casino operator, management company, 6609  
holding company, key employee, casino gaming employee, or 6610  
gaming-related vendor license, the Ohio casino control 6611  
commission shall, except as provided in division (D) of this 6612  
section, consider all of the following, as applicable: 6613

(1) The reputation, experience, and financial integrity of 6614

the applicant, its holding company, if applicable, and any other person that directly or indirectly controls the applicant;

(2) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond;

(3) The past and present compliance of the applicant and its affiliates or affiliated companies with casino-related licensing requirements in this state or any other jurisdiction, including whether the applicant has a history of noncompliance with the casino licensing requirements of any jurisdiction;

(4) If the applicant has been indicted, convicted, pleaded guilty or no contest, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations;

(5) If the applicant has filed, or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt;

(6) If the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years;

(7) If the applicant is or has been a defendant in litigation involving its business practices;

(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state;

(9) If the applicant meets other standards for the issuance of a license that the commission adopts by rule, which

shall not be arbitrary, capricious, or contradictory to the 6643  
expressed provisions of this chapter. 6644

(B) All applicants for a license under this chapter shall 6645  
establish their suitability for a license by clear and 6646  
convincing evidence. If the commission determines that a person 6647  
is eligible under this chapter to be issued a license as a 6648  
casino operator, management company, holding company, key 6649  
employee, casino gaming employee, or gaming-related vendor, the 6650  
commission shall issue such license for not more than three 6651  
years, as determined by commission rule, if all other 6652  
requirements of this chapter have been satisfied. 6653

(C) The commission shall not, except as provided in 6654  
division (D) of this section, issue a casino operator, 6655  
management company, holding company, key employee, casino gaming 6656  
employee, or gaming-related vendor license under this chapter to 6657  
an applicant if: 6658

(1) The applicant has been convicted of a disqualifying 6659  
offense, as defined in section 3772.07 of the Revised Code. 6660

(2) The applicant has submitted an application for license 6661  
under this chapter that contains false information. 6662

(3) The applicant is a commission member. 6663

(4) The applicant owns an ownership interest that is 6664  
unlawful under this chapter, unless waived by the commission. 6665

(5) The applicant violates specific rules adopted by the 6666  
commission related to denial of licensure. 6667

(6) The applicant is a member of or employed by a gaming 6668  
regulatory body of a governmental unit in this state, another 6669  
state, or the federal government, or is an employee of a 6670

governmental unit of this state and in that capacity has 6671  
significant influence or control, as determined by the 6672  
commission, over the ability of a casino operator, management 6673  
company, holding company, institutional investor, or gaming- 6674  
related vendor to conduct business in this state. This division 6675  
does not prohibit a casino operator or management company from 6676  
hiring special duty law enforcement officers if the officers are 6677  
not specifically involved in gaming-related regulatory 6678  
functions. 6679

(7) The commission otherwise determines the applicant is 6680  
ineligible for the license. 6681

(D) The commission shall not refuse to issue a license to 6682  
an applicant because the applicant was convicted of or pleaded 6683  
guilty to an offense unless the refusal is in accordance with 6684  
section 9.79 of the Revised Code. 6685

(E) (1) The commission shall investigate the qualifications 6686  
of each applicant under this chapter before any license is 6687  
issued and before any finding with regard to acts or 6688  
transactions for which commission approval is required is made. 6689  
The commission shall continue to observe the conduct of all 6690  
licensees and all other persons having a material involvement 6691  
directly or indirectly with a casino operator, management 6692  
company, or holding company to ensure that licenses are not 6693  
issued to or held by, or that there is not any material 6694  
involvement with a casino operator, management company, or 6695  
holding company by, an unqualified, disqualified, or unsuitable 6696  
person or a person whose operations are conducted in an 6697  
unsuitable manner or in unsuitable or prohibited places or 6698  
locations. 6699

(2) The executive director may recommend to the commission 6700

that it deny any application, or limit, condition, or restrict, 6701  
or suspend or revoke, any license or finding, or impose any fine 6702  
upon any licensee or other person according to this chapter and 6703  
the rules adopted thereunder. 6704

(3) A license issued under this chapter is a revocable 6705  
privilege. No licensee has a vested right in or under any 6706  
license issued under this chapter. The initial determination of 6707  
the commission to deny, or to limit, condition, or restrict, a 6708  
license may be appealed under section 2505.03 of the Revised 6709  
Code. 6710

~~(E)~~ (F) (1) An institutional investor may be found to be 6711  
suitable or qualified by the commission under this chapter and 6712  
the rules adopted under this chapter. An institutional investor 6713  
shall be presumed suitable or qualified upon submitting 6714  
documentation sufficient to establish qualifications as an 6715  
institutional investor and upon certifying all of the following: 6716

(a) The institutional investor owns, holds, or controls 6717  
securities issued by a licensee or holding, intermediate, or 6718  
parent company of a licensee or in the ordinary course of 6719  
business for investment purposes only. 6720

(b) The institutional investor does not exercise influence 6721  
over the affairs of the issuer of such securities nor over any 6722  
licensed subsidiary of the issuer of such securities. 6723

(c) The institutional investor does not intend to exercise 6724  
influence over the affairs of the issuer of such securities, nor 6725  
over any licensed subsidiary of the issuer of such securities, 6726  
in the future, and that it agrees to notify the commission in 6727  
writing within thirty days if such intent changes. 6728

(2) The exercise of voting privileges with regard to 6729

securities shall not be deemed to constitute the exercise of 6730  
influence over the affairs of a licensee. 6731

(3) The commission shall rescind the presumption of 6732  
suitability for an institutional investor at any time if the 6733  
institutional investor exercises or intends to exercise 6734  
influence or control over the affairs of the licensee. 6735

(4) This division shall not be construed to preclude the 6736  
commission from requesting information from or investigating the 6737  
suitability or qualifications of an institutional investor if: 6738

(a) The commission becomes aware of facts or information 6739  
that may result in the institutional investor being found 6740  
unsuitable or disqualified; or 6741

(b) The commission has any other reason to seek 6742  
information from the investor to determine whether it qualifies 6743  
as an institutional investor. 6744

(5) If the commission finds an institutional investor to 6745  
be unsuitable or unqualified, the commission shall so notify the 6746  
investor and the casino operator, holding company, management 6747  
company, or gaming-related vendor licensee in which the investor 6748  
invested. The commission shall allow the investor and the 6749  
licensee a reasonable amount of time, as specified by the 6750  
commission on a case-by-case basis, to cure the conditions that 6751  
caused the commission to find the investor unsuitable or 6752  
unqualified. If during the specified period of time the investor 6753  
or the licensee does not or cannot cure the conditions that 6754  
caused the commission to find the investor unsuitable or 6755  
unqualified, the commission may allow the investor or licensee 6756  
more time to cure the conditions or the commission may begin 6757  
proceedings to deny, suspend, or revoke the license of the 6758

casino operator, holding company, management company, or gaming- 6759  
related vendor in which the investor invested or to deny any of 6760  
the same the renewal of any such license. 6761

(6) A private licensee or holding company shall provide 6762  
the same information to the commission as a public company would 6763  
provide in a form 13d or form 13g filing to the securities and 6764  
exchange commission. 6765

~~(F)~~ (G) Information provided on the application shall be 6766  
used as a basis for a thorough background investigation of each 6767  
applicant. A false or incomplete application is cause for denial 6768  
of a license by the commission. All applicants and licensees 6769  
shall consent to inspections, searches, and seizures and to the 6770  
disclosure to the commission and its agents of confidential 6771  
records, including tax records, held by any federal, state, or 6772  
local agency, credit bureau, or financial institution and to 6773  
provide handwriting exemplars, photographs, fingerprints, and 6774  
information as authorized in this chapter and in rules adopted 6775  
by the commission. 6776

~~(G)~~ (H) The commission shall provide a written statement 6777  
to each applicant for a license under this chapter who is denied 6778  
the license that describes the reason or reasons for which the 6779  
applicant was denied the license. 6780

~~(H)~~ (I) Not later than January 31 in each calendar year, 6781  
the commission shall provide to the general assembly and the 6782  
governor a report that, for each type of license issued under 6783  
this chapter, specifies the number of applications made in the 6784  
preceding calendar year for each type of such license, the 6785  
number of applications denied in the preceding calendar year for 6786  
each type of such license, and the reasons for those denials. 6787  
The information regarding the reasons for the denials shall 6788

specify each reason that resulted in, or that was a factor 6789  
resulting in, denial for each type of license issued under this 6790  
chapter and, for each of those reasons, the total number of 6791  
denials for each such type that involved that reason. 6792

**Sec. 3773.42.** Upon the proper filing of an application for 6793  
a referee's, judge's, matchmaker's, timekeeper's, manager's, 6794  
trainer's, contestant's, or second's license and payment of the 6795  
applicable application fee, the Ohio athletic commission shall 6796  
issue the license to the applicant if it determines that the 6797  
applicant ~~is of good moral character,~~ is not likely to engage in 6798  
acts detrimental to the fair and honest conduct of public boxing 6799  
matches, mixed martial arts events, or any other unarmed combat 6800  
sports regulated by the commission, and is qualified to hold 6801  
such a license by reason of the applicant's knowledge and 6802  
experience. 6803

A person shall not be determined to possess the knowledge 6804  
and experience necessary to qualify that person to hold a 6805  
referee's license unless all of the following conditions are 6806  
met: 6807

(A) The person has completed such referee training 6808  
requirements as the commission prescribes by rule. 6809

(B) The person possesses such experience requirements as 6810  
the commission prescribes by rule. 6811

The commission shall issue a referee's license to each 6812  
person who meets the requirements of divisions (A) and (B) of 6813  
this section. 6814

If upon the proper filing of an application for a 6815  
contestant's license the commission determines that the 6816  
applicant ~~is of good moral character,~~ is not likely to engage in 6817



acts detrimental to the conduct of public boxing matches, mixed 6818  
martial arts events, or any other unarmed combat sports 6819  
regulated by the commission, and possesses sufficient knowledge 6820  
and experience, the commission shall issue the license to the 6821  
applicant. 6822

Each license issued pursuant to this section shall bear 6823  
the correct name, or assumed name, if any, of the licensee, the 6824  
address of the licensee, the date of issue, and a number 6825  
designated by the commission. 6826

A license issued pursuant to this section shall expire 6827  
twelve months after its date of issue unless renewed. Upon 6828  
application for renewal and payment of the renewal fee 6829  
prescribed in section 3773.43 of the Revised Code, the 6830  
commission shall renew the license unless it denies the 6831  
application for one or more reasons stated in section 3123.47 or 6832  
3773.53 of the Revised Code. 6833

**Sec. 3783.03.** (A) The board of building standards shall 6834  
issue a certificate of competency as an electrical safety 6835  
inspector to any person ~~whom it determines to be of good moral~~ 6836  
~~character and~~ who successfully passes an examination pursuant to 6837  
division (B) of this section, or who qualifies for renewal 6838  
pursuant to section 3783.04 of the Revised Code. Each 6839  
certificate of competency issued by the board shall be signed by 6840  
the ~~chairman~~ chairperson and the secretary of the board, and 6841  
shall show on its face the dates of issuance and expiration. 6842

(B) The board shall administer an examination to an 6843  
applicant for a certificate of competency as an electrical 6844  
safety inspector if such applicant has paid an application fee, 6845  
as prescribed by the board, and meets any of the following 6846  
qualifications: 6847

(1) Has been a ~~journeyman~~ journeyperson electrician or 6848  
equivalent for four years, two years of which were as an 6849  
electrician foreman, and has had two years experience as a 6850  
building inspector trainee of electrical systems; 6851

(2) Has been a ~~journeyman~~ journeyperson electrician or 6852  
equivalent for four years and has had three years experience as 6853  
a building inspector trainee of electrical systems; 6854

(3) Has had four years experience as a building inspector 6855  
trainee of electrical systems; 6856

(4) Had been a ~~journeyman~~ journeyperson electrician or 6857  
equivalent for six years; 6858

(5) Is a graduate electrical engineer and registered by 6859  
the state of Ohio. 6860

An applicant who fails two examinations shall not be 6861  
eligible to take another examination until ~~he~~ the applicant has 6862  
successfully completed a training program approved by the board 6863  
pursuant to division (C) of this section. A new application fee 6864  
shall be required for each examination given an applicant. 6865

(C) No training program for electrical safety inspectors 6866  
shall be offered in this state unless approved by the board of 6867  
building standards. The board may issue an electrical safety 6868  
inspector trainee certificate to any person enrolled in an 6869  
approved training program. A person possessing a trainee 6870  
certificate may work under the supervision of an electrical 6871  
safety inspector and such experience shall be considered 6872  
equivalent to that of a building inspector trainee of electrical 6873  
systems in satisfying the requirement under division (B) of this 6874  
section. 6875

(D) The board may deny a certificate to an applicant who 6876

commits an act that would constitute grounds for disciplinary 6877  
action under Chapter 3783. of the Revised Code if committed by 6878  
an electrical safety inspector. 6879

(E) The board shall keep a record of the names, addresses, 6880  
and such other information as it requires, of each electrical 6881  
safety inspector and each electrical safety inspector trainee 6882  
and a record of its proceedings under Chapter 3783. of the 6883  
Revised Code. 6884

**Sec. 3796.03.** (A) (1) Except as provided in division (A) (2) 6885  
of this section, not later than one year after ~~the effective~~ 6886  
~~date of this section~~ September 8, 2016, the department of 6887  
commerce shall adopt rules establishing standards and procedures 6888  
for the medical marijuana control program. 6889

(2) The department shall adopt rules establishing 6890  
standards and procedures for the licensure of cultivators not 6891  
later than two hundred forty days after ~~the effective date of~~ 6892  
~~this section~~ September 8, 2016. 6893

(3) All rules adopted under this section shall be adopted 6894  
in accordance with Chapter 119. of the Revised Code. 6895

(B) The rules shall do all of the following: 6896

(1) Establish application procedures and fees for licenses 6897  
it issues under this chapter; 6898

(2) Specify ~~all~~ both of the following: 6899

(a) The conditions that must be met to be eligible for 6900  
licensure; 6901

(b) ~~Subject to division (B) (2) (c) of this section, the~~ In 6902  
accordance with section 9.79 of the Revised Code, the criminal 6903  
offenses for which an applicant will be disqualified from 6904

licensure; 6905

~~(c) Which of the criminal offenses specified pursuant to~~ 6906  
~~division (B) (2) (b) of this section will not disqualify an~~ 6907  
~~applicant from licensure if the applicant was convicted of or~~ 6908  
~~pleaded guilty to the offense more than five years before the~~ 6909  
~~date the application for licensure is filed pursuant to that~~ 6910  
~~section.~~ 6911

(3) Establish, in accordance with section 3796.05 of the 6912  
Revised Code, the number of cultivator licenses that will be 6913  
permitted at any one time; 6914

(4) Establish a license renewal schedule, renewal 6915  
procedures, and renewal fees; 6916

(5) Specify reasons for which a license may be suspended, 6917  
including without prior hearing, revoked, or not be renewed or 6918  
issued and the reasons for which a civil penalty may be imposed 6919  
on a license holder; 6920

(6) Establish standards under which a license suspension 6921  
may be lifted; 6922

(7) Specify if a cultivator, processor, or laboratory that 6923  
is licensed under this chapter and that existed at a location 6924  
before a school, church, public library, public playground, or 6925  
public park became established within five hundred feet of the 6926  
cultivator, processor, or laboratory, may remain in operation or 6927  
shall relocate or have its license revoked by the board; 6928

(8) Specify both of the following: 6929

(a) Subject to division (B) (8) (b) of this section, the 6930  
criminal offenses for which a person will be disqualified from 6931  
employment with a license holder; 6932

(b) Which of the criminal offenses specified pursuant to 6933  
division (B) (8) (a) of this section will not disqualify a person 6934  
from employment with a license holder if the person was 6935  
convicted of or pleaded guilty to the offense more than five 6936  
years before the date the employment begins. 6937

(9) Establish, in accordance with section 3796.05 of the 6938  
Revised Code, standards and procedures for the testing of 6939  
medical marijuana by a laboratory licensed under this chapter. 6940

(C) In addition to the rules described in division (B) of 6941  
this section, the department may adopt any other rules it 6942  
considers necessary for the program's administration and the 6943  
implementation and enforcement of this chapter. 6944

(D) When adopting rules under this section, the department 6945  
shall consider standards and procedures that have been found to 6946  
be best practices relative to the use and regulation of medical 6947  
marijuana. 6948

**Sec. 3796.04.** (A) (1) Not later than one year after ~~the~~ 6949  
~~effective date of this section~~ September 8, 2016, the board of 6950  
pharmacy shall adopt rules establishing standards and procedures 6951  
for the medical marijuana control program. 6952

(2) All rules adopted under this section shall be adopted 6953  
in accordance with Chapter 119. of the Revised Code. 6954

(B) The rules shall do all of the following: 6955

(1) Establish application procedures and fees for licenses 6956  
and registrations it issues under this chapter; 6957

(2) Specify ~~all~~ both of the following: 6958

(a) The conditions that must be met to be eligible for 6959  
licensure; 6960

~~(b) Subject to division (B) (2) (c) of this section, the In accordance with section 9.79 of the Revised Code, the criminal offenses for which an applicant will be disqualified from licensure,~~ 6961  
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6963  
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~~(c) Which of the criminal offenses specified pursuant to division (B) (2) (b) of this section will not disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed pursuant to that section.~~ 6965  
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(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of retail dispensary licenses that will be permitted at any one time; 6971  
6972  
6973

(4) Establish a license or registration renewal schedule, renewal procedures, and renewal fees; 6974  
6975

(5) Specify reasons for which a license or registration may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder; 6976  
6977  
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(6) Establish standards under which a license or registration suspension may be lifted; 6980  
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(7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration; 6982  
6983  
6984

(8) Establish training requirements for employees of retail dispensaries; 6985  
6986

(9) Specify if a retail dispensary that is licensed under this chapter and that existed at a location before a school, 6987  
6988

church, public library, public playground, or public park became 6989  
established within five hundred feet of the retail dispensary 6990  
may remain in operation or shall relocate or have its license 6991  
revoked by the board; 6992

(10) Specify, by form and tetrahydrocannabinol content, a 6993  
maximum ninety-day supply of medical marijuana that may be 6994  
possessed; 6995

(11) Specify the paraphernalia or other accessories that 6996  
may be used in the administration to a registered patient of 6997  
medical marijuana; 6998

(12) Establish procedures for the issuance of patient or 6999  
caregiver identification cards; 7000

(13) Specify the forms of or methods of using medical 7001  
marijuana that are attractive to children; 7002

(14) Specify both of the following: 7003

(a) Subject to division (B) (14) (b) of this section, the 7004  
criminal offenses for which a person will be disqualified from 7005  
employment with a license holder; 7006

(b) Which of the criminal offenses specified pursuant to 7007  
division (B) (14) (a) of this section will not disqualify a person 7008  
from employment with a license holder if the person was 7009  
convicted of or pleaded guilty to the offense more than five 7010  
years before the date the employment begins. 7011

(15) Establish a program to assist patients who are 7012  
veterans or indigent in obtaining medical marijuana in 7013  
accordance with this chapter. 7014

(C) In addition to the rules described in division (B) of 7015  
this section, the board may adopt any other rules it considers 7016

necessary for the program's administration and the 7017  
implementation and enforcement of this chapter. 7018

(D) When adopting rules under this section, the board 7019  
shall consider standards and procedures that have been found to 7020  
be best practices relative to the use and regulation of medical 7021  
marijuana. 7022

**Sec. 3796.09.** (A) An entity that seeks to cultivate or 7023  
process medical marijuana or to conduct laboratory testing of 7024  
medical marijuana shall file an application for licensure with 7025  
the department of commerce. The entity shall file an application 7026  
for each location from which it seeks to operate. Each 7027  
application shall be submitted in accordance with rules adopted 7028  
under section 3796.03 of the Revised Code. 7029

(B) The department shall issue a license to an applicant 7030  
if all of the following conditions are met: 7031

(1) The report of the criminal records check conducted 7032  
pursuant to section 3796.12 of the Revised Code with respect to 7033  
the application demonstrates ~~the following:~~ 7034

~~(a) Subject to division (B) (1) (b) of this section that the~~ 7035  
~~person subject to the criminal records check requirement has not~~ 7036  
~~been convicted of or pleaded guilty to any of the disqualifying~~ 7037  
~~offenses specified in rules adopted under section 9.79 and~~ 7038  
~~division (B) (2) (b) of section 3796.03 of the Revised Code;~~ 7039

~~(b) That the disqualifying offense the person was~~ 7040  
~~convicted of or pleaded guilty to is one of the offenses~~ 7041  
~~specified in rules adopted under division (B) (2) (c) of section~~ 7042  
~~3796.03 of the Revised Code and the person was convicted of or~~ 7043  
~~pleaded guilty to the offense more than five years before the~~ 7044  
~~date the application for licensure is filed.~~ 7045



(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with any of the following:

(a) A laboratory licensed under this chapter;

(b) An applicant for a license to conduct laboratory testing.

(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following:

(a) A laboratory licensed under this chapter;

(b) An applicant for a license to conduct laboratory testing.

(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park.

(5) The information provided to the department pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state.

(6) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.03 of the Revised Code.

(C) The department shall issue not less than fifteen per cent of cultivator, processor, or laboratory licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are

submitted by such entities that meet the conditions set forth in 7074  
division (B) of this section, the licenses shall be issued 7075  
according to usual procedures. 7076

As used in this division, "owned and controlled" means 7077  
that at least fifty-one per cent of the business, including 7078  
corporate stock if a corporation, is owned by persons who belong 7079  
to one or more of the groups set forth in this division, and 7080  
that those owners have control over the management and day-to- 7081  
day operations of the business and an interest in the capital, 7082  
assets, and profits and losses of the business proportionate to 7083  
their percentage of ownership. 7084

(D) A license expires according to the renewal schedule 7085  
established in rules adopted under section 3796.03 of the 7086  
Revised Code and may be renewed in accordance with the 7087  
procedures established in those rules. 7088

**Sec. 3796.10.** (A) An entity that seeks to dispense at 7089  
retail medical marijuana shall file an application for licensure 7090  
with the state board of pharmacy. The entity shall file an 7091  
application for each location from which it seeks to operate. 7092  
Each application shall be submitted in accordance with rules 7093  
adopted under section 3796.04 of the Revised Code. 7094

(B) The board shall issue a license to an applicant if all 7095  
of the following conditions are met: 7096

(1) The report of the criminal records check conducted 7097  
pursuant to section 3796.12 of the Revised Code with respect to 7098  
the application demonstrates ~~the following:~~ 7099

~~(a) Subject to division (B) (1) (b) of this section,~~ that 7100  
the person subject to the criminal records check requirement has 7101  
not been convicted of or pleaded guilty to any of the 7102

disqualifying offenses specified in rules adopted under section 7103  
9.79 and division (B) (2) (b) of section 3796.04 of the Revised 7104  
Code. 7105

~~(b) That the disqualifying offense the person was~~ 7106  
~~convicted of or pleaded guilty to is one of the offenses~~ 7107  
~~specified in rules adopted under division (B) (2) (c) of section~~ 7108  
~~3796.04 of the Revised Code and the person was convicted of or~~ 7109  
~~pleaded guilty to the offense more than five years before the~~ 7110  
~~date the application for licensure is filed.~~ 7111

(2) The applicant demonstrates that it does not have an 7112  
ownership or investment interest in or compensation arrangement 7113  
with any of the following: 7114

(a) A laboratory licensed under this chapter; 7115

(b) An applicant for a license to conduct laboratory 7116  
testing. 7117

(3) The applicant demonstrates that it does not share any 7118  
corporate officers or employees with any of the following: 7119

(a) A laboratory licensed under this chapter; 7120

(b) An applicant for a license to conduct laboratory 7121  
testing. 7122

(4) The applicant demonstrates that it will not be located 7123  
within five hundred feet of a school, church, public library, 7124  
public playground, or public park. 7125

(5) The information provided to the board pursuant to 7126  
section 3796.11 of the Revised Code demonstrates that the 7127  
applicant is in compliance with the applicable tax laws of this 7128  
state. 7129

(6) The applicant meets all other licensure eligibility 7130  
conditions established in rules adopted under section 3796.04 of 7131  
the Revised Code. 7132

(C) The board shall issue not less than fifteen per cent 7133  
of retail dispensary licenses to entities that are owned and 7134  
controlled by United States citizens who are residents of this 7135  
state and are members of one of the following economically 7136  
disadvantaged groups: Blacks or African Americans, American 7137  
Indians, Hispanics or Latinos, and Asians. If no applications or 7138  
an insufficient number of applications are submitted by such 7139  
entities that meet the conditions set forth in division (B) of 7140  
this section, the licenses shall be issued according to usual 7141  
procedures. 7142

As used in this division, "owned and controlled" means 7143  
that at least fifty-one per cent of the business, including 7144  
corporate stock if a corporation, is owned by persons who belong 7145  
to one or more of the groups set forth in this division, and 7146  
that those owners have control over the management and day-to- 7147  
day operations of the business and an interest in the capital, 7148  
assets, and profits and losses of the business proportionate to 7149  
their percentage of ownership. 7150

(D) A license expires according to the renewal schedule 7151  
established in rules adopted under section 3796.04 of the 7152  
Revised Code and may be renewed in accordance with the 7153  
procedures established in those rules. 7154

**Sec. 3905.06.** (A) (1) The superintendent of insurance shall 7155  
issue a resident insurance agent license to an individual 7156  
applicant whose home state is Ohio upon submission of a 7157  
completed application and payment of any applicable fee required 7158  
under this chapter, if the superintendent finds all of the 7159

following:	7160
(a) The applicant is at least eighteen years of age.	7161
(b) The applicant has not committed any act that is a ground for the denial, suspension, or revocation of a license under section 3905.14 of the Revised Code.	7162 7163 7164
(c) If required under section 3905.04 of the Revised Code, the applicant has completed a program of insurance education for each line of authority for which the applicant has applied.	7165 7166 7167
(d) If required under section 3905.04 of the Revised Code, the applicant has passed an examination for each line of authority for which the applicant has applied.	7168 7169 7170
(e) Any applicant applying for variable life-variable annuity line of authority is registered with the financial industry regulatory authority (FINRA) as a registered representative after having passed at least one of the following examinations administered by the FINRA: the series 6 examination, the series 7 examination, the series 63 examination, the series 66 examination, or any other FINRA examination approved by the superintendent.	7171 7172 7173 7174 7175 7176 7177 7178
(f) If required under section 3905.051 of the Revised Code, the applicant has consented to a criminal records check and the results of the applicant's criminal records check are determined to be satisfactory by the superintendent <u>in</u> <u>accordance with section 9.79 of the Revised Code.</u>	7179 7180 7181 7182 7183
(g) The applicant is a United States citizen or has provided proof of having legal authorization to work in the United States.	7184 7185 7186
(h) The applicant <del>is of good reputation and character, is</del>	7187

honest and trustworthy, and is otherwise suitable to be licensed. 7188  
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(2) The superintendent shall issue a resident insurance agent license to a business entity applicant upon submission of a completed application and payment of any applicable fees required under this chapter if the superintendent finds all of the following: 7190  
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(a) Except as provided under division (C)(2) of section 3905.062 or division (C)(2) of section 3905.063 of the Revised Code, the applicant either is domiciled in Ohio or maintains its principal place of business in Ohio. 7195  
7196  
7197  
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(b) The applicant has designated a licensed insurance agent who will be responsible for the applicant's compliance with the insurance laws of this state. 7199  
7200  
7201

(c) The applicant has not committed any act that is a ground for the denial, suspension, or revocation of a license under section 3905.14 of the Revised Code. 7202  
7203  
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(d) Any applicant applying for a portable electronics insurance license line of authority satisfies the requirements of division (C)(1) of section 3905.062 of the Revised Code or any applicant applying for a self-service storage insurance license line of authority satisfies the requirements of division (C)(1) of section 3905.063 of the Revised Code. 7205  
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(e) The applicant has submitted any other documents requested by the superintendent. 7211  
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(B) An insurance agent license issued pursuant to division (A) of this section shall state the licensee's name, the license number, the date of issuance, the date the license expires, the line or lines of authority for which the licensee is qualified, 7213  
7214  
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and any other information the superintendent deems necessary.	7217
A licensee may be qualified for any of the following lines of authority:	7218
	7219
(1) Life, which is insurance coverage on human lives, including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;	7220
	7221
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	7223
(2) Accident and health, which is insurance coverage for sickness, bodily injury, or accidental death, and may include benefits for disability income;	7224
	7225
	7226
(3) Property, which is insurance coverage for the direct or consequential loss or damage to property of any kind;	7227
	7228
(4) Casualty, which is insurance coverage against legal liability, including coverage for death, injury, or disability or damage to real or personal property;	7229
	7230
	7231
(5) Personal lines, which is property and casualty insurance coverage sold to individuals and families for noncommercial purposes;	7232
	7233
	7234
(6) Variable life and variable annuity products, which is insurance coverage provided under variable life insurance contracts and variable annuities;	7235
	7236
	7237
(7) Credit, which is limited line credit insurance;	7238
(8) Title, which is insurance coverage against loss or damage suffered by reason of liens against, encumbrances upon, defects in, or the unmarketability of, real property;	7239
	7240
	7241
(9) Surety bail bond, which is the authority set forth in sections 3905.83 to 3905.95 of the Revised Code;	7242
	7243

(10) Portable electronics insurance, which is a limited line described in section 3905.062 of the Revised Code;	7244 7245
(11) Self-service storage insurance, which is a limited line described in section 3905.063 of the Revised Code;	7246 7247
(12) Travel insurance, which is a limited line described in section 3905.064 of the Revised Code;	7248 7249
(13) Any other line of authority designated by the superintendent.	7250 7251
(C) (1) An individual seeking to renew a resident insurance agent license shall apply biennially for a renewal of the license on or before the last day of the licensee's birth month. A business entity seeking to renew a resident insurance agent license shall apply biennially for a renewal of the license on or before the date determined by the superintendent. The superintendent shall send a renewal notice to all licensees at least one month prior to the renewal date.	7252 7253 7254 7255 7256 7257 7258 7259
Applications shall be submitted to the superintendent on forms prescribed by the superintendent. Each application shall be accompanied by a biennial renewal fee. The superintendent also may require an applicant to submit any document reasonably necessary to verify the information contained in the renewal application.	7260 7261 7262 7263 7264 7265
(2) To be eligible for renewal, an individual applicant shall complete the continuing education requirements pursuant to section 3905.481 of the Revised Code prior to the renewal date.	7266 7267 7268
(3) If an applicant submits a completed renewal application, qualifies for renewal pursuant to divisions (C) (1) and (2) of this section, and has not committed any act that is a ground for the refusal to issue, suspension of, or revocation of	7269 7270 7271 7272



a license under section 3905.14 of the Revised Code, the 7273  
superintendent shall renew the applicant's resident insurance 7274  
agent license. 7275

(D) If an individual or business entity does not apply for 7276  
the renewal of the individual or business entity's license on or 7277  
before the license renewal date specified in division (C)(1) of 7278  
this section, the individual or business entity may submit a 7279  
late renewal application along with all applicable fees required 7280  
under this chapter prior to the first day of the second month 7281  
following the license renewal date. 7282

(E) A license issued under this section that is not 7283  
renewed on or before its renewal date pursuant to division (C) 7284  
of this section or its late renewal date pursuant to division 7285  
(D) of this section automatically is suspended for nonrenewal on 7286  
the first day of the second month following the renewal date. If 7287  
a license is suspended for nonrenewal pursuant to this division, 7288  
the individual or business entity is eligible to apply for 7289  
reinstatement of the license within the twelve-month period 7290  
following the date by which the license should have been renewed 7291  
by complying with the reinstatement procedure established by the 7292  
superintendent and paying all applicable fees required under 7293  
this chapter. 7294

(F) A license that is suspended for nonrenewal that is not 7295  
reinstated pursuant to division (E) of this section 7296  
automatically is canceled unless the superintendent is 7297  
investigating any allegations of wrongdoing by the agent or has 7298  
initiated proceedings under Chapter 119. of the Revised Code. In 7299  
that case, the license automatically is canceled after the 7300  
completion of the investigation or proceedings unless the 7301  
superintendent revokes the license. 7302

(G) An individual licensed as a resident insurance agent 7303  
who is unable to comply with the license renewal procedures 7304  
established under this section and who is unable to engage in 7305  
the business of insurance due to military service, a long-term 7306  
medical disability, or some other extenuating circumstance may 7307  
request an extension of the renewal date of the individual's 7308  
license. To be eligible for such an extension, the individual 7309  
shall submit a written request with supporting documentation to 7310  
the superintendent. At the superintendent's discretion, the 7311  
superintendent may not consider a written request made after the 7312  
renewal date of the license. 7313

**Sec. 3905.062.** (A) As used in this section: 7314

(1) "Customer" means a person who purchases portable 7315  
electronics or services. 7316

(2) "Enrolled customer" means a customer who elects 7317  
coverage under a portable electronics insurance policy issued to 7318  
a vendor of portable electronics by an insurer. 7319

(3) "Endorsee" means an employee or authorized 7320  
representative of a vendor authorized to sell or offer portable 7321  
electronics insurance. 7322

(4) "Location" means any physical location in this state 7323  
or any web site, call center site, or similar location directed 7324  
to residents of this state. 7325

(5) "Portable electronics" means a personal, self- 7326  
contained, battery-operated electronic communication, viewing, 7327  
listening, recording, gaming, computing, or global positioning 7328  
device that is easily carried by an individual, including a 7329  
cellular or satellite telephone; pager; personal global 7330  
positioning satellite unit; portable computer; portable audio 7331

listening, video viewing or recording device; digital camera; 7332  
video camcorder; portable gaming system; docking station; 7333  
automatic answering device; and any other similar device, and 7334  
any accessory related to the use of the device. 7335

(6) "Portable electronics insurance" means insurance 7336  
providing coverage for the repair or replacement of portable 7337  
electronics, which may be offered on a month-to-month or other 7338  
periodic basis as a group or master commercial inland marine 7339  
policy issued to a vendor by an insurer, and may cover portable 7340  
electronics against loss, theft, inoperability due to mechanical 7341  
failure, malfunction, damage, or other applicable perils. 7342  
"Portable electronics insurance" does not mean any of the 7343  
following: 7344

(a) A consumer goods service contract governed by section 7345  
3905.423 of the Revised Code; 7346

(b) A policy of insurance covering a seller's or a 7347  
manufacturer's obligations under a warranty; 7348

(c) A homeowner's, renter's, private passenger automobile, 7349  
commercial multi-peril, or similar insurance policy. 7350

(7) "Portable electronics transaction" means the sale or 7351  
lease of portable electronics by a vendor to a customer or the 7352  
sale of a service related to the use of portable electronics by 7353  
a vendor to a customer. 7354

(8) "Supervising entity" means an insurer or a business 7355  
entity licensed as an insurance agent under section 3905.06 of 7356  
the Revised Code that is appointed by an insurer to supervise 7357  
the administration of a portable electronics insurance program. 7358

(9) "Vendor" means a person in the business of engaging in 7359  
portable electronics transactions directly or indirectly. 7360

(B) (1) Except as provided in division (B) (2) of this section, no vendor or vendor's employee shall offer, sell, solicit, or place portable electronics insurance unless the vendor is licensed under section 3905.06 or 3905.07 of the Revised Code with a portable electronics insurance line of authority.

(2) Any vendor offering or selling portable electronics insurance on or before ~~the effective date of this section~~ March 22, 2012, that wishes to continue offering or selling that insurance shall apply for a license within ninety days after the superintendent of insurance makes the application available.

(C) (1) The superintendent shall issue a resident business entity license to a vendor under section 3905.06 of the Revised Code if the vendor satisfies the requirements of sections 3905.05 and 3905.06 of the Revised Code, except that the application for a portable electronics insurance license shall satisfy the following additional requirements:

(a) The application shall include the location of the vendor's home office.

(b) If the application requires the vendor to designate an individual or entity as a responsible insurance agent, that agent shall not be required to be an employee of the applicant and may be the supervising entity or an individual agent who is an employee of the supervising entity.

(c) If the vendor derives less than fifty per cent of the vendor's revenue from the sale of portable electronics insurance, the application for a portable electronics insurance license may require the vendor to provide the name, residence address, and other information required by the superintendent

for one employee or officer of the vendor who is designated by 7390  
the vendor as the person responsible for the vendor's compliance 7391  
with the requirements of this chapter. 7392

(d) If the vendor derives fifty per cent or more of the 7393  
vendor's revenue from the sale of portable electronics 7394  
insurance, the application may require the information listed 7395  
under division (C) (1) (c) of this section for all owners with at 7396  
least ten per cent interest or voting interest, partners, 7397  
officers, and directors of the vendor, or members or managers of 7398  
a vendor that is a limited liability company. 7399

(2) The superintendent shall issue a nonresident business 7400  
entity license to a vendor if the vendor satisfies the 7401  
requirements of section 3905.07 of the Revised Code. However, if 7402  
the nonresident vendor's home state does not issue a limited 7403  
lines license for portable electronics insurance, the 7404  
nonresident vendor may apply for a resident license under 7405  
section 3905.06 of the Revised Code in the same manner and with 7406  
the same rights and privileges as if the vendor were a resident 7407  
of this state. 7408

(D) The holder of a limited lines license may not sell, 7409  
solicit, or negotiate insurance on behalf of any insurer unless 7410  
appointed to represent that insurer under section 3905.20 of the 7411  
Revised Code. 7412

(E) Division (B) (34) of section 3905.14 of the Revised 7413  
Code shall not apply to portable electronics vendors or the 7414  
vendors' endorsees. 7415

(F) (1) A vendor may authorize any endorsee of the vendor 7416  
to sell or offer portable electronics insurance to a customer at 7417  
any location at which the vendor engages in portable electronics 7418

transactions. 7419

(2) An endorsee is not required to be licensed as an 7420  
insurance agent under this chapter if the vendor is licensed 7421  
under this section and the insurer issuing the portable 7422  
electronics insurance either directly supervises or appoints a 7423  
supervising entity to supervise the administration of the 7424  
portable electronics insurance program including development of 7425  
a training program for endorsees in accordance with division (G) 7426  
of this section. 7427

(3) No endorsee shall do any of the following: 7428

(a) Advertise, represent, or otherwise represent the 7429  
endorsee's self as an insurance agent licensed under section 7430  
3905.06 of the Revised Code; 7431

(b) Offer, sell, or solicit the purchase of portable 7432  
electronics insurance except in conjunction with and incidental 7433  
to the sale or lease of portable electronics; 7434

(c) Make any statement or engage in any conduct, express 7435  
or implied, that would lead a customer to believe any of the 7436  
following: 7437

(i) That the insurance policies offered by the endorsee 7438  
provide coverage not already provided by a customer's 7439  
homeowner's insurance policy, renter's insurance policy, or by 7440  
another source of coverage; 7441

(ii) That the purchase by the customer of portable 7442  
electronics insurance is required in order to purchase or lease 7443  
portable electronics or services from the portable electronics 7444  
vendor; 7445

(iii) That the portable electronics vendor or its 7446

endorsees are qualified to evaluate the adequacy of the 7447  
customer's existing insurance coverage. 7448

(G) Each vendor, or the supervising entity to that vendor, 7449  
shall provide a training and education program for all endorsees 7450  
who sell or offer portable electronics insurance. The program 7451  
may be provided as a web-based training module or in any other 7452  
electronic or recorded video form. The training and education 7453  
program shall meet all of the following minimum standards: 7454

(1) The training shall be delivered to each endorsee of 7455  
each vendor who sells or offers portable electronics insurance 7456  
and the endorsee shall complete the training; 7457

(2) If the training is conducted in an electronic form, 7458  
the supervising entity shall implement a supplemental education 7459  
program regarding portable electronics insurance that is 7460  
conducted and overseen by employees of the supervising entity 7461  
who are licensed as insurance agents under section 3905.06 of 7462  
the Revised Code; 7463

(3) The training and education program shall include basic 7464  
information about portable electronics insurance and information 7465  
concerning all of the following prohibited actions of endorsees: 7466

(a) No endorsee shall advertise, represent, or otherwise 7467  
represent the endorsee's self as a licensed insurance agent. 7468

(b) No endorsee shall offer, sell, or solicit the purchase 7469  
of portable electronics insurance except in conjunction with and 7470  
incidental to the sale or lease of portable electronics. 7471

(c) No endorsee shall make any statement or engage in any 7472  
conduct, express or implied, that would lead a customer to 7473  
believe any of the following: 7474

(i) That the insurance policies offered by the endorsee	7475
provide coverage not already provided by a customer's	7476
homeowner's insurance policy, renter's insurance policy, or by	7477
another source of coverage;	7478
(ii) That the purchase by the customer of portable	7479
electronics insurance is required in order to purchase or lease	7480
portable electronics or services from the portable electronics	7481
vendor;	7482
(iii) That the portable electronics vendor or its	7483
endorsees are qualified to evaluate the adequacy of the	7484
customer's existing insurance coverage.	7485
(H) A supervising entity appointed to supervise the	7486
administration of a portable electronics insurance program under	7487
division (F)(2) of this section shall maintain a registry of	7488
locations supervised by that entity that are authorized to sell	7489
or solicit portable electronics insurance in this state. The	7490
supervising entity shall make the registry available to the	7491
superintendent upon request by the superintendent if the	7492
superintendent provides ten days' notice to the vendor or	7493
supervising entity.	7494
(I) At every location where a vendor offers portable	7495
electronics insurance to customers, the vendor shall provide	7496
brochures or other written materials to prospective customers	7497
that include all of the following:	7498
(1) A summary of the material terms of the insurance	7499
coverage, including all of the following:	7500
(a) The identity of the insurer;	7501
(b) The identity of the supervising entity;	7502



(c) The amount of any applicable deductible and how it is to be paid;	7503 7504
(d) Benefits of the coverage;	7505
(e) Key terms and conditions of coverage such as whether portable electronics may be replaced with a similar make and model, replaced with a reconditioned device, or repaired with nonoriginal manufacturer parts or equipment.	7506 7507 7508 7509
(2) A summary of the process for filing a claim, including a description of how to return portable electronics equipment and the maximum fee applicable if a customer fails to comply with any equipment return requirements;	7510 7511 7512 7513
(3) A disclosure that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;	7514 7515 7516 7517
(4) A disclosure that the enrollment by the customer in a portable electronics insurance program is not required to purchase or lease portable electronics or services;	7518 7519 7520
(5) A disclosure that neither the endorsee nor the vendor is qualified to evaluate the adequacy of the customer's existing insurance coverage;	7521 7522 7523
(6) A disclosure that the customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and receive a refund of any applicable premium.	7524 7525 7526
(J) (1) The charges for portable electronics insurance may be billed and collected by the vendor of portable electronics, and the vendor may receive compensation for performing billing and collection services, if either of the following conditions	7527 7528 7529 7530

are met: 7531

(a) If the charge to the customer for coverage is not 7532  
included in the cost associated with the purchase or lease of 7533  
portable electronics or related services, the charge for 7534  
coverage is separately itemized on the customer's bill. 7535

(b) If the charge to the customer for coverage is included 7536  
in the cost associated with the purchase or lease of portable 7537  
electronics or related services, the vendor clearly and 7538  
conspicuously discloses to the customer that the charge for 7539  
portable electronics insurance coverage is included with the 7540  
charge for portable electronics or related services. 7541

(2) All funds received by a vendor from a customer for the 7542  
sale of portable electronics insurance shall be considered funds 7543  
held in trust by the vendor in a fiduciary capacity for the 7544  
benefit of the insurer. Vendors that bill and collect such 7545  
charges are not required to maintain those funds in a segregated 7546  
account if the vendor is authorized by the insurer to hold those 7547  
funds in an alternate manner and the vendor remits the amount of 7548  
the charges to the supervising entity within sixty days after 7549  
receiving the charges. 7550

(K) (1) Except as otherwise provided in divisions (K) (2) 7551  
and (3) of this section, an insurer may terminate or otherwise 7552  
change the terms and conditions of a policy of portable 7553  
electronics insurance only upon providing the vendor 7554  
policyholder and enrolled customers with at least sixty days' 7555  
prior notice. If the insurer changes the terms and conditions, 7556  
the insurer shall promptly provide the vendor policyholder with 7557  
a revised policy or endorsement and each enrolled customer with 7558  
a revised certificate, endorsement, updated brochure, or other 7559  
evidence indicating that a change in the terms and conditions 7560

has occurred and a summary of material changes. 7561

(2) An insurer may terminate an enrolled customer's 7562  
enrollment under a portable electronics insurance policy upon 7563  
fifteen days' prior notice for discovery of fraud or material 7564  
misrepresentation in obtaining coverage or in the presentation 7565  
of a claim under the policy. 7566

(3) An insurer may immediately terminate an enrolled 7567  
customer's enrollment under a portable electronics insurance 7568  
policy for any of the following reasons: 7569

(a) The enrolled customer fails to pay the required 7570  
premium; 7571

(b) The enrolled customer ceases to have an active service 7572  
plan, if applicable, with the vendor of portable electronics; 7573

(c) The enrolled customer exhausts the aggregate limit of 7574  
liability, if any, under the terms of the portable electronics 7575  
insurance policy and the insurer sends notice of termination to 7576  
the customer within thirty calendar days after exhaustion of the 7577  
limit. However, if the insurer does not send the notice within 7578  
the thirty-day time frame, enrollment shall continue 7579  
notwithstanding the aggregate limit of liability until the 7580  
insurer sends notice of termination to the enrolled customer. 7581

(4) If a portable electronics insurance policy is 7582  
terminated by a vendor policyholder, the vendor policyholder 7583  
shall provide notice to each enrolled customer advising the 7584  
customer of the termination of the policy and the effective date 7585  
of the termination. The written notice shall be mailed or 7586  
delivered to the customer at least thirty days prior to the 7587  
termination. 7588

(5) Notice required pursuant to this section shall be 7589

provided in writing, either via mail or by electronic means. 7590

(a) If notice is provided via mail, it shall be mailed or 7591  
delivered to the vendor at the vendor's mailing address and to 7592  
all affected enrolled customers at the last known mailing 7593  
addresses of those customers on file with the insurer. The 7594  
insurer or vendor of portable electronics shall maintain proof 7595  
of mailing in a form authorized or accepted by the United States 7596  
postal service or other commercial mail delivery service. 7597

(b) If notice is provided electronically, it shall be 7598  
transmitted via facsimile or electronic mail to the vendor at 7599  
the vendor's facsimile number or electronic mail address and to 7600  
all affected enrolled customers at the last known facsimile 7601  
numbers or electronic mail addresses of those customers on file 7602  
with the insurer. The insurer or vendor shall maintain proof 7603  
that the notice was sent. 7604

(L) An enrolled customer may cancel the enrolled 7605  
customer's coverage under a portable electronics insurance 7606  
policy at any time. Upon cancellation, the insurer shall refund 7607  
any applicable unearned premium. 7608

(M) A license issued pursuant to this section shall 7609  
authorize the vendor and its endorsees to engage only in those 7610  
activities that are expressly permitted by this section. 7611

(N) (1) If a vendor or a vendor's endorsee violates any 7612  
provision of this section, the superintendent may revoke or 7613  
suspend the license issued or impose any other sanctions 7614  
provided under section 3905.14 of the Revised Code. 7615

(2) If any provision of this section is violated by a 7616  
vendor or a vendor's endorsee at a particular location, the 7617  
superintendent may issue a cease and desist order to a 7618

particular location, or take any other administrative action 7619  
authorized in section 3901.22 and division ~~(D)~~ (E) of section 7620  
3905.14 of the Revised Code. 7621

(3) If any person violates division (B) or (F) (3) of this 7622  
section, the superintendent may issue a cease and desist order 7623  
in addition to taking any other administrative action provided 7624  
for in sections 3901.22 and division ~~(D)~~ (E) of section 3905.14 7625  
of the Revised Code. 7626

(4) If the superintendent determines that a violation of 7627  
this section or section 3905.14 of the Revised Code has 7628  
occurred, the superintendent may assess a civil penalty in 7629  
amount not exceeding twenty-five thousand dollars per violation 7630  
and an administrative fee to cover the expenses incurred by the 7631  
department in the administrative action, including costs 7632  
incurred in the investigation and hearing process. 7633

(O) The superintendent may adopt rules implementing this 7634  
section. 7635

**Sec. 3905.07.** (A) The superintendent of insurance shall 7636  
issue a nonresident insurance agent license to an applicant that 7637  
is a nonresident person upon payment of all applicable fees 7638  
required under this chapter if the superintendent finds all of 7639  
the following: 7640

(1) The applicant is currently licensed as a resident and 7641  
is in good standing in the applicant's home state. 7642

(2) The applicant is licensed in the applicant's home 7643  
state for the lines of authority requested in this state. 7644

(3) The applicant has submitted or has had transmitted to 7645  
the superintendent the application for licensure that the 7646  
applicant submitted to the applicant's home state or a completed 7647

applicable uniform application. 7648

(4) The applicant has not committed any act that is a 7649  
ground for the denial, suspension, or revocation of a license 7650  
under section 3905.14 of the Revised Code. 7651

(5) The applicant ~~is of good reputation and character,~~ is 7652  
honest and trustworthy, and is otherwise suitable to be 7653  
licensed. 7654

(6) The applicant's home state issues nonresident 7655  
insurance agent licenses to residents of this state on the same 7656  
basis as set forth in division (A) of this section. 7657

(7) If the applicant is a business entity, the applicant 7658  
has designated an insurance agent licensed as an agent in this 7659  
state to be responsible for the applicant's compliance with the 7660  
insurance laws of this state. 7661

(8) The applicant has submitted any other documents 7662  
requested by the superintendent. 7663

(B) To determine an applicant's licensure and standing 7664  
status in another state, the superintendent may utilize the 7665  
producer database maintained by the NAIC or its affiliates or 7666  
subsidiaries. If that information is not available on the 7667  
producer database, the superintendent may require a 7668  
certification letter from the applicant's home state. 7669

(C) (1) An individual seeking to renew a nonresident 7670  
insurance agent license shall apply biennially for a renewal of 7671  
the license on or before the last day of the licensee's birth 7672  
month. A business entity seeking to renew a nonresident 7673  
insurance agent license shall apply biennially for a renewal of 7674  
the license on or before the date determined by the 7675  
superintendent. 7676

Applications shall be submitted to the superintendent on 7677  
forms prescribed by the superintendent. Each application shall 7678  
be accompanied by a biennial renewal fee. The superintendent 7679  
also may require an applicant to submit any document reasonably 7680  
necessary to verify the information contained in the renewal 7681  
application. 7682

(2) To be eligible for renewal, an applicant shall 7683  
maintain a resident license in the applicant's home state for 7684  
the lines of authority held in this state. 7685

(3) If an applicant submits a completed renewal 7686  
application, qualifies for renewal pursuant to divisions (C)(1) 7687  
and (2) of this section, and has not committed any act that is a 7688  
ground for the refusal to issue, suspension of, or revocation of 7689  
a license under section 3905.14 of the Revised Code, the 7690  
superintendent shall renew the applicant's nonresident insurance 7691  
agent license. 7692

(D) If an individual or business entity does not apply for 7693  
the renewal of the individual or business entity's license on or 7694  
before the license renewal date specified in division (C)(1) of 7695  
this section, the individual or business entity may submit a 7696  
late renewal application along with all applicable fees required 7697  
under this chapter prior to the first day of the second month 7698  
following the license renewal date. 7699

(E) A license issued under this section that is not 7700  
renewed on or before its renewal date pursuant to division (C) 7701  
of this section or its late renewal date pursuant to division 7702  
(D) of this section automatically is suspended for nonrenewal on 7703  
the first day of the second month following the renewal date. If 7704  
a license is suspended for nonrenewal pursuant to this division, 7705  
the individual or business entity is eligible to apply for a 7706

reinstatement of the license within the twelve-month period 7707  
following the date by which the license should have been renewed 7708  
by complying with the reinstatement procedure established by the 7709  
superintendent and paying all applicable fees required under 7710  
this chapter. 7711

(F) A license that is suspended for nonrenewal that is not 7712  
reinstated pursuant to division (E) of this section 7713  
automatically is canceled unless the superintendent is 7714  
investigating any allegations of wrongdoing by the agent or has 7715  
initiated proceedings under Chapter 119. of the Revised Code. In 7716  
that case, the license automatically is canceled after the 7717  
completion of the investigation or proceedings unless the 7718  
superintendent revokes the license. 7719

(G) An individual licensed as a nonresident insurance 7720  
agent who is unable to comply with the license renewal 7721  
procedures established under this section and who is unable to 7722  
engage in the business of insurance due to military service, a 7723  
long-term medical disability, or some other extenuating 7724  
circumstance may request an extension of the renewal date of the 7725  
individual's license. To be eligible for such an extension, the 7726  
individual shall submit a written request with supporting 7727  
documentation to the superintendent. At the superintendent's 7728  
discretion, the superintendent may not consider a written 7729  
request made after the renewal date of the license. 7730

(H) Notwithstanding any other provision of this chapter, a 7731  
nonresident person licensed as a surplus lines producer in the 7732  
applicant's home state shall receive a nonresident surplus lines 7733  
broker license pursuant to division (A) of this section. Nothing 7734  
in this section otherwise affects or supersedes any provision of 7735  
sections 3905.30 to 3905.37 of the Revised Code. 7736



<b>Sec. 3905.14.</b> (A) As used in sections 3905.14 to 3905.16	7737
of the Revised Code:	7738
(1) "Insurance agent" includes a limited lines insurance	7739
agent, surety bail bond agent, and surplus line broker.	7740
(2) "Refusal to issue or renew" means the decision of the	7741
superintendent of insurance not to process either the initial	7742
application for a license as an agent or the renewal of such a	7743
license.	7744
(3) "Revocation" means the permanent termination of all	7745
authority to hold any license as an agent in this state.	7746
(4) "Surrender for cause" means the voluntary termination	7747
of all authority to hold any license as an agent in this state,	7748
in lieu of a revocation or suspension order.	7749
(5) "Suspension" means the termination of all authority to	7750
hold any license as an agent in this state, for either a	7751
specified period of time or an indefinite period of time and	7752
under any terms or conditions determined by the superintendent.	7753
(B) The superintendent may, <u>except as provided in division</u>	7754
<u>(C) of this section,</u> suspend, revoke, or refuse to issue or	7755
renew any license of an insurance agent, assess a civil penalty,	7756
or impose any other sanction or sanctions authorized under this	7757
chapter, for one or more of the following reasons:	7758
(1) Providing incorrect, misleading, incomplete, or	7759
materially untrue information in a license or appointment	7760
application;	7761
(2) Violating or failing to comply with any insurance law,	7762
rule, subpoena, consent agreement, or order of the	7763
superintendent or of the insurance authority of another state;	7764

- (3) Obtaining, maintaining, or attempting to obtain or  
maintain a license through misrepresentation or fraud; 7765  
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- (4) Improperly withholding, misappropriating, or  
converting any money or property received in the course of doing  
insurance business; 7767  
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- (5) Intentionally misrepresenting the terms, benefits,  
value, cost, or effective dates of any actual or proposed  
insurance contract or application for insurance; 7770  
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- (6) Having been convicted of or pleaded guilty or no  
contest to a felony regardless of whether a judgment of  
conviction has been entered by the court; 7773  
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- (7) Having been convicted of or pleaded guilty or no  
contest to a misdemeanor that involves the misuse or theft of  
money or property belonging to another, fraud, forgery,  
dishonest acts, or breach of a fiduciary duty, that is based on  
any act or omission relating to the business of insurance,  
securities, or financial services, or that involves moral  
turpitude regardless of whether a judgment has been entered by  
the court; 7776  
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- (8) Having admitted to committing, or having been found to  
have committed, any insurance unfair trade act or practice or  
insurance fraud; 7784  
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- (9) Using fraudulent, coercive, or dishonest practices, or  
demonstrating incompetence, untrustworthiness, or financial  
irresponsibility, in the conduct of business in this state or  
elsewhere; 7787  
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- (10) Having an insurance agent license, or its equivalent,  
denied, suspended, or revoked in any other state, province,  
district, or territory; 7791  
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(11) Forging or causing the forgery of an application for insurance or any document related to or used in an insurance transaction;	7794
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(12) Improperly using notes, any other reference material, equipment, or devices of any kind to complete an examination for an insurance agent license;	7797
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	7799
(13) Knowingly accepting insurance business from an individual who is not licensed;	7800
	7801
(14) Failing to comply with any official invoice, notice, assessment, or order directing payment of federal, state, or local income tax, state or local sales tax, or workers' compensation premiums;	7802
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(15) Failing to timely submit an application for insurance. For purposes of division (B)(15) of this section, a submission is considered timely if it occurs within the time period expressly provided for by the insurer, or within seven days after the insurance agent accepts a premium or an order to bind coverage from a policyholder or applicant for insurance, whichever is later.	7806
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(16) Failing to disclose to an applicant for insurance or policyholder upon accepting a premium or an order to bind coverage from the applicant or policyholder, that the person has not been appointed by the insurer;	7813
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(17) Having any professional license or financial industry regulatory authority registration suspended or revoked or having been barred from participation in any industry;	7817
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(18) Having been subject to a cease and desist order or permanent injunction related to mishandling of funds or breach of fiduciary responsibilities or for unlicensed or unregistered	7820
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	7822

activities;	7823
(19) Causing or permitting a policyholder or applicant for insurance to designate the insurance agent or the insurance agent's spouse, parent, child, or sibling as the beneficiary of a policy or annuity sold by the insurance agent or of a policy or annuity for which the agent, at any time, was designated as the agent of record, unless the insurance agent or a relative of the insurance agent is the insured or applicant;	7824 7825 7826 7827 7828 7829 7830
(20) Causing or permitting a policyholder or applicant for insurance to designate the insurance agent or the insurance agent's spouse, parent, child, or sibling as the owner or beneficiary of a trust funded, in whole or in part, by a policy or annuity sold by the insurance agent or by a policy or annuity for which the agent, at any time, was designated as the agent of record, unless the insurance agent or a relative of the insurance agent is the insured or applicant;	7831 7832 7833 7834 7835 7836 7837 7838
(21) Failing to provide a written response to the department of insurance within twenty-one calendar days after receipt of any written inquiry from the department, unless a reasonable extension of time has been requested of, and granted by, the superintendent or the superintendent's designee;	7839 7840 7841 7842 7843
(22) Failing to appear to answer questions before the superintendent after being notified in writing by the superintendent of a scheduled interview, unless a reasonable extension of time has been requested of, and granted by, the superintendent or the superintendent's designee;	7844 7845 7846 7847 7848
(23) Transferring or placing insurance with an insurer other than the insurer expressly chosen by the applicant for insurance or policyholder without the consent of the applicant	7849 7850 7851

or policyholder or absent extenuating circumstances; 7852

(24) Failing to inform a policyholder or applicant for 7853  
insurance of the identity of the insurer or insurers, or the 7854  
identity of any other insurance agent or licensee known to be 7855  
involved in procuring, placing, or continuing the insurance for 7856  
the policyholder or applicant, upon the binding of the coverage; 7857

(25) In the case of an agent that is a business entity, 7858  
failing to report an individual licensee's violation to the 7859  
department when the violation was known or should have been 7860  
known by one or more of the partners, officers, managers, or 7861  
members of the business entity; 7862

(26) Submitting or using a document in the conduct of the 7863  
business of insurance when the person knew or should have known 7864  
that the document contained a writing that was forged as defined 7865  
in section 2913.01 of the Revised Code; 7866

(27) Misrepresenting the person's qualifications, status 7867  
or relationship to another person, agency, or entity, or using 7868  
in any way a professional designation that has not been 7869  
conferred upon the person by the appropriate accrediting 7870  
organization; 7871

(28) Obtaining a premium loan or policy surrender or 7872  
causing a premium loan or policy surrender to be made to or in 7873  
the name of an insured or policyholder without that person's 7874  
knowledge and written authorization; 7875

(29) Using paper, software, or any other materials of or 7876  
provided by an insurer after the insurer has terminated the 7877  
authority of the licensee, if the use of such materials would 7878  
cause a reasonable person to believe that the licensee was 7879  
acting on behalf of or otherwise representing the insurer; 7880

(30) Soliciting, procuring an application for, or placing, 7881  
either directly or indirectly, any insurance policy when the 7882  
person is not authorized under this chapter to engage in such 7883  
activity; 7884

(31) Soliciting, selling, or negotiating any product or 7885  
service that offers benefits similar to insurance but is not 7886  
regulated by the superintendent, without fully disclosing, 7887  
orally and in writing, to the prospective purchaser that the 7888  
product or service is not insurance and is not regulated by the 7889  
superintendent; 7890

(32) Failing to fulfill a refund obligation to a 7891  
policyholder or applicant in a timely manner. For purposes of 7892  
division (B)(32) of this section, a rebuttable presumption 7893  
exists that a refund obligation is not fulfilled in a timely 7894  
manner unless it is fulfilled within one of the following time 7895  
periods: 7896

(a) Thirty days after the date the policyholder, 7897  
applicant, or insurer takes or requests action resulting in a 7898  
refund; 7899

(b) Thirty days after the date of the insurer's refund 7900  
check, if the agent is expected to issue a portion of the total 7901  
refund; 7902

(c) Forty-five days after the date of the agent's 7903  
statement of account on which the refund first appears. 7904

The presumption may be rebutted by proof that the 7905  
policyholder or applicant consented to the delay or agreed to 7906  
permit the agent to apply the refund to amounts due for other 7907  
coverages. 7908

(33) With respect to a surety bail bond agent license, 7909

rebating or offering to rebate, or unlawfully dividing or 7910  
offering to divide, any commission, premium, or fee; 7911

(34) Using a license for the principal purpose of 7912  
procuring, receiving, or forwarding applications for insurance 7913  
of any kind, other than life, or soliciting, placing, or 7914  
effecting such insurance directly or indirectly upon or in 7915  
connection with the property of the licensee or that of 7916  
relatives, employers, employees, or that for which they or the 7917  
licensee is an agent, custodian, vendor, bailee, trustee, or 7918  
payee; 7919

(35) In the case of an insurance agent that is a business 7920  
entity, using a life license for the principal purpose of 7921  
soliciting or placing insurance on the lives of the business 7922  
entity's officers, employees, or shareholders, or on the lives 7923  
of relatives of such officers, employees, or shareholders, or on 7924  
the lives of persons for whom they, their relatives, or the 7925  
business entity is agent, custodian, vendor, bailee, trustee, or 7926  
payee; 7927

(36) Offering, selling, soliciting, or negotiating 7928  
policies, contracts, agreements, or applications for insurance, 7929  
or annuities providing fixed, variable, or fixed and variable 7930  
benefits, or contractual payments, for or on behalf of any 7931  
insurer or multiple employer welfare arrangement not authorized 7932  
to transact business in this state, or for or on behalf of any 7933  
spurious, fictitious, nonexistent, dissolved, inactive, 7934  
liquidated or liquidating, or bankrupt insurer or multiple 7935  
employer welfare arrangement; 7936

(37) In the case of a resident business entity, failing to 7937  
be qualified to do business in this state under Title XVII of 7938  
the Revised Code, failing to be in good standing with the 7939

secretary of state, or failing to maintain a valid appointment 7940  
of statutory agent with the secretary of state; 7941

(38) In the case of a nonresident agent, failing to 7942  
maintain licensure as an insurance agent in the agent's home 7943  
state for the lines of authority held in this state; 7944

(39) Knowingly aiding and abetting another person or 7945  
entity in the violation of any insurance law of this state or 7946  
the rules adopted under it. 7947

(C) The superintendent shall not refuse to issue a license 7948  
to an applicant because of a conviction of or plea of guilty or 7949  
no contest to an offense unless the refusal is in accordance 7950  
with section 9.79 of the Revised Code. 7951

(D) Before denying, revoking, suspending, or refusing to 7952  
issue any license or imposing any penalty under this section, 7953  
the superintendent shall provide the licensee or applicant with 7954  
notice and an opportunity for hearing as provided in Chapter 7955  
119. of the Revised Code, except as follows: 7956

(1) (a) Any notice of opportunity for hearing, the hearing 7957  
officer's findings and recommendations, or the superintendent's 7958  
order shall be served by certified mail at the last known 7959  
address of the licensee or applicant. Service shall be evidenced 7960  
by return receipt signed by any person. 7961

For purposes of this section, the "last known address" is 7962  
the residential address of a licensee or applicant, or the 7963  
principal-place-of-business address of a business entity, that 7964  
is contained in the licensing records of the department. 7965

(b) If the certified mail envelope is returned with an 7966  
endorsement showing that service was refused, or that the 7967  
envelope was unclaimed, the notice and all subsequent notices 7968



required by Chapter 119. of the Revised Code may be served by 7969  
ordinary mail to the last known address of the licensee or 7970  
applicant. The mailing shall be evidenced by a certificate of 7971  
mailing. Service is deemed complete as of the date of such 7972  
certificate provided that the ordinary mail envelope is not 7973  
returned by the postal authorities with an endorsement showing 7974  
failure of delivery. The time period in which to request a 7975  
hearing, as provided in Chapter 119. of the Revised Code, begins 7976  
to run on the date of mailing. 7977

(c) If service by ordinary mail fails, the superintendent 7978  
may cause a summary of the substantive provisions of the notice 7979  
to be published once a week for three consecutive weeks in a 7980  
newspaper of general circulation in the county where the last 7981  
known place of residence or business of the party is located. 7982  
The notice is considered served on the date of the third 7983  
publication. 7984

(d) Any notice required to be served under Chapter 119. of 7985  
the Revised Code shall also be served upon the party's attorney 7986  
by ordinary mail if the attorney has entered an appearance in 7987  
the matter. 7988

(e) The superintendent may, at any time, perfect service 7989  
on a party by personal delivery of the notice by an employee of 7990  
the department. 7991

(f) Notices regarding the scheduling of hearings and all 7992  
other matters not described in division ~~(C)~~(D)(1)(a) of this 7993  
section shall be sent by ordinary mail to the party and to the 7994  
party's attorney. 7995

(2) Any subpoena for the appearance of a witness or the 7996  
production of documents or other evidence at a hearing, or for 7997

the purpose of taking testimony for use at a hearing, shall be 7998  
served by certified mail, return receipt requested, by an 7999  
attorney or by an employee of the department designated by the 8000  
superintendent. Such subpoenas shall be enforced in the manner 8001  
provided in section 119.09 of the Revised Code. Nothing in this 8002  
section shall be construed as limiting the superintendent's 8003  
other statutory powers to issue subpoenas. 8004

~~(D)~~ (E) If the superintendent determines that a violation 8005  
described in this section has occurred, the superintendent may 8006  
take one or more of the following actions: 8007

(1) Assess a civil penalty in an amount not exceeding 8008  
twenty-five thousand dollars per violation; 8009

(2) Assess administrative costs to cover the expenses 8010  
incurred by the department in the administrative action, 8011  
including costs incurred in the investigation and hearing 8012  
processes. Any costs collected shall be paid into the state 8013  
treasury to the credit of the department of insurance operating 8014  
fund created in section 3901.021 of the Revised Code. 8015

(3) Suspend all of the person's licenses for all lines of 8016  
insurance for either a specified period of time or an indefinite 8017  
period of time and under such terms and conditions as the 8018  
superintendent may determine; 8019

(4) Permanently revoke all of the person's licenses for 8020  
all lines of insurance; 8021

(5) Refuse to issue a license; 8022

(6) Refuse to renew a license; 8023

(7) Prohibit the person from being employed in any 8024  
capacity in the business of insurance and from having any 8025

financial interest in any insurance agency, company, surety bail 8026  
bond business, or third-party administrator in this state. The 8027  
superintendent may, in the superintendent's discretion, 8028  
determine the nature, conditions, and duration of such 8029  
restrictions. 8030

(8) Order corrective actions in lieu of or in addition to 8031  
the other penalties listed in division ~~(D)~~ (E) of this section. 8032  
Such an order may provide for the suspension of civil penalties, 8033  
license revocation, license suspension, or refusal to issue or 8034  
renew a license if the licensee complies with the terms and 8035  
conditions of the corrective action order. 8036

(9) Accept a surrender for cause offered by the licensee, 8037  
which shall be for at least five years and shall prohibit the 8038  
licensee from seeking any license authorized under this chapter 8039  
during that time period. A surrender for cause shall be in lieu 8040  
of revocation or suspension and may include a corrective action 8041  
order as provided in division ~~(D)~~ (E) (8) of this section. 8042

~~(E)~~ (F) The superintendent may consider the following 8043  
factors in denying a license, imposing suspensions, revocations, 8044  
fines, or other penalties, and issuing orders under this 8045  
section: 8046

(1) Whether the person acted in good faith; 8047

(2) Whether the person made restitution for any pecuniary 8048  
losses suffered by other persons as a result of the person's 8049  
actions; 8050

(3) The actual harm or potential for harm to others; 8051

(4) The degree of trust placed in the person by, and the 8052  
vulnerability of, persons who were or could have been adversely 8053  
affected by the person's actions; 8054

(5) Whether the person was the subject of any previous administrative actions by the superintendent;	8055 8056
(6) The number of individuals adversely affected by the person's acts or omissions;	8057 8058
(7) Whether the person voluntarily reported the violation, and the extent of the person's cooperation and acceptance of responsibility;	8059 8060 8061
(8) Whether the person obstructed or impeded, or attempted to obstruct or impede, the superintendent's investigation;	8062 8063
(9) The person's efforts to conceal the misconduct;	8064
(10) Remedial efforts to prevent future violations;	8065
(11) If the person was convicted of a criminal offense, the nature of the offense, whether the conviction was based on acts or omissions taken under any professional license, whether the offense involved the breach of a fiduciary duty, the amount of time that has passed, and the person's activities subsequent to the conviction;	8066 8067 8068 8069 8070 8071
(12) Such other factors as the superintendent determines to be appropriate under the circumstances.	8072 8073
<del>(F)</del> <u>(G)</u> (1) A violation described in division (B) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), and (36) of this section is a class A offense for which the superintendent may impose any penalty set forth in division <del>(D)</del> <u>(E)</u> of this section.	8074 8075 8076 8077 8078 8079 8080
(2) A violation described in division (B) (15) or (21) of this section, or a failure to comply with section 3905.061,	8081 8082

3905.071, or 3905.22 of the Revised Code, is a class B offense 8083  
for which the superintendent may impose any penalty set forth in 8084  
division ~~(D)~~(E)(1), (2), (8), or (9) of this section. 8085

(3) If the superintendent determines that a violation 8086  
described in division (B)(36) of this section has occurred, the 8087  
superintendent shall impose a minimum of a two-year suspension 8088  
on all of the person's licenses for all lines of insurance. 8089

~~(G)~~(H) If a violation described in this section has 8090  
caused, is causing, or is about to cause substantial and 8091  
material harm, the superintendent may issue an order requiring 8092  
that person to cease and desist from engaging in the violation. 8093  
Notice of the order shall be mailed by certified mail, return 8094  
receipt requested, or served in any other manner provided for in 8095  
this section, immediately after its issuance to the person 8096  
subject to the order and to all persons known to be involved in 8097  
the violation. The superintendent may thereafter publicize or 8098  
otherwise make known to all interested parties that the order 8099  
has been issued. 8100

The notice shall specify the particular act, omission, 8101  
practice, or transaction that is subject to the cease-and-desist 8102  
order and shall set a date, not more than fifteen days after the 8103  
date of the order, for a hearing on the continuation or 8104  
revocation of the order. The person shall comply with the order 8105  
immediately upon receipt of notice of the order. 8106

The superintendent may, upon the application of a party 8107  
and for good cause shown, continue the hearing. Chapter 119. of 8108  
the Revised Code applies to such hearings to the extent that 8109  
that chapter does not conflict with the procedures set forth in 8110  
this section. The superintendent shall, within fifteen days 8111  
after objections are submitted to the hearing officer's report 8112

and recommendation, issue a final order either confirming or 8113  
revoking the cease-and-desist order. The final order may be 8114  
appealed as provided under section 119.12 of the Revised Code. 8115

The remedy under this division is cumulative and 8116  
concurrent with the other remedies available under this section. 8117

~~(H)~~ (I) If the superintendent has reasonable cause to 8118  
believe that an order issued under this section has been 8119  
violated in whole or in part, the superintendent may request the 8120  
attorney general to commence and prosecute any appropriate 8121  
action or proceeding in the name of the state against such 8122  
person. 8123

The court may, in an action brought pursuant to this 8124  
division, impose any of the following: 8125

(1) For each violation, a civil penalty of not more than 8126  
twenty-five thousand dollars; 8127

(2) Injunctive relief; 8128

(3) Restitution; 8129

(4) Any other appropriate relief. 8130

~~(I)~~ (J) With respect to a surety bail bond agent license: 8131

(1) Upon the suspension or revocation of a license, or the 8132  
eligibility of a surety bail bond agent to hold a license, the 8133  
superintendent likewise may suspend or revoke the license or 8134  
eligibility of any surety bail bond agent who is employed by or 8135  
associated with that agent and who knowingly was a party to the 8136  
act that resulted in the suspension or revocation. 8137

(2) The superintendent may revoke a license as a surety 8138  
bail bond agent if the licensee is adjudged bankrupt. 8139

~~(J)~~-(K) Nothing in this section shall be construed to 8140  
create or imply a private cause of action against an agent or 8141  
insurer. 8142

**Sec. 3905.15.** (A) Upon written application of a person 8143  
whose license was denied, suspended, revoked, or surrendered for 8144  
cause under section 3905.14 of the Revised Code, except for a 8145  
person whose license was denied for a disqualifying offense 8146  
pursuant to section 9.79 of the Revised Code, the superintendent 8147  
of insurance shall hold a hearing to determine whether the 8148  
administrative action imposing the denial, suspension, 8149  
revocation, or surrender should be modified, provided that all 8150  
of the following conditions are met: 8151

(1) At least five years have elapsed since the date of the 8152  
administrative action sought to be modified; 8153

(2) At least two years have elapsed since any previous 8154  
request for a modification was made under this section; 8155

(3) The burden of proof is on the person requesting the 8156  
modification. 8157

(B) The modification of an order issued or consent 8158  
agreement entered into under section 3905.14 of the Revised Code 8159  
is at the discretion of the superintendent. The superintendent 8160  
may modify such an order or agreement if the superintendent 8161  
finds all of the following: 8162

(1) At least five years have elapsed since the date of the 8163  
administrative action; 8164

(2) The person is of good business repute and is suitable 8165  
to be an insurance agent; 8166

(3) The person has made restitution for all pecuniary 8167

losses suffered by any person as a result of the conduct that 8168  
gave rise to the administrative action; 8169

(4) The person has not been convicted of any felony or of 8170  
any misdemeanor described in division (B)(7) of section 3905.14 8171  
of the Revised Code unless the conviction was the subject of a 8172  
previous administrative action by the superintendent; 8173

(5) The circumstances surrounding the previous violation 8174  
are such that it is unlikely the person would commit such 8175  
offenses in the future; 8176

(6) The person's character has been rehabilitated. 8177

(C) The issuance of any license pursuant to a modification 8178  
under this section shall be conditioned upon the successful 8179  
completion of all prelicensing education and examination 8180  
requirements. 8181

**Sec. 3905.72.** (A) (1) No person shall act as a managing 8182  
general agent representing an insurer licensed in this state 8183  
with respect to risks located in this state unless the person is 8184  
licensed as a managing general agent pursuant to division (C) or 8185  
(D) of this section. 8186

(2) No person shall act as a managing general agent 8187  
representing an insurer organized under the laws of this state 8188  
with respect to risks located outside this state unless the 8189  
person is licensed as a managing general agent pursuant to 8190  
division (C) of this section. 8191

(B) Every person that seeks to act as a managing general 8192  
agent as described in division (A) of this section shall apply 8193  
to the superintendent of insurance for a license. Except as 8194  
otherwise provided in division (D) of this section, the 8195  
application shall be in writing on a form provided by the 8196



superintendent and shall be sworn or affirmed before a notary 8197  
public or other person empowered to administer oaths. The 8198  
application shall be kept on file by the superintendent and 8199  
shall include all of the following: 8200

(1) The name and principal business address of the 8201  
applicant; 8202

(2) If the applicant is an individual, the applicant's 8203  
current occupation; 8204

(3) If the applicant is an individual, the applicant's 8205  
occupation or occupations during the five-year period prior to 8206  
applying for the license to act as a managing general agent; 8207

(4) A copy of the contract between the applicant and the 8208  
insurer as required by, and in compliance with, section 3905.73 8209  
of the Revised Code; 8210

(5) A copy of a certified resolution of the board of 8211  
directors of the insurer on whose behalf the applicant will act, 8212  
appointing the applicant as a managing general agent and agent 8213  
of the insurer, specifying the duties the applicant is expected 8214  
to perform on behalf of the insurer and the lines of insurance 8215  
the applicant will manage, and authorizing the insurer to enter 8216  
into a contract with the applicant as required by section 8217  
3905.73 of the Revised Code; 8218

(6) A statement that the applicant submits to the 8219  
jurisdiction of the superintendent and the courts of this state; 8220

(7) Any other information required by the superintendent. 8221

(C) The superintendent shall issue to a resident of this 8222  
state or a business entity organized under the laws of this 8223  
state a license to act as a managing general agent representing 8224

an insurer licensed to do business in this state with respect to 8225  
risks located in this state or a license to act as a managing 8226  
general agent representing an insurer organized under the laws 8227  
of this state with respect to risks located outside this state, 8228  
and shall renew such a license, if the superintendent is 8229  
satisfied that all of the following conditions are met: 8230

(1) The applicant is a suitable person and intends to hold 8231  
self out in good faith as a managing general agent. 8232

(2) The applicant ~~is honest, trustworthy, and understands~~ 8233  
the duties and obligations of a managing general agent. 8234

(3) The applicant has filed a completed application that 8235  
complies with division (B) of this section. 8236

(4) The applicant has paid a fee in the amount of twenty 8237  
dollars. 8238

(5) The applicant maintains a bond in the amount of not 8239  
less than fifty thousand dollars for the protection of the 8240  
insurer. 8241

(6) The applicant maintains an errors and omissions policy 8242  
of insurance. 8243

(7) The applicant is not, and has never been, under an 8244  
order of suspension or revocation under section 3905.77 of the 8245  
Revised Code or under any other law of this state, or any other 8246  
state, relating to insurance, and is otherwise in compliance 8247  
with sections 3905.71 to 3905.79 of the Revised Code and all 8248  
other laws of this state relating to insurance. 8249

(D) If the applicant is a resident of another state or a 8250  
business entity organized under the laws of another state, the 8251  
applicant shall submit a request for licensure, along with a fee 8252

of twenty dollars, to the superintendent. The superintendent 8253  
shall issue a license to act as a managing general agent if the 8254  
request for licensure includes proof that the applicant is 8255  
licensed and in good standing as a managing general agent in the 8256  
applicant's home state and either a copy of the application for 8257  
licensure the applicant submitted to the applicant's home state 8258  
or the application described in division (B) of this section. 8259

If the applicant's home state does not license managing 8260  
general agents under provisions similar to those in sections 8261  
3905.71 to 3905.79 of the Revised Code, or if the applicant's 8262  
home state does not grant licenses to residents of this state on 8263  
the same reciprocal basis, the applicant shall comply with 8264  
divisions (B) and (C) of this section. 8265

(E) Unless suspended or revoked by an order of the 8266  
superintendent pursuant to section 3905.77 of the Revised Code 8267  
and except as provided in division (F) of this section, any 8268  
license issued or renewed pursuant to division (C) or (D) of 8269  
this section shall expire on the last day of February next after 8270  
its issuance or renewal. 8271

(F) If the appointment of a managing general agent is 8272  
terminated by the insurer, the license of the managing general 8273  
agent shall expire on the date of the termination. 8274

(G) A license shall be renewed in accordance with the 8275  
standard renewal procedure specified in Chapter 4745. of the 8276  
Revised Code. 8277

(H) All license fees collected pursuant to this section 8278  
shall be paid into the state treasury to the credit of the 8279  
department of insurance operating fund. 8280

**Sec. 3905.85.** (A) (1) An individual who applies for a 8281

license as a surety bail bond agent shall submit an application 8282  
for the license in a manner prescribed by the superintendent of 8283  
insurance. The application shall be accompanied by a one\_ 8284  
hundred\_fifty\_dollar fee and a statement that gives the 8285  
applicant's name, age, residence, present occupation, occupation 8286  
for the five years next preceding the date of the application, 8287  
and such other information as the superintendent may require. 8288

(2) An applicant for an individual resident license shall 8289  
also submit to a criminal records check pursuant to section 8290  
3905.051 of the Revised Code. 8291

(B) (1) The superintendent shall issue to an applicant an 8292  
individual resident license that states in substance that the 8293  
person is authorized to do the business of a surety bail bond 8294  
agent, if the superintendent is satisfied that all of the 8295  
following apply: 8296

(a) The applicant is eighteen years of age or older. 8297

(b) The applicant's home state is Ohio. 8298

~~(c) The applicant is a person of high character and~~ 8299  
~~integrity.~~ 8300

~~(d)~~ The applicant has not committed any act that is 8301  
grounds for the refusal to issue, suspension of, or revocation 8302  
of a license under section 3905.14 of the Revised Code. 8303

~~(e)~~ (d) The applicant is a United States citizen or has 8304  
provided proof of having legal authorization to work in the 8305  
United States. 8306

~~(f)~~ (e) The applicant has successfully completed the 8307  
educational requirements set forth in section 3905.04 of the 8308  
Revised Code and passed the examination required by that 8309

section. 8310

(2) The superintendent shall issue to an applicant an 8311  
individual nonresident license that states in substance that the 8312  
person is authorized to do the business of a surety bail bond 8313  
agent, if the superintendent is satisfied that all of the 8314  
following apply: 8315

(a) The applicant is eighteen years of age or older. 8316

(b) The applicant is currently licensed as a resident in 8317  
another state and is in good standing in the applicant's home 8318  
state for surety bail bond or is qualified for the same 8319  
authority. 8320

~~(c) The applicant is a person of high character and~~ 8321  
~~integrity.~~ 8322

~~(d) The applicant has not committed any act that is~~ 8323  
grounds for the refusal to issue, suspension of, or revocation 8324  
of a license under section 3905.14 of the Revised Code. 8325

(3) The superintendent shall issue an applicant a resident 8326  
business entity license that states in substance that the person 8327  
is authorized to do the business of a surety bail bond agent if 8328  
the superintendent is satisfied that all of the following apply: 8329

(a) The applicant has submitted an application for the 8330  
license in a manner prescribed by the superintendent and the 8331  
one-hundred-fifty-dollar application fee. 8332

(b) The applicant either is domiciled in this state or 8333  
maintains its principal place of business in this state. 8334

(c) The applicant has designated an individual licensed 8335  
surety bail bond agent who will be responsible for the 8336  
applicant's compliance with the insurance laws of this state. 8337

(d) The applicant has not committed any act that is 8338  
grounds for the refusal to issue, suspension of, or revocation 8339  
of a license under section 3905.14 of the Revised Code. 8340

(e) The applicant is authorized to do business in this 8341  
state by the secretary of state if so required under the 8342  
applicable provisions of Title XVII of the Revised Code. 8343

(f) The applicant has submitted any other documents 8344  
requested by the superintendent. 8345

(4) The superintendent shall issue an applicant a 8346  
nonresident business entity license that states in substance 8347  
that the person is authorized to do the business of a surety 8348  
bail bond agent if the superintendent is satisfied that all of 8349  
the following apply: 8350

(a) The applicant has submitted an application for the 8351  
license in a manner prescribed by the superintendent and the 8352  
one-hundred-fifty-dollar application fee. 8353

(b) The applicant is currently licensed and is in good 8354  
standing in the applicant's home state with surety bail bond 8355  
authority. 8356

(c) The applicant has designated an individual licensed 8357  
surety bail bond agent who will be responsible for the 8358  
applicant's compliance with the insurance laws of this state. 8359

(d) The applicant has not committed any act that is 8360  
grounds for the refusal to issue, suspension of, or revocation 8361  
of a license under section 3905.14 of the Revised Code. 8362

(e) The applicant has submitted any other documents 8363  
requested by the superintendent. 8364

(C) A resident and nonresident surety bail bond agent 8365

license issued pursuant to this section authorizes the holder, 8366  
when appointed by an insurer, to execute or countersign bail 8367  
bonds in connection with judicial proceedings and to receive 8368  
money or other things of value for those services. However, the 8369  
holder shall not execute or deliver a bond during the first one 8370  
hundred eighty days after the license is initially issued. This 8371  
restriction does not apply with respect to license renewals or 8372  
any license issued under divisions (B) (3) and (4) of this 8373  
section. 8374

(D) The superintendent may refuse to renew a surety bail 8375  
bond agent's license as provided in division (B) of section 8376  
3905.88 of the Revised Code, and may suspend, revoke, or refuse 8377  
to issue or renew such a license as provided in section 3905.14 8378  
of the Revised Code. 8379

If the superintendent refuses to issue such a license 8380  
based in whole or in part upon the written response to a 8381  
criminal records check completed pursuant to division (A) of 8382  
this section, the superintendent shall send a copy of the 8383  
response that was transmitted to the superintendent to the 8384  
applicant at the applicant's home address upon the applicant's 8385  
submission of a written request to the superintendent. 8386

(E) Any person licensed as a surety bail bond agent may 8387  
surrender the person's license in accordance with section 8388  
3905.16 of the Revised Code. 8389

(F) (1) A person seeking to renew a surety bail bond agent 8390  
license shall apply annually for a renewal of the license on or 8391  
before the last day of February. Applications shall be submitted 8392  
to the superintendent on forms prescribed by the superintendent. 8393  
Each application shall be accompanied by a one-hundred-fifty- 8394  
dollar renewal fee. 8395

(2) To be eligible for renewal, an individual applicant shall complete the continuing education requirements pursuant to section 3905.88 of the Revised Code prior to the renewal date.

(3) If an applicant submits a completed renewal application, qualifies for renewal pursuant to divisions (F)(1) and (2) of this section, and has not committed any act that is a ground for the refusal to issue, suspension of, or revocation of a license under section 3905.14 or sections 3905.83 to 3905.99 of the Revised Code, the superintendent shall renew the applicant's surety bail bond insurance agent license.

(4) If an individual or business entity does not apply for the renewal of the individual or business entity's license on or before the license renewal date specified in division (F)(1) of this section, the individual or business entity may submit a late renewal application along with all applicable fees required under this chapter prior to the last day of March following the renewal date. The superintendent shall renew the license of an applicant that submits a late renewal application if the applicant satisfies all of the following conditions:

(a) The applicant submits a completed renewal application.

(b) The applicant pays the one-hundred-fifty-dollar renewal fee.

(c) The applicant pays the late renewal fee established by the superintendent.

(d) The applicant provides proof of compliance with the continuing education requirements pursuant to section 3905.88 of the Revised Code.

(e) The applicant has not committed any act that is grounds for the refusal to issue, suspension of, or revocation



of a license under section 3905.14 or sections 3905.83 to 8425  
3905.99 of the Revised Code. 8426

(5) A license issued under this section that is not 8427  
renewed on or before its late renewal date specified in division 8428  
(F) (4) of this section is automatically suspended for nonrenewal 8429  
effective the first day of April. 8430

(6) If a license is suspended for nonrenewal pursuant to 8431  
division (F) (5) of this section, the individual or business 8432  
entity is eligible to apply for reinstatement of the license 8433  
within the twelve-month period following the date by which the 8434  
license should have been renewed by complying with the 8435  
reinstatement procedure established by the superintendent and 8436  
paying all applicable fees required under this chapter. 8437

(7) A license that is suspended for nonrenewal that is not 8438  
reinstated pursuant to division (F) (6) of this section 8439  
automatically is canceled unless the superintendent is 8440  
investigating any allegations of wrongdoing by the agent or has 8441  
initiated proceedings under Chapter 119. of the Revised Code. In 8442  
that case, the license automatically is canceled after the 8443  
completion of the investigation or proceedings unless the 8444  
superintendent revokes the license. 8445

(G) The superintendent may prescribe the forms to be used 8446  
as evidence of the issuance of a license under this section. The 8447  
superintendent shall require each licensee to acquire, from a 8448  
source designated by the superintendent, a wallet identification 8449  
card that includes the licensee's photograph and any other 8450  
information required by the superintendent. The licensee shall 8451  
keep the wallet identification card on the licensee's person 8452  
while engaging in the bail bond business. 8453

(H) (1) The superintendent of insurance shall not issue or 8454  
renew the license of a business entity organized under the laws 8455  
of this or any other state unless the business entity is 8456  
qualified to do business in this state under the applicable 8457  
provisions of Title XVII of the Revised Code. 8458

(2) The failure of a business entity to be in good 8459  
standing with the secretary of state or to maintain a valid 8460  
appointment of statutory agent is grounds for suspending, 8461  
revoking, or refusing to renew its license. 8462

(3) By applying for a surety bail bond agent license under 8463  
this section, an individual or business entity consents to the 8464  
jurisdiction of the courts of this state. 8465

(I) A surety bail bond agent licensed pursuant to this 8466  
section is an officer of the court. 8467

(J) Any fee collected under this section shall be paid 8468  
into the state treasury to the credit of the department of 8469  
insurance operating fund created by section 3901.021 of the 8470  
Revised Code. 8471

**Sec. 3916.15.** (A) The superintendent of insurance may, 8472  
except as provided in division (B) of this section, refuse to 8473  
issue or may suspend, revoke, or refuse to renew the license of 8474  
a viatical settlement provider or viatical settlement broker, if 8475  
the superintendent finds that any of the following apply: 8476

(1) There was a material misrepresentation in the 8477  
application for the license. 8478

(2) The applicant or licensee or any officer, partner, 8479  
member, key management personnel, or designee of the applicant 8480  
or licensee has been convicted of fraudulent or dishonest 8481  
practices, is subject to a final administrative action in 8482

another state, has been the subject of an administrative or 8483  
civil action brought by the department of commerce, division of 8484  
securities, or is otherwise shown to be untrustworthy or 8485  
incompetent. 8486

(3) The licensee is a viatical settlement provider that 8487  
demonstrates a pattern of unreasonable payments to viators. 8488

(4) The licensee or any officer, partner, member, key 8489  
management personnel, or designee of the licensee has been 8490  
convicted of or has pleaded guilty or no contest to a felony or 8491  
to a misdemeanor involving fraud, moral turpitude, dishonesty, 8492  
or breach of trust, regardless of whether a judgment of 8493  
conviction has been entered by the court. 8494

(5) The licensee is a viatical settlement provider that 8495  
has used a viatical settlement contract form that has not been 8496  
approved under this chapter. 8497

(6) The licensee is a viatical settlement provider that 8498  
has failed to honor contractual obligations set out in a 8499  
viatical settlement contract. 8500

(7) The licensee no longer meets the requirements for 8501  
initial licensure. 8502

(8) The licensee is a viatical settlement provider that 8503  
has assigned, transferred, or pledged a viaticated policy to a 8504  
person that the licensee knew or should have known was not one 8505  
of the following: 8506

(a) A viatical settlement provider licensed in this state; 8507

(b) A viatical settlement purchaser; 8508

(c) A qualified institutional buyer; 8509

(d) A financing entity;	8510
(e) A special purpose entity;	8511
(f) A related provider trust.	8512
(9) The licensee or any officer, partner, member, key	8513
management personnel, or designee of the licensee has violated	8514
any provision of this chapter or any rule adopted under this	8515
chapter.	8516
(10) The licensee or any officer, partner, member, key	8517
management personnel, or designee of the licensee has committed	8518
any coercive, fraudulent, or dishonest act, or made any untrue,	8519
deceptive, or misleading statement, in connection with a	8520
viatical settlement transaction or a proposed viatical	8521
settlement transaction.	8522
(B) <u>The superintendent shall not refuse to issue a license</u>	8523
<u>to an applicant because of a conviction of or plea of guilty or</u>	8524
<u>no contest to an offense unless the refusal is in accordance</u>	8525
<u>with section 9.79 of the Revised Code.</u>	8526
<u>(C) Before the superintendent refuses to issue a license</u>	8527
<u>under this chapter, or suspends, revokes, or refuses to renew</u>	8528
<u>the license of a viatical settlement provider or viatical</u>	8529
<u>settlement broker, the superintendent shall provide the licensee</u>	8530
<u>or applicant with notice and an opportunity for hearing as</u>	8531
<u>provided in Chapter 119. of the Revised Code, except as follows:</u>	8532
(1) (a) Any notice of opportunity for hearing, the hearing	8533
officer's findings and recommendations, or the superintendent's	8534
order shall be served by certified mail at the last known	8535
address of the licensee or applicant. Service shall be evidenced	8536
by return receipt signed by any person.	8537

For purposes of this section, the "last known address" is 8538  
the address that appears in the licensing records of the 8539  
department of insurance. 8540

(b) If the certified mail envelope is returned with an 8541  
endorsement showing that service was refused, or that the 8542  
envelope was unclaimed, the notice and all subsequent notices 8543  
required by Chapter 119. of the Revised Code may be served by 8544  
ordinary mail to the last known address of the licensee or 8545  
applicant. The mailing shall be evidenced by a certificate of 8546  
mailing. Service is deemed complete as of the date of such 8547  
certificate provided that the ordinary mail envelope is not 8548  
returned by the postal authorities with an endorsement showing 8549  
failure of delivery. The time period in which to request a 8550  
hearing, as provided in Chapter 119. of the Revised Code, begins 8551  
to run on the date of mailing. 8552

(c) If service by ordinary mail fails, the superintendent 8553  
shall cause a summary of the substantive provisions of the 8554  
notice to be published once a week for three consecutive weeks 8555  
in a newspaper of general circulation in the county where the 8556  
last known place of residence or business of the licensee or 8557  
applicant is located. The notice is considered served on the 8558  
date of the third publication. 8559

(d) Any notice required to be served under Chapter 119. of 8560  
the Revised Code shall also be served upon the attorney of the 8561  
licensee or applicant by ordinary mail if the attorney has 8562  
entered an appearance in the matter. 8563

(e) The superintendent may, at any time, perfect service 8564  
on a licensee or applicant by personal delivery of the notice by 8565  
an employee of the department. 8566

(f) Notices regarding the scheduling of hearings and all 8567  
other matters not described in division ~~(B)~~(C)(1)(a) of this 8568  
section shall be sent by ordinary mail to the licensee or 8569  
applicant and to the attorney of the licensee or applicant. 8570

(2) Any subpoena for the appearance of a witness or the 8571  
production of documents or other evidence at a hearing, or for 8572  
the purpose of taking testimony for use at a hearing, shall be 8573  
served by certified mail, return receipt requested, by an 8574  
attorney or by an employee of the department designated by the 8575  
superintendent. Such subpoenas shall be enforced in the manner 8576  
provided in section 119.09 of the Revised Code. Nothing in this 8577  
section shall be construed as limiting the superintendent's 8578  
other statutory powers to issue subpoenas. 8579

**Sec. 3951.04.** The superintendent of insurance shall issue 8580  
certificates of authority to any person, firm, association, 8581  
partnership, or corporation making application therefor who is 8582  
trustworthy and competent to act as a public insurance adjuster 8583  
in such manner as to safeguard the interest of the public and 8584  
who ~~have~~ has complied with the prerequisites herein described. A 8585  
certificate of authority issued to a firm, association, 8586  
partnership, or corporation shall authorize only the members of 8587  
the firm, association, or partnership or the officers and 8588  
directors of the corporation, specified in the certificate of 8589  
authority to act as a public insurance adjuster. 8590

The superintendent shall not issue any certificate of 8591  
authority to any applicant who is convicted of a ~~felony, or any~~ 8592  
~~crime or offense involving fraudulent or dishonest practice~~ 8593  
disqualifying offense as determined under section 9.79 of the 8594  
Revised Code, or who, within three years preceding the date of 8595  
filing such application, has been guilty of any practice which 8596

would be grounds for suspension or revocation of a certificate 8597  
of authority as a public insurance adjuster. 8598

**Sec. 4104.09.** The certificate of competency issued under 8599  
section 4104.07 of the Revised Code or the commission provided 8600  
for in section 4104.08 of the Revised Code may be revoked by the 8601  
superintendent of industrial compliance for the incompetence ~~or~~ 8602  
~~untrustworthiness~~ of the holder thereof, or for willful 8603  
falsification of any matter or statement contained in the 8604  
holder's application or in a report of any inspection in 8605  
accordance with Chapter 119. of the Revised Code. If a 8606  
certificate or commission is lost or destroyed, a new 8607  
certificate or commission shall be issued in its place without 8608  
another examination. 8609

**Sec. 4104.19.** (A) Any person seeking a license to operate 8610  
as a steam engineer, high pressure boiler operator, or low 8611  
pressure boiler operator shall file a written application with 8612  
the superintendent of industrial compliance on a form prescribed 8613  
by the superintendent with the appropriate application fee as 8614  
set forth in section 4104.18 of the Revised Code. The 8615  
application shall contain information satisfactory to the 8616  
superintendent to demonstrate that the applicant meets the 8617  
requirements of division (B) of this section. The application 8618  
shall be filed with the superintendent not more than sixty days 8619  
and not less than thirty days before the license examination is 8620  
offered. 8621

(B) To qualify to take the examination required to obtain 8622  
a steam engineer, high pressure boiler operator, or low pressure 8623  
boiler operator license, a person shall meet both of the 8624  
following requirements: 8625

(1) Be at least eighteen years of age; 8626

(2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent.

(C) No applicant shall qualify to take an examination or to renew a license if the applicant has violated this chapter or if the applicant has obtained or renewed a license issued under this chapter by fraud, misrepresentation, or deception.

(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied.

(E) The superintendent may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to fulfill division (E) (1) of this section;

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;

(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid,



unexpired license may renew the license, without reexamination, 8655  
by applying to the superintendent not more than ninety days 8656  
before the expiration of the license, and submitting with the 8657  
application the renewal fee established in section 4104.18 of 8658  
the Revised Code. Upon receipt of the renewal information and 8659  
fee, the superintendent shall issue the licensee a certificate 8660  
of renewal. 8661

(G) The superintendent, in accordance with Chapter 119. of 8662  
the Revised Code, may suspend or revoke any license, or may 8663  
refuse to issue a license under this chapter upon finding that a 8664  
licensee or an applicant for a license has violated or is 8665  
violating the requirements of this chapter. The superintendent 8666  
shall not refuse to issue a license to an applicant because of a 8667  
disqualifying offense unless the refusal is in accordance with 8668  
section 9.79 of the Revised Code. 8669

**Sec. 4508.03.** (A) No person shall establish a driver 8670  
training school or continue the operation of an existing school 8671  
unless the person applies for and obtains from the director of 8672  
public safety a license in the manner and form prescribed by the 8673  
director. 8674

The director shall adopt rules that establish the 8675  
requirements for a school license, including requirements 8676  
concerning location, equipment, courses of instruction, 8677  
instructors, previous records of the school and instructors, 8678  
financial statements, schedule of fees and charges, ~~character~~ 8679  
~~and reputation of the operators,~~ insurance in the sum and with 8680  
those provisions as the director considers necessary to protect 8681  
adequately the interests of the public, and any other matters as 8682  
the director may prescribe for the protection of the public. The 8683  
rules also shall require financial responsibility information as 8684

part of the driver education curriculum. 8685

(B) Any school that offers a driver training program for 8686  
disabled persons shall provide specially trained instructors for 8687  
the driver training of such persons. No school shall operate a 8688  
driver training program for disabled persons after June 30, 8689  
1978, unless it has been licensed for such operation by the 8690  
director. No person shall act as a specially trained instructor 8691  
in a driver training program for disabled persons operated by a 8692  
school after June 30, 1978, unless that person has been licensed 8693  
by the director. 8694

(C) The director shall certify instructors to teach driver 8695  
training to disabled persons in accordance with training program 8696  
requirements established by the department of public safety. 8697

(D) No person shall operate a driver training school 8698  
unless the person has a valid license issued by the director 8699  
under this section. 8700

(E) Whoever violates division (D) of this section is 8701  
guilty of operating a driver training school without a valid 8702  
license, a misdemeanor of the second degree. On a second or 8703  
subsequent offense within two years after the first offense, the 8704  
person is guilty of a misdemeanor of the first degree. 8705

**Sec. 4508.04.** (A) No person shall act as a driver training 8706  
instructor, and no person shall act as a driver training 8707  
instructor for disabled persons, unless such person applies for 8708  
and obtains from the director of public safety a license in the 8709  
manner and form prescribed by the director. The director shall 8710  
provide by rule for instructors' license requirements including 8711  
~~moral character~~, physical condition, knowledge of the courses of 8712  
instruction, motor vehicle laws and safety principles, previous 8713

personal and employment records, and such other matters as the 8714  
director may prescribe for the protection of the public. Driver 8715  
training instructors for disabled persons shall meet such 8716  
additional requirements and receive such additional classroom 8717  
and practical instruction as the director shall prescribe by 8718  
rule. 8719

(B) ~~(1)~~ The director ~~shall not~~ may issue a license under 8720  
this section to a person ~~if, within ten years of the date of~~ 8721  
~~application for the license, the person has pleaded guilty to or~~ 8722  
~~been convicted of a felony under the laws of this state or the~~ 8723  
~~comparable laws of another jurisdiction.~~ 8724

~~(2) The director shall not issue a license under this~~ 8725  
~~section to a person if, within five years of the date of~~ 8726  
~~application for the license, the person has pleaded guilty to or~~ 8727  
~~been convicted of a misdemeanor of the first or second degree~~ 8728  
~~that is reasonably related to the person's fitness to be issued~~ 8729  
~~such a license~~ disqualifying offense as determined in 8730  
accordance with section 9.79 of the Revised Code. 8731

(C) No person shall knowingly make a false statement on a 8732  
license application submitted under this section. 8733

(D) Upon successful completion of all requirements for an 8734  
initial instructor license, the director shall issue an 8735  
applicant a probationary license, which expires one hundred 8736  
eighty days from the date of issuance. In order to receive a 8737  
driver training instructor license, a person issued a 8738  
probationary license shall pass an assessment prescribed in 8739  
rules adopted by the director pursuant to section 4508.02 of the 8740  
Revised Code. The person shall pass the assessment prior to 8741  
expiration of the probationary license. If the person fails to 8742  
pass the assessment, or fails to meet any standards required for 8743

a driver training instructor license, the director may extend 8744  
the expiration date of the person's probationary license. Upon 8745  
successful completion of the assessment and approval of the 8746  
director, the director shall issue to the person a driver 8747  
training instructor license. 8748

(E) (1) Whoever violates division (A) of this section is 8749  
guilty of acting as a driver training instructor without a valid 8750  
license, a misdemeanor of the first degree. 8751

(2) Whoever violates division (C) of this section may be 8752  
charged with falsification under section 2921.13 of the Revised 8753  
Code. 8754

**Sec. 4511.76.** (A) The department of public safety, by and 8755  
with the advice of the superintendent of public instruction, 8756  
shall adopt and enforce rules relating to the construction, 8757  
design, and equipment, including lighting equipment required by 8758  
section 4511.771 of the Revised Code, of all school buses both 8759  
publicly and privately owned and operated in this state. 8760

(B) The department of education, by and with the advice of 8761  
the director of public safety, shall adopt and enforce rules 8762  
relating to the operation of all vehicles used for pupil 8763  
transportation. 8764

(C) No person shall operate a vehicle used for pupil 8765  
transportation within this state in violation of the rules of 8766  
the department of education or the department of public safety. 8767  
No person, being the owner thereof or having the supervisory 8768  
responsibility therefor, shall permit the operation of a vehicle 8769  
used for pupil transportation within this state in violation of 8770  
the rules of the department of education or the department of 8771  
public safety. 8772

(D) The department of public safety shall adopt and 8773  
enforce rules relating to the issuance of a license under 8774  
section 4511.763 of the Revised Code. The rules may relate to 8775  
~~the moral character of the applicant;~~ the condition of the 8776  
equipment to be operated; the liability and property damage 8777  
insurance carried by the applicant; the posting of satisfactory 8778  
and sufficient bond; and such other rules as the director of 8779  
public safety determines reasonably necessary for the safety of 8780  
the pupils to be transported. 8781

(E) A chartered nonpublic school may own and operate, or 8782  
contract with a vendor that supplies, a vehicle originally 8783  
designed for not more than nine passengers, not including the 8784  
driver, to transport students to and from regularly scheduled 8785  
school sessions when one of the following applies: 8786

(1) A student's school district of residence has declared 8787  
the transportation of the student impractical pursuant to 8788  
section 3327.02 of the Revised Code; or 8789

(2) A student does not live within thirty minutes of the 8790  
chartered nonpublic school and the student's school district is 8791  
not required to transport the student under section 3327.01 of 8792  
the Revised Code. 8793

(F) As used in this section, "vehicle used for pupil 8794  
transportation" means any vehicle that is identified as such by 8795  
the department of education by rule and that is subject to 8796  
Chapter 3301-83 of the Administrative Code. 8797

(G) Except as otherwise provided in this division, whoever 8798  
violates this section is guilty of a minor misdemeanor. If the 8799  
offender previously has been convicted of or pleaded guilty to 8800  
one or more violations of this section or section 4511.63, 8801

4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 8802  
Code or a municipal ordinance that is substantially similar to 8803  
any of those sections, whoever violates this section is guilty 8804  
of a misdemeanor of the fourth degree. 8805

**Sec. 4513.34.** (A) (1) The director of transportation with 8806  
respect to all highways that are a part of the state highway 8807  
system and local authorities with respect to highways under 8808  
their jurisdiction, upon application in writing, shall issue a 8809  
special regional heavy hauling permit authorizing the applicant 8810  
to operate or move a vehicle or combination of vehicles as 8811  
follows: 8812

(a) At a size or weight of vehicle or load exceeding the 8813  
maximum specified in sections 5577.01 to 5577.09 of the Revised 8814  
Code, or otherwise not in conformity with sections 4513.01 to 8815  
4513.37 of the Revised Code; 8816

(b) Upon any highway under the jurisdiction of the 8817  
authority granting the permit except those highways with a 8818  
condition insufficient to bear the weight of the vehicle or 8819  
combination of vehicles as stated in the application. 8820

Issuance of a special regional heavy hauling permit is 8821  
subject to the payment of a fee established by the director or 8822  
local authority in accordance with this section. 8823

(2) In circumstances where a person is not eligible to 8824  
receive a permit under division (A) (1) of this section, the 8825  
director of transportation with respect to all highways that are 8826  
a part of the state highway system and local authorities with 8827  
respect to highways under their jurisdiction, upon application 8828  
in writing and for good cause shown, may issue a special permit 8829  
in writing authorizing the applicant to operate or move a 8830

vehicle or combination of vehicles of a size or weight of 8831  
vehicle or load exceeding the maximum specified in sections 8832  
5577.01 to 5577.09 of the Revised Code, or otherwise not in 8833  
conformity with sections 4513.01 to 4513.37 of the Revised Code, 8834  
upon any highway under the jurisdiction of the authority 8835  
granting the permit. 8836

(3) For purposes of this section, the director may 8837  
designate certain state highways or portions of state highways 8838  
as special economic development highways. If an application 8839  
submitted to the director under this section involves travel of 8840  
a nonconforming vehicle or combination of vehicles upon a 8841  
special economic development highway, the director, in 8842  
determining whether good cause has been shown that issuance of a 8843  
permit is justified, shall consider the effect the travel of the 8844  
vehicle or combination of vehicles will have on the economic 8845  
development in the area in which the designated highway or 8846  
portion of highway is located. 8847

(B) Notwithstanding sections 715.22 and 723.01 of the 8848  
Revised Code, the holder of a permit issued by the director 8849  
under this section may move the vehicle or combination of 8850  
vehicles described in the permit on any highway that is a part 8851  
of the state highway system when the movement is partly within 8852  
and partly without the corporate limits of a municipal 8853  
corporation. No local authority shall require any other permit 8854  
or license or charge any license fee or other charge against the 8855  
holder of a permit for the movement of a vehicle or combination 8856  
of vehicles on any highway that is a part of the state highway 8857  
system. The director shall not require the holder of a permit 8858  
issued by a local authority to obtain a special permit for the 8859  
movement of vehicles or combination of vehicles on highways 8860  
within the jurisdiction of the local authority. Permits may be 8861

issued for any period of time not to exceed one year, as the 8862  
director in the director's discretion or a local authority in 8863  
its discretion determines advisable, or for the duration of any 8864  
public construction project. 8865

(C) (1) The application for a permit issued under this 8866  
section shall be in the form that the director or local 8867  
authority prescribes. The director or local authority may 8868  
prescribe a permit fee to be imposed and collected when any 8869  
permit described in this section is issued. The permit fee may 8870  
be in an amount sufficient to reimburse the director or local 8871  
authority for the administrative costs incurred in issuing the 8872  
permit, and also to cover the cost of the normal and expected 8873  
damage caused to the roadway or a street or highway structure as 8874  
the result of the operation of the nonconforming vehicle or 8875  
combination of vehicles. The director, in accordance with 8876  
Chapter 119. of the Revised Code, shall establish a schedule of 8877  
fees for permits issued by the director under this section; 8878  
however, the fee to operate a triple trailer unit, at locations 8879  
authorized under federal law, shall be one hundred dollars. 8880

(2) For the purposes of this section and of rules adopted 8881  
by the director under this section, milk transported in bulk by 8882  
vehicle is deemed a nondivisible load. 8883

(3) For purposes of this section and of rules adopted by 8884  
the director under this section, three or fewer aluminum coils, 8885  
transported by a vehicle, are deemed a nondivisible load. The 8886  
director shall adopt rules establishing requirements for an 8887  
aluminum coil permit that are substantially similar to the 8888  
requirements for a steel coil permit under Chapter 5501:2-1 of 8889  
the Administrative Code. 8890

(D) The director or a local authority shall issue a 8891



special regional heavy hauling permit under division (A) (1) of 8892  
this section upon application and payment of the applicable fee. 8893  
However, the director or local authority may issue or withhold a 8894  
special permit specified in division (A) (2) of this section. If 8895  
a permit is to be issued, the director or local authority may 8896  
limit or prescribe conditions of operation for the vehicle and 8897  
may require the posting of a bond or other security conditioned 8898  
upon the sufficiency of the permit fee to compensate for damage 8899  
caused to the roadway or a street or highway structure. In 8900  
addition, a local authority, as a condition of issuance of an 8901  
overweight permit, may require the applicant to develop and 8902  
enter into a mutual agreement with the local authority to 8903  
compensate for or to repair excess damage caused to the roadway 8904  
by travel under the permit. 8905

For a permit that will allow travel of a nonconforming 8906  
vehicle or combination of vehicles on a special economic 8907  
development highway, the director, as a condition of issuance, 8908  
may require the applicant to agree to make periodic payments to 8909  
the department to compensate for damage caused to the roadway by 8910  
travel under the permit. 8911

(E) Every permit issued under this section shall be 8912  
carried in the vehicle or combination of vehicles to which it 8913  
refers and shall be open to inspection by any police officer or 8914  
authorized agent of any authority granting the permit. No person 8915  
shall violate any of the terms of a permit. 8916

(F) The director may debar an applicant from applying for 8917  
a permit under this section upon a finding based on a reasonable 8918  
belief that the applicant has done any of the following: 8919

(1) Abused the process by repeatedly submitting false 8920  
information or false travel plans or by using another company or 8921

individual's name, insurance, or escrow account without proper authorization;	8922
	8923
(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;	8924
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(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;	8927
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(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;	8932
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(5) Attempted to influence a public employee to breach ethical conduct standards;	8936
	8937
(6) Been convicted of a <del>criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license</del> <u>disqualifying offense as determined under section 9.79 of the Revised Code;</u>	8938
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(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;	8945
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(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;	8948
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(9) Failed to pay any fees associated with any permitted operation or move; 8951  
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(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section. 8953  
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If the applicant is a partnership, association, or corporation, the director also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred. 8956  
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The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant. 8961  
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(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director, and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue, or consider issuing, a permit under this section to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the 8964  
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person, and any partnership, association, or corporation 8981  
affiliated with the person, may reapply for a permit. 8982

(H) (1) No person shall violate the terms of a permit 8983  
issued under this section that relate to gross load limits. 8984

(2) No person shall violate the terms of a permit issued 8985  
under this section that relate to axle load by more than two 8986  
thousand pounds per axle or group of axles. 8987

(3) No person shall violate the terms of a permit issued 8988  
under this section that relate to an approved route except upon 8989  
order of a law enforcement officer or authorized agent of the 8990  
issuing authority. 8991

(I) Whoever violates division (H) of this section shall be 8992  
punished as provided in section 4513.99 of the Revised Code. 8993

(J) A permit issued by the department of transportation or 8994  
a local authority under this section for the operation of a 8995  
vehicle or combination of vehicles is valid for the purposes of 8996  
the vehicle operation in accordance with the conditions and 8997  
limitations specified on the permit. Such a permit is voidable 8998  
by law enforcement only for operation of a vehicle or 8999  
combination of vehicles in violation of the weight, dimension, 9000  
or route provisions of the permit. However, a permit is not 9001  
voidable for operation in violation of a route provision of a 9002  
permit if the operation is upon the order of a law enforcement 9003  
officer. 9004

**Sec. 4517.04.** Each person applying for a new motor vehicle 9005  
dealer's license shall biennially make out and deliver to the 9006  
registrar of motor vehicles, before the first day of April, and 9007  
upon a blank to be furnished by the registrar for that purpose, 9008  
a separate application for license for each county in which the 9009

business of selling new motor vehicles is to be conducted. The 9010  
application shall be in the form prescribed by the registrar, 9011  
shall be signed and sworn to by the applicant, and, in addition 9012  
to any other information required by the registrar, shall 9013  
include the following: 9014

(A) Name of applicant and location of principal place of 9015  
business; 9016

(B) Name or style under which business is to be conducted 9017  
and, if a corporation, the state of incorporation; 9018

(C) Name and address of each owner or partner and, if a 9019  
corporation, the names of the officers and directors; 9020

(D) The county in which the business is to be conducted 9021  
and the address of each place of business therein; 9022

(E) A statement of the previous history, record, and 9023  
association of the applicant and of each owner, partner, 9024  
officer, and director, that shall be sufficient to establish to 9025  
the satisfaction of the registrar the reputation in business of 9026  
the applicant; 9027

(F) A statement showing whether the applicant has 9028  
previously applied for a motor vehicle dealer's license, motor 9029  
vehicle leasing dealer's license, distributor's license, motor 9030  
vehicle auction owner's license, or motor vehicle salesperson's 9031  
license, and the result of the application, and whether the 9032  
applicant has ever been the holder of any such license that was 9033  
revoked or suspended; 9034

(G) If the applicant is a corporation or partnership, a 9035  
statement showing whether any partner, employee, officer, or 9036  
director has been refused a motor vehicle dealer's license, 9037  
motor vehicle leasing dealer's license, distributor's license, 9038

motor vehicle auction owner's license, or motor vehicle 9039  
salesperson's license, or has been the holder of any such 9040  
license that was revoked or suspended; 9041

(H) A statement of the makes of new motor vehicles to be 9042  
handled. 9043

The statement required by division (E) of this section 9044  
shall indicate whether the applicant or, if applicable, any of 9045  
the applicant's owners, partners, officers, or directors, 9046  
individually, or as owner, partner, officer, or director of a 9047  
business entity, has been convicted of, pleaded guilty, or 9048  
pleaded no contest, in a criminal action, a disqualifying 9049  
offense as determined under section 9.79 of the Revised Code, or 9050  
had a judgment rendered against the person in a civil action 9051  
for a violation of sections 4549.41 to 4549.46 of the Revised 9052  
Code, of any substantively comparable provisions of the law of 9053  
any other state, or of subchapter IV of the "Motor Vehicle 9054  
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 9055  
U.S.C. 1981. 9056

A true copy of the contract, agreement, or understanding 9057  
the applicant has entered into or is about to enter into with 9058  
the manufacturer or distributor of the new motor vehicles the 9059  
applicant will handle shall be filed with the application. If 9060  
the contract, agreement, or understanding is not in writing, a 9061  
written statement of all the terms thereof shall be filed. Each 9062  
such copy or statement shall bear a certificate signed by each 9063  
party to the contract, agreement, or understanding, to the 9064  
effect that the copy or statement is true and complete and 9065  
contains all of the agreements made or about to be made between 9066  
the parties. 9067

The application also shall be accompanied by a photograph, 9068

as prescribed by the registrar, of each place of business 9069  
operated, or to be operated, by the applicant. 9070

**Sec. 4517.09.** Each person applying for a salesperson's 9071  
license shall biennially make out and deliver to the registrar 9072  
of motor vehicles, before the first day of July and upon a blank 9073  
to be furnished by the registrar for that purpose, an 9074  
application for license. The application shall be in the form 9075  
prescribed by the registrar, shall be signed and sworn to by the 9076  
applicant, and, in addition to any other information required by 9077  
the registrar, shall include the following: 9078

(A) Name and post-office address of the applicant; 9079

(B) Name and post-office address of the motor vehicle 9080  
dealer for whom the applicant intends to act as salesperson; 9081

(C) A statement of the applicant's previous history, 9082  
record, and association, that shall be sufficient to establish 9083  
to the satisfaction of the registrar the applicant's reputation 9084  
in business; 9085

(D) A statement as to whether the applicant intends to 9086  
engage in any occupation or business other than that of a motor 9087  
vehicle salesperson; 9088

(E) A statement as to whether the applicant has ever had 9089  
any previous application refused, and whether the applicant has 9090  
previously had a license revoked or suspended; 9091

(F) A statement as to whether the applicant was an 9092  
employee of or salesperson for a dealer whose license was 9093  
suspended or revoked; 9094

(G) A statement of the motor vehicle dealer named therein, 9095  
designating the applicant as the dealer's salesperson. 9096

The statement required by division (C) of this section 9097  
shall indicate whether the applicant individually, or as an 9098  
owner, partner, officer, or director of a business entity, has 9099  
been convicted of, or pleaded guilty to, in a criminal action, a 9100  
disqualifying offense as determined under section 9.79 of the 9101  
Revised Code, or had a judgment rendered against the applicant 9102  
in a civil action for a violation of sections 4549.41 to 9103  
4549.46 of the Revised Code, of any substantively comparable 9104  
provisions of the law of any other state, or of subchapter IV of 9105  
the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 9106  
961 (1972), 15 U.S.C. 1981. 9107

**Sec. 4517.12.** (A) The registrar of motor vehicles shall 9108  
deny the application of any person for a license as a motor 9109  
vehicle dealer, motor vehicle leasing dealer, or motor vehicle 9110  
auction owner and refuse to issue the license if the registrar 9111  
finds that the applicant: 9112

(1) Has made any false statement of a material fact in the 9113  
application; 9114

(2) Has not complied with sections 4517.01 to 4517.45 of 9115  
the Revised Code; 9116

(3) Is of bad business repute or has habitually defaulted 9117  
on financial obligations; 9118

(4) Is engaged or will engage in the business of selling 9119  
at retail any new motor vehicles without having written 9120  
authority from the manufacturer or distributor thereof to sell 9121  
new motor vehicles and to perform repairs under the terms of the 9122  
manufacturer's or distributor's new motor vehicle warranty, 9123  
except as provided in division (C) of this section and except 9124  
that a person who assembles or installs special equipment or 9125



accessories for handicapped persons, as defined in section 9126  
4503.44 of the Revised Code, upon a motor vehicle chassis 9127  
supplied by a manufacturer or distributor shall not be denied a 9128  
license pursuant to division (A) (4) of this section; 9129

(5) Has been ~~guilty-convicted~~ of a ~~fraudulent act-~~ 9130  
disqualifying offense as determined in connection accordance 9131  
~~with selling or otherwise dealing in, or leasing, motor-~~ 9132  
~~vehicles, or in connection with brokering manufactured homes-~~ 9133  
section 9.79 of the Revised Code; 9134

(6) Has entered into or is about to enter into a contract 9135  
or agreement with a manufacturer or distributor of motor 9136  
vehicles that is contrary to sections 4517.01 to 4517.45 of the 9137  
Revised Code; 9138

(7) Is insolvent; 9139

(8) Is of insufficient responsibility to ensure the prompt 9140  
payment of any final judgments that might reasonably be entered 9141  
against the applicant because of the transaction of business as 9142  
a motor vehicle dealer, motor vehicle leasing dealer, or motor 9143  
vehicle auction owner during the period of the license applied 9144  
for, or has failed to satisfy any such judgment; 9145

(9) Has no established place of business that, where 9146  
applicable, is used or will be used for the purpose of selling, 9147  
displaying, offering for sale, dealing in, or leasing motor 9148  
vehicles at the location for which application is made; 9149

(10) Has, less than twelve months prior to making 9150  
application, been denied a motor vehicle dealer's, motor vehicle 9151  
leasing dealer's, or motor vehicle auction owner's license, or 9152  
has any such license revoked; 9153

(11) Is a manufacturer, or a parent company, subsidiary, 9154

or affiliated entity of a manufacturer, applying for a license 9155  
to sell or lease new or used motor vehicles at retail. Division 9156  
(A) (11) of this section shall not serve as a basis for the 9157  
termination, revocation, or nonrenewal of a license granted 9158  
prior to ~~the effective date of this amendment~~ September 4, 2014. 9159  
Nothing in division (A) (11) of this section shall prohibit a 9160  
manufacturer from doing either of the following: 9161

(a) Owning, operating, or controlling not more than three 9162  
licensed motor vehicle dealerships if, as of January 1, 2014, 9163  
the manufacturer was selling or otherwise distributing its motor 9164  
vehicles at an established place of business in this state. Such 9165  
ownership, operation, or control may continue unless the 9166  
manufacturer's motor vehicle operations are sold or acquired or 9167  
the manufacturer produces any motor vehicles other than all- 9168  
electric motor vehicles. 9169

(b) Disposing of motor vehicles at wholesale at the 9170  
termination of a consumer lease through a motor vehicle auction. 9171

(B) If the applicant is a corporation or partnership, the 9172  
registrar may refuse to issue a license if any officer, 9173  
director, or partner of the applicant has been guilty of any act 9174  
or omission that would be cause for refusing or revoking a 9175  
license issued to such officer, director, or partner as an 9176  
individual. The registrar's finding may be based upon facts 9177  
contained in the application or upon any other information the 9178  
registrar may have. Immediately upon denying an application for 9179  
any of the reasons in this section, the registrar shall enter a 9180  
final order together with the registrar's findings and certify 9181  
the same to the motor vehicle dealers' and salespersons' 9182  
licensing board. 9183

(C) Notwithstanding division (A) (4) of this section, the 9184

registrar shall not deny the application of any person and 9185  
refuse to issue a license if the registrar finds that the 9186  
applicant is engaged or will engage in the business of selling 9187  
at retail any new motor vehicles and demonstrates all of the 9188  
following in the form prescribed by the registrar: 9189

(1) That the applicant has posted a bond, surety, or 9190  
certificate of deposit with the registrar in an amount not less 9191  
than one hundred thousand dollars for the protection and benefit 9192  
of the applicant's customers except that a new motor vehicle 9193  
dealer who is not exclusively engaged in the business of selling 9194  
remanufactured vehicles shall not be required to post the bond, 9195  
surety, or certificate of deposit otherwise required by division 9196  
(C) (1) of this section; 9197

(2) That, at the time of the sale of the vehicle, each 9198  
customer of the applicant will be furnished with a warranty 9199  
issued by the remanufacturer for a term of at least one year; 9200

(3) That the applicant provides and maintains at the 9201  
applicant's location and place of business a permanent facility 9202  
with all of the following: 9203

(a) A showroom with space, under roof, for the display of 9204  
at least one new motor vehicle; 9205

(b) A service and parts facility for remanufactured 9206  
vehicles; 9207

(c) Full-time service and parts personnel with the proper 9208  
training and technical expertise to service the remanufactured 9209  
vehicles sold by the applicant. 9210

**Sec. 4517.13.** The registrar of motor vehicles shall deny 9211  
the application of any person for a license as a distributor and 9212  
refuse to issue the license if the registrar finds that the 9213

applicant:	9214
(A) Has made any false statement of a material fact in the application;	9215 9216
(B) Has not complied with sections 4517.01 to 4517.45 of the Revised Code;	9217 9218
(C) Is of bad business repute or has habitually defaulted on financial obligations;	9219 9220
(D) Is engaged or will engage in the business of distributing any new motor vehicle without having the authority of a contract with the manufacturer of the vehicle;	9221 9222 9223
(E) Has been <del>guilty convicted</del> of a <del>fraudulent act</del> <u>disqualifying offense as determined in connection accordance with selling or otherwise dealing in motor vehicles section 9.79 of the Revised Code;</u>	9224 9225 9226 9227
(F) Has entered into or is about to enter into a contract or agreement with a manufacturer of motor vehicles that is contrary to sections 4517.01 to 4517.45 of the Revised Code;	9228 9229 9230
(G) Is insolvent;	9231
(H) Is of insufficient responsibility to ensure the prompt payment of any financial judgment that might reasonably be entered against the applicant because of the transaction of business as a distributor during the period of the license applied for, or has failed to satisfy any such judgment;	9232 9233 9234 9235 9236
(I) Has no established place of business that, where applicable, is used or will be used exclusively for the purpose of distributing new motor vehicles at the location for which application is made;	9237 9238 9239 9240

(J) Has, less than twelve months prior to making 9241  
application, been denied a distributor's, motor vehicle 9242  
dealer's, motor vehicle leasing dealer's, or motor vehicle 9243  
auction owner's license, or had any such license revoked. 9244

If the applicant is a corporation or partnership, the 9245  
registrar may refuse to issue a license if any officer, 9246  
director, employee, or partner of the applicant has been guilty 9247  
of any act or omission that would be cause for refusing or 9248  
revoking a license issued to such officer, director, employee, 9249  
or partner as an individual. The registrar's finding may be 9250  
based upon facts contained in the application or upon any other 9251  
information the registrar may have. Immediately upon denying an 9252  
application for any of the reasons in this section, the 9253  
registrar shall enter a final order together with the 9254  
registrar's findings and certify the same to the motor vehicle 9255  
dealers board. 9256

**Sec. 4517.14.** The registrar of motor vehicles shall deny 9257  
the application of any person for a license as a salesperson and 9258  
refuse to issue the license if the registrar finds that the 9259  
applicant: 9260

(A) Has made any false statement of a material fact in the 9261  
application; 9262

(B) Has not complied with sections 4517.01 to 4517.45 of 9263  
the Revised Code; 9264

(C) Is of bad business repute or has habitually defaulted 9265  
on financial obligations; 9266

(D) Has been ~~guilty-convicted~~ of a ~~fraudulent-act-~~ 9267  
disqualifying offense as determined in connection-accordance 9268  
with ~~selling or otherwise dealing in motor vehicles~~section 9.79 9269

of the Revised Code; 9270

(E) Has not been designated to act as salesperson for a 9271  
motor vehicle dealer licensed to do business in this state under 9272  
section 4517.10 of the Revised Code, or intends to act as 9273  
salesperson for more than one licensed motor vehicle dealer at 9274  
the same time, except that a licensed salesperson may act as a 9275  
salesperson at any licensed dealership owned or operated by the 9276  
same company, regardless of the county in which the dealership's 9277  
facility is located; 9278

(F) Holds a current motor vehicle dealer's license issued 9279  
under section 4517.10 of the Revised Code, and intends to act as 9280  
salesperson for another licensed motor vehicle dealer; 9281

(G) Has, less than twelve months prior to making 9282  
application, been denied a salesperson's license or had a 9283  
salesperson's license revoked. 9284

The registrar may refuse to issue a salesperson's license 9285  
to an applicant who was salesperson for, or in the employ of, a 9286  
motor vehicle dealer at the time the dealer's license was 9287  
revoked. The registrar's finding may be based upon any statement 9288  
contained in the application or upon any facts within the 9289  
registrar's knowledge, and, immediately upon refusing to issue a 9290  
salesperson's license, the registrar shall enter a final order 9291  
and shall certify the final order together with his findings to 9292  
the motor vehicle dealers board. 9293

**Sec. 4517.171.** (A) The registrar of motor vehicles shall, 9294  
except as provided in division (B) of this section, deny the 9295  
application of any person for a construction equipment auction 9296  
license or may revoke a license previously issued if the 9297  
registrar finds that the person: 9298

(1) Is not eligible for the license pursuant to section 4517.16 of the Revised Code;	9299 9300
(2) Has made any false statement of a material fact in the application;	9301 9302
(3) Is of bad business reput e or has habitually defaulted on financial obligations;	9303 9304
(4) Has been guilty of a fraudulent act in connection with selling or otherwise dealing in auctions, vehicles, or equipment;	9305 9306 9307
(5) Is insolvent;	9308
(6) Is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of the construction equipment auction business during the period of the license applied for, or has failed to satisfy any such judgment.	9309 9310 9311 9312 9313
(B) <u>The registrar shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	9314 9315 9316 9317
(C) <u>Any person who has been denied a license or has had a license revoked under this section may appeal from the action of the registrar to the motor vehicle dealers board in the manner provided in section 4517.33 of the Revised Code.</u>	9318 9319 9320 9321
<b>Sec. 4701.01.</b> As used in this chapter:	9322
(A) "Practice of public accounting" means performing or offering to perform any engagement that will result in the issuance of an attest report and, with respect to a person who holds a CPA certificate, PA registration, foreign certificate,	9323 9324 9325 9326

or firm registration, any other services involving the use of 9327  
accounting or auditing skills as established by rules adopted by 9328  
the accountancy board. 9329

(B) "Public accounting firm" means a sole proprietorship, 9330  
a partnership, a limited liability company, a professional 9331  
association, a corporation-for-profit, or any other business 9332  
organization that is engaged in the practice of public 9333  
accounting in this state. 9334

(C) "Opinion report" means any opinion on a financial 9335  
statement that is expressed in accordance with generally 9336  
accepted auditing standards as to the fairness of presentation 9337  
of information and that is used for guidance in financial 9338  
transactions, for accounting, or for assessing the status or 9339  
performance of commercial and noncommercial enterprises, whether 9340  
public, private, or governmental. 9341

(D) "Peer review" means a study, appraisal, or review of 9342  
one or more aspects of the professional work of a public 9343  
accounting firm that meets the standards and requirements set 9344  
forth by the accountancy board. 9345

(E) "Review report" means either of the following: 9346

(1) Any review report on a financial statement that is 9347  
issued with respect to any of the following: 9348

(a) Interim financial information in accordance with 9349  
generally accepted auditing standards; 9350

(b) The financial information of a nonpublic entity in 9351  
accordance with statements on standards for accounting and 9352  
review services; 9353

(c) The reliability of another party's written assertion 9354



in accordance with statements on standards for attestation 9355  
engagements. 9356

(2) Any other review report on a financial statement that 9357  
is not described in division (E)(1) of this section and that is 9358  
issued in accordance with standards promulgated by the American 9359  
institute of certified public accountants. 9360

(F) "Compilation report" means any compilation report on a 9361  
financial statement that is issued with respect to financial 9362  
information of a nonpublic entity in accordance with statements 9363  
on standards for accounting and review services as promulgated 9364  
by the American institute of certified public accountants. 9365

(G) "Examination report" means any examination report on a 9366  
financial statement that is issued with respect to another 9367  
party's written assertion in accordance with statements on 9368  
standards for attestation engagements as promulgated by the 9369  
American institute of certified public accountants. 9370

(H) "Agreed-upon procedures report" means any report that 9371  
is on a financial statement and that is based on agreed-upon 9372  
procedures issued with respect to another party's written 9373  
assertion in accordance with statements on standards for 9374  
attestation engagements as promulgated by the American institute 9375  
of certified public accountants. 9376

(I) "Qualified firm" means a sole proprietorship, 9377  
partnership, professional association, corporation-for-profit, 9378  
limited liability company, or other business organization in 9379  
which the individuals who own a majority of the business 9380  
organization interests in the business organization and control 9381  
the business organization hold an Ohio permit or a foreign 9382  
certificate. 9383

(J) "Own" means any direct or indirect ownership of an equity interest in a public accounting firm or qualified firm.	9384 9385
(K) "Control" or "controlled" means the right to exercise the majority of the voting equity interests in a public accounting firm or qualified firm with respect to any matter.	9386 9387 9388
(L) "Equity interest" means any capital interest or profit interest in a sole proprietorship, partnership, professional association, corporation-for-profit, limited liability company, or other business organization.	9389 9390 9391 9392
(M) "Ohio permit" means a permit to practice public accounting issued under division (A) of section 4701.10 of the Revised Code that is not revoked or suspended.	9393 9394 9395
(N) "Ohio registration" means the registration under division (B) of section 4701.10 of the Revised Code of a holder of a CPA certificate or PA registration who is not in the practice of public accounting in this state.	9396 9397 9398 9399
(O) "Firm registration" or "registered firm" means registration as a public accounting firm under section 4701.04 of the Revised Code.	9400 9401 9402
(P) "PA registration" means registration as a public accountant under section 4701.07 of the Revised Code that is not revoked or suspended.	9403 9404 9405
(Q) "CPA certificate" means a certificate issued under section 4701.06 or 4701.061 of the Revised Code that is not revoked or suspended.	9406 9407 9408
(R) "Foreign certificate" means a license, permit, certificate, or registration issued to a certified public accountant under the laws of another state that authorizes the	9409 9410 9411

holder to practice public accounting in that state, is valid, is 9412  
in good standing, and has not expired. 9413

(S) "Attest report" means an opinion report, review 9414  
report, compilation report, examination report, agreed-upon 9415  
procedures report, or any similar report prepared in accordance 9416  
with standards established by the American institute of 9417  
certified public accountants with respect to a financial 9418  
statement or other financial information. 9419

(T) "Person" means any individual, corporation-for-profit, 9420  
business trust, estate, partnership, limited liability company, 9421  
professional association, or other business organization. 9422

(U) Technical terms that define specific public accounting 9423  
engagements have the same meanings as in the professional 9424  
standards promulgated by the American institute of certified 9425  
public accountants. 9426

~~(V) (1) "Good moral character" means the combination of 9427  
personal traits of honesty, integrity, attention to duty, 9428  
forthrightness, and self-restraint that enables a person to 9429  
discharge the duties of the accounting profession fully and 9430  
faithfully. 9431~~

~~(2) A history of dishonest acts or felonious acts or 9432  
convictions is sufficient to prove lack of good moral character 9433  
if that history demonstrates by a preponderance of the evidence 9434  
that the person lacks one or more of the personal traits 9435  
referred to in division (V) (1) of this section. A person who has 9436  
a felony conviction related to one or more of those personal 9437  
traits bears the burden of establishing the person's present 9438  
good moral character, including the person's full and complete 9439  
rehabilitation subsequent to the conviction. If less than one 9440~~

~~year has passed since the completion of the person's sentence on a felony conviction, including any period under a community control sanction or post-release control, the board may delay any determination of the person's good moral character until one year has passed from the time of the completion of that sentence.~~ 9441  
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~~(3) In determining whether a person who has a felony conviction has met the person's burden of proof described in division (V) (2) of this section, the accountancy board may consider the following factors:~~ 9447  
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9449  
9450

~~(a) The person's path toward professional licensing following completion of the person's sentence;~~ 9451  
9452

~~(b) The nature and degree of the person's academic achievements;~~ 9453  
9454

~~(c) The nature and degree of the person's employment following completion of the person's sentence;~~ 9455  
9456

~~(d) The person's degree of self sufficiency following completion of the person's sentence;~~ 9457  
9458

~~(e) The nature and degree of the person's other responsibilities following completion of the person's sentence;~~ 9459  
9460

~~(f) The person's conviction for any other criminal offense since completion of the person's sentence for the person's first felony conviction;~~ 9461  
9462  
9463

~~(g) Whether the person's application or presentation contains any inconsistencies or misleading explanations that convince the board that either the person or the person's attorney is trying to keep the board from acquiring a true, though damaging, representation of the person's character;~~ 9464  
9465  
9466  
9467  
9468

~~(h) The nature and circumstances of the dishonest acts or felonious acts or convictions of the person;~~ 9469  
9470

~~(i) Any other specifically identifiable information that the board determines to be relevant to the person's ability to discharge the duties of the accounting profession fully and faithfully.~~ 9471  
9472  
9473  
9474

**Sec. 4701.06.** The accountancy board shall grant the certificate of "certified public accountant" to any person who satisfies the following requirements: 9475  
9476  
9477

(A) The person is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state. The board may determine by rule circumstances under which the residency requirement may be waived. 9478  
9479  
9480  
9481  
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(B) The person has attained the age of eighteen years. 9483

~~(C) The person is of good moral character.~~ 9484

~~(D)~~ The person meets the following requirements of education and experience: 9485  
9486

(1) (a) Prior to January 1, 2000, graduation with a baccalaureate degree conferred by a college or university recognized by the board, with a concentration in accounting that includes related courses in other areas of business administration, or what the board determines to be substantially the equivalent of the foregoing; 9487  
9488  
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(b) On and after January 1, 2000, graduation with a baccalaureate or higher degree that includes successful completion of one hundred fifty semester hours of undergraduate or graduate education. The board by rule shall specify graduate 9493  
9494  
9495  
9496

degrees that satisfy this requirement and also by rule shall 9497  
require any subjects that it considers appropriate. The total 9498  
educational program shall include an accounting concentration 9499  
with related courses in other areas of business administration, 9500  
as defined by board rule. 9501

(2) (a) The experience requirement for candidates meeting 9502  
the educational requirements set forth in division ~~(D)~~(C)(1) (a) 9503  
or (b) of this section is one year of experience satisfactory to 9504  
the board in any of the following: 9505

(i) A public accounting firm; 9506

(ii) Government; 9507

(iii) Business; 9508

(iv) Academia. 9509

(b) Except as provided in division ~~(D)~~(C)(2) (c) of this 9510  
section, the experience requirement for any candidate who, on 9511  
and after January 1, 2000, does not meet the educational 9512  
requirement set forth in division ~~(D)~~(C)(1) (b) of this section 9513  
is four years of experience described in division ~~(D)~~(C)(2) (a) 9514  
of this section. The experience requirement for any candidate 9515  
who, prior to January 1, 2000, does not meet the educational 9516  
requirement set forth in division ~~(D)~~(C)(1) (a) of this section 9517  
is two years of experience described in division ~~(D)~~(C)(2) (a) of 9518  
this section. 9519

(c) On and after January 1, 2000, the experience 9520  
requirement for any candidate who, subsequent to obtaining a 9521  
baccalaureate or higher degree, other than a baccalaureate or 9522  
higher degree described in division ~~(D)~~(C)(1) (b) of this 9523  
section, successfully completes coursework that meets the 9524  
educational requirement set forth in division ~~(D)~~(C)(1) (b) of 9525

this section is two years of experience described in division 9526  
~~(D)~~(C) (2) (a) of this section. 9527

~~(E)~~(D) The person has passed an examination that is 9528  
administered in the manner and that covers the subjects that the 9529  
board prescribes by rule. In adopting the relevant rules, the 9530  
board shall ensure to the extent possible that the examination, 9531  
the examination process, and the examination's passing standard 9532  
are uniform with the examinations, examination processes, and 9533  
examination passing standards of all other states and may 9534  
provide for the use of all or parts of the uniform certified 9535  
public accountant examination and advisory grading service of 9536  
the American institute of certified public accountants. The 9537  
board may contract with third parties to perform administrative 9538  
services that relate to the examination and that the board 9539  
determines are appropriate in order to assist the board in 9540  
performing its duties in relation to the examination. 9541

None of the educational requirements specified in division 9542  
~~(D)~~(C) of this section apply to a candidate who has a PA 9543  
registration, but the experience requirement for the candidate 9544  
who does not meet those educational requirements is four years 9545  
of the experience described in division ~~(D)~~(C) (2) (a) of this 9546  
section. 9547

~~Prior to January 1, 2000, the board shall waive the~~ 9548  
~~educational requirement set forth in division (D) (1) (a) of this~~ 9549  
~~section for any candidate if it finds that the candidate has~~ 9550  
~~attained the equivalent education by attendance at a business~~ 9551  
~~school, by self study, or otherwise, and if it is satisfied from~~ 9552  
~~the results of special examinations that the board gives the~~ 9553  
~~candidate to test the candidate's educational qualifications~~ 9554  
~~that the candidate is as well equipped, educationally, as if the~~ 9555

~~candidate met the applicable educational requirement specified-~~ 9556  
~~in division (D) (1) (a) of this section.~~ 9557

~~On and after January 1, 2000, the~~The board shall waive the 9558  
educational requirement set forth in division ~~(D)~~(C) (1) (b) of 9559  
this section for any candidate if the board finds that the 9560  
candidate has obtained from an accredited college or university 9561  
approved by the board, either an associate degree or a 9562  
baccalaureate degree, other than a baccalaureate degree 9563  
described in division ~~(D)~~(C) (1) (b) of this section, with a 9564  
concentration in accounting that includes related courses in 9565  
other areas of business administration, and if the board is 9566  
satisfied from the results of special examinations that the 9567  
board gives the candidate to test the candidate's educational 9568  
qualification that the candidate is as well equipped, 9569  
educationally, as if the candidate met the applicable 9570  
educational requirement specified in division ~~(D)~~(C) (1) (b) of 9571  
this section. 9572

The board shall provide by rule for the general scope of 9573  
any special examinations for a waiver of the educational 9574  
requirements under division ~~(D)~~(C) (1) (a) or (b) of this section 9575  
and may obtain any advice and assistance that it considers 9576  
appropriate to assist it in preparing and grading those special 9577  
examinations. The board may use any existing examinations or may 9578  
prepare any number of new examinations to assist in determining 9579  
the equivalent training of a candidate. The board by rule shall 9580  
prescribe any special examinations for a waiver of the 9581  
educational requirements under division ~~(D)~~(C) (1) (a) or (b) of 9582  
this section and the passing score required for each 9583  
examination. 9584

The board shall hold the examination referred to in 9585



division ~~(E)~~(D) of this section and the special examinations 9586  
for a waiver of the educational requirements under division ~~(D)~~ 9587  
(C) (1) (a) or (b) of this section as often as the board 9588  
determines to be desirable, but the examination referred to in 9589  
division ~~(E)~~(D) of this section shall be held not less 9590  
frequently than once each year. The board by rule may provide 9591  
for granting credit to a candidate for satisfactory completion 9592  
of an examination that a licensing authority of another state 9593  
gave in one or more of the subjects referred to in division ~~(E)~~(D) 9594  
(D) of this section. 9595

A candidate who has met the educational requirements, or 9596  
with respect to whom they either do not apply or have been 9597  
waived, is eligible to take the examination referred to in 9598  
division ~~(E)~~(D) of this section without waiting until the 9599  
candidate meets the experience requirements, provided the 9600  
candidate also meets the ~~requirements~~requirement of ~~divisions~~division 9601  
(A) and ~~(C)~~ of this section. 9602

A candidate for the certificate of certified public 9603  
accountant who has successfully completed the examination under 9604  
division ~~(E)~~(D) of this section has no status as a certified 9605  
public accountant, unless and until the candidate has the 9606  
requisite experience and has received a certificate as a 9607  
certified public accountant. The board shall determine and 9608  
charge a fee for issuing the certificate that is adequate to 9609  
cover the expense. 9610

The board by rule may prescribe the terms and conditions 9611  
under which a candidate who passes part but not all of the 9612  
examination may retake the examination. It also may provide by 9613  
rule for a reasonable waiting period for a candidate's 9614  
reexamination. 9615

The applicable educational and experience requirements 9616  
under division ~~(D)~~(C) of this section shall be those in effect 9617  
on the date on which the candidate first sits for the 9618  
examination. 9619

The board shall charge a candidate a reasonable fee, to be 9620  
determined by the board, that is adequate to cover all rentals, 9621  
compensation for proctors, and other administrative expenses of 9622  
the board related to examination or reexamination, including the 9623  
expenses of procuring and grading the examination provided for 9624  
in division ~~(E)~~(D) of this section and for any special 9625  
examinations for a waiver of the educational requirements under 9626  
division ~~(D)~~(C)(1)(a) or (b) of this section. Fees for 9627  
reexamination under division ~~(E)~~(D) of this section shall be 9628  
charged by the board in amounts determined by it. The applicable 9629  
fees shall be paid by the candidate at the time the candidate 9630  
applies for examination or reexamination. 9631

Any person who has received from the board a certificate 9632  
as a certified public accountant and who holds an Ohio permit 9633  
shall be styled and known as a "certified public accountant" and 9634  
also may use the abbreviation "CPA." The board shall maintain a 9635  
list of certified public accountants. Any certified public 9636  
accountant also may be known as a "public accountant." 9637

Persons who, on the effective date of an amendment of this 9638  
section, held certified public accountant certificates 9639  
previously issued under the laws of this state shall not be 9640  
required to obtain additional certificates under this section 9641  
but shall otherwise be subject to all provisions of this 9642  
section, and those previously issued certificates, for all 9643  
purposes, shall be considered certificates issued under this 9644  
section and subject to its provisions. 9645

The board may waive the examination under division ~~(E)~~(D) 9646  
of this section and, upon payment of a fee determined by it, may 9647  
issue a certificate as a "certified public accountant" to any 9648  
person who possesses the qualifications specified in divisions 9649  
(A)7 and (B)7 and ~~(C)~~ of this section and what the board 9650  
determines to be substantially the equivalent of the applicable 9651  
qualifications under division ~~(D)~~(C) of this section and who is 9652  
the holder of a certificate as a certified public accountant, 9653  
then in full force and effect, issued under the laws of any 9654  
state, or is the holder of a certificate, license, or degree in 9655  
a foreign country that constitutes a recognized qualification 9656  
for the practice of public accounting in that country, that is 9657  
comparable to that of a certified public accountant of this 9658  
state, and that is then in full force and effect. 9659

**Sec. 4701.07.** The accountancy board shall register as a 9660  
public accountant any person who meets all the following 9661  
requirements: 9662

(A) The person is a resident of this state or has a place 9663  
of business in this state. 9664

(B) The person has attained the age of eighteen years. 9665

(C) ~~The person is of good moral character.~~ 9666

~~(D)~~The person holds a baccalaureate or higher degree 9667  
conferred by a college or university recognized by the board, 9668  
with a concentration in accounting, or with what the board 9669  
determines to be substantially the equivalent of the foregoing; 9670  
or with a nonaccounting concentration supplemented by what the 9671  
board determines to be substantially the equivalent of an 9672  
accounting concentration, including related courses in other 9673  
areas of business administration. 9674

The board may waive the educational requirement for any 9675  
candidate if it finds that the candidate has attained the 9676  
equivalent education by attendance at a business school or two- 9677  
year college, by self-study, or otherwise, and if it is 9678  
satisfied from the result of a special written examination that 9679  
the board gives the candidate to test the candidate's 9680  
educational qualifications that the candidate is as well 9681  
equipped, educationally, as if the candidate met the applicable 9682  
educational requirement specified in this division. The board 9683  
may provide by rule for the general scope of these examinations 9684  
and may obtain any advice and assistance that it considers 9685  
appropriate to assist it in preparing and grading the special 9686  
examinations. The board may use any existing examinations or may 9687  
prepare any number of new examinations to assist it in 9688  
determining the equivalent training of a candidate. The board by 9689  
rule may prescribe the special examinations and the passing 9690  
score required for each examination. 9691

~~(E)~~ (D) The person has completed two years of public 9692  
accounting experience, satisfactory to the board, in any state 9693  
in practice as a public accountant or in any state in employment 9694  
as a staff accountant by anyone practicing public accounting, or 9695  
other experience in private or governmental accounting that, in 9696  
the opinion of the board, will be the equivalent of that public 9697  
accounting practice, or any combination of those types of 9698  
experience, except that the experience requirement is only one 9699  
year of the experience described in this division for any 9700  
candidate holding a master's degree in accounting or business 9701  
administration from a college or university recognized by the 9702  
board, if the candidate has satisfactorily completed the number 9703  
of credit hours in accounting, business administration, 9704  
economics, and any related subjects that the board determines to 9705

be appropriate and if either of the following applies: 9706

(1) The person has passed the uniform national society of 9707  
public accountants examination or a comparable examination 9708  
approved by the public accountant members of the accountancy 9709  
board. 9710

(2) The person has passed the accounting practice and 9711  
auditing sections of the uniform CPA examination. 9712

The examination described in division ~~(E)~~(D) (1) of this 9713  
section shall be held by the board and shall take place as often 9714  
as the board determines but shall not be held less frequently 9715  
than once each year. The board shall charge a candidate an 9716  
application fee, to be determined by the board, that is adequate 9717  
to cover all rentals, compensation for proctors, and other 9718  
expenses of the board related to examination or reexamination 9719  
except the expenses of procuring and grading the examination. In 9720  
addition, the board shall charge the candidate an examination 9721  
fee to be determined by the board, that is adequate to cover the 9722  
expense of procuring and grading the examination. Fees for 9723  
reexamination under division ~~(E)~~(D) of this section also shall 9724  
be charged by the board in amounts determined by it to be 9725  
adequate to cover the expenses of procuring and grading the 9726  
examinations. The applicable fees shall be paid by the candidate 9727  
at the time the candidate applies for examination or 9728  
reexamination. 9729

~~(F)~~(E) The person applied, on or before April 16, 1993, 9730  
for registration as a public accountant. 9731

The board shall determine and charge a fee for 9732  
registration under this section that is adequate to cover the 9733  
expense. 9734

The board in each case shall determine whether the 9735  
applicant is eligible for registration. Any individual who is so 9736  
registered and who holds an Ohio permit shall be styled and 9737  
known as a "public accountant" and may use the abbreviation 9738  
"PA." 9739

A person who, on the effective date of an amendment of 9740  
this section, holds a valid registration as a public accountant 9741  
issued under the laws of this state shall not be required to 9742  
obtain additional registration under this section but shall 9743  
otherwise be subject to all provisions of this section. That 9744  
registration, for all purposes, shall be considered a 9745  
registration issued under this section and subject to its 9746  
provisions. 9747

**Sec. 4701.08.** (A) As used in this section, "license" and 9748  
"applicant for an initial license" have the same meanings as in 9749  
section 4776.01 of the Revised Code, except that "license" as 9750  
used in both of those terms refers to the types of 9751  
authorizations otherwise issued or conferred under this chapter. 9752

(B) In addition to any other eligibility requirement set 9753  
forth in this chapter, each applicant for an initial license 9754  
shall comply with sections 4776.01 to 4776.04 of the Revised 9755  
Code. The accountancy board shall not grant a license to an 9756  
applicant for an initial license unless the applicant complies 9757  
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 9758  
~~board, in its discretion, decides that the results of the~~ 9759  
~~criminal records check do not make the applicant ineligible for~~ 9760  
~~a license issued pursuant to section 4701.06, 4701.061, 4701.07,~~ 9761  
~~4701.09, or 4701.10 of the Revised Code.~~ 9762

**Sec. 4701.09.** The accountancy board may, in its 9763  
discretion, upon the payment of a fee not to exceed seventy-five 9764

dollars, permit the registration of any person ~~of good moral~~ 9765  
~~character~~ who is the holder of a certificate, license, or degree 9766  
in a foreign country constituting a recognized qualification for 9767  
the practice of public accounting in such country. A person so 9768  
registered shall use only the title under which ~~he~~ the person is 9769  
generally known in ~~his~~ the person's own country, followed by the 9770  
name of the country from which ~~he~~ the person received ~~his~~ the 9771  
person's certificate, license, or degree. 9772

**Sec. 4701.17.** Upon application in writing and after 9773  
hearing pursuant to notice, the accountancy board may reissue or 9774  
reinstate a certificate to a certified public accountant whose 9775  
certificate has been revoked or suspended or reregister anyone 9776  
whose registration has been revoked or suspended. 9777

The board may require a reasonable waiting period, 9778  
commensurate with the offense, before a certificate holder or 9779  
registrant whose certificate or registration has been revoked or 9780  
suspended may apply to have the certificate or registration 9781  
reissued or reinstated. The board may require compliance with 9782  
any or all requirements of section 4701.06 of the Revised Code, 9783  
including the taking of any examination described in division 9784  
~~(E)~~ (D) of that section as a prerequisite for recertification. 9785  
The board may require compliance with any or all of the 9786  
requirements of section 4701.07 of the Revised Code, including 9787  
the taking of any examination described in division ~~(E)~~ (D) of 9788  
that section as a prerequisite for reregistration. 9789

**Sec. 4703.07.** Unless certified and registered pursuant to 9790  
rules adopted under section 4703.08 of the Revised Code, an 9791  
applicant for a certificate of qualification to practice 9792  
architecture shall: 9793

(A) Be at least eighteen years of age; 9794

(B) ~~Be of good moral character;~~ 9795

~~(C)~~ Submit satisfactory evidence of having obtained a 9796  
professional degree in architecture from a school having a 9797  
program accredited by the national accrediting board recognized 9798  
by the architects board or other equivalent architectural 9799  
education as is recognized by the architects board; 9800

~~(D)~~ (C) Complete the requirements for training under an 9801  
internship program established or adopted by the architects 9802  
board, including, but not limited to, design and construction 9803  
documents, construction administration and office management, or 9804  
equivalent experience acceptable to the board; 9805

~~(E)~~ (D) Pass an examination as prescribed by the board. 9806

**Sec. 4703.10.** If the applicant passes the examination 9807  
under section 4703.09 of the Revised Code or in lieu of the 9808  
examination is, in the opinion of the architects board, eligible 9809  
to register as an architect pursuant to rules adopted under 9810  
section 4703.08 of the Revised Code, ~~and in addition has proven~~ 9811  
~~self to be of good moral character,~~ the applicant is eligible to 9812  
receive from the board a certificate of qualification to 9813  
practice architecture. The certificate shall be signed by the 9814  
president and secretary of the board and shall bear the name of 9815  
the successful applicant, the serial number of the certificate, 9816  
the seal of the board, and the words, "admitted to practice 9817  
architecture in the state of Ohio, the \_\_\_\_ day of \_\_\_\_\_, 9818  
\_\_\_\_\_" 9819

If the applicant fails the examination under section 9820  
4703.09 of the Revised Code, the board may refuse to issue a 9821  
certificate of qualification to practice architecture. 9822

**Sec. 4703.34.** (A) Any individual desiring to be registered 9823



as a landscape architect may apply in writing to the Ohio 9824  
landscape architects board in the manner prescribed by the 9825  
board. 9826

(B) Except as provided in section 4703.35 of the Revised 9827  
Code, each application shall include, or be accompanied by, 9828  
evidence given under oath or affirmation and satisfactory to the 9829  
board that the applicant possesses the qualifications prescribed 9830  
by division (C) of this section and also possesses, or is in the 9831  
process of obtaining, one of the qualifications required by 9832  
division (D) of this section. Each applicant shall include in 9833  
the application a request for examination. The board shall 9834  
permit an applicant who is in the process of completing the 9835  
requirement specified in division (D) of this section to take an 9836  
examination, but the board shall not register such an applicant 9837  
until the applicant completes the requirement. 9838

(C) Except as provided in section 4703.35 of the Revised 9839  
Code, each applicant for registration as a landscape architect 9840  
shall pass, to the satisfaction of the board, an examination 9841  
conducted under the authority of the board to determine the 9842  
fitness of the applicant for registration. The applicant shall 9843  
be at least eighteen years of age ~~and of good moral character~~ 9844  
and shall have obtained a professional degree in landscape 9845  
architecture from a program accredited by the national landscape 9846  
architect accrediting board. 9847

(D) In addition to the qualifications required by division 9848  
(C) of this section, the applicant shall meet either of the 9849  
following requirements: 9850

(1) Has completed three years of practical experience in 9851  
the office of and under the direct supervision of a registered 9852  
landscape architect who is actively involved in the practice of 9853

landscape architecture, or equivalent experience, as determined 9854  
by the board, provided that at least one year of the practical 9855  
experience or its equivalent as required by division (D)(1) of 9856  
this section shall have been completed by the applicant 9857  
subsequent to the completion of the educational requirements 9858  
established by division (C) of this section; 9859

(2) Has completed the requirements for training under an 9860  
internship program established pursuant to rules adopted by the 9861  
board that includes, but is not limited to, training in design 9862  
and construction documents and construction administration and 9863  
office management, or has equivalent experience that is 9864  
acceptable to the board. 9865

**Sec. 4707.02.** (A) No person shall act as an auction firm, 9866  
auctioneer, apprentice auctioneer, or special auctioneer within 9867  
this state without a license issued by the department of 9868  
agriculture. No auction shall be conducted in this state except 9869  
by an auctioneer licensed by the department. 9870

~~The~~ Except as provided in division (D) of this section, 9871  
the department shall not issue or renew a license if the 9872  
applicant or licensee has been convicted of a felony or crime 9873  
involving fraud or theft in this or another state at any time 9874  
during the ten years immediately preceding application or 9875  
renewal. 9876

(B) Division (A) of this section does not apply to any of 9877  
the following: 9878

(1) Sales at auction that either are required by law to be 9879  
at auction, other than sales pursuant to a judicial order or 9880  
decree, or are conducted by or under the direction of a public 9881  
authority; 9882

- (2) The owner of any real or personal property desiring to 9883  
sell the property at auction, provided that the property was not 9884  
acquired for the purpose of resale; 9885
- (3) An auction mediation company; 9886
- (4) An auction that is conducted in a course of study for 9887  
auctioneers that is approved by the state auctioneers commission 9888  
created under section 4707.03 of the Revised Code for purposes 9889  
of student training and is supervised by a licensed auctioneer; 9890
- (5) (a) An auction that is sponsored by a nonprofit or 9891  
charitable organization that is registered in this state under 9892  
Chapter 1702. or Chapter 1716. of the Revised Code, 9893  
respectively, if the auction only involves the property of the 9894  
members of the organization and the auction is part of a fair 9895  
that is organized by an agricultural society under Chapter 1711. 9896  
of the Revised Code or by the Ohio expositions commission under 9897  
Chapter 991. of the Revised Code at which an auctioneer who is 9898  
licensed under this chapter physically conducts the auction; 9899
- (b) Sales at an auction sponsored by a charitable, 9900  
religious, or civic organization that is tax exempt under 9901  
subsection 501(c)(3) of the Internal Revenue Code, or by a 9902  
public school, chartered nonpublic school, or community school, 9903  
if no person in the business of organizing, arranging, or 9904  
conducting an auction for compensation and no consignor of 9905  
consigned items sold at the auction, except such organization or 9906  
school, receives compensation from the proceeds of the auction. 9907  
As used in division (B) (5) (b) of this section, "compensation" 9908  
means money, a thing of value other than participation in a 9909  
charitable event, or a financial benefit. 9910
- (c) Sales at an auction sponsored by an organization that 9911

is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) Sales of real or personal property conducted by means of the internet, provided that they are not conducted in conjunction with a live auction;

(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state;

(10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision

of an auctioneer licensed under this chapter in order to ensure 9941  
that the champion complies with this chapter and rules adopted 9942  
under it. 9943

(C) (1) No person shall advertise or hold oneself out as an 9944  
auction firm, auctioneer, apprentice auctioneer, or special 9945  
auctioneer without a license issued by the department of 9946  
agriculture. 9947

(2) Division (C) (1) of this section does not apply to an 9948  
individual who is the subject of an advertisement regarding an 9949  
auction conducted under division (B) (5) (b) of this section. 9950

(D) The department shall not refuse to issue a license to 9951  
an applicant because of a criminal conviction unless the refusal 9952  
is in accordance with section 9.79 of the Revised Code. 9953

**Sec. 4707.07.** (A) The department of agriculture may grant 9954  
~~auctioneers'~~ auctioneer's licenses to those individuals who are 9955  
determined to be qualified by the department. Each individual 9956  
who applies for an auctioneer's license shall furnish to the 9957  
department, on forms provided by the department, satisfactory 9958  
proof that the applicant: 9959

(1) ~~Has a good reputation;~~ 9960

~~(2) Is of trustworthy character;~~ 9961

~~(3) Has attained the age of at least eighteen years;~~ 9962

~~(4)~~ (2) Has done one of the following: 9963

(a) Met the apprenticeship requirements set forth in 9964  
section 4707.09 of the Revised Code; 9965

(b) Met the requirements of section 4707.12 of the Revised 9966  
Code. 9967

<del>(5)</del> <u>(3)</u> Has a general knowledge of the following:	9968
(a) The requirements of the Revised Code relative to auctioneers;	9969 9970
(b) The auction profession;	9971
(c) The principles involved in conducting an auction;	9972
(d) Any local and federal laws regarding the profession of auctioneering.	9973 9974
<del>(6)</del> <u>(4)</u> Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable.	9975 9976 9977
(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.09 of the Revised Code.	9978 9979 9980 9981
(C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names of any existing person licensed under this chapter. If an applicant applies to the department to do business under three names, the department may charge a fee of ten dollars for the third name.	9982 9983 9984 9985 9986 9987 9988 9989 9990 9991 9992
(D) The department, in its discretion, may waive the schooling and apprenticeship requirements for a resident of this state, provided that the resident holds a valid <del>auctioneer</del>	9993 9994 9995

auctioneer's license that was issued by a state with which the department has entered into a reciprocal licensing agreement and the resident is in good standing with that state. The applicant shall provide proof that is satisfactory to the department that the applicant has had two years of experience as an auctioneer immediately preceding the date of application that includes at a minimum twelve auctions in which the applicant was a bid caller in the reciprocal state.

**Sec. 4707.09.** The department of agriculture may grant apprentice auctioneers' licenses to those persons that are determined to be qualified by the department. Every applicant for an apprentice auctioneer's license shall pass an examination relating to the skills, knowledge, and statutes and rules governing auctioneers. Every applicant for an apprentice auctioneer's license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

- (A) ~~Has a good reputation;~~
- ~~(B) Is of trustworthy character;~~
- ~~(C) Has attained the age of at least eighteen years;~~
- ~~(D) (B) Has obtained a written promise of a licensed auctioneer to sponsor the applicant during the applicant's apprenticeship;~~
- ~~(E) (C) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable;~~
- ~~(F) (D) Has successfully completed a course of study in auctioneering at an institution that is approved by the state auctioneers commission.~~

Before an apprentice may take the auctioneer's license 10025  
examination, the apprentice shall serve an apprenticeship of at 10026  
least twelve months and participate as a bid caller in at least 10027  
twelve auction sales under the direct supervision of the 10028  
sponsoring licensed auctioneer, which auctions shall be 10029  
certified by the licensed auctioneer on the apprentice's 10030  
application for an auctioneer's license. No apprentice 10031  
auctioneer shall be under the sponsorship of more than one 10032  
licensed auctioneer at one time. 10033

If an auctioneer intends to terminate sponsorship of an 10034  
apprentice auctioneer, the sponsoring auctioneer shall notify 10035  
the apprentice auctioneer of the sponsoring auctioneer's 10036  
intention by certified mail, return receipt requested, at least 10037  
ten days prior to the effective date of termination and, at the 10038  
same time, shall deliver or mail by certified mail to the 10039  
department a copy of the termination notice and the license of 10040  
the apprentice auctioneer. No apprentice auctioneer shall 10041  
perform any acts under authority of the apprentice's license 10042  
after the effective date of the termination until the apprentice 10043  
receives a new license. No more than one license shall be issued 10044  
to any apprentice auctioneer for the same period of time. 10045

No licensed auctioneer shall have under the licensed 10046  
auctioneer's sponsorship more than two apprentice auctioneers at 10047  
one time. No auctioneer shall sponsor an apprentice auctioneer 10048  
if the auctioneer has not been licensed and in good standing for 10049  
a period of at least two years immediately before sponsoring the 10050  
apprentice auctioneer. A sponsoring auctioneer whose license is 10051  
suspended or revoked shall send to the department the apprentice 10052  
auctioneer's license not later than fourteen days after the 10053  
suspension or revocation. If a sponsoring auctioneer's license 10054  
is suspended or revoked, the apprentice auctioneer shall obtain 10055



a written promise of sponsorship from another licensed 10056  
auctioneer before performing any acts under the authority of an 10057  
apprentice auctioneer's license. The apprentice auctioneer shall 10058  
send a copy of the written promise of sponsorship of another 10059  
auctioneer to the department. If the department receives a copy 10060  
of such a written promise of sponsorship and the apprentice pays 10061  
the fee established by the department, the department shall 10062  
issue a new license to the apprentice. 10063

An apprentice auctioneer may terminate the apprentice's 10064  
sponsorship with an auctioneer by notifying the auctioneer of 10065  
the apprentice's intention by certified mail, return receipt 10066  
requested, at least ten days prior to the effective date of 10067  
termination. At the same time, the apprentice shall deliver or 10068  
mail by certified mail to the department a copy of the 10069  
termination notice. Upon receiving the termination notice, the 10070  
sponsoring auctioneer shall promptly deliver or mail by 10071  
certified mail to the department the license of the apprentice 10072  
auctioneer. 10073

The termination of a sponsorship, regardless of who 10074  
initiates the termination, shall not be cause for an apprentice 10075  
auctioneer to lose credit for any certified auctions in which 10076  
the apprentice participated as a bid caller or apprenticeship 10077  
time the apprentice served under the direct supervision of the 10078  
former sponsor. 10079

**Sec. 4707.15.** (A) The department of agriculture may deny, 10080  
refuse to renew, suspend, or revoke the license of any auction 10081  
firm, auctioneer, apprentice auctioneer, or special auctioneer 10082  
for any of the following causes: 10083

~~(A)~~ (1) Obtaining a license through false or fraudulent 10084  
representation; 10085

<del>(B)</del> <u>(2)</u> Making any substantial misrepresentation in an application for a license;	10086 10087
<del>(C)</del> <u>(3)</u> A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;	10088 10089
<del>(D)</del> <u>(4)</u> Specifying that an auction is a reserve auction, absolute auction, multi-parcel auction, or estate auction, but not conducting the auction as specified;	10090 10091 10092
<del>(E)</del> <u>(5)</u> Failing to account for or remit, within a reasonable time, any money or property belonging to others that comes into the licensee's possession, and for commingling funds of others with the licensee's own, or failing to keep funds of others in an escrow or trust account, except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section 4735.18 of the Revised Code;	10093 10094 10095 10096 10097 10098 10099 10100
<del>(F)</del> <u>(6)</u> Paying valuable consideration to any person who has violated this chapter;	10101 10102
<del>(G)</del> <u>Conviction</u> <del>(7)</del> <u>Except as provided in division (B) of this section, conviction</u> in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud, forgery, embezzlement, false pretenses, extortion, conspiracy to defraud, or another similar offense or a felony;	10103 10104 10105 10106 10107
<del>(H)</del> <u>(8)</u> Violation of this chapter or rules adopted under it;	10108 10109
<del>(I)</del> <u>(9)</u> Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or auction firm;	10110 10111 10112
<del>(J)</del> <u>(10)</u> Any conduct of a person that is licensed under	10113

this chapter that demonstrates bad faith, dishonesty,	10114
incompetency, or untruthfulness;	10115
<del>(K)</del> <u>(11)</u> Any other conduct of a person that is licensed	10116
<u>under this chapter</u> that constitutes improper, fraudulent, or	10117
dishonest dealings;	10118
<del>(L)</del> <u>(12)</u> Failing prior to the sale at public auction to	10119
enter into a written contract with the owner or consignee of any	10120
property to be sold, containing the terms and conditions upon	10121
which the licensee received the property for auction;	10122
<del>(M)</del> <u>(13)</u> The use of any power of attorney to circumvent	10123
this chapter;	10124
<del>(N)</del> <u>(14)</u> Failure to display either of the following:	10125
<del>(1)</del> <u>(a)</u> The sign required under section 4707.22 of the	10126
Revised Code; or	10127
<del>(2)</del> <u>(b)</u> A notice conspicuously at the clerk's desk or on a	10128
bid card that clearly states the terms and conditions of the	10129
auction and, if applicable, an explanation of the multi-parcel	10130
auction process <del>+</del> .	10131
<del>(O)</del> <u>(15)</u> Failure to notify the department of any	10132
conviction of a felony or crime involving fraud within fifteen	10133
days of conviction;	10134
<del>(P)</del> <u>(16)</u> Aiding an unlicensed person in the performance of	10135
services or acts that require a license under this chapter;	10136
<del>(Q)</del> <u>(17)</u> The suspension or revocation of a license to	10137
engage in auctioneering or other disciplinary action by the	10138
licensing authority of another state;	10139
<del>(R)</del> <u>(18)</u> The refusal or disapproval by the licensing	10140

authority of another state of an application for a license to 10141  
engage in auctioneering; 10142

~~(S)~~ (19) Failure of a licensee to notify the department of 10143  
agriculture within fifteen days of a disciplinary action against 10144  
the licensee by another state's applicable governing authority; 10145

~~(T)~~ (20) Engaging in auctioneering or providing auction 10146  
services without a license or during the suspension of a 10147  
license; 10148

~~(U)~~ (21) Attempting to cheat or cheating on an auctioneer 10149  
examination or aiding another to cheat on an examination. 10150

(B) The department shall not refuse to issue a license to 10151  
an applicant because of a criminal conviction unless the refusal 10152  
is in accordance with section 9.79 of the Revised Code. 10153

**Sec. 4707.19.** (A) The director of agriculture may adopt 10154  
reasonable rules necessary for the implementation of this 10155  
chapter in accordance with Chapter 119. of the Revised Code. In 10156  
addition, the director shall adopt rules in accordance with 10157  
Chapter 119. of the Revised Code that establish the portion of 10158  
license fees collected under this chapter that are to be 10159  
deposited into the auction recovery fund under section 4707.25 10160  
of the Revised Code. 10161

No person shall fail to comply with a rule adopted under 10162  
this chapter. 10163

(B) The director shall adopt rules that establish a 10164  
schedule of civil penalties for violations of this chapter, 10165  
rules adopted under it, or orders issued under it. The rules 10166  
shall provide that the civil penalty for the first violation of 10167  
this chapter, rule, or order shall not exceed five thousand 10168  
dollars and the civil penalty for each subsequent offense shall 10169

not exceed ten thousand dollars. In addition, the director, in 10170  
establishing the schedule of civil penalties in the rules, shall 10171  
consider past violations of this chapter and rules adopted under 10172  
it, the severity of a violation, and the amount of actual or 10173  
potential damage to the public or the auction profession. 10174

(C) The department of agriculture may hear testimony in 10175  
matters relating to the duties imposed on it, and any person 10176  
authorized by the director may administer oaths. The department 10177  
may require other proof of the honesty, and truthfulness, ~~and~~ 10178  
~~good reputation~~ of any person named in the application for an 10179  
auction firm's, auctioneer's, apprentice auctioneer's, or 10180  
special auctioneer's license before admitting the applicant to 10181  
an examination or issuing a license. 10182

**Sec. 4707.22.** (A) Any person licensed under this chapter 10183  
who advertises, by linear advertisements or otherwise, to hold 10184  
or conduct an auction shall indicate in the advertisement the 10185  
licensee's name or the name registered with the department of 10186  
agriculture and that the licensee is an auctioneer or apprentice 10187  
auctioneer. Any apprentice auctioneer who advertises, as 10188  
provided in this section, also shall indicate in the 10189  
apprentice's advertisement the name of the auctioneer under whom 10190  
the apprentice is licensed. The name of the auctioneer shall be 10191  
displayed in equal prominence with the name of the apprentice 10192  
auctioneer in the advertisement. Any such licensee who 10193  
advertises in a manner other than as provided in this section is 10194  
guilty of violating division ~~(C)~~ (A) (3) of section 4707.15 of 10195  
the Revised Code. 10196

(B) An auction firm licensed under this chapter that 10197  
advertises, by linear advertisements or otherwise, to solicit or 10198  
receive consignments or to provide auction services shall 10199

indicate in the advertisement the name of the auction firm. In 10200  
addition, an advertisement of an auction of consignments or an 10201  
advertisement by an auction firm of an auction for which the 10202  
auction firm will provide auction services shall comply with 10203  
divisions (A) and (D) of this section. 10204

(C) If an auction to be advertised is an absolute auction, 10205  
all advertisements for the auction shall unequivocally state 10206  
that the auction is an absolute auction. 10207

(D) If an advertisement for an auction contains the words 10208  
"estate auction," or words to that effect, the person licensed 10209  
under this chapter who advertises shall do both of the 10210  
following: 10211

(1) Enter into an agreement directly with the executor, 10212  
administrator, or court appointed designee of the estate 10213  
property; 10214

(2) List prominently in the advertisement the county in 10215  
which the estate is located and the probate court case number of 10216  
the estate. 10217

(E) All persons licensed under this chapter that conduct 10218  
or are involved in an auction jointly are responsible for the 10219  
posting of a sign at the auction. The sign shall contain all of 10220  
the following: 10221

(1) The name of all licensed persons involved in the 10222  
auction; 10223

(2) A statement that the persons are licensed by the 10224  
department of agriculture; 10225

(3) The address of the department of agriculture. 10226

The sign shall be posted at the main entrance of the 10227

10228 auction, at the place of registration for the auction, or by the  
10229 cashier for the auction. The sign shall be of a size not smaller  
10230 than eight and one-half inches by eleven inches. The letters and  
10231 numbers on the sign shall be of adequate size to be readily seen  
10232 by an individual with normal vision when viewing it.

10233 (F) An advertisement for the sale of real property at  
10234 auction shall contain the name of the licensed auctioneer who is  
10235 entering into the auction contract and the name of the real  
10236 estate broker licensed under Chapter 4735. of the Revised Code  
10237 who is involved in the sale. Compliance with this section shall  
10238 not require a real estate broker licensed under Chapter 4735. of  
10239 the Revised Code to obtain a license under section 4707.073 of  
10240 the Revised Code.

10241 (G) If an auction to be advertised is a multi-parcel  
10242 auction, all advertisements for the auction, excluding road  
10243 signs, shall state that the auction will be offered in various  
10244 amalgamations, including as individual parcels or lots,  
10245 combinations of parcels or lots, and all parcels or lots as a  
10246 whole.

10247 **Sec. 4709.07.** (A) Each person who desires to obtain an  
10248 initial license to practice barbering shall apply to the state  
10249 cosmetology and barber board, on forms provided by the board.  
10250 The application form shall include the name of the person  
10251 applying for the license and evidence that the applicant meets  
10252 all of the requirements of division (B) of this section. The  
10253 application shall be accompanied by two signed current  
10254 photographs of the applicant, in the size determined by the  
10255 board, that show only the head and shoulders of the applicant,  
10256 and the examination application fee.

10257 (B) In order to take the required barber examination and

to qualify for licensure as a barber, an applicant must 10258  
demonstrate that the applicant meets all of the following: 10259

(1) ~~Is of good moral character;~~ 10260

~~(2)~~—Is at least eighteen years of age; 10261

~~(3)~~—(2) Has an eighth grade education or an equivalent 10262  
education as determined by the state board of education in the 10263  
state where the applicant resides; 10264

~~(4)~~—(3) Has graduated with at least one thousand eight 10265  
hundred hours of training from a board-approved barber school or 10266  
has graduated with at least one thousand hours of training from 10267  
a board-approved barber school in this state and has a current 10268  
cosmetology or hair designer license issued pursuant to Chapter 10269  
4713. of the Revised Code. No hours of instruction earned by an 10270  
applicant five or more years prior to the examination apply to 10271  
the hours of study required by this division. 10272

(C) Any applicant who meets all of the requirements of 10273  
divisions (A) and (B) of this section may take the barber 10274  
examination at the time and place specified by the board. If the 10275  
applicant fails to attain at least a seventy-five per cent pass 10276  
rate on each part of the examination, the applicant is 10277  
ineligible for licensure; however, the applicant may reapply for 10278  
examination within ninety days after the date of the release of 10279  
the examination scores by paying the required reexamination fee. 10280  
An applicant is only required to take that part or parts of the 10281  
examination on which the applicant did not receive a score of 10282  
seventy-five per cent or higher. If the applicant fails to 10283  
reapply for examination within ninety days or fails the second 10284  
examination, in order to reapply for examination for licensure 10285  
the applicant shall complete an additional course of study of 10286



not less than two hundred hours, in a board-approved barber 10287  
school. The board shall provide to an applicant, upon request, a 10288  
report which explains the reasons for the applicant's failure to 10289  
pass the examination. 10290

(D) The board shall issue a license to practice barbering 10291  
to any applicant who, to the satisfaction of the board, meets 10292  
the requirements of divisions (A) and (B) of this section, who 10293  
passes the required examination, and pays the initial licensure 10294  
fee. Every licensed barber shall display the certificate of 10295  
licensure in a conspicuous place adjacent to or near the 10296  
licensed barber's work chair, along with a signed current 10297  
photograph, in the size determined by the board, showing head 10298  
and shoulders only. 10299

**Sec. 4709.08.** Any person who holds a current license or 10300  
registration to practice as a barber in any other state or 10301  
district of the United States or country whose requirements for 10302  
licensure or registration of barbers are substantially 10303  
equivalent to the requirements of this chapter and rules adopted 10304  
under it and that extends similar reciprocity to persons 10305  
licensed as barbers in this state may apply to the state 10306  
cosmetology and barber board for a barber license. The board 10307  
shall, without examination, unless the board determines to 10308  
require an examination, issue a license to practice as a 10309  
licensed barber in this state if the person meets the 10310  
requirements of this section, is at least eighteen years of age 10311  
~~and of good moral character~~, and pays the required fees. The 10312  
board may waive any of the requirements of this section. 10313

**Sec. 4709.10.** (A) Each person who desires to obtain a 10314  
license to operate a barber school shall apply to the state 10315  
cosmetology and barber board, on forms provided by the board. 10316

The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board;

(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board;

(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student

who is injured or damaged by reason of a barber school's failure 10346  
to continue instruction in the theory and practice of barbering 10347  
may maintain an action on the bond against the barber school or 10348  
the surety, or both, for the recovery of any money or tuition 10349  
paid in advance for instruction in the theory and practice of 10350  
barbering which was not received. The aggregate liability of the 10351  
surety to all students shall not exceed the sum of the bond. 10352

(6) Maintain adequate record keeping to ensure that it has 10353  
met the requirements for records of student progress as required 10354  
by board rule; 10355

(7) Establish minimum standards for acceptance of student 10356  
applicants for admission to the barber school. The barber school 10357  
may establish entrance requirements which are more stringent 10358  
than those prescribed by the board, but the requirements must at 10359  
a minimum require the applicant to meet all of the following: 10360

(a) Be at least seventeen years of age; 10361

(b) ~~Be of good moral character;~~ 10362

~~(c)~~ Have an eighth grade education, or an equivalent 10363  
education as determined by the state board of education; 10364

~~(d)~~ (c) Submit two signed current photographs of the 10365  
applicant, in the size determined by the board. 10366

(8) Have a procedure to submit every student applicant's 10367  
admission application to the board for the board's review and 10368  
approval prior to the applicant's admission to the barber 10369  
school; 10370

(9) Operate in a manner which reflects credit upon the 10371  
barbering profession; 10372

(10) Offer a curriculum of study which covers all aspects 10373

of the scientific fundamentals of barbering as specified by rule 10374  
of the board; 10375

(11) Employ no more than two licensed assistant barber 10376  
teachers for each licensed barber teacher employed or fewer than 10377  
two licensed teachers or one licensed teacher and one licensed 10378  
assistant teacher at each facility. 10379

(C) Each person who desires to obtain a barber teacher or 10380  
assistant barber teacher license shall apply to the board, on 10381  
forms provided by the board. The board shall only issue a barber 10382  
teacher license to a person who meets all of the following 10383  
requirements: 10384

(1) Holds a current barber license issued pursuant to this 10385  
chapter and has at least eighteen months of work experience in a 10386  
licensed barber shop or has been employed as an assistant barber 10387  
teacher under the supervision of a licensed barber teacher for 10388  
at least one year, unless, for good cause, the board waives this 10389  
requirement; 10390

(2) Meets such other requirements as adopted by rule by 10391  
the board; 10392

(3) Passes the required examination; and 10393

(4) Pays the required fees. If an applicant fails to pass 10394  
the examination, the applicant may reapply for the examination 10395  
and licensure no earlier than one year after the failure to pass 10396  
and provided that during that period, the applicant remains 10397  
employed as an assistant barber teacher. 10398

The board shall only issue an assistant barber teacher 10399  
license to a person who holds a current barber license issued 10400  
pursuant to this chapter and pays the required fees. 10401

(D) Any person who meets the qualifications of an 10402  
assistant teacher pursuant to division (C) of this section, may 10403  
be employed as an assistant teacher, provided that within five 10404  
days after the commencement of the employment the barber school 10405  
submits to the board, on forms provided by the board, the 10406  
applicant's qualifications. 10407

**Sec. 4709.13.** (A) The state cosmetology and barber board 10408  
may refuse to issue or renew or may suspend or revoke or impose 10409  
conditions upon any license issued pursuant to this chapter for 10410  
any one or more of the following causes: 10411

(1) Advertising by means of knowingly false or deceptive 10412  
statements; 10413

(2) Habitual drunkenness or possession of or addiction to 10414  
the use of any controlled drug prohibited by state or federal 10415  
law; 10416

(3) ~~Immoral or unprofessional~~ Unprofessional conduct; 10417

(4) Continuing to be employed in a barber shop wherein 10418  
rules of the board or department of health are violated; 10419

(5) Employing any person who does not have a current Ohio 10420  
license to perform the practice of barbering; 10421

(6) Owning, managing, operating, or controlling any barber 10422  
school or portion thereof, wherein the practice of barbering is 10423  
carried on, whether in the same building or not, without 10424  
displaying a sign at all entrances to the places where the 10425  
barbering is carried on, indicating that the work therein is 10426  
done by students exclusively; 10427

(7) Owning, managing, operating, or controlling any barber 10428  
shop, unless it displays a recognizable sign or barber pole 10429

indicating that it is a barber shop, and the sign or pole is 10430  
clearly visible at the main entrance to the shop; 10431

(8) Violating any sanitary rules approved by the 10432  
department of health or the board; 10433

(9) Employing another person to perform or personally 10434  
perform the practice of barbering in a licensed barber shop 10435  
unless that person is licensed as a barber under this chapter; 10436

(10) Gross incompetence. 10437

(B) (1) The board may refuse to renew or may suspend or 10438  
revoke or impose conditions upon any license issued pursuant to 10439  
this chapter for conviction of or plea of guilty to a felony 10440  
committed after the person has been issued a license under this 10441  
chapter, shown by a certified copy of the record of the court in 10442  
which the person was convicted or pleaded guilty. 10443

(2) A conviction or plea of guilty to a felony committed 10444  
prior to being issued a license under this chapter shall not 10445  
disqualify a person from being issued an initial license under 10446  
this chapter. 10447

(C) Prior to taking any action under division (A) or (B) 10448  
of this section, the board shall provide the person with a 10449  
statement of the charges against the person and notice of the 10450  
time and place of a hearing on the charges. The board shall 10451  
conduct the hearing according to Chapter 119. of the Revised 10452  
Code. Any person dissatisfied with a decision of the board may 10453  
appeal the board's decision to the court of common pleas in 10454  
Franklin county. 10455

(D) The board may adopt rules in accordance with Chapter 10456  
119. of the Revised Code, specifying additional grounds upon 10457  
which the board may take action under division (A) of this 10458

section. 10459

**Sec. 4713.28.** (A) The state cosmetology and barber board 10460  
shall issue a practicing license to an applicant who satisfies 10461  
all of the following applicable conditions: 10462

(1) Is at least sixteen years of age; 10463

(2) ~~Is of good moral character;~~ 10464

~~(3)~~ Has the equivalent of an Ohio public school tenth 10465  
grade education; 10466

~~(4)~~ (3) Has submitted a written application on a form 10467  
furnished by the board that contains all of the following: 10468

(a) The name of the individual and any other identifying 10469  
information required by the board; 10470

(b) A recent photograph of the individual that meets the 10471  
specifications established by the board; 10472

(c) A photocopy of the individual's current driver's 10473  
license or other proof of legal residence; 10474

(d) Proof that the individual is qualified to take the 10475  
applicable examination as required by section 4713.20 of the 10476  
Revised Code; 10477

(e) An oath verifying that the information in the 10478  
application is true; 10479

(f) The applicable application fee. 10480

~~(5)~~ (4) Passes an examination conducted under division (A) 10481  
of section 4713.24 of the Revised Code for the branch of 10482  
cosmetology the applicant seeks to practice; 10483

~~(6)~~ (5) Pays to the board the applicable license fee; 10484

~~(7)~~-(6) In the case of an applicant for an initial 10485  
cosmetologist license, has successfully completed at least one 10486  
thousand five hundred hours of board-approved cosmetology 10487  
training in a school of cosmetology licensed in this state, 10488  
except that only one thousand hours of board-approved 10489  
cosmetology training in a school of cosmetology licensed in this 10490  
state is required of an individual licensed as a barber under 10491  
Chapter 4709. of the Revised Code; 10492

~~(8)~~-(7) In the case of an applicant for an initial 10493  
esthetician license, has successfully completed at least six 10494  
hundred hours of board-approved esthetics training in a school 10495  
of cosmetology licensed in this state; 10496

~~(9)~~-(8) In the case of an applicant for an initial hair 10497  
designer license, has successfully completed at least one 10498  
thousand two hundred hours of board-approved hair designer 10499  
training in a school of cosmetology licensed in this state, 10500  
except that only one thousand hours of board-approved hair 10501  
designer training in a school of cosmetology licensed in this 10502  
state is required of an individual licensed as a barber under 10503  
Chapter 4709. of the Revised Code; 10504

~~(10)~~-(9) In the case of an applicant for an initial 10505  
manicurist license, has successfully completed at least two 10506  
hundred hours of board-approved manicurist training in a school 10507  
of cosmetology licensed in this state; 10508

~~(11)~~-(10) In the case of an applicant for an initial 10509  
natural hair stylist license, has successfully completed at 10510  
least four hundred fifty hours of instruction in subjects 10511  
relating to sanitation, scalp care, anatomy, hair styling, 10512  
communication skills, and laws and rules governing the practice 10513  
of cosmetology. 10514



(B) The board shall not deny a license to any applicant 10515  
based on prior incarceration or conviction for any crime. If the 10516  
board denies an individual a license or license renewal, the 10517  
reasons for such denial shall be put in writing. 10518

**Sec. 4713.30.** The state cosmetology and barber board shall 10519  
issue an advanced license to an applicant who satisfies all of 10520  
the following applicable conditions: 10521

(A) Is at least sixteen years of age; 10522

~~(B) Is of good moral character;~~ 10523

~~(C)~~ Has the equivalent of an Ohio public school tenth 10524  
grade education; 10525

~~(D)~~ (C) Pays to the board the applicable fee; 10526

~~(E)~~ (D) Passes the appropriate advanced license 10527  
examination; 10528

~~(F)~~ (E) In the case of an applicant for an initial 10529  
advanced cosmetologist license, does either of the following: 10530

(1) Has a licensed advanced cosmetologist or owner of a 10531  
licensed beauty salon located in this or another state certify 10532  
to the board that the applicant has practiced as a cosmetologist 10533  
for at least one thousand eight hundred hours in a licensed 10534  
beauty salon; 10535

(2) Has a school of cosmetology licensed in this state 10536  
certify to the board that the applicant has successfully 10537  
completed, in addition to the hours required for licensure as a 10538  
cosmetologist, at least three hundred hours of board-approved 10539  
advanced cosmetologist training. 10540

~~(G)~~ (F) In the case of an applicant for an initial 10541

advanced esthetician license, does either of the following: 10542

(1) Has the licensed advanced esthetician, licensed 10543  
advanced cosmetologist, or owner of a licensed esthetics salon 10544  
or licensed beauty salon located in this or another state 10545  
certify to the board that the applicant has practiced esthetics 10546  
for at least one thousand eight hundred hours as an esthetician 10547  
in a licensed esthetics salon or as a cosmetologist in a 10548  
licensed beauty salon; 10549

(2) Has a school of cosmetology licensed in this state 10550  
certify to the board that the applicant has successfully 10551  
completed, in addition to the hours required for licensure as an 10552  
esthetician or cosmetologist, at least one hundred fifty hours 10553  
of board-approved advanced esthetician training. 10554

~~(H)~~ (G) In the case of an applicant for an initial 10555  
advanced hair designer license, does either of the following: 10556

(1) Has the licensed advanced hair designer, licensed 10557  
advanced cosmetologist, or owner of a licensed hair design salon 10558  
or licensed beauty salon located in this or another state 10559  
certify to the board that the applicant has practiced hair 10560  
design for at least one thousand eight hundred hours as a hair 10561  
designer in a licensed hair design salon or as a cosmetologist 10562  
in a licensed beauty salon; 10563

(2) Has a school of cosmetology licensed in this state 10564  
certify to the board that the applicant has successfully 10565  
completed, in addition to the hours required for licensure as a 10566  
hair designer or cosmetologist, at least two hundred forty hours 10567  
of board-approved advanced hair designer training. 10568

~~(I)~~ (H) In the case of an applicant for an initial 10569  
advanced manicurist license, does either of the following: 10570

(1) Has the licensed advanced manicurist, licensed 10571  
advanced cosmetologist, or owner of a licensed nail salon, 10572  
licensed beauty salon, or licensed barber shop located in this 10573  
or another state certify to the board that the applicant has 10574  
practiced manicuring for at least one thousand eight hundred 10575  
hours as a manicurist in a licensed nail salon or licensed 10576  
barber shop or as a cosmetologist in a licensed beauty salon or 10577  
licensed barber shop; 10578

(2) Has a school of cosmetology licensed in this state 10579  
certify to the board that the applicant has successfully 10580  
completed, in addition to the hours required for licensure as a 10581  
manicurist or cosmetologist, at least one hundred hours of 10582  
board-approved advanced manicurist training. 10583

~~(J)~~ (I) In the case of an applicant for an initial 10584  
advanced natural hair stylist license, does either of the 10585  
following: 10586

(1) Has the licensed advanced natural hair stylist, 10587  
licensed advanced cosmetologist, or owner of a licensed natural 10588  
hair style salon or licensed beauty salon located in this or 10589  
another state certify to the board that the applicant has 10590  
practiced natural hair styling for at least one thousand eight 10591  
hundred hours as a natural hair stylist in a licensed natural 10592  
hair style salon or as a cosmetologist in a licensed beauty 10593  
salon; 10594

(2) Has a school of cosmetology licensed in this state 10595  
certify to the board that the applicant has successfully 10596  
completed, in addition to the hours required for licensure as 10597  
natural hair stylist or cosmetologist, at least one hundred 10598  
fifty hours of board-approved advanced natural hair stylist 10599  
training. 10600

**Sec. 4713.31.** The state cosmetology and barber board shall 10601  
issue an instructor license to an applicant who satisfies all of 10602  
the following applicable conditions: 10603

(A) Is at least eighteen years of age; 10604

(B) ~~Is of good moral character;~~ 10605

~~(C)~~ Has the equivalent of an Ohio public school twelfth 10606  
grade education; 10607

~~(D)~~ (C) Pays to the board the applicable fee; 10608

~~(E)~~ (D) In the case of an applicant for an initial 10609  
cosmetology instructor license, holds a current, valid advanced 10610  
cosmetologist license issued in this state and does either of 10611  
the following: 10612

(1) Has the licensed advanced cosmetologist or owner of 10613  
the licensed beauty salon in which the applicant has been 10614  
employed certify to the board that the applicant has engaged in 10615  
the practice of cosmetology in a licensed beauty salon for at 10616  
least one thousand eight hundred hours; 10617

(2) Has a school of cosmetology licensed in this state 10618  
certify to the board that the applicant has successfully 10619  
completed one thousand hours of board-approved cosmetology 10620  
instructor training as an apprentice instructor. 10621

~~(F)~~ (E) In the case of an applicant for an initial 10622  
esthetics instructor license, holds a current, valid advanced 10623  
esthetician or advanced cosmetologist license issued in this 10624  
state and does either of the following: 10625

(1) Has the licensed advanced esthetician, licensed 10626  
advanced cosmetologist, or owner of the licensed esthetics salon 10627  
or licensed beauty salon in which the applicant has been 10628

employed certify to the board that the applicant has engaged in 10629  
the practice of esthetics in a licensed esthetics salon or 10630  
practice of cosmetology in a licensed beauty salon for at least 10631  
one thousand eight hundred hours; 10632

(2) Has a school of cosmetology licensed in this state 10633  
certify to the board that the applicant has successfully 10634  
completed at least five hundred hours of board-approved 10635  
esthetics instructor training as an apprentice instructor. 10636

~~(G)~~ (F) In the case of an applicant for an initial hair 10637  
design instructor license, holds a current, valid advanced hair 10638  
designer or advanced cosmetologist license and does either of 10639  
the following: 10640

(1) Has the licensed advanced hair designer, licensed 10641  
advanced cosmetologist, or owner of the licensed hair design 10642  
salon or licensed beauty salon in which the applicant has been 10643  
employed certify to the board that the applicant has engaged in 10644  
the practice of hair design in a licensed hair design salon or 10645  
practice of cosmetology in a licensed beauty salon for at least 10646  
one thousand eight hundred hours; 10647

(2) Has a school of cosmetology licensed in this state 10648  
certify to the board that the applicant has successfully 10649  
completed at least eight hundred hours of board-approved hair 10650  
design instructor's training as an apprentice instructor. 10651

~~(H)~~ (G) In the case of an applicant for an initial 10652  
manicurist instructor license, holds a current, valid advanced 10653  
manicurist or advanced cosmetologist license and does either of 10654  
the following: 10655

(1) Has the licensed advanced manicurist, licensed 10656  
advanced cosmetologist, or owner of the licensed nail salon or 10657

licensed beauty salon in which the applicant has been employed 10658  
certify to the board that the applicant has engaged in the 10659  
practice of manicuring in a licensed nail salon or practice of 10660  
cosmetology in a licensed beauty salon for at least one thousand 10661  
eight hundred hours; 10662

(2) Has a school of cosmetology licensed in this state 10663  
certify to the board that the applicant has successfully 10664  
completed at least three hundred hours of board-approved 10665  
manicurist instructor training as an apprentice instructor. 10666

~~(I)~~ (H) In the case of an applicant for an initial natural 10667  
hair style instructor license, holds a current, valid advanced 10668  
natural hair stylist or advanced cosmetologist license and does 10669  
either of the following: 10670

(1) Has the licensed advanced natural hair stylist, 10671  
licensed advanced cosmetologist, or owner of the licensed 10672  
natural hair style salon or licensed beauty salon in which the 10673  
applicant has been employed certify to the board that the 10674  
applicant has engaged in the practice of natural hair styling in 10675  
a licensed natural hair style salon or practice of cosmetology 10676  
in a licensed beauty salon for at least one thousand eight 10677  
hundred hours; 10678

(2) Has a school of cosmetology licensed in this state 10679  
certify to the board that the applicant has successfully 10680  
completed at least four hundred hours of board-approved natural 10681  
hair style instructor training as an apprentice instructor. 10682

~~(J)~~ (I) In the case of all applicants, passes an 10683  
examination conducted under division (B) of section 4713.24 of 10684  
the Revised Code for the branch of cosmetology the applicant 10685  
seeks to instruct. 10686

**Sec. 4713.34.** The state cosmetology and barber board shall 10687  
issue a license to practice a branch of cosmetology or 10688  
instructor license to an applicant who is licensed or registered 10689  
in another state or country to practice that branch of 10690  
cosmetology or teach the theory and practice of that branch of 10691  
cosmetology, as appropriate, if all of the following conditions 10692  
are satisfied: 10693

(A) The applicant satisfies all of the following 10694  
conditions: 10695

(1) Is not less than eighteen years of age; 10696

(2) ~~Is of good moral character;~~ 10697

~~(3)~~ In the case of an applicant for a practicing license, 10698  
passes an examination conducted under section 4713.24 of the 10699  
Revised Code for the license the applicant seeks, unless the 10700  
applicant satisfies conditions specified in rules adopted under 10701  
section 4713.08 of the Revised Code for the board to issue the 10702  
applicant a license without taking the examination; 10703

~~(4)~~ (3) Pays the applicable fee. 10704

(B) At the time the applicant obtained the license or 10705  
registration in the other state or country, the requirements in 10706  
this state for obtaining the license the applicant seeks were 10707  
substantially equal to the other state or country's 10708  
requirements. 10709

(C) The jurisdiction that issued the applicant's license 10710  
or registration extends similar reciprocity to individuals 10711  
holding a license issued by the board. 10712

**Sec. 4713.69.** (A) The state cosmetology and barber board 10713  
shall issue a boutique services registration to an applicant who 10714

satisfies all of the following applicable conditions:	10715
(1) Is at least sixteen years of age;	10716
<del>(2) Is of good moral character;</del>	10717
<del>(3)</del> <u>(2)</u> Has the equivalent of an Ohio public school tenth grade education;	10718
<del>(4)</del> <u>(3)</u> Has submitted a written application on a form prescribed by the board containing all of the following:	10720
(a) The applicant's name and home address;	10722
(b) The applicant's home telephone number and cellular telephone number, if any;	10723
(c) The applicant's electronic mail address, if any;	10724
(d) The applicant's date of birth;	10725
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	10726
(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;	10727
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	10728
(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services.	10729
(B) The place of business where boutique services are	10730
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performed must comply with the safety and sanitation 10741  
requirements for licensed salon facilities as described in 10742  
section 4713.41 of the Revised Code. 10743

(C) The board shall specify the manner by which boutique 10744  
services registrants shall fulfill the continuing education 10745  
requirements set forth in section 4713.09 of the Revised Code. 10746

**Sec. 4715.10.** (A) As used in this section, "accredited 10747  
dental college" means a dental college accredited by the 10748  
commission on dental accreditation or a dental college that has 10749  
educational standards recognized by the commission on dental 10750  
accreditation and is approved by the state dental board. 10751

(B) Each person who desires to practice dentistry in this 10752  
state shall file a written application for a license with the 10753  
secretary of the state dental board. The application shall be on 10754  
a form prescribed by the board and verified by oath. Each 10755  
applicant shall furnish satisfactory proof to the board that the 10756  
applicant has met the requirements of divisions (C) and (D) of 10757  
this section, and if the applicant is a graduate of an 10758  
unaccredited dental college located outside the United States, 10759  
division (E) of this section. 10760

(C) To be granted a license to practice dentistry, an 10761  
applicant must meet all of the following requirements: 10762

(1) Be at least eighteen years of age; 10763

(2) ~~Be of good moral character;~~ 10764

~~(3)~~ Be a graduate of an accredited dental college or of a 10765  
dental college located outside the United States who meets the 10766  
standards adopted under section 4715.11 of the Revised Code; 10767

~~(4)~~ (3) Have passed parts I and II of the examination 10768

given by the national board of dental examiners; 10769

~~(5)~~ (4) Have passed a written jurisprudence examination 10770  
administered by the state dental board under division (E) (2) of 10771  
section 4715.03 of the Revised Code; 10772

~~(6)~~ (5) Pay the fee required by division (A) (1) of section 10773  
4715.13 of the Revised Code. 10774

(D) To be granted a license to practice dentistry, an 10775  
applicant must meet any one of the following requirements: 10776

(1) Have taken an examination administered by any of the 10777  
following regional testing agencies and received a passing score 10778  
on the examination as determined by the administering agency: 10779  
the central regional dental testing service, inc., northeast 10780  
regional board of dental examiners, inc., the commission on 10781  
dental competency assessments, the southern regional dental 10782  
testing agency, inc., the council of interstate testing 10783  
agencies, inc., or the western regional examining board; 10784

(2) Have taken an examination administered by the state 10785  
dental board and received a passing score as established by the 10786  
board; 10787

(3) Possess a license in good standing from another state 10788  
and have actively engaged in the legal and reputable practice of 10789  
dentistry in another state or in the armed forces of the United 10790  
States, the United States public health service, or the United 10791  
States department of veterans' affairs for five years 10792  
immediately preceding application; 10793

(4) Have completed a dental residency program accredited 10794  
or approved by the commission on dental accreditation and 10795  
administered by an accredited dental college or hospital. 10796

(E) To be granted a license to practice dentistry, a graduate of an unaccredited dental college located outside the United States must meet both of the following requirements:

(1) Have taken a basic science and laboratory examination consistent with rules adopted under section 4715.11 of the Revised Code and received a passing score as established by the board;

(2) Have had sufficient clinical training in an accredited institution to reasonably assure a level of competency equal to that of graduates of accredited dental colleges, as determined by the board.

**Sec. 4715.101.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state dental board shall not grant a license to an applicant for an initial license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code ~~and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.~~

**Sec. 4715.21.** Each person who desires to practice as a dental hygienist shall file with the secretary of the state

dental board a written application for a license, under oath, 10826  
upon the form prescribed. Such applicant shall furnish 10827  
satisfactory proof of being at least eighteen years of age ~~and~~ 10828  
~~of good moral character~~. An applicant shall present a diploma or 10829  
certificate of graduation from an accredited dental hygiene 10830  
school and shall pay the examination fee of one hundred twenty 10831  
dollars if the license is issued in an odd-numbered year or one 10832  
hundred eighty-four dollars if issued in an even-numbered year. 10833  
Those passing such examination as the board prescribes relating 10834  
to dental hygiene shall receive a certificate of registration 10835  
entitling them to practice. If an applicant fails to pass the 10836  
first examination the applicant may apply for a re-examination 10837  
at the next regular or special examination meeting of the board. 10838

No applicant shall be admitted to more than two 10839  
examinations without first presenting satisfactory proof that 10840  
the applicant has successfully completed such refresher courses 10841  
in an accredited dental hygiene school as the state dental board 10842  
may prescribe. 10843

An accredited dental hygiene school shall be one 10844  
accredited by the American dental association commission on 10845  
dental accreditation or whose educational standards are 10846  
recognized by the American dental association commission on 10847  
dental accreditation and approved by the state dental board. 10848

**Sec. 4715.27.** The state dental board may issue a license 10849  
to an applicant who furnishes satisfactory proof of being at 10850  
least eighteen years of age, ~~of good moral character~~ and who 10851  
demonstrates, to the satisfaction of the board, knowledge of the 10852  
laws, regulations, and rules governing the practice of a dental 10853  
hygienist; who proves, to the satisfaction of the board, intent 10854  
to practice as a dental hygienist in this state; who is a 10855

graduate from an accredited school of dental hygiene and who 10856  
holds a license by examination from a similar dental board, and 10857  
who passes an examination as prescribed by the board relating to 10858  
dental hygiene. 10859

Upon payment of seventy-three dollars and upon application 10860  
endorsed by an accredited dental hygiene school in this state, 10861  
the state dental board may without examination issue a teacher's 10862  
certificate to a dental hygienist, authorized to practice in 10863  
another state or country. A teacher's certificate shall be 10864  
subject to annual renewal in accordance with the standard 10865  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 10866  
Code, and shall not be construed as authorizing anything other 10867  
than teaching or demonstrating the skills of a dental hygienist 10868  
in the educational programs of the accredited dental hygiene 10869  
school which endorsed the application. 10870

**Sec. 4715.30.** (A) ~~An~~ Except as provided in division (K) of 10871  
this section, an applicant for or holder of a certificate or 10872  
license issued under this chapter is subject to disciplinary 10873  
action by the state dental board for any of the following 10874  
reasons: 10875

(1) Employing or cooperating in fraud or material 10876  
deception in applying for or obtaining a license or certificate; 10877

(2) Obtaining or attempting to obtain money or anything of 10878  
value by intentional misrepresentation or material deception in 10879  
the course of practice; 10880

(3) Advertising services in a false or misleading manner 10881  
or violating the board's rules governing time, place, and manner 10882  
of advertising; 10883

(4) Commission of an act that constitutes a felony in this 10884

state, regardless of the jurisdiction in which the act was committed; 10885  
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(5) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 10887  
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(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice; 10890  
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(7) Engaging in lewd or immoral conduct in connection with the provision of dental services; 10895  
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(8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug; 10897  
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(9) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results; 10905  
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(10) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;	10914 10915 10916 10917
(11) Violation of any provision of this chapter or any rule adopted thereunder;	10918 10919
(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	10920 10921 10922
(13) Except as provided in division (H) of this section, either of the following:	10923 10924
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder;	10925 10926 10927 10928 10929 10930 10931
(b) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay.	10932 10933 10934 10935 10936
(14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	10937 10938 10939 10940
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an	10941 10942

individual to practice a health care occupation or provide 10943  
health care services in this state or another jurisdiction, for 10944  
any reason other than the nonpayment of fees: the limitation, 10945  
revocation, or suspension of an individual's license to 10946  
practice; acceptance of an individual's license surrender; 10947  
denial of a license; refusal to renew or reinstate a license; 10948  
imposition of probation; or issuance of an order of censure or 10949  
other reprimand; 10950

(16) Failure to cooperate in an investigation conducted by 10951  
the board under division (D) of section 4715.03 of the Revised 10952  
Code, including failure to comply with a subpoena or order 10953  
issued by the board or failure to answer truthfully a question 10954  
presented by the board at a deposition or in written 10955  
interrogatories, except that failure to cooperate with an 10956  
investigation shall not constitute grounds for discipline under 10957  
this section if a court of competent jurisdiction has issued an 10958  
order that either quashes a subpoena or permits the individual 10959  
to withhold the testimony or evidence in issue; 10960

(17) Failure to comply with the requirements in section 10961  
3719.061 of the Revised Code before issuing for a minor a 10962  
prescription for an opioid analgesic, as defined in section 10963  
3719.01 of the Revised Code. 10964

(B) A manager, proprietor, operator, or conductor of a 10965  
dental facility shall be subject to disciplinary action if any 10966  
dentist, dental hygienist, expanded function dental auxiliary, 10967  
or qualified personnel providing services in the facility is 10968  
found to have committed a violation listed in division (A) of 10969  
this section and the manager, proprietor, operator, or conductor 10970  
knew of the violation and permitted it to occur on a recurring 10971  
basis. 10972



(C) Subject to Chapter 119. of the Revised Code, the board 10973  
may take one or more of the following disciplinary actions if 10974  
one or more of the grounds for discipline listed in divisions 10975  
(A) and (B) of this section exist: 10976

(1) Censure the license or certificate holder; 10977

(2) Place the license or certificate on probationary 10978  
status for such period of time the board determines necessary 10979  
and require the holder to: 10980

(a) Report regularly to the board upon the matters which 10981  
are the basis of probation; 10982

(b) Limit practice to those areas specified by the board; 10983

(c) Continue or renew professional education until a 10984  
satisfactory degree of knowledge or clinical competency has been 10985  
attained in specified areas. 10986

(3) Suspend the certificate or license; 10987

(4) Revoke the certificate or license. 10988

Where the board places a holder of a license or 10989  
certificate on probationary status pursuant to division (C) (2) 10990  
of this section, the board may subsequently suspend or revoke 10991  
the license or certificate if it determines that the holder has 10992  
not met the requirements of the probation or continues to engage 10993  
in activities that constitute grounds for discipline pursuant to 10994  
division (A) or (B) of this section. 10995

Any order suspending a license or certificate shall state 10996  
the conditions under which the license or certificate will be 10997  
restored, which may include a conditional restoration during 10998  
which time the holder is in a probationary status pursuant to 10999  
division (C) (2) of this section. The board shall restore the 11000

license or certificate unconditionally when such conditions are 11001  
met. 11002

(D) If the physical or mental condition of an applicant or 11003  
a license or certificate holder is at issue in a disciplinary 11004  
proceeding, the board may order the license or certificate 11005  
holder to submit to reasonable examinations by an individual 11006  
designated or approved by the board and at the board's expense. 11007  
The physical examination may be conducted by any individual 11008  
authorized by the Revised Code to do so, including a physician 11009  
assistant, a clinical nurse specialist, a certified nurse 11010  
practitioner, or a certified nurse-midwife. Any written 11011  
documentation of the physical examination shall be completed by 11012  
the individual who conducted the examination. 11013

Failure to comply with an order for an examination shall 11014  
be grounds for refusal of a license or certificate or summary 11015  
suspension of a license or certificate under division (E) of 11016  
this section. 11017

(E) If a license or certificate holder has failed to 11018  
comply with an order under division (D) of this section, the 11019  
board may apply to the court of common pleas of the county in 11020  
which the holder resides for an order temporarily suspending the 11021  
holder's license or certificate, without a prior hearing being 11022  
afforded by the board, until the board conducts an adjudication 11023  
hearing pursuant to Chapter 119. of the Revised Code. If the 11024  
court temporarily suspends a holder's license or certificate, 11025  
the board shall give written notice of the suspension personally 11026  
or by certified mail to the license or certificate holder. Such 11027  
notice shall inform the license or certificate holder of the 11028  
right to a hearing pursuant to Chapter 119. of the Revised Code. 11029

(F) Any holder of a certificate or license issued under 11030

this chapter who has pleaded guilty to, has been convicted of, 11031  
or has had a judicial finding of eligibility for intervention in 11032  
lieu of conviction entered against the holder in this state for 11033  
aggravated murder, murder, voluntary manslaughter, felonious 11034  
assault, kidnapping, rape, sexual battery, gross sexual 11035  
imposition, aggravated arson, aggravated robbery, or aggravated 11036  
burglary, or who has pleaded guilty to, has been convicted of, 11037  
or has had a judicial finding of eligibility for treatment or 11038  
intervention in lieu of conviction entered against the holder in 11039  
another jurisdiction for any substantially equivalent criminal 11040  
offense, is automatically suspended from practice under this 11041  
chapter in this state and any certificate or license issued to 11042  
the holder under this chapter is automatically suspended, as of 11043  
the date of the guilty plea, conviction, or judicial finding, 11044  
whether the proceedings are brought in this state or another 11045  
jurisdiction. Continued practice by an individual after the 11046  
suspension of the individual's certificate or license under this 11047  
division shall be considered practicing without a certificate or 11048  
license. The board shall notify the suspended individual of the 11049  
suspension of the individual's certificate or license under this 11050  
division by certified mail or in person in accordance with 11051  
section 119.07 of the Revised Code. If an individual whose 11052  
certificate or license is suspended under this division fails to 11053  
make a timely request for an adjudicatory hearing, the board 11054  
shall enter a final order revoking the individual's certificate 11055  
or license. 11056

(G) If the supervisory investigative panel determines both 11057  
of the following, the panel may recommend that the board suspend 11058  
an individual's certificate or license without a prior hearing: 11059

(1) That there is clear and convincing evidence that an 11060  
individual has violated division (A) of this section; 11061

(2) That the individual's continued practice presents a 11062  
danger of immediate and serious harm to the public. 11063

Written allegations shall be prepared for consideration by 11064  
the board. The board, upon review of those allegations and by an 11065  
affirmative vote of not fewer than four dentist members of the 11066  
board and seven of its members in total, excluding any member on 11067  
the supervisory investigative panel, may suspend a certificate 11068  
or license without a prior hearing. A telephone conference call 11069  
may be utilized for reviewing the allegations and taking the 11070  
vote on the summary suspension. 11071

The board shall issue a written order of suspension by 11072  
certified mail or in person in accordance with section 119.07 of 11073  
the Revised Code. The order shall not be subject to suspension 11074  
by the court during pendency or any appeal filed under section 11075  
119.12 of the Revised Code. If the individual subject to the 11076  
summary suspension requests an adjudicatory hearing by the 11077  
board, the date set for the hearing shall be within fifteen 11078  
days, but not earlier than seven days, after the individual 11079  
requests the hearing, unless otherwise agreed to by both the 11080  
board and the individual. 11081

Any summary suspension imposed under this division shall 11082  
remain in effect, unless reversed on appeal, until a final 11083  
adjudicative order issued by the board pursuant to this section 11084  
and Chapter 119. of the Revised Code becomes effective. The 11085  
board shall issue its final adjudicative order within seventy- 11086  
five days after completion of its hearing. A failure to issue 11087  
the order within seventy-five days shall result in dissolution 11088  
of the summary suspension order but shall not invalidate any 11089  
subsequent, final adjudicative order. 11090

(H) Sanctions shall not be imposed under division (A) (13) 11091

of this section against any certificate or license holder who 11092  
waives deductibles and copayments as follows: 11093

(1) In compliance with the health benefit plan that 11094  
expressly allows such a practice. Waiver of the deductibles or 11095  
copayments shall be made only with the full knowledge and 11096  
consent of the plan purchaser, payer, and third-party 11097  
administrator. Documentation of the consent shall be made 11098  
available to the board upon request. 11099

(2) For professional services rendered to any other person 11100  
who holds a certificate or license issued pursuant to this 11101  
chapter to the extent allowed by this chapter and the rules of 11102  
the board. 11103

(I) In no event shall the board consider or raise during a 11104  
hearing required by Chapter 119. of the Revised Code the 11105  
circumstances of, or the fact that the board has received, one 11106  
or more complaints about a person unless the one or more 11107  
complaints are the subject of the hearing or resulted in the 11108  
board taking an action authorized by this section against the 11109  
person on a prior occasion. 11110

(J) The board may share any information it receives 11111  
pursuant to an investigation under division (D) of section 11112  
4715.03 of the Revised Code, including patient records and 11113  
patient record information, with law enforcement agencies, other 11114  
licensing boards, and other governmental agencies that are 11115  
prosecuting, adjudicating, or investigating alleged violations 11116  
of statutes or administrative rules. An agency or board that 11117  
receives the information shall comply with the same requirements 11118  
regarding confidentiality as those with which the state dental 11119  
board must comply, notwithstanding any conflicting provision of 11120  
the Revised Code or procedure of the agency or board that 11121

applies when it is dealing with other information in its 11122  
possession. In a judicial proceeding, the information may be 11123  
admitted into evidence only in accordance with the Rules of 11124  
Evidence, but the court shall require that appropriate measures 11125  
are taken to ensure that confidentiality is maintained with 11126  
respect to any part of the information that contains names or 11127  
other identifying information about patients or complainants 11128  
whose confidentiality was protected by the state dental board 11129  
when the information was in the board's possession. Measures to 11130  
ensure confidentiality that may be taken by the court include 11131  
sealing its records or deleting specific information from its 11132  
records. 11133

(K) The board shall not refuse to issue a license or 11134  
certificate to an applicant for either of the following reasons 11135  
unless the refusal is in accordance with section 9.79 of the 11136  
Revised Code: 11137

(1) A conviction or plea of guilty to an offense; 11138

(2) A judicial finding of eligibility for treatment or 11139  
intervention in lieu of a conviction. 11140

**Sec. 4717.05.** (A) Any person who desires to be licensed as 11141  
an embalmer shall apply to the board of embalmers and funeral 11142  
directors on a form provided by the board. The applicant shall 11143  
include with the application an initial license fee as set forth 11144  
in section 4717.07 of the Revised Code and evidence, verified by 11145  
oath and satisfactory to the board, that the applicant meets all 11146  
of the following requirements: 11147

(1) The applicant is at least eighteen years of age ~~and of~~ 11148  
~~good moral character.~~ 11149

(2) ~~If the applicant has pleaded guilty to, has been found~~ 11150

~~by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense.~~ 11151  
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~~(3)~~The applicant holds at least a bachelor's degree from a college or university authorized to confer degrees by the department of higher education or the comparable legal agency of another state in which the college or university is located and submits an official transcript from that college or university with the application. 11165  
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~~(4)~~(3) The applicant has satisfactorily completed at least twelve months of instruction in a prescribed course in mortuary science as approved by the board and has presented to the board a certificate showing successful completion of the course. The course of mortuary science college training may be completed either before or after the completion of the educational standard set forth in division (A) ~~(3)~~(2) of this section. 11171  
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~~(5)~~(4) The applicant has been certified by the board prior to beginning an embalmer apprenticeship. 11179  
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~~(6)~~(5) The applicant has satisfactorily completed at 11181  
least one year of apprenticeship under an embalmer licensed in 11182  
this state and has participated in embalming at least twenty- 11183  
five dead human bodies. 11184

~~(7)~~(6) The applicant, upon meeting the educational 11185  
standards provided for in divisions (A) ~~(3)~~(2) and ~~(4)~~(3) of 11186  
this section and completing the apprenticeship required in 11187  
division (A) ~~(6)~~(5) of this section, has completed the 11188  
examination for an embalmer's license required by the board. 11189

(B) Upon receiving satisfactory evidence verified by oath 11190  
that the applicant meets all the requirements of division (A) of 11191  
this section, the board shall issue the applicant an embalmer's 11192  
license. 11193

(C) Any person who desires to be licensed as a funeral 11194  
director shall apply to the board on a form prescribed by the 11195  
board. The application shall include an initial license fee as 11196  
set forth in section 4717.07 of the Revised Code and evidence, 11197  
verified by oath and satisfactory to the board, that the 11198  
applicant meets all of the following requirements: 11199

(1) Except as otherwise provided in division (D) of this 11200  
section, the applicant has satisfactorily met all the 11201  
requirements for an embalmer's license as described in divisions 11202  
(A) (1) to ~~(4)~~(3) of this section. 11203

(2) The applicant has been certified by the board prior to 11204  
beginning a funeral director apprenticeship. 11205

(3) The applicant, following mortuary science college 11206  
training described in division (A) ~~(4)~~(3) of this section, has 11207  
satisfactorily completed a one-year apprenticeship under a 11208  
licensed funeral director in this state and has participated in 11209



directing at least twenty-five funerals. 11210

(4) The applicant has satisfactorily completed the 11211  
examination for a funeral director's license as required by the 11212  
board. 11213

(D) In lieu of mortuary science college training required 11214  
for a funeral director's license under division (C) (1) of this 11215  
section, the applicant may substitute a satisfactorily completed 11216  
two-year apprenticeship under a licensed funeral director in 11217  
this state assisting that person in directing at least fifty 11218  
funerals. 11219

(E) Upon receiving satisfactory evidence that the 11220  
applicant meets all the requirements of division (C) of this 11221  
section, the board shall issue to the applicant a funeral 11222  
director's license. 11223

(F) A funeral director or embalmer may request the funeral 11224  
director's or embalmer's license be placed on inactive status by 11225  
submitting to the board a form prescribed by the board and such 11226  
other information as the board may request. A funeral director 11227  
or embalmer may not place the funeral director's or embalmer's 11228  
license on inactive status unless the funeral director or 11229  
embalmer is in good standing with the board and is in compliance 11230  
with applicable continuing education requirements. A funeral 11231  
director or embalmer who is granted inactive status is 11232  
prohibited from participating in any activity for which a 11233  
funeral director's or embalmer's license is required in this 11234  
state. A funeral director or embalmer who has been granted 11235  
inactive status is exempt from the continuing education 11236  
requirements under section 4717.09 of the Revised Code during 11237  
the period of the inactive status. 11238

(G) A funeral director or embalmer who has been granted 11239  
inactive status may not return to active status for at least two 11240  
years following the date that the inactive status was granted. 11241  
Following a period of at least two years of inactive status, the 11242  
funeral director or embalmer may apply to return to active 11243  
status upon completion of all of the following conditions: 11244

(1) The funeral director or embalmer files with the board 11245  
a form prescribed by the board seeking active status and 11246  
provides any other information as the board may request; 11247

(2) The funeral director or embalmer takes and passes the 11248  
Ohio laws examination for each license being activated; 11249

(3) The funeral director or embalmer pays a reactivation 11250  
fee to the board in the amount of one hundred forty dollars for 11251  
each license being reactivated. 11252

~~(H) As used in this section:— 11253~~

~~(1) "Community control sanction" has the same meaning as 11254  
in section 2929.01 of the Revised Code.— 11255~~

~~(2) "Post release control sanction" has the same meaning 11256  
as in section 2967.01 of the Revised Code.— 11257~~

**Sec. 4717.051.** (A) Any person who desires to obtain a 11258  
permit as a crematory operator shall apply to the board of 11259  
embalmers and funeral directors on a form prescribed by the 11260  
board. The applicant shall include with the application the 11261  
initial permit fee set forth in section 4717.07 of the Revised 11262  
Code and evidence, verified under oath and satisfactory to the 11263  
board, that the applicant satisfies all ~~both~~ of the following 11264  
requirements: 11265

(1) The applicant is at least eighteen years of age ~~and of—~~ 11266

~~good moral character.~~ 11267

~~(2) If the applicant has pleaded guilty to, or has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense.~~ 11268  
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~~(3) The applicant has satisfactorily completed a crematory operation certification program approved by the board and has presented to the board a certificate showing completion of the program.~~ 11283  
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(B) If the board of embalmers and funeral directors, upon receiving satisfactory evidence, determines that the applicant satisfies all of the requirements of division (A) of this section, the board shall issue to the applicant a permit as a crematory operator. 11287  
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(C) The board of embalmers and funeral directors may revoke or suspend a crematory operator permit or subject a crematory operator permit holder to discipline in accordance with the laws, rules, and procedures applicable to licensees under this chapter. 11292  
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**Sec. 4717.061.** (A) As used in this section, "license" and 11297  
"applicant for an initial license" have the same meanings as in 11298  
section 4776.01 of the Revised Code, except that "license" as 11299  
used in both of those terms refers to the types of 11300  
authorizations otherwise issued or conferred under this chapter. 11301

(B) In addition to any other eligibility requirement set 11302  
forth in this chapter, each applicant for an initial license 11303  
shall comply with sections 4776.01 to 4776.04 of the Revised 11304  
Code. The board of embalmers and funeral directors shall not 11305  
grant a license to an applicant for an initial license unless 11306  
the applicant complies with sections 4776.01 to 4776.04 of the 11307  
Revised Code ~~and the board, in its discretion, decides that the~~ 11308  
~~results of the criminal records check do not make the applicant~~ 11309  
~~ineligible for a license issued pursuant to section 4717.05,~~ 11310  
~~4717.06, or 4717.10 of the Revised Code.~~ 11311

**Sec. 4717.14.** (A) The board of embalmers and funeral 11312  
directors may, except as provided in division (G) of this 11313  
section, refuse to grant or renew, or may suspend or revoke, any 11314  
license or permit issued under this chapter or may require the 11315  
holder of a license or permit to take corrective action courses 11316  
for any of the following reasons: 11317

(1) The holder of a license or permit obtained the license 11318  
or permit by fraud or misrepresentation either in the 11319  
application or in passing the examination. 11320

(2) The ~~applicant,~~ licensee, or permit holder has been 11321  
convicted of or has pleaded guilty to a felony or of any crime 11322  
involving moral turpitude. 11323

(3) The applicant, licensee, or permit holder has 11324  
recklessly violated any provision of sections 4717.01 to 4717.15 11325

or a rule adopted under any of those sections; division (A) or 11326  
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 11327  
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 11328  
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 11329  
(C) of section 4717.28 of the Revised Code; or any provisions of 11330  
sections 4717.31 to 4717.38 of the Revised Code; any rule or 11331  
order of the department of health or a board of health of a 11332  
health district governing the disposition of dead human bodies; 11333  
or any other rule or order applicable to the applicant or 11334  
licensee. 11335

(4) The ~~applicant, licensee,~~ or permit holder has 11336  
committed immoral or unprofessional conduct. 11337

(5) The applicant or licensee knowingly permitted an 11338  
unlicensed person, other than a person serving an 11339  
apprenticeship, to engage in the profession or business of 11340  
embalming or funeral directing under the applicant's or 11341  
licensee's supervision. 11342

(6) The applicant, licensee, or permit holder has been 11343  
habitually intoxicated, or is addicted to the use of morphine, 11344  
cocaine, or other habit-forming or illegal drugs. 11345

(7) The applicant, licensee, or permit holder has refused 11346  
to promptly submit the custody of a dead human body or cremated 11347  
remains upon the express order of the person legally entitled to 11348  
the body or cremated remains. 11349

(8) The licensee or permit holder loaned the licensee's 11350  
own license or the permit holder's own permit, or the applicant, 11351  
licensee, or permit holder borrowed or used the license or 11352  
permit of another person, or knowingly aided or abetted the 11353  
granting of an improper license or permit. 11354

(9) The applicant, licensee, or permit holder misled the public by using false or deceptive advertising. As used in this division, "false and deceptive advertising" includes, but is not limited to, any of the following:

(a) Using the names of persons who are not licensed to practice funeral directing in a way that leads the public to believe that such persons are engaging in funeral directing;

(b) Using any name for the funeral home other than the name under which the funeral home is licensed;

(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and continuously used by the funeral home.

(B) (1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke a license or permit only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A) (1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility.

(C) If the board of embalmers and funeral directors 11384  
determines that there is clear and convincing evidence that any 11385  
of the circumstances described in divisions (A) (1) to (9) of 11386  
this section apply to the holder of a license or permit issued 11387  
under this chapter and that the licensee's or permit holder's 11388  
continued practice presents a danger of immediate and serious 11389  
harm to the public, the board may suspend the licensee's license 11390  
or permit holder's permit without a prior adjudicatory hearing. 11391  
The executive director of the board shall prepare written 11392  
allegations for consideration by the board. 11393

The board, after reviewing the written allegations, may 11394  
suspend a license or permit without a prior hearing. 11395

Notwithstanding section 121.22 of the Revised Code, the 11396  
board may suspend a license or permit under this division by 11397  
utilizing a telephone conference call to review the allegations 11398  
and to take a vote. 11399

The board shall issue a written order of suspension by a 11400  
delivery system or in person in accordance with section 119.07 11401  
of the Revised Code. Such an order is not subject to suspension 11402  
by the court during the pendency of any appeal filed under 11403  
section 119.12 of the Revised Code. If the licensee or permit 11404  
holder requests an adjudicatory hearing by the board, the date 11405  
set for the hearing shall be within fifteen days, but not 11406  
earlier than seven days, after the licensee or permit holder has 11407  
requested a hearing, unless the board and the licensee or permit 11408  
holder agree to a different time for holding the hearing. 11409

Upon issuing a written order of suspension to the holder 11410  
of a license to operate a crematory facility, the board of 11411  
embalmers and funeral directors shall send written notice of the 11412  
issuance of the order to the crematory review board. The 11413

crematory review board shall hold an adjudicatory hearing on the 11414  
order under division (F) of section 4717.03 of the Revised Code 11415  
within fifteen days, but not earlier than seven days, after the 11416  
issuance of the order, unless the crematory review board and the 11417  
licensee agree to a different time for holding the adjudicatory 11418  
hearing. 11419

Any summary suspension imposed under this division shall 11420  
remain in effect, unless reversed on appeal, until a final 11421  
adjudicatory order issued by the board of embalmers and funeral 11422  
directors pursuant to this division and Chapter 119. of the 11423  
Revised Code, or division (F) of section 4717.03 of the Revised 11424  
Code, as applicable, becomes effective. The board of embalmers 11425  
and funeral directors shall issue its final adjudicatory order 11426  
within sixty days after the completion of its hearing or, in the 11427  
case of the summary suspension of a license to operate a 11428  
crematory facility, within sixty days after completion of the 11429  
adjudicatory hearing by the crematory review board. A failure to 11430  
issue the order within that time results in the dissolution of 11431  
the summary suspension order, but does not invalidate any 11432  
subsequent final adjudicatory order. 11433

(D) If the board of embalmers and funeral directors 11434  
suspends or revokes a funeral director's license or a license to 11435  
operate a funeral home for any reason identified in division (A) 11436  
of this section, the board may file a complaint with the court 11437  
of common pleas in the county where the violation occurred 11438  
requesting appointment of a receiver and the sequestration of 11439  
the assets of the funeral home that held the suspended or 11440  
revoked license or the licensed funeral home that employs the 11441  
funeral director that held the suspended or revoked license. If 11442  
the court of common pleas is satisfied with the application for 11443  
a receivership, the court may appoint a receiver. 11444



The board or a receiver may employ and procure whatever assistance or advice is necessary in the receivership or liquidation and distribution of the assets of the funeral home, and, for that purpose, may retain officers or employees of the funeral home as needed. All expenses of the receivership or liquidation shall be paid from the assets of the funeral home and shall be a lien on those assets, and that lien shall be a priority to any other lien.

(E) Any holder of a license or permit issued under this chapter who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in another jurisdiction for any substantially equivalent criminal offense, is hereby suspended from practice under this chapter by operation of law, and any license or permit issued to the individual under this chapter is hereby suspended by operation of law as of the date of the guilty plea, verdict or finding of guilt, or judicial finding of eligibility for treatment in lieu of conviction, regardless of whether the proceedings are brought in this state or another jurisdiction. The board shall notify the suspended individual of the suspension of the individual's license or permit by the operation of this division by a delivery system or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or permit is

suspended under this division fails to make a timely request for 11476  
an adjudicatory hearing, the board shall enter a final order 11477  
revoking the license. 11478

(F) No person whose license or permit has been suspended 11479  
or revoked under or by the operation of this section shall 11480  
knowingly practice embalming, funeral directing, or cremation, 11481  
or operate a funeral home, embalming facility, or crematory 11482  
facility until the board has reinstated the person's license or 11483  
permit. 11484

(G) The board shall not refuse to issue a license or 11485  
permit to an applicant because of a conviction of or plea of 11486  
guilty to a criminal offense unless the refusal is in accordance 11487  
with section 9.79 of the Revised Code. 11488

**Sec. 4719.03.** (A) Except as otherwise provided in division 11489  
(B) of this section, the attorney general shall issue a 11490  
certificate of registration or registration renewal as a 11491  
telephone solicitor to any applicant or registrant that submits 11492  
a completed application for the certificate, as specified under 11493  
section 4719.02 of the Revised Code, and pays, as applicable, 11494  
the registration fee or renewal fee prescribed pursuant to rule 11495  
of the attorney general adopted under section 4719.10 of the 11496  
Revised Code. All fees collected under this division shall be 11497  
deposited into the state treasury to the credit of the 11498  
telemarketing fraud enforcement fund created in section 4719.17 11499  
of the Revised Code. The certificate of registration or 11500  
registration renewal shall expire one year after the date on 11501  
which it is issued. 11502

(B) After an adjudication conducted in accordance with 11503  
Chapter 119. of the Revised Code, the attorney general may, 11504  
except as provided in division (C) of this section, deny a 11505

certificate of registration or registration renewal or may 11506  
suspend or revoke a certificate if the attorney general finds, 11507  
by a preponderance of the evidence, that any of the following 11508  
conditions apply: 11509

(1) The applicant or registrant obtained a certificate of 11510  
registration or registration renewal through any false or 11511  
fraudulent representation or made any material misrepresentation 11512  
in any registration application. 11513

(2) The applicant or registrant made false promises 11514  
through advertising or other means or engaged in a continued 11515  
course of misrepresentations. 11516

(3) The applicant or registrant violated any provision of 11517  
Chapter 1345. or sections 4719.01 to 4719.18 of the Revised Code 11518  
or a rule adopted under that chapter or those sections. 11519

(4) In a court of competent jurisdiction of this state or 11520  
any other state or of the United States, the applicant or 11521  
registrant was convicted of, pleaded guilty to, or entered a 11522  
plea of no contest for a felony, engaging in a pattern of 11523  
corrupt activity, racketeering, a violation of federal or state 11524  
securities law, or a theft offense as defined in section 2913.01 11525  
of the Revised Code or in a similar law of any other state or of 11526  
the United States, or failed to notify the attorney general of 11527  
any conviction of that type as required under division (H) of 11528  
section 4719.08 of the Revised Code. 11529

(5) The applicant or registrant engaged in conduct that 11530  
constituted improper, fraudulent, or dishonest dealings. 11531

(C) The attorney general shall not refuse to issue a 11532  
certificate to an applicant because of a conviction of or plea 11533  
of guilty to a criminal offense unless the refusal is in 11534

accordance with section 9.79 of the Revised Code. 11535

**Sec. 4723.09.** (A) (1) An application for licensure by 11536  
examination to practice as a registered nurse or as a licensed 11537  
practical nurse shall be submitted to the board of nursing in 11538  
the form prescribed by rules of the board. The application shall 11539  
include all of the following: 11540

(a) Evidence that the applicant has met the educational 11541  
requirements described in division (C) of this section; 11542

(b) Any other information required by rules of the board; 11543

(c) The application fee required by section 4723.08 of the 11544  
Revised Code. 11545

(2) The board shall grant a license to practice nursing as 11546  
a registered nurse or as a licensed practical nurse if the 11547  
following conditions ~~of divisions (A) (2) (a) to (d) have been~~ are 11548  
met: 11549

(a) The applicant passes the examination accepted by the 11550  
board under section 4723.10 of the Revised Code. 11551

(b) In the case of an applicant who entered a prelicensure 11552  
nursing education program on or after June 1, 2003, the results 11553  
of a criminal records check conducted in accordance with section 11554  
4723.091 of the Revised Code demonstrate that the applicant is 11555  
not ineligible for licensure ~~as specified in~~ accordance with 11556  
section 4723.092 of the Revised Code. 11557

(c) The board determines that the applicant has not 11558  
committed any act that is grounds for disciplinary action under 11559  
section 3123.47 or 4723.28 of the Revised Code or determines 11560  
that an applicant who has committed any act that is grounds for 11561  
disciplinary action under either section has made restitution or 11562

has been rehabilitated, or both- 11563

~~(d) The applicant is not required to register under 11564  
Chapter 2950. of the Revised Code or a substantially similar law- 11565  
of another state, the United States, or another country. 11566~~

(3) The board is not required to afford an adjudication to 11567  
an individual to whom it has refused to grant a license because 11568  
of that individual's failure to pass the examination. 11569

(B) (1) An application for licensure by endorsement to 11570  
practice nursing as a registered nurse or as a licensed 11571  
practical nurse shall be submitted to the board in the form 11572  
prescribed by rules of the board. The application shall include 11573  
all of the following: 11574

(a) Evidence that the applicant holds a current, valid, 11575  
and unrestricted license or equivalent authorization from 11576  
another jurisdiction granted after passing an examination 11577  
approved by the board of that jurisdiction that is equivalent to 11578  
the examination requirements under this chapter for a license to 11579  
practice nursing as a registered nurse or licensed practical 11580  
nurse; 11581

(b) Any other information required by rules of the board; 11582

(c) The application fee required by section 4723.08 of the 11583  
Revised Code. 11584

(2) The board shall grant a license by endorsement to 11585  
practice nursing as a registered nurse or as a licensed 11586  
practical nurse if the following conditions ~~of divisions (B) (2)- 11587  
(a) to (f) have been~~ are met: 11588

(a) The applicant provides evidence satisfactory to the 11589  
board that the applicant has met the educational requirements 11590

described in division (C) of this section. 11591

(b) The examination, at the time it is successfully 11592  
completed, is equivalent to the examination requirements in 11593  
effect at that time for applicants who were licensed by 11594  
examination in this state. 11595

(c) The board determines there is sufficient evidence that 11596  
the applicant completed two contact hours of continuing 11597  
education directly related to this chapter or the rules adopted 11598  
under it. 11599

(d) The results of a criminal records check conducted in 11600  
accordance with section 4723.091 of the Revised Code demonstrate 11601  
that the applicant is not ineligible for licensure ~~as specified~~ 11602  
in accordance with section 4723.092 of the Revised Code. 11603

(e) The applicant has not committed any act that is 11604  
grounds for disciplinary action under section 3123.47 or 4723.28 11605  
of the Revised Code, or the board determines that an applicant 11606  
who has committed any act that is grounds for disciplinary 11607  
action under either of those sections has made restitution or 11608  
has been rehabilitated, or both. 11609

~~(f) The applicant is not required to register under 11610  
Chapter 2950. of the Revised Code, or a substantially similar 11611  
law of another state, the United States, or another country. 11612~~

(C) (1) To be eligible for licensure by examination or 11613  
endorsement, an applicant seeking a license to practice nursing 11614  
as a registered nurse must successfully complete either of the 11615  
following: 11616

(a) A nursing education program approved by the board 11617  
under division (A) of section 4723.06 of the Revised Code; 11618

(b) A nursing education program approved by a board of  
another jurisdiction that is a member of the national council of  
state boards of nursing. 11619  
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(2) To be eligible for licensure by examination or 11622  
endorsement, an applicant seeking a license to practice nursing 11623  
as a licensed practical nurse must successfully complete one of 11624  
the following: 11625

(a) A nursing education program approved by the board 11626  
under division (A) of section 4723.06 of the Revised Code; 11627

(b) A nursing education program approved by a board of 11628  
another jurisdiction that is a member of the national council of 11629  
state boards of nursing; 11630

(c) A practical nurse course offered or approved by the 11631  
United States army; 11632

(d) A practical nurse education program approved by the 11633  
United States air force as either of the following: 11634

(i) The community college of the air force associate 11635  
degree in practical nursing technology; 11636

(ii) The allied health program, for students who graduated 11637  
that program prior to 2016. 11638

(D) The board may grant a nonrenewable temporary permit to 11639  
practice nursing as a registered nurse or as a licensed 11640  
practical nurse to an applicant for license by endorsement if 11641  
the board is satisfied by the evidence that the applicant holds 11642  
a current, valid, and unrestricted license or equivalent 11643  
authorization from another jurisdiction. Subject to earlier 11644  
automatic termination as described in this paragraph, the 11645  
temporary permit shall expire at the earlier of one hundred 11646

eighty days after issuance or upon the issuance of a license by 11647  
endorsement. The temporary permit shall terminate automatically 11648  
if the criminal records check completed by the bureau of 11649  
criminal identification and investigation as described in 11650  
section 4723.091 of the Revised Code regarding the applicant 11651  
indicates that the applicant is ineligible for licensure ~~as~~ 11652  
~~specified in accordance with~~ section 4723.092 of the Revised 11653  
Code. An applicant whose temporary permit is automatically 11654  
terminated is permanently prohibited from obtaining a license to 11655  
practice nursing in this state as a registered nurse or as a 11656  
licensed practical nurse. 11657

**Sec. 4723.092.** ~~An individual is ineligible for licensure~~ 11658  
The board of nursing shall not refuse to issue a license under 11659  
section 4723.09 of the Revised Code or ~~issuance of a certificate~~ 11660  
under section 4723.651, 4723.75, 4723.76, or 4723.85 of the 11661  
Revised Code ~~if a criminal records check conducted in accordance~~ 11662  
~~with section 4723.091 of the Revised Code indicates that the~~ 11663  
~~individual has been convicted of, pleaded because of a~~ 11664  
conviction of, plea of guilty to, or had a judicial finding of 11665  
guilt of, a judicial finding of guilt resulting from a plea of 11666  
no contest to, or a judicial finding of eligibility for a 11667  
pretrial diversion or similar program or for intervention in 11668  
lieu of a conviction for either of the following: 11669

~~(A) Violating section 2903.01, 2903.02, 2903.03, 2903.11,~~ 11670  
~~2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11~~ 11671  
~~of the Revised Code;~~ 11672

~~(B) Violating a criminal offense unless the refusal is in~~ 11673  
~~accordance with section 9.79 of the Revised Code~~ ~~law of another~~ 11674  
~~state, the United States, or another country that is~~ 11675  
~~substantially similar to a law described in division (A) of this~~ 11676



section. 11677

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 11678  
quorum, may impose one or more of the following sanctions if it 11679  
finds that a person committed fraud in passing an examination 11680  
required to obtain a license or dialysis technician certificate 11681  
issued by the board or to have committed fraud, 11682  
misrepresentation, or deception in applying for or securing any 11683  
nursing license or dialysis technician certificate issued by the 11684  
board: deny, revoke, suspend, or place restrictions on any 11685  
nursing license or dialysis technician certificate issued by the 11686  
board; reprimand or otherwise discipline a holder of a nursing 11687  
license or dialysis technician certificate; or impose a fine of 11688  
not more than five hundred dollars per violation. 11689

(B) ~~The~~ Except as provided in section 4723.092 of the 11690  
Revised Code, the board of nursing, by a vote of a quorum, may 11691  
impose one or more of the following sanctions: deny, revoke, 11692  
suspend, or place restrictions on any nursing license or 11693  
dialysis technician certificate issued by the board; reprimand 11694  
or otherwise discipline a holder of a nursing license or 11695  
dialysis technician certificate; or impose a fine of not more 11696  
than five hundred dollars per violation. The sanctions may be 11697  
imposed for any of the following: 11698

(1) Denial, revocation, suspension, or restriction of 11699  
authority to engage in a licensed profession or practice a 11700  
health care occupation, including nursing or practice as a 11701  
dialysis technician, for any reason other than a failure to 11702  
renew, in Ohio or another state or jurisdiction; 11703

(2) Engaging in the practice of nursing or engaging in 11704  
practice as a dialysis technician, having failed to renew a 11705  
nursing license or dialysis technician certificate issued under 11706

this chapter, or while a nursing license or dialysis technician certificate is under suspension; 11707  
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(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 11709  
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(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude; 11715  
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(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law; 11721  
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(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio; 11729  
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(7) Conviction of, a plea of guilty to, a judicial finding 11735

of guilt of, a judicial finding of guilt resulting from a plea 11736  
of no contest to, or a judicial finding of eligibility for a 11737  
pretrial diversion or similar program or for intervention in 11738  
lieu of conviction for, an act in the course of practice in 11739  
another jurisdiction that would constitute a misdemeanor in 11740  
Ohio; 11741

(8) Self-administering or otherwise taking into the body 11742  
any dangerous drug, as defined in section 4729.01 of the Revised 11743  
Code, in any way that is not in accordance with a legal, valid 11744  
prescription issued for that individual, or self-administering 11745  
or otherwise taking into the body any drug that is a schedule I 11746  
controlled substance; 11747

(9) Habitual or excessive use of controlled substances, 11748  
other habit-forming drugs, or alcohol or other chemical 11749  
substances to an extent that impairs the individual's ability to 11750  
provide safe nursing care or safe dialysis care; 11751

(10) Impairment of the ability to practice according to 11752  
acceptable and prevailing standards of safe nursing care or safe 11753  
dialysis care because of the use of drugs, alcohol, or other 11754  
chemical substances; 11755

(11) Impairment of the ability to practice according to 11756  
acceptable and prevailing standards of safe nursing care or safe 11757  
dialysis care because of a physical or mental disability; 11758

(12) Assaulting or causing harm to a patient or depriving 11759  
a patient of the means to summon assistance; 11760

(13) Misappropriation or attempted misappropriation of 11761  
money or anything of value in the course of practice; 11762

(14) Adjudication by a probate court of being mentally ill 11763  
or mentally incompetent. The board may reinstate the person's 11764

nursing license or dialysis technician certificate upon 11765  
adjudication by a probate court of the person's restoration to 11766  
competency or upon submission to the board of other proof of 11767  
competency. 11768

(15) The suspension or termination of employment by the 11769  
United States department of defense or department of veterans 11770  
affairs for any act that violates or would violate this chapter; 11771

(16) Violation of this chapter or any rules adopted under 11772  
it; 11773

(17) Violation of any restrictions placed by the board on 11774  
a nursing license or dialysis technician certificate; 11775

(18) Failure to use universal and standard precautions 11776  
established by rules adopted under section 4723.07 of the 11777  
Revised Code; 11778

(19) Failure to practice in accordance with acceptable and 11779  
prevailing standards of safe nursing care or safe dialysis care; 11780

(20) In the case of a registered nurse, engaging in 11781  
activities that exceed the practice of nursing as a registered 11782  
nurse; 11783

(21) In the case of a licensed practical nurse, engaging 11784  
in activities that exceed the practice of nursing as a licensed 11785  
practical nurse; 11786

(22) In the case of a dialysis technician, engaging in 11787  
activities that exceed those permitted under section 4723.72 of 11788  
the Revised Code; 11789

(23) Aiding and abetting a person in that person's 11790  
practice of nursing without a license or practice as a dialysis 11791  
technician without a certificate issued under this chapter; 11792

(24) In the case of an advanced practice registered nurse,	11793
except as provided in division (M) of this section, either of	11794
the following:	11795
(a) Waiving the payment of all or any part of a deductible	11796
or copayment that a patient, pursuant to a health insurance or	11797
health care policy, contract, or plan that covers such nursing	11798
services, would otherwise be required to pay if the waiver is	11799
used as an enticement to a patient or group of patients to	11800
receive health care services from that provider;	11801
(b) Advertising that the nurse will waive the payment of	11802
all or any part of a deductible or copayment that a patient,	11803
pursuant to a health insurance or health care policy, contract,	11804
or plan that covers such nursing services, would otherwise be	11805
required to pay.	11806
(25) Failure to comply with the terms and conditions of	11807
participation in the substance use disorder monitoring program	11808
established under section 4723.35 of the Revised Code;	11809
(26) Failure to comply with the terms and conditions	11810
required under the practice intervention and improvement program	11811
established under section 4723.282 of the Revised Code;	11812
(27) In the case of an advanced practice registered nurse:	11813
(a) Engaging in activities that exceed those permitted for	11814
the nurse's nursing specialty under section 4723.43 of the	11815
Revised Code;	11816
(b) Failure to meet the quality assurance standards	11817
established under section 4723.07 of the Revised Code.	11818
(28) In the case of an advanced practice registered nurse	11819
other than a certified registered nurse anesthetist, failure to	11820

maintain a standard care arrangement in accordance with section 11821  
4723.431 of the Revised Code or to practice in accordance with 11822  
the standard care arrangement; 11823

(29) In the case of an advanced practice registered nurse 11824  
who is designated as a clinical nurse specialist, certified 11825  
nurse-midwife, or certified nurse practitioner, failure to 11826  
prescribe drugs and therapeutic devices in accordance with 11827  
section 4723.481 of the Revised Code; 11828

(30) Prescribing any drug or device to perform or induce 11829  
an abortion, or otherwise performing or inducing an abortion; 11830

(31) Failure to establish and maintain professional 11831  
boundaries with a patient, as specified in rules adopted under 11832  
section 4723.07 of the Revised Code; 11833

(32) Regardless of whether the contact or verbal behavior 11834  
is consensual, engaging with a patient other than the spouse of 11835  
the registered nurse, licensed practical nurse, or dialysis 11836  
technician in any of the following: 11837

(a) Sexual contact, as defined in section 2907.01 of the 11838  
Revised Code; 11839

(b) Verbal behavior that is sexually demeaning to the 11840  
patient or may be reasonably interpreted by the patient as 11841  
sexually demeaning. 11842

(33) Assisting suicide, as defined in section 3795.01 of 11843  
the Revised Code; 11844

(34) Failure to comply with the requirements in section 11845  
3719.061 of the Revised Code before issuing for a minor a 11846  
prescription for an opioid analgesic, as defined in section 11847  
3719.01 of the Revised Code; 11848

(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice.

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

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

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing

in accordance with section 119.07 of the Revised Code, the board 11879  
is not required to hold a hearing, but may adopt, by a vote of a 11880  
quorum, a final order that contains the board's findings. In the 11881  
final order, the board may order any of the sanctions listed in 11882  
division (A) or (B) of this section. 11883

(E) If a criminal action is brought against a registered 11884  
nurse, licensed practical nurse, or dialysis technician for an 11885  
act or crime described in divisions (B) (3) to (7) of this 11886  
section and the action is dismissed by the trial court other 11887  
than on the merits, the board shall conduct an adjudication to 11888  
determine whether the registered nurse, licensed practical 11889  
nurse, or dialysis technician committed the act on which the 11890  
action was based. If the board determines on the basis of the 11891  
adjudication that the registered nurse, licensed practical 11892  
nurse, or dialysis technician committed the act, or if the 11893  
registered nurse, licensed practical nurse, or dialysis 11894  
technician fails to participate in the adjudication, the board 11895  
may take action as though the registered nurse, licensed 11896  
practical nurse, or dialysis technician had been convicted of 11897  
the act. 11898

If the board takes action on the basis of a conviction, 11899  
plea, or a judicial finding as described in divisions (B) (3) to 11900  
(7) of this section that is overturned on appeal, the registered 11901  
nurse, licensed practical nurse, or dialysis technician may, on 11902  
exhaustion of the appeal process, petition the board for 11903  
reconsideration of its action. On receipt of the petition and 11904  
supporting court documents, the board shall temporarily rescind 11905  
its action. If the board determines that the decision on appeal 11906  
was a decision on the merits, it shall permanently rescind its 11907  
action. If the board determines that the decision on appeal was 11908  
not a decision on the merits, it shall conduct an adjudication 11909



to determine whether the registered nurse, licensed practical 11910  
nurse, or dialysis technician committed the act on which the 11911  
original conviction, plea, or judicial finding was based. If the 11912  
board determines on the basis of the adjudication that the 11913  
registered nurse, licensed practical nurse, or dialysis 11914  
technician committed such act, or if the registered nurse, 11915  
licensed practical nurse, or dialysis technician does not 11916  
request an adjudication, the board shall reinstate its action; 11917  
otherwise, the board shall permanently rescind its action. 11918

Notwithstanding the provision of division (C) (2) of 11919  
section 2953.32 of the Revised Code specifying that if records 11920  
pertaining to a criminal case are sealed under that section the 11921  
proceedings in the case shall be deemed not to have occurred, 11922  
sealing of the following records on which the board has based an 11923  
action under this section shall have no effect on the board's 11924  
action or any sanction imposed by the board under this section: 11925  
records of any conviction, guilty plea, judicial finding of 11926  
guilt resulting from a plea of no contest, or a judicial finding 11927  
of eligibility for a pretrial diversion program or intervention 11928  
in lieu of conviction. 11929

The board shall not be required to seal, destroy, redact, 11930  
or otherwise modify its records to reflect the court's sealing 11931  
of conviction records. 11932

(F) The board may investigate an individual's criminal 11933  
background in performing its duties under this section. As part 11934  
of such investigation, the board may order the individual to 11935  
submit, at the individual's expense, a request to the bureau of 11936  
criminal identification and investigation for a criminal records 11937  
check and check of federal bureau of investigation records in 11938  
accordance with the procedure described in section 4723.091 of 11939

the Revised Code. 11940

(G) During the course of an investigation conducted under 11941  
this section, the board may compel any registered nurse, 11942  
licensed practical nurse, or dialysis technician or applicant 11943  
under this chapter to submit to a mental or physical 11944  
examination, or both, as required by the board and at the 11945  
expense of the individual, if the board finds reason to believe 11946  
that the individual under investigation may have a physical or 11947  
mental impairment that may affect the individual's ability to 11948  
provide safe nursing care. Failure of any individual to submit 11949  
to a mental or physical examination when directed constitutes an 11950  
admission of the allegations, unless the failure is due to 11951  
circumstances beyond the individual's control, and a default and 11952  
final order may be entered without the taking of testimony or 11953  
presentation of evidence. 11954

If the board finds that an individual is impaired, the 11955  
board shall require the individual to submit to care, 11956  
counseling, or treatment approved or designated by the board, as 11957  
a condition for initial, continued, reinstated, or renewed 11958  
authority to practice. The individual shall be afforded an 11959  
opportunity to demonstrate to the board that the individual can 11960  
begin or resume the individual's occupation in compliance with 11961  
acceptable and prevailing standards of care under the provisions 11962  
of the individual's authority to practice. 11963

For purposes of this division, any registered nurse, 11964  
licensed practical nurse, or dialysis technician or applicant 11965  
under this chapter shall be deemed to have given consent to 11966  
submit to a mental or physical examination when directed to do 11967  
so in writing by the board, and to have waived all objections to 11968  
the admissibility of testimony or examination reports that 11969

constitute a privileged communication. 11970

(H) The board shall investigate evidence that appears to 11971  
show that any person has violated any provision of this chapter 11972  
or any rule of the board. Any person may report to the board any 11973  
information the person may have that appears to show a violation 11974  
of any provision of this chapter or rule of the board. In the 11975  
absence of bad faith, any person who reports such information or 11976  
who testifies before the board in any adjudication conducted 11977  
under Chapter 119. of the Revised Code shall not be liable for 11978  
civil damages as a result of the report or testimony. 11979

(I) All of the following apply under this chapter with 11980  
respect to the confidentiality of information: 11981

(1) Information received by the board pursuant to a 11982  
complaint or an investigation is confidential and not subject to 11983  
discovery in any civil action, except that the board may 11984  
disclose information to law enforcement officers and government 11985  
entities for purposes of an investigation of either a licensed 11986  
health care professional, including a registered nurse, licensed 11987  
practical nurse, or dialysis technician, or a person who may 11988  
have engaged in the unauthorized practice of nursing or dialysis 11989  
care. No law enforcement officer or government entity with 11990  
knowledge of any information disclosed by the board pursuant to 11991  
this division shall divulge the information to any other person 11992  
or government entity except for the purpose of a government 11993  
investigation, a prosecution, or an adjudication by a court or 11994  
government entity. 11995

(2) If an investigation requires a review of patient 11996  
records, the investigation and proceeding shall be conducted in 11997  
such a manner as to protect patient confidentiality. 11998

(3) All adjudications and investigations of the board 11999  
shall be considered civil actions for the purposes of section 12000  
2305.252 of the Revised Code. 12001

(4) Any board activity that involves continued monitoring 12002  
of an individual as part of or following any disciplinary action 12003  
taken under this section shall be conducted in a manner that 12004  
maintains the individual's confidentiality. Information received 12005  
or maintained by the board with respect to the board's 12006  
monitoring activities is not subject to discovery in any civil 12007  
action and is confidential, except that the board may disclose 12008  
information to law enforcement officers and government entities 12009  
for purposes of an investigation of a licensee or certificate 12010  
holder. 12011

(J) Any action taken by the board under this section 12012  
resulting in a suspension from practice shall be accompanied by 12013  
a written statement of the conditions under which the person may 12014  
be reinstated to practice. 12015

(K) When the board refuses to grant a license or 12016  
certificate to an applicant, revokes a license or certificate, 12017  
or refuses to reinstate a license or certificate, the board may 12018  
specify that its action is permanent. An individual subject to 12019  
permanent action taken by the board is forever ineligible to 12020  
hold a license or certificate of the type that was refused or 12021  
revoked and the board shall not accept from the individual an 12022  
application for reinstatement of the license or certificate or 12023  
for a new license or certificate. 12024

(L) No unilateral surrender of a nursing license or 12025  
dialysis technician certificate issued under this chapter shall 12026  
be effective unless accepted by majority vote of the board. No 12027  
application for a nursing license or dialysis technician 12028

certificate issued under this chapter may be withdrawn without a majority vote of the board. The board's jurisdiction to take disciplinary action under this section is not removed or limited when an individual has a license or certificate classified as inactive or fails to renew a license or certificate.

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

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

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

**Sec. 4723.651.** (A) To be eligible to receive a medication aide certificate, an applicant shall meet all of the following conditions:

(1) Be at least eighteen years of age;

(2) Have a high school diploma or a certificate of high school equivalence as defined in section 5107.40 of the Revised Code;

(3) If the applicant is to practice as a medication aide in a nursing home, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code;

(4) If the applicant is to practice as a medication aide 12057  
in a residential care facility, be a nurse aide who satisfies 12058  
the requirements of division (A) (1), (2), (3), (4), (5), (6), or 12059  
(8) of section 3721.32 of the Revised Code or an individual who 12060  
has at least one year of direct care experience in a residential 12061  
care facility; 12062

(5) If the applicant is to practice as a medication aide 12063  
in an ICF/IID, be a nurse aide who satisfies the requirements of 12064  
division (A) (1), (2), (3), (4), (5), (6), or (8) of section 12065  
3721.32 of the Revised Code or an individual who has at least 12066  
one year of direct care experience in an ICF/IID; 12067

(6) Successfully complete the course of instruction 12068  
provided by a training program approved under section 4723.66 of 12069  
the Revised Code; 12070

(7) Not be ineligible for licensure or certification ~~as~~ 12071  
~~specified in accordance with~~ section 4723.092 of the Revised 12072  
Code; 12073

(8) Have not committed any act that is grounds for 12074  
disciplinary action under section 3123.47 or 4723.28 of the 12075  
Revised Code or be determined by the board to have made 12076  
restitution, been rehabilitated, or both; 12077

(9) ~~Not be required to register under Chapter 2950. of the~~ 12078  
~~Revised Code or a substantially similar law of another state,~~ 12079  
~~the United States, or another country;~~ 12080

~~(10)~~ Meet all other requirements for a medication aide 12081  
certificate established in rules adopted under section 4723.69 12082  
of the Revised Code. 12083

(B) If an applicant meets the requirements specified in 12084  
division (A) of this section, the board of nursing shall issue a 12085

medication aide certificate to the applicant. If a medication 12086  
aide certificate is issued to an individual on the basis of 12087  
having at least one year of direct care experience working in a 12088  
residential care facility, as provided in division (A) (4) of 12089  
this section, the certificate is valid for use only in a 12090  
residential care facility. If a medication aide certificate is 12091  
issued to an individual on the basis of having at least one year 12092  
of direct care experience working in an ICF/IID, as provided in 12093  
division (A) (5) of this section, the certificate is valid for 12094  
use only in an ICF/IID. The board shall state the limitation on 12095  
the certificate issued to the individual. 12096

(C) A medication aide certificate is valid for two years, 12097  
unless earlier suspended or revoked. The certificate may be 12098  
renewed in accordance with procedures specified by the board in 12099  
rules adopted under section 4723.69 of the Revised Code. To be 12100  
eligible for renewal, an applicant shall pay the renewal fee 12101  
established in the rules and meet all renewal qualifications 12102  
specified in the rules. 12103

**Sec. 4723.75.** (A) The board of nursing shall issue a 12104  
certificate to practice as a dialysis technician to an applicant 12105  
if the following conditions ~~of divisions (A) (1) to (5) of this~~ 12106  
~~section have been~~ are met: 12107

(1) The application is submitted to the board in 12108  
accordance with rules adopted under section 4723.79 of the 12109  
Revised Code and includes both of the following: 12110

(a) The fee established in rules adopted under section 12111  
4723.79 of the Revised Code; 12112

(b) The name and address of each approved dialysis 12113  
training program in which the applicant has enrolled and the 12114

dates during which the applicant was enrolled in each program. 12115

(2) The applicant meets the requirements established by 12116  
the board's rules. 12117

(3) The applicant demonstrates competency to practice as a 12118  
dialysis technician, as specified in division (B) of this 12119  
section. 12120

(4) In the case of an applicant who entered a dialysis 12121  
training program on or after June 1, 2003, the results of a 12122  
criminal records check conducted in accordance with section 12123  
4723.091 of the Revised Code demonstrate that the applicant is 12124  
not ineligible for certification ~~as specified in~~ accordance with 12125  
section 4723.092 of the Revised Code. 12126

~~(5) The applicant is not required to register under 12127  
Chapter 2950. of the Revised Code or a substantially similar law 12128  
of another state, the United States, or another country. 12129~~

(B) For an applicant to demonstrate competence to practice 12130  
as a dialysis technician, one of the following must apply: 12131

(1) The applicant has successfully completed a dialysis 12132  
training program approved by the board under section 4723.74 of 12133  
the Revised Code and meets both of the following requirements: 12134

(a) Has performed dialysis care for a dialysis provider 12135  
for not less than six months immediately prior to the date of 12136  
application; 12137

(b) Has passed a certification examination demonstrating 12138  
competence to perform dialysis care not later than eighteen 12139  
months after successfully completing a dialysis training program 12140  
approved by the board under section 4723.74 of the Revised Code. 12141

(2) The applicant does all of the following: 12142



(a) Has a testing organization approved by the board	12143
submit evidence satisfactory to the board that the applicant	12144
passed an examination, in another jurisdiction, that	12145
demonstrates the applicant's competence to provide dialysis	12146
care;	12147
(b) Submits evidence satisfactory to the board that the	12148
applicant has been employed to perform dialysis care in another	12149
jurisdiction for not less than six months immediately prior to	12150
the date of application for certification under this section;	12151
(c) Submits evidence satisfactory to the board that the	12152
applicant completed at least two hours of education directly	12153
related to this chapter and the rules adopted under it.	12154
(C) An applicant who does not pass the certification	12155
examination described in division (B) (1) (b) of this section	12156
within the time period prescribed in that division may continue	12157
to pursue certification by repeating the entire training and	12158
application process, including doing all of the following:	12159
(1) Enrolling in and successfully completing a dialysis	12160
training program approved by the board;	12161
(2) Submitting a request to the bureau of criminal	12162
identification and investigation for a criminal records check	12163
and check of federal bureau of investigation records pursuant to	12164
section 4723.091 of the Revised Code;	12165
(3) Submitting an application for a dialysis technician	12166
intern certificate in accordance with section 4723.76 of the	12167
Revised Code;	12168
(4) Demonstrating competence to perform dialysis care in	12169
accordance with division (B) of this section.	12170

**Sec. 4723.76.** (A) The board of nursing shall issue a certificate to practice as a dialysis technician intern to an applicant who has not passed the dialysis technician certification examination required by section 4723.751 of the Revised Code, but who satisfies all of the following requirements:

(1) Applies to the board in accordance with rules adopted under section 4723.79 of the Revised Code and includes with the application both of the following:

(a) The fee established in rules adopted under section 4723.79 of the Revised Code;

(b) The name and address of all dialysis training programs approved by the board in which the applicant has been enrolled and the dates of enrollment in each program.

(2) Provides documentation from the applicant's employer attesting that the applicant is competent to perform dialysis care;

(3) Has successfully completed a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code;

~~(4) Is not required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country.~~

(B) A dialysis technician intern certificate issued to an applicant who meets the requirements in division (A) of this section is valid for a period of time that is eighteen months from the date on which the applicant successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code, minus the time the applicant was

enrolled in one or more dialysis training programs approved by the board.	12200 12201
(C) A dialysis technician intern certificate issued under this section may not be renewed.	12202 12203
<b>Sec. 4723.84.</b> (A) To be eligible to receive a community health worker certificate, an applicant shall meet all of the following conditions:	12204 12205 12206
(1) Be eighteen years of age or older;	12207
(2) Possess a high school diploma or the equivalent of a high school diploma, as determined by the board;	12208 12209
(3) Except as provided in division (B) of this section, successfully complete a community health worker training program approved by the board under section 4723.87 of the Revised Code;	12210 12211 12212
(4) Not be ineligible for certification <del>as specified in</del> <u>accordance with</u> section 4723.092 of the Revised Code;	12213 12214
(5) Not have committed any act that is grounds for disciplinary action under section 3123.47 of the Revised Code or rules adopted under division (F) of section 4723.88 of the Revised Code or, if such an act has been committed, be determined by the board to have made restitution, been rehabilitated, or both;	12215 12216 12217 12218 12219 12220
(6) <del>Not be required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country;</del>	12221 12222 12223
<del>(7)</del> Meet all other requirements the board specifies in rules adopted under section 4723.88 of the Revised Code.	12224 12225
(B) In lieu of meeting the condition of completing a	12226

community health worker training program, an applicant may be 12227  
issued a community health worker certificate if the individual 12228  
was employed in a capacity substantially the same as a community 12229  
health worker prior to February 1, 2005. To be eligible under 12230  
this division, an applicant must meet the requirements specified 12231  
in rules adopted by the board under section 4723.88 of the 12232  
Revised Code and provide documentation from the employer 12233  
attesting to the employer's belief that the applicant is 12234  
competent to perform activities as a certified community health 12235  
worker. 12236

**Sec. 4725.12.** (A) Each person who desires to commence the 12237  
practice of optometry in the state shall file with the executive 12238  
director of the state vision professionals board an application 12239  
for a certificate of licensure and a therapeutic pharmaceutical 12240  
agents certificate. The application shall be accompanied by the 12241  
fees specified under section 4725.34 of the Revised Code and 12242  
shall contain all information the board considers necessary to 12243  
determine whether an applicant is qualified to receive the 12244  
certificates. The application shall be made upon the form 12245  
prescribed by the board and shall be verified by the oath of the 12246  
applicant. 12247

(B) To receive a certificate of licensure and a 12248  
therapeutic pharmaceutical agents certificate, an applicant must 12249  
meet all of the following conditions: 12250

(1) Be at least eighteen years of age; 12251

(2) ~~Be of good moral character;~~ 12252

~~(3)~~ Complete satisfactorily a course of study of at least 12253  
six college years; 12254

~~(4)~~ (3) Graduate from a school of optometry approved by 12255

the board under section 4725.10 of the Revised Code; 12256

~~(5)~~ (4) Pass the licensing examination accepted by the 12257  
board under section 4725.11 of the Revised Code. 12258

**Sec. 4725.121.** (A) As used in this section, "license" and 12259  
"applicant for an initial license" have the same meanings as in 12260  
section 4776.01 of the Revised Code, except that "license" as 12261  
used in both of those terms refers to the types of 12262  
authorizations otherwise issued or conferred under this chapter. 12263

(B) In addition to any other eligibility requirement set 12264  
forth in this chapter, each applicant for an initial license 12265  
shall comply with sections 4776.01 to 4776.04 of the Revised 12266  
Code. The state vision professionals board shall not grant a 12267  
license to an applicant for an initial license unless the 12268  
applicant complies with sections 4776.01 to 4776.04 of the 12269  
Revised Code ~~and the board, in its discretion, decides that the~~ 12270  
~~results of the criminal records check do not make the applicant~~ 12271  
~~ineligible for a license issued pursuant to section 4725.13 or~~ 12272  
~~4725.18 of the Revised Code.~~ 12273

**Sec. 4725.18.** (A) The state vision professionals board may 12274  
issue a certificate of licensure and therapeutic pharmaceutical 12275  
agents certificate by endorsement to an individual licensed as 12276  
an optometrist by another state or a Canadian province if the 12277  
board determines that the other state or province has standards 12278  
for the practice of optometry that are at least as stringent as 12279  
the standards established under sections 4725.01 to 4725.34 of 12280  
the Revised Code and the individual meets the conditions 12281  
specified in division (B) of this section. The certificates may 12282  
be issued only by an affirmative vote of a majority of the 12283  
board's members. 12284

(B) An individual seeking a certificate of licensure and 12285  
therapeutic pharmaceutical agents certificate pursuant to this 12286  
section shall submit an application to the board. To receive the 12287  
certificates, an applicant must meet all of the following 12288  
conditions: 12289

(1) Meet the same qualifications that an individual must 12290  
meet under divisions (B) (1) to ~~(4)~~ (3) of section 4725.12 of the 12291  
Revised Code to receive a certificate of licensure and 12292  
therapeutic pharmaceutical agents certificate under that 12293  
section; 12294

(2) Be licensed to practice optometry by a state or 12295  
province that requires passage of a written, entry-level 12296  
examination at the time of initial licensure; 12297

(3) Be licensed in good standing by the optometry 12298  
licensing agency of the other state or province, evidenced by 12299  
submission of a letter from the licensing agency of the other 12300  
state or province attesting to the applicant's good standing; 12301

(4) Provide the board with certified reports from the 12302  
optometry licensing agencies of all states and provinces in 12303  
which the applicant is licensed or has been licensed to practice 12304  
optometry describing all past and pending actions taken by those 12305  
agencies with respect to the applicant's authority to practice 12306  
optometry in those jurisdictions, including such actions as 12307  
investigations, entering into consent agreements, suspensions, 12308  
revocations, and refusals to issue or renew a license; 12309

(5) Have been actively engaged in the practice of 12310  
optometry, including the use of therapeutic pharmaceutical 12311  
agents, for at least three years immediately preceding making 12312  
application under this section; 12313

(6) Pay the nonrefundable application fees established 12314  
under section 4725.34 of the Revised Code for a certificate of 12315  
licensure and therapeutic pharmaceutical agents certificate; 12316

(7) Submit all transcripts, reports, or other information 12317  
the board requires; 12318

(8) Participate in a two-hour instruction session provided 12319  
by the board on the optometry statutes and rules of this state 12320  
or pass an Ohio optometry jurisprudence test administered by the 12321  
board; 12322

(9) Pass all or part of the licensing examination accepted 12323  
by the board under section 4725.11 of the Revised Code, if the 12324  
board determines that testing is necessary to determine whether 12325  
the applicant's qualifications are sufficient for issuance of a 12326  
certificate of licensure and therapeutic pharmaceutical agents 12327  
certificate under this section; 12328

(10) Not have been previously denied issuance of a 12329  
certificate by the board. 12330

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the 12331  
Revised Code and by an affirmative vote of a majority of its 12332  
members, the state vision professionals board, for any of the 12333  
reasons specified in division (B) of this section, shall refuse 12334  
to grant a certificate of licensure to practice optometry to an 12335  
applicant and may, with respect to a licensed optometrist, do 12336  
one or more of the following: 12337

(1) Suspend the operation of any certificate of licensure, 12338  
topical ocular pharmaceutical agents certificate, or therapeutic 12339  
pharmaceutical agents certificate, or all certificates granted 12340  
by it to the optometrist; 12341

(2) Permanently revoke any or all of the certificates; 12342

- (3) Limit or otherwise place restrictions on any or all of the certificates; 12343  
12344
- (4) Reprimand the optometrist; 12345
- (5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars. 12346  
12347  
12348  
12349  
12350  
12351
- (6) Require the optometrist to take corrective action courses. 12352  
12353
- The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code. 12354  
12355  
12356
- (B) ~~The~~ Except as provided in division (E) of this section, the sanctions specified in division (A) of this section may be taken by the board for any of the following reasons: 12357  
12358
- (1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure; 12360  
12361  
12362
- (2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed; 12363  
12364
- (3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry; 12365  
12366
- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 12367  
12368
- (5) Being at any time guilty of a misdemeanor committed in 12369



the course of practice, regardless of the jurisdiction in which	12370
the act was committed;	12371
(6) Violating the conditions of any limitation or other	12372
restriction placed by the board on any certificate issued by the	12373
board;	12374
(7) Engaging in the practice of optometry as provided in	12375
division (A) (1), (2), or (3) of section 4725.01 of the Revised	12376
Code when the certificate authorizing that practice is under	12377
suspension, in which case the board shall permanently revoke the	12378
certificate;	12379
(8) Being denied a license to practice optometry in	12380
another state or country or being subject to any other sanction	12381
by the optometric licensing authority of another state or	12382
country, other than sanctions imposed for the nonpayment of	12383
fees;	12384
(9) Departing from or failing to conform to acceptable and	12385
prevailing standards of care in the practice of optometry as	12386
followed by similar practitioners under the same or similar	12387
circumstances, regardless of whether actual injury to a patient	12388
is established;	12389
(10) Failing to maintain comprehensive patient records;	12390
(11) Advertising a price of optical accessories, eye	12391
examinations, or other products or services by any means that	12392
would deceive or mislead the public;	12393
(12) Being addicted to the use of alcohol, stimulants,	12394
narcotics, or any other substance which impairs the intellect	12395
and judgment to such an extent as to hinder or diminish the	12396
performance of the duties included in the person's practice of	12397
optometry;	12398

(13) Engaging in the practice of optometry as provided in	12399
division (A) (2) or (3) of section 4725.01 of the Revised Code	12400
without authority to do so or, if authorized, in a manner	12401
inconsistent with the authority granted;	12402
(14) Failing to make a report to the board as required by	12403
division (A) of section 4725.21 or section 4725.31 of the	12404
Revised Code;	12405
(15) Soliciting patients from door to door or establishing	12406
temporary offices, in which case the board shall suspend all	12407
certificates held by the optometrist;	12408
(16) Except as provided in division (D) of this section:	12409
(a) Waiving the payment of all or any part of a deductible	12410
or copayment that a patient, pursuant to a health insurance or	12411
health care policy, contract, or plan that covers optometric	12412
services, would otherwise be required to pay if the waiver is	12413
used as an enticement to a patient or group of patients to	12414
receive health care services from that optometrist.	12415
(b) Advertising that the optometrist will waive the	12416
payment of all or any part of a deductible or copayment that a	12417
patient, pursuant to a health insurance or health care policy,	12418
contract, or plan that covers optometric services, would	12419
otherwise be required to pay.	12420
(17) Failing to comply with the requirements in section	12421
3719.061 of the Revised Code before issuing for a minor a	12422
prescription for an analgesic controlled substance authorized	12423
pursuant to section 4725.091 of the Revised Code that is an	12424
opioid analgesic, as defined in section 3719.01 of the Revised	12425
Code;	12426
(18) Violating the rules adopted under section 4725.66 of	12427

the Revised Code; 12428

(19) A pattern of continuous or repeated violations of 12429  
division (E) (2) or (3) of section 3963.02 of the Revised Code. 12430

(C) Any person who is the holder of a certificate of 12431  
licensure, or who is an applicant for a certificate of licensure 12432  
against whom is preferred any charges, shall be furnished by the 12433  
board with a copy of the complaint and shall have a hearing 12434  
before the board in accordance with Chapter 119. of the Revised 12435  
Code. 12436

(D) Sanctions shall not be imposed under division (B) (17) 12437  
of this section against any optometrist who waives deductibles 12438  
and copayments: 12439

(1) In compliance with the health benefit plan that 12440  
expressly allows such a practice. Waiver of the deductibles or 12441  
copayments shall be made only with the full knowledge and 12442  
consent of the plan purchaser, payer, and third-party 12443  
administrator. Documentation of the consent shall be made 12444  
available to the board upon request. 12445

(2) For professional services rendered to any other 12446  
optometrist licensed by the board, to the extent allowed by 12447  
sections 4725.01 to 4725.34 of the Revised Code and the rules of 12448  
the board. 12449

(E) The board shall not refuse to grant a certificate of 12450  
licensure to practice optometry to an applicant because of a 12451  
conviction of or plea of guilty to an offense unless the refusal 12452  
is in accordance with section 9.79 of the Revised Code. 12453

**Sec. 4725.44.** (A) The state vision professionals board 12454  
shall be responsible for the administration of sections 4725.40 12455  
to 4725.59 of the Revised Code and, in particular, shall process 12456

applications for licensure as licensed dispensing opticians and 12457  
ocularists; schedule, administer, and supervise the qualifying 12458  
examinations for licensure or contract with a testing service to 12459  
schedule, administer, and supervise the qualifying examination 12460  
for licensure; issue licenses to qualified individuals; and 12461  
revoke and suspend licenses. 12462

(B) The board shall adopt, amend, or rescind rules, 12463  
pursuant to Chapter 119. of the Revised Code, for the licensure 12464  
of dispensing opticians and ocularists, and such other rules as 12465  
are required by or necessary to carry out the responsibilities 12466  
imposed by sections 4725.40 to 4725.59 of the Revised Code, 12467  
including rules establishing criminal records check requirements 12468  
under section 4776.03 of the Revised Code and rules establishing 12469  
disqualifying offenses for licensure as a dispensing optician or 12470  
certification as an apprentice dispensing optician pursuant to 12471  
sections 9.79, 4725.48, 4725.52, 4725.53, and 4776.10 of the 12472  
Revised Code. 12473

(C) The board shall have no authority to adopt rules 12474  
governing the employment of dispensing opticians, the location 12475  
or number of optical stores, advertising of optical products or 12476  
services, or the manner in which optical products can be 12477  
displayed. 12478

**Sec. 4725.48.** (A) Any person who desires to engage in 12479  
optical dispensing shall file a properly completed application 12480  
for an examination with the state vision professionals board or 12481  
with the testing service the board has contracted with pursuant 12482  
to section 4725.49 of the Revised Code. The application for 12483  
examination shall be made using a form provided by the board and 12484  
shall be accompanied by an examination fee the board shall 12485  
establish by rule. 12486

(B) Any person who desires to engage in optical dispensing 12487  
shall file a properly completed application for a license with 12488  
the board with a licensure application fee of fifty dollars. 12489

No person shall be eligible to apply for a license under 12490  
this division, unless the person is at least eighteen years of 12491  
age, is free of contagious or infectious disease, has received a 12492  
passing score, as determined by the board, on the examination 12493  
administered under division (A) of this section, is a graduate 12494  
of an accredited high school of any state, or has received an 12495  
equivalent education and has successfully completed either of 12496  
the following: 12497

(1) Two years of supervised experience under a licensed 12498  
dispensing optician, optometrist, or physician engaged in the 12499  
practice of ophthalmology, up to one year of which may be 12500  
continuous experience of not less than thirty hours a week in an 12501  
optical laboratory; 12502

(2) A two-year college level program in optical dispensing 12503  
that has been approved by the board and that includes, but is 12504  
not limited to, courses of study in mathematics, science, 12505  
English, anatomy and physiology of the eye, applied optics, 12506  
ophthalmic optics, measurement and inspection of lenses, lens 12507  
grinding and edging, ophthalmic lens design, keratometry, and 12508  
the fitting and adjusting of spectacle lenses and frames and 12509  
contact lenses, including methods of fitting contact lenses and 12510  
post-fitting care. 12511

(C) Any person who desires to obtain a license to practice 12512  
as an ocularist shall file a properly completed application with 12513  
the board accompanied by the appropriate fee and proof that the 12514  
applicant has met the requirements for licensure. The board 12515  
shall establish, by rule, the application fee and the minimum 12516

requirements for licensure, including education, examination, or 12517  
experience standards recognized by the board as national 12518  
standards for ocularists. The board shall issue a license to 12519  
practice as an ocularist to an applicant who satisfies the 12520  
requirements of this division and rules adopted pursuant to this 12521  
division. 12522

(D) (1) Subject to divisions (D) ~~(2)~~, ~~(3)~~, and (4) of this 12523  
section, the board shall not adopt, maintain, renew, or enforce 12524  
any rule that precludes an individual from ~~receiving or renewing~~ 12525  
a license as a dispensing optician issued under sections 4725.40 12526  
to 4725.59 of the Revised Code due to any past criminal activity 12527  
or interpretation of moral character, unless the individual has 12528  
committed a crime of moral turpitude or a disqualifying offense 12529  
as those terms are defined in section 4776.10 of the Revised 12530  
Code. 12531

If the board denies an individual a license or license 12532  
renewal, the reasons for such denial shall be put in writing. 12533

~~(2) Except as otherwise provided in this division, if an 12534  
individual applying for a license has been convicted of or 12535  
pleaded guilty to a misdemeanor that is not a crime of moral 12536  
turpitude or a disqualifying offense less than one year prior to 12537  
making the application, the The board may use its discretion in 12538  
granting or denying the individual refuse to issue a license. 12539  
Except as otherwise provided in this division, if an individual 12540  
applying for a license has been convicted of or pleaded guilty 12541  
to a felony that is not a crime of moral turpitude or a 12542  
disqualifying offense less than three years prior to making the 12543  
application, the board may use its discretion in granting or 12544  
denying the individual a license. The provisions in this 12545  
paragraph do not apply with respect to any offense unless the 12546~~

~~board, prior to September 28, 2012, was required or authorized~~ 12547  
~~to deny the application based on that offense.~~ 12548

~~In all other circumstances, the board shall follow the~~ 12549  
~~procedures it adopts by rule that conform to division (D)(1) of~~ 12550  
~~this section to an applicant because of a conviction of or plea~~ 12551  
~~of guilty to an offense if the refusal is in accordance with~~ 12552  
~~section 9.79 of the Revised Code.~~ 12553

(3) In considering a renewal of an individual's license, 12554  
the board shall not consider any conviction or plea of guilty 12555  
prior to the initial licensing. However, the board may consider 12556  
a conviction or plea of guilty if it occurred after the 12557  
individual was initially licensed, or after the most recent 12558  
license renewal. 12559

(4) The board may grant an individual a conditional 12560  
license that lasts for one year. After the one-year period has 12561  
expired, the license is no longer considered conditional, and 12562  
the individual shall be considered fully licensed. 12563

(E) The board, subject to the approval of the controlling 12564  
board, may establish examination fees in excess of the amount 12565  
established by rule pursuant to this section, provided that such 12566  
fees do not exceed those amounts established in rule by more 12567  
than fifty per cent. 12568

**Sec. 4725.501.** (A) As used in this section, "license" and 12569  
"applicant for an initial license" have the same meanings as in 12570  
section 4776.01 of the Revised Code, except that "license" as 12571  
used in both of those terms refers to the types of 12572  
authorizations otherwise issued or conferred under this chapter. 12573

(B) In addition to any other eligibility requirement set 12574  
forth in this chapter, each applicant for an initial license 12575

shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state vision professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code ~~and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4725.50 or 4725.57 of the Revised Code.~~

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

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

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

The board shall not deny registration as an apprentice under this section to any individual based on the individual's past criminal history or an interpretation of moral character unless the ~~individual has committed~~ denial is for a disqualifying offense ~~or crime of moral turpitude as those terms are defined in accordance with~~ section ~~4776.10~~ 9.79 of the



Revised Code. ~~Except as otherwise provided in this division, if~~ 12606  
~~an individual applying for a registration has been convicted of~~ 12607  
~~or pleaded guilty to a misdemeanor that is not a crime of moral~~ 12608  
~~turpitude or a disqualifying offense less than one year prior to~~ 12609  
~~making the application, the board may use its discretion in~~ 12610  
~~granting or denying the individual a registration. Except as~~ 12611  
~~otherwise provided in this division, if an individual applying~~ 12612  
~~for a registration has been convicted of or pleaded guilty to a~~ 12613  
~~felony that is not a crime of moral turpitude or a disqualifying~~ 12614  
~~offense less than three years prior to making the application,~~ 12615  
~~the board may use its discretion in granting or denying the~~ 12616  
~~individual a registration. The provisions in this paragraph do~~ 12617  
~~not apply with respect to any offense unless the board, prior to~~ 12618  
~~September 28, 2012, was required or authorized to deny the~~ 12619  
~~registration based on that offense.~~ 12620

~~In all other circumstances, the board shall follow the~~ 12621  
~~procedures it adopts by rule that conform to this section. In~~ 12622  
considering a renewal of an individual's registration, the board 12623  
shall not consider any conviction or plea of guilty prior to the 12624  
initial registration. However, the board may consider a 12625  
conviction or plea of guilty if it occurred after the individual 12626  
was initially registered, or after the most recent registration 12627  
renewal. If the board denies an individual for a registration or 12628  
registration renewal, the reasons for such denial shall be put 12629  
in writing. Additionally, the board may grant an individual a 12630  
conditional registration that lasts for one year. After the one- 12631  
year period has expired, the registration is no longer 12632  
considered conditional, and the individual shall be considered 12633  
fully registered. 12634

A person who is gaining experience under the supervision 12635  
of a licensed optometrist or ophthalmologist that would qualify 12636

the person under division (B) (1) of section 4725.48 of the Revised Code to take the examination for optical dispensing is not required to register with the board.

**Sec. 4725.53.** (A) ~~The~~ Except as provided in division (D) of this section, the state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

(1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

(2) Obtaining or attempting to obtain a license by fraud or deception;

(3) Obtaining any fee or making any sale of an optical aid by means of fraud or misrepresentation;

(4) Habitual indulgence in the use of controlled substances or other habit-forming drugs, or in the use of alcoholic liquors to an extent that affects professional competency;

(5) Finding by a court of competent jurisdiction that the applicant or licensee is incompetent by reason of mental illness and no subsequent finding by the court of competency;

(6) Finding by a court of law that the licensee is guilty of incompetence or negligence in the dispensing of optical aids;

(7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to

engage in optical dispensing; 12665

(8) Permitting another person to use the licensee's 12666  
license; 12667

(9) Engaging in optical dispensing not pursuant to the 12668  
prescription of a licensed physician or licensed optometrist, 12669  
but nothing in this section shall prohibit the duplication or 12670  
replacement of previously prepared optical aids, except contact 12671  
lenses shall not be duplicated or replaced without a written 12672  
prescription; 12673

(10) Violation of sections 4725.40 to 4725.59 of the 12674  
Revised Code; 12675

(11) Waiving the payment of all or any part of a 12676  
deductible or copayment that a patient, pursuant to a health 12677  
insurance or health care policy, contract, or plan that covers 12678  
optical dispensing services, would otherwise be required to pay 12679  
if the waiver is used as an enticement to a patient or group of 12680  
patients to receive health care services from that provider; 12681

(12) Advertising that the licensee will waive the payment 12682  
of all or any part of a deductible or copayment that a patient, 12683  
pursuant to a health insurance or health care policy, contract, 12684  
or plan that covers optical dispensing services, would otherwise 12685  
be required to pay; 12686

(13) Violating the code of ethical conduct adopted under 12687  
section 4725.66 of the Revised Code. 12688

(B) The board may impose a fine of not more than five 12689  
hundred dollars for a first occurrence of an action that is 12690  
grounds for discipline under this section and of not less than 12691  
five hundred nor more than one thousand dollars for a subsequent 12692  
occurrence, or may order the licensee to make restitution to a 12693

person who has suffered a financial loss as a result of the 12694  
licensee's failure to comply with sections 4725.40 to 4725.59 of 12695  
the Revised Code. 12696

(C) Notwithstanding divisions (A) (11) and (12) of this 12697  
section, sanctions shall not be imposed against any licensee who 12698  
waives deductibles and copayments: 12699

(1) In compliance with the health benefit plan that 12700  
expressly allows such a practice. Waiver of the deductibles or 12701  
copays shall be made only with the full knowledge and consent of 12702  
the plan purchaser, payer, and third-party administrator. Such 12703  
consent shall be made available to the board upon request. 12704

(2) For professional services rendered to any other person 12705  
licensed pursuant to this chapter to the extent allowed by this 12706  
chapter and the rules of the board. 12707

(D) The board shall not refuse to grant a license to an 12708  
applicant because of a conviction unless the refusal is in 12709  
accordance with section 9.79 of the Revised Code. 12710

**Sec. 4727.03.** (A) As used in this section, "~~experience and 12711~~  
~~fitness~~ in the capacity involved" means that the applicant for a 12712  
pawnbroker's license demonstrates sufficient financial 12713  
responsibility, ~~reputation,~~ and experience in the pawnbroker 12714  
business, or in a related business, to act as a pawnbroker in 12715  
compliance with this chapter. "~~Experience and fitness~~ in the 12716  
capacity involved" shall be determined by: 12717

(1) Prior or current ownership or management of, or 12718  
employment in, a pawnshop; 12719

(2) Demonstration to the satisfaction of the 12720  
superintendent of financial institutions of a thorough working 12721  
knowledge of all pawnbroker laws and rules as they relate to the 12722

actual operation of a pawnshop. 12723

A demonstration shall include a demonstration of an 12724  
ability to properly complete forms, knowledge of how to properly 12725  
calculate interest and storage charges, and knowledge of legal 12726  
notice and forfeiture procedures. The final determination of 12727  
whether an applicant's demonstration is adequate rests with the 12728  
superintendent. 12729

(3) A submission by the applicant and any stockholders, 12730  
owners, managers, directors, or officers of the pawnshop, and 12731  
employees of the applicant to a police record check; and 12732

(4) Liquid assets in a minimum amount of one hundred 12733  
twenty-five thousand dollars at the time of applying for initial 12734  
licensure and demonstration of the ability to maintain the 12735  
liquid assets at a minimum amount of seventy-five thousand 12736  
dollars for the duration of holding a valid pawnbroker's 12737  
license. If an applicant holds a pawnbroker's license at the 12738  
time of application or is applying for more than one license, 12739  
this requirement shall be met separately for each license. 12740

(B) The superintendent may grant a license to act as a 12741  
pawnbroker to any person ~~of good character and~~ having experience 12742  
~~and fitness~~ in the capacity involved to engage in the business 12743  
of pawnbroking upon the payment to the superintendent of a 12744  
license fee determined by the superintendent pursuant to section 12745  
1321.20 of the Revised Code. A license is not transferable or 12746  
assignable. 12747

(C) The superintendent may consider an application 12748  
withdrawn and may retain the investigation fee required under 12749  
division (D) of this section if both of the following are true: 12750

(1) An application for a license does not contain all of 12751

the information required under division (B) of this section. 12752

(2) The information is not submitted to the superintendent 12753  
within ninety days after the superintendent requests the 12754  
information from the applicant in writing. 12755

(D) The superintendent shall require an applicant for a 12756  
pawnbroker's license to pay to the superintendent a 12757  
nonrefundable initial investigation fee of two hundred dollars, 12758  
which is for the exclusive use of the state. 12759

(E) (1) Except as otherwise provided in division (E) (2) of 12760  
this section, a pawnbroker's license issued by the 12761  
superintendent expires on the thirtieth day of June next 12762  
following the date of its issuance, or on a different date set 12763  
by the superintendent pursuant to section 1181.23 of the Revised 12764  
Code, and may be renewed annually in accordance with the 12765  
standard renewal procedure set forth in Chapter 4745. of the 12766  
Revised Code. Fifty per cent of the annual license fee shall be 12767  
for the use of the state, and fifty per cent shall be paid by 12768  
the state to the municipal corporation, or if outside the limits 12769  
of any municipal corporation, to the county, in which the office 12770  
of the licensee is located. All such fees payable to municipal 12771  
corporations or counties shall be paid annually. 12772

(2) A pawnbroker's license issued or renewed by the 12773  
superintendent on or after January 1, 2006, expires on the 12774  
thirtieth day of June in the even-numbered year next following 12775  
the date of its issuance or renewal, as applicable, and may be 12776  
renewed biennially by the thirtieth day of June in accordance 12777  
with the standard renewal procedure set forth in Chapter 4745. 12778  
of the Revised Code. Fifty per cent of the biennial license fee 12779  
shall be for the use of the state, and fifty per cent shall be 12780  
paid by the state to the municipal corporation, or if outside 12781

the limits of any municipal corporation, to the county, in which 12782  
the office of the licensee is located. All such fees payable to 12783  
municipal corporations or counties shall be paid biennially. If 12784  
deemed necessary for participation, the superintendent may reset 12785  
the renewal date and require annual registration pursuant to 12786  
section 1181.23 of the Revised Code. 12787

(F) The fee for renewal of a license shall be equivalent 12788  
to the fee for an initial license established by the 12789  
superintendent pursuant to section 1321.20 of the Revised Code. 12790  
Any licensee who wishes to renew the pawnbroker's license but 12791  
who fails to do so on or before the date the license expires 12792  
shall reapply for licensure in the same manner and pursuant to 12793  
the same requirements as for initial licensure, unless the 12794  
licensee pays to the superintendent on or before the thirty- 12795  
first day of August of the year the license expires, a late 12796  
renewal penalty of one hundred dollars in addition to the 12797  
regular renewal fee. Any licensee who fails to renew the license 12798  
on or before the date the license expires is prohibited from 12799  
acting as a pawnbroker until the license is renewed or a new 12800  
license is issued under this section. Any licensee who renews a 12801  
license between the first day of July and the thirty-first day 12802  
of August of the year the license expires is not relieved from 12803  
complying with this division. The superintendent may refuse to 12804  
issue to or renew the license of any licensee who violates this 12805  
division. 12806

(G) No license shall be granted to any person not a 12807  
resident of or the principal office of which is not located in 12808  
the municipal corporation or county designated in such license 12809  
unless that applicant, in writing and in due form approved by 12810  
and filed with the superintendent, first appoints an agent, a 12811  
resident of the state, and city or county where the office is to 12812

be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served. In case of the death, removal from the state, or any legal disability or any disqualification of any such agent, service of such process or notice may be made upon the superintendent.

The superintendent may, upon notice to the licensee and reasonable opportunity to be heard, suspend or revoke any license or assess a penalty against the licensee if the licensee, or the licensee's officers, agents, or employees, has violated this chapter. Any penalty shall be appropriate to the violation but in no case shall the penalty be less than two hundred nor more than two thousand dollars. Whenever, for any cause, a license is suspended or revoked, the superintendent shall not issue another license to the licensee nor to the legal spouse of the licensee, nor to any business entity of which the licensee is an officer or member or partner, nor to any person employed by the licensee, until the expiration of at least two years from the date of revocation or suspension of the license. The superintendent shall deposit all penalties allocated pursuant to this section into the state treasury to the credit of the consumer finance fund.

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

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



(1) Dispose of an active loan by selling the loan to 12843  
another person holding a valid pawnbroker's license issued under 12844  
this section; 12845

(2) Reduce the rate of interest on pledged articles held 12846  
as security for a loan to eight per cent per annum or less 12847  
effective on the date that the pawnbroker's license is no longer 12848  
valid. 12849

**Sec. 4728.03.** (A) As used in this section, "~~experience and~~ 12850  
~~fitness~~ in the capacity involved" means that the applicant for a 12851  
precious metals dealer's license has had sufficient financial 12852  
responsibility, ~~reputation,~~ and experience in the business of 12853  
precious metals dealer, or a related business, to act as a 12854  
precious metals dealer in compliance with this chapter. 12855

(B) (1) The division of financial institutions in the 12856  
department of commerce may grant a precious metals dealer's 12857  
license to any person ~~of good character,~~ having experience ~~and~~ 12858  
~~fitness~~ in the capacity involved, who demonstrates a net worth 12859  
of at least ten thousand dollars and the ability to maintain 12860  
that net worth during the licensure period. The superintendent 12861  
of financial institutions shall compute the applicant's net 12862  
worth according to generally accepted accounting principles. 12863

(2) In place of the demonstration of net worth required by 12864  
division (B) (1) of this section, an applicant may obtain a 12865  
surety bond issued by a surety company authorized to do business 12866  
in this state if all of the following conditions are met: 12867

(a) A copy of the surety bond is filed with the division; 12868

(b) The bond is in favor of any person, and of the state 12869  
for the benefit of any person, injured by any violation of this 12870  
chapter; 12871

(c) The bond is in the amount of not less than ten 12872  
thousand dollars. 12873

(3) Before granting a license under this division, the 12874  
division shall determine that the applicant meets the 12875  
requirements of division (B) (1) or (2) of this section. 12876

(C) The division shall require an applicant for a precious 12877  
metals dealer's license to pay to the division a nonrefundable, 12878  
initial investigation fee of two hundred dollars which shall be 12879  
for the exclusive use of the state. The license fee for a 12880  
precious metals dealer's license and the renewal fee shall be 12881  
determined by the superintendent, provided that the fee may not 12882  
exceed three hundred dollars. A license issued by the division 12883  
shall expire on the last day of June next following the date of 12884  
its issuance or annually on a different date set by the 12885  
superintendent pursuant to section 1181.23 of the Revised Code. 12886  
Fifty per cent of license fees shall be for the use of the 12887  
state, and fifty per cent shall be paid to the municipal 12888  
corporation, or if outside the limits of any municipal 12889  
corporation, to the county in which the office of the licensee 12890  
is located. All portions of license fees payable to municipal 12891  
corporations or counties shall be paid as they accrue, by the 12892  
treasurer of state, on vouchers issued by the director of budget 12893  
and management. 12894

(D) Every such license shall be renewed annually by the 12895  
last day of June, or annually on a different date set by the 12896  
superintendent pursuant to section 1181.23 of the Revised Code, 12897  
according to the standard renewal procedure of Chapter 4745. of 12898  
the Revised Code. No license shall be granted to any person not 12899  
a resident of or the principal office of which is not located in 12900  
the municipal corporation or county designated in such license, 12901

unless, and until such applicant shall, in writing and in due form, to be first approved by and filed with the division, appoint an agent, a resident of the state, and city or county where the office is to be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served; and in case of the death, removal from the state, or any legal disability or any disqualification of any agent, service of process or notice may be made upon the superintendent.

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

(F) In conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section, the superintendent may request that the superintendent of the bureau of criminal identification and investigation investigate and determine whether the bureau has procured any information pursuant to section 109.57 of the Revised Code pertaining to the applicant.

If the superintendent of financial institutions determines that conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section will require procuring information outside the state,

then, in addition to the fee established under division (C) of 12932  
this section, the superintendent may require the applicant to 12933  
pay any of the actual expenses incurred by the division to 12934  
conduct such an investigation, provided that the superintendent 12935  
shall assess the applicant a total no greater than one thousand 12936  
dollars for such expenses. The superintendent may require the 12937  
applicant to pay in advance of the investigation, sufficient 12938  
funds to cover the estimated cost of the actual expenses. If the 12939  
superintendent requires the applicant to pay investigation 12940  
expenses, the superintendent shall provide to the applicant an 12941  
itemized statement of the actual expenses incurred by the 12942  
division to conduct the investigation. 12943

(G) (1) Except as otherwise provided in division (G) (2) of 12944  
this section a precious metals dealer licensed under this 12945  
section shall maintain a net worth of at least ten thousand 12946  
dollars, computed as required under division (B) (1) of this 12947  
section, for as long as the licensee holds a valid precious 12948  
metals dealer's license issued pursuant to this section. 12949

(2) A licensee who obtains a surety bond under division 12950  
(B) (2) of this section is exempt from the requirement of 12951  
division (G) (1) of this section, but shall maintain the bond for 12952  
at least two years after the date on which the licensee ceases 12953  
to conduct business in this state. 12954

**Sec. 4729.071.** (A) As used in this section, "license" and 12955  
"applicant for an initial license" have the same meanings as in 12956  
section 4776.01 of the Revised Code, except that "license" as 12957  
used in both of those terms refers to the types of 12958  
authorizations otherwise issued or conferred under this chapter. 12959

(B) In addition to any other eligibility requirement set 12960  
forth in this chapter, each applicant for an initial license 12961

shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state board of pharmacy shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4729.08, 4729.09, 4729.11, 4729.552, or 4729.553 of the Revised Code.

**Sec. 4729.08.** Every applicant for examination and licensure as a pharmacist shall:

(A) Be at least eighteen years of age;

~~(B) Be of good moral character, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;~~

~~(C)~~ Have obtained a degree in pharmacy from a program that has been recognized and approved by the state board of pharmacy, except that graduates of schools or colleges of pharmacy that are located outside the United States and have not demonstrated that the standards of their programs are at least equivalent to programs recognized and approved by the board shall be required to pass an equivalency examination recognized and approved by the board and to establish written and oral proficiency in English.

~~(D)~~ (C) Have satisfactorily completed at least the minimum requirements for pharmacy internship as outlined by the board.

If the board is satisfied that the applicant meets the foregoing requirements and if the applicant passes the examination required under section 4729.07 of the Revised Code, the board shall issue to the applicant a license authorizing the

individual to practice pharmacy. 12991

**Sec. 4729.09.** The state board of pharmacy may license an 12992  
individual as a pharmacist without examination if the 12993  
individual: 12994

(A) Holds a license in good standing to practice pharmacy 12995  
under the laws of another state, has successfully completed an 12996  
examination for licensure in the other state, and in the opinion 12997  
of the board, the examination was at least as thorough as that 12998  
required by the board at the time the individual took the 12999  
examination; 13000

~~(B) Is of good moral character, as defined in rules 13001  
adopted by the board under section 4729.26 of the Revised Code;~~ 13002

~~(C) Has filed with the licensing body of the other state 13003  
at least the credentials or the equivalent that were required by 13004  
this state at the time the other state licensed the individual 13005  
as a pharmacist. 13006~~

The board shall not issue a license to practice pharmacy 13007  
to an individual licensed in another state if the state in which 13008  
the individual is licensed does not reciprocate by granting 13009  
licenses to practice pharmacy to individuals holding valid 13010  
licenses received through examination by the state board of 13011  
pharmacy. 13012

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 13013  
notice and hearing in accordance with Chapter 119. of the 13014  
Revised Code, may impose any one or more of the following 13015  
sanctions on a pharmacist or pharmacy intern if the board finds 13016  
the individual engaged in any of the conduct set forth in 13017  
division (A) (2) of this section: 13018

(a) Revoke, suspend, restrict, limit, or refuse to grant 13019

or renew a license;	13020
(b) Reprimand or place the license holder on probation;	13021
(c) Impose a monetary penalty or forfeiture not to exceed	13022
in severity any fine designated under the Revised Code for a	13023
similar offense, or in the case of a violation of a section of	13024
the Revised Code that does not bear a penalty, a monetary	13025
penalty or forfeiture of not more than five hundred dollars.	13026
(2) <del>The</del> <u>Except as provided in division (I) of this</u>	13027
<u>section, the</u> board may impose the sanctions listed in division	13028
(A) (1) of this section if the board finds a pharmacist or	13029
pharmacy intern:	13030
(a) Has been convicted of a felony, or a crime of moral	13031
turpitude, as defined in section 4776.10 of the Revised Code;	13032
(b) Engaged in dishonesty or unprofessional conduct in the	13033
practice of pharmacy;	13034
(c) Is addicted to or abusing alcohol or drugs or is	13035
impaired physically or mentally to such a degree as to render	13036
the pharmacist or pharmacy intern unfit to practice pharmacy;	13037
(d) Has been convicted of a misdemeanor related to, or	13038
committed in, the practice of pharmacy;	13039
(e) Violated, conspired to violate, attempted to violate,	13040
or aided and abetted the violation of any of the provisions of	13041
this chapter, sections 3715.52 to 3715.72 of the Revised Code,	13042
Chapter 2925. or 3719. of the Revised Code, or any rule adopted	13043
by the board under those provisions;	13044
(f) Permitted someone other than a pharmacist or pharmacy	13045
intern to practice pharmacy;	13046

(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;

(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;

(k) Failed to comply with an order of the board or a settlement agreement;

(l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.

(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.

(C) As used in this section:

"Unprofessional conduct in the practice of pharmacy" includes any of the following:

(1) Advertising or displaying signs that promote dangerous



drugs to the public in a manner that is false or misleading;	13075
(2) Except as provided in section 4729.281, 4729.44, or	13076
4729.47 of the Revised Code, the dispensing or sale of any drug	13077
for which a prescription is required, without having received a	13078
prescription for the drug;	13079
(3) Knowingly dispensing medication pursuant to false or	13080
forged prescriptions;	13081
(4) Knowingly failing to maintain complete and accurate	13082
records of all dangerous drugs received or dispensed in	13083
compliance with federal laws and regulations and state laws and	13084
rules;	13085
(5) Obtaining any remuneration by fraud,	13086
misrepresentation, or deception;	13087
(6) Failing to conform to prevailing standards of care of	13088
similar pharmacists or pharmacy interns under the same or	13089
similar circumstances, whether or not actual injury to a patient	13090
is established;	13091
(7) Engaging in any other conduct that the board specifies	13092
as unprofessional conduct in the practice of pharmacy in rules	13093
adopted under section 4729.26 of the Revised Code.	13094
(D) The board may suspend a license under division (B) of	13095
section 3719.121 of the Revised Code by utilizing a telephone	13096
conference call to review the allegations and take a vote.	13097
(E) For purposes of this division, an individual	13098
authorized to practice as a pharmacist or pharmacy intern	13099
accepts the privilege of practicing in this state subject to	13100
supervision by the board. By filing an application for or	13101
holding a license to practice as a pharmacist or pharmacy	13102

intern, an individual gives consent to submit to a mental or 13103  
physical examination when ordered to do so by the board in 13104  
writing and waives all objections to the admissibility of 13105  
testimony or examination reports that constitute privileged 13106  
communications. 13107

If the board has reasonable cause to believe that an 13108  
individual who is a pharmacist or pharmacy intern is physically 13109  
or mentally impaired, the board may require the individual to 13110  
submit to a physical or mental examination, or both. The expense 13111  
of the examination is the responsibility of the individual 13112  
required to be examined. 13113

Failure of an individual who is a pharmacist or pharmacy 13114  
intern to submit to a physical or mental examination ordered by 13115  
the board, unless the failure is due to circumstances beyond the 13116  
individual's control, constitutes an admission of the 13117  
allegations and a suspension order shall be entered without the 13118  
taking of testimony or presentation of evidence. Any subsequent 13119  
adjudication hearing under Chapter 119. of the Revised Code 13120  
concerning failure to submit to an examination is limited to 13121  
consideration of whether the failure was beyond the individual's 13122  
control. 13123

If, based on the results of an examination ordered under 13124  
this division, the board determines that the individual's 13125  
ability to practice is impaired, the board shall suspend the 13126  
individual's license or deny the individual's application and 13127  
shall require the individual, as a condition for an initial, 13128  
continued, reinstated, or renewed license to practice, to submit 13129  
to a physical or mental examination and treatment. 13130

An order of suspension issued under this division shall 13131  
not be subject to suspension by a court during pendency of any 13132

appeal filed under section 119.12 of the Revised Code. 13133

(F) If the board is required under Chapter 119. of the 13134  
Revised Code to give notice of an opportunity for a hearing and 13135  
the applicant or licensee does not make a timely request for a 13136  
hearing in accordance with section 119.07 of the Revised Code, 13137  
the board is not required to hold a hearing, but may adopt a 13138  
final order that contains the board's findings. In the final 13139  
order, the board may impose any of the sanctions listed in 13140  
division (A) of this section. 13141

(G) Notwithstanding the provision of division (C) (2) of 13142  
section 2953.32 of the Revised Code specifying that if records 13143  
pertaining to a criminal case are sealed under that section the 13144  
proceedings in the case must be deemed not to have occurred, 13145  
sealing of the following records on which the board has based an 13146  
action under this section shall have no effect on the board's 13147  
action or any sanction imposed by the board under this section: 13148  
records of any conviction, guilty plea, judicial finding of 13149  
guilt resulting from a plea of no contest, or a judicial finding 13150  
of eligibility for a pretrial diversion program or intervention 13151  
in lieu of conviction. The board shall not be required to seal, 13152  
destroy, redact, or otherwise modify its records to reflect the 13153  
court's sealing of conviction records. 13154

(H) No pharmacist or pharmacy intern shall knowingly 13155  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 13156  
(e) to (l) of this section. 13157

(I) The board shall not refuse to issue a license to an 13158  
applicant for a conviction of an offense unless the refusal is 13159  
in accordance with section 9.79 of the Revised Code. 13160

**Sec. 4729.90.** (A) ~~As used in this section, "responsible"~~ 13161

~~person" has the same meaning as in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code.~~ 13162  
13163

~~(B)~~(1) An applicant for registration as a registered pharmacy technician shall: 13164  
13165

(a) Be at least eighteen years of age; 13166

(b) Possess a high school diploma or a certificate of high school equivalence or have been employed continuously since prior to April 8, 2009, as a pharmacy technician without a high school diploma or certificate of high school equivalence; 13167  
13168  
13169  
13170

~~(c) Be of good moral character, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;~~ 13171  
13172  
13173

~~(d) Except as provided in division (D) of this section, comply~~ Comply with sections 4776.01 to 4776.04 of the Revised Code; 13174  
13175  
13176

~~(e) Except as provided in division (E) (1) of this section, have~~ (d) Have successfully completed education and training that meets the requirements established by the board in rules adopted under section 4729.94 of the Revised Code. 13177  
13178  
13179  
13180

(2) An applicant for registration as a certified pharmacy technician shall: 13181  
13182

(a) Comply with divisions ~~(B)~~ (A) (1) (a) and (c) ~~and (d)~~ of this section; 13183  
13184

(b) Possess a high school diploma or a certificate of high school equivalence; 13185  
13186

~~(c) Except as provided in division (E) (2) of this section, have~~ Have successfully completed education and training that 13187  
13188

meets the requirements established by the board in rules adopted 13189  
under section 4729.94 of the Revised Code; 13190

(d) Have a current pharmacy technician certification from 13191  
an organization that has been recognized by the board. 13192

~~(C)~~ (B) A pharmacist or pharmacy intern whose license has 13193  
been denied, revoked, suspended, or otherwise restricted by the 13194  
board shall not be registered as a registered pharmacy 13195  
technician or certified pharmacy technician. 13196

~~(D) Until the date that is two years after April 6, 2017,~~ 13197  
~~an applicant for registration as a registered pharmacy~~ 13198  
~~technician or certified pharmacy technician who meets the~~ 13199  
~~requirements to be a qualified pharmacy technician under section~~ 13200  
~~4729.42 of the Revised Code, as it existed immediately prior to~~ 13201  
~~the effective date of section 4729.95 of the Revised Code, may,~~ 13202  
~~instead of complying with division (B) (1) (d) of this section,~~ 13203  
~~authorize the superintendent of the bureau of criminal~~ 13204  
~~identification and investigation to make the results of a~~ 13205  
~~criminal records check of the applicant available to the state~~ 13206  
~~board of pharmacy. The criminal records check must have been~~ 13207  
~~conducted not earlier than twenty four months before the date of~~ 13208  
~~the application for registration.~~ 13209

~~(E) (1) Until the date that is two years after April 6,~~ 13210  
~~2017, an applicant for registration as a registered pharmacy~~ 13211  
~~technician who meets the requirements to be a qualified pharmacy~~ 13212  
~~technician under section 4729.42 of the Revised Code, as it~~ 13213  
~~existed immediately prior to the effective date of section~~ 13214  
~~4729.95 of the Revised Code, may, instead of complying with~~ 13215  
~~division (B) (1) (e) of this section, submit an attestation from a~~ 13216  
~~pharmacy's responsible person that the applicant has completed a~~ 13217  
~~pharmacy technician training program that is of appropriate~~ 13218

~~breadth and depth to clearly address the competencies for a technician to safely and effectively work in that particular setting and includes instruction in all of the following:~~ 13219  
13220  
13221

~~(a) Packaging and labeling drugs;~~ 13222

~~(b) Pharmacy terminology;~~ 13223

~~(c) Basic drug information;~~ 13224

~~(d) Basic calculations;~~ 13225

~~(e) Quality control procedures;~~ 13226

~~(f) State and federal statutes, rules, and regulations regarding pharmacy technician duties, pharmacist duties, pharmacy intern duties, prescription or drug order processing procedures, non-sterile drug compounding, drug record-keeping requirements, patient confidentiality, security requirements, and storage requirements.~~ 13227  
13228  
13229  
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~~(2) Until the date that is two years after April 6, 2017, an applicant for registration as a certified pharmacy technician who meets the requirements to be a qualified pharmacy technician under section 4729.42 of the Revised Code, as it existed immediately prior to the effective date of section 4729.95 of the Revised Code, may, instead of complying with division (B)(2)(c) of this section, submit an attestation from a pharmacy's responsible person that the applicant has completed a pharmacy technician training program that is of appropriate breadth and depth to clearly address the competencies for a technician to safely and effectively work in that particular setting and includes instruction in all of the following:~~ 13233  
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13244

~~(a) The topics listed in divisions (E)(1)(a) to (f) of this section;~~ 13245  
13246

<del>(b) Sterile drug compounding;</del>	13247
<del>(c) Preparing and mixing intravenous drugs to be injected into a human being.</del>	13248
	13249
<b>Sec. 4729.92.</b> (A) An applicant for registration as a pharmacy technician trainee shall:	13250
	13251
(1) Comply with divisions <del>(B)</del> <u>(A)</u> (1) (a) <del>to (c)</del> <u>and (b)</u> of section 4729.90 of the Revised Code;	13252
	13253
(2) Be enrolled in or plan to enroll in education and training that will allow the applicant to meet the requirements established by the state board of pharmacy in rules adopted under section 4729.94 of the Revised Code;	13254
	13255
	13256
	13257
(3) Comply with sections 4776.01 to 4776.04 of the Revised Code.	13258
	13259
(B) A pharmacist or pharmacy intern whose license has been denied, revoked, suspended, or otherwise restricted by the board shall not be registered as a pharmacy technician trainee.	13260
	13261
	13262
<b>Sec. 4729.96.</b> (A) (1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose one or more of the following sanctions on a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician if the board finds the individual engaged in any of the conduct set forth in division (A) (2) of this section:	13263
	13264
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	13269
(a) Revoke, suspend, restrict, limit, or refuse to grant or renew a registration;	13270
	13271
(b) Reprimand or place the holder of the registration on probation;	13272
	13273

(c) Impose a monetary penalty or forfeiture not to exceed	13274
in severity any fine designated under the Revised Code for a	13275
similar offense, or in the case of a violation of a section of	13276
the Revised Code that does not bear a penalty, a monetary	13277
penalty or forfeiture of not more than five hundred dollars.	13278
(2) <del>The</del> <u>Except as provided in division (G) of this</u>	13279
<u>section, the</u> board may impose the sanctions listed in division	13280
(A) (1) of this section if the board finds a pharmacy technician	13281
trainee, registered pharmacy technician, or certified pharmacy	13282
technician:	13283
(a) Has been convicted of a felony, or a crime of moral	13284
turpitude, as defined in section 4776.10 of the Revised Code;	13285
(b) Engaged in dishonesty or unprofessional conduct, as	13286
prescribed in rules adopted by the board under section 4729.94	13287
of the Revised Code;	13288
(c) Is addicted to or abusing alcohol or drugs or impaired	13289
physically or mentally to such a degree as to render the	13290
individual unable to perform the individual's duties;	13291
(d) Violated, conspired to violate, attempted to violate,	13292
or aided and abetted the violation of any of the provisions of	13293
this chapter, sections 3715.52 to 3715.72 of the Revised Code,	13294
Chapter 2925. or 3719. of the Revised Code, or any rule adopted	13295
by the board under those provisions;	13296
(e) Committed fraud, misrepresentation, or deception in	13297
applying for or securing a registration issued by the board	13298
under this chapter;	13299
(f) Failed to comply with an order of the board or a	13300
settlement agreement;	13301



(g) Engaged in any other conduct for which the board may 13302  
impose discipline as set forth in rules adopted by the board 13303  
under section 4729.94 of the Revised Code. 13304

(B) The board may suspend a registration under division 13305  
(B) of section 3719.121 of the Revised Code by utilizing a 13306  
telephone conference call to review the allegations and take a 13307  
vote. 13308

(C) For purposes of this division, an individual 13309  
authorized to practice as a pharmacy technician trainee, 13310  
registered pharmacy technician, or certified pharmacy technician 13311  
accepts the privilege of practicing in this state subject to 13312  
supervision by the board. By filing an application for or 13313  
holding a registration under this chapter, the individual gives 13314  
consent to submit to a mental or physical examination when 13315  
ordered to do so by the board in writing and waives all 13316  
objections to the admissibility of testimony or examination 13317  
reports that constitute privileged communications. 13318

If the board has reasonable cause to believe that an 13319  
individual who is a pharmacy technician trainee, registered 13320  
pharmacy technician, or certified pharmacy technician is 13321  
physically or mentally impaired, the board may require the 13322  
individual to submit to a physical or mental examination, or 13323  
both. The expense of the examination is the responsibility of 13324  
the individual required to be examined. 13325

Failure of an individual who is a pharmacy technician 13326  
trainee, registered pharmacy technician, or certified pharmacy 13327  
technician to submit to a physical or mental examination ordered 13328  
by the board, unless the failure is due to circumstances beyond 13329  
the individual's control, constitutes an admission of the 13330  
allegations and a suspension order shall be entered without the 13331

taking of testimony or presentation of evidence. Any subsequent 13332  
adjudication hearing under Chapter 119. of the Revised Code 13333  
concerning failure to submit to an examination is limited to 13334  
consideration of whether the failure was beyond the individual's 13335  
control. 13336

If, based on the results of an examination ordered under 13337  
this division, the board determines that the individual's 13338  
ability to practice is impaired, the board shall suspend the 13339  
individual's registration or deny the individual's application 13340  
and shall require the individual, as a condition for an initial, 13341  
continued, reinstated, or renewed registration to practice, to 13342  
submit to a physical or mental examination and treatment. 13343

An order of suspension issued under this division shall 13344  
not be subject to suspension by a court during pendency of any 13345  
appeal filed under section 119.12 of the Revised Code. 13346

(D) If the board is required under Chapter 119. of the 13347  
Revised Code to give notice of an opportunity for a hearing and 13348  
the applicant or registrant does not make a timely request for a 13349  
hearing in accordance with section 119.07 of the Revised Code, 13350  
the board is not required to hold a hearing, but may adopt a 13351  
final order that contains the board's findings. In the final 13352  
order, the board may impose any of the sanctions listed in 13353  
division (A) of this section. 13354

(E) Notwithstanding the provision of division (C) (2) of 13355  
section 2953.32 of the Revised Code specifying that if records 13356  
pertaining to a criminal case are sealed under that section the 13357  
proceedings in the case must be deemed not to have occurred, 13358  
sealing of the following records on which the board has based an 13359  
action under this section shall have no effect on the board's 13360  
action or any sanction imposed by the board under this section: 13361

records of any conviction, guilty plea, judicial finding of 13362  
guilt resulting from a plea of no contest, or a judicial finding 13363  
of eligibility for a pretrial diversion program or intervention 13364  
in lieu of conviction. The board shall not be required to seal, 13365  
destroy, redact, or otherwise modify its records to reflect the 13366  
court's sealing of conviction records. 13367

(F) No pharmacy technician trainee, registered pharmacy 13368  
technician, or certified pharmacy technician shall knowingly 13369  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 13370  
(d) to (g) of this section. 13371

(G) The board shall not refuse to issue a registration to 13372  
an applicant because of a conviction of an offense unless the 13373  
refusal is in accordance with section 9.79 of the Revised Code. 13374

**Sec. 4730.10.** (A) An individual seeking a license to 13375  
practice as a physician assistant shall file with the state 13376  
medical board a written application on a form prescribed and 13377  
supplied by the board. The application shall include all of the 13378  
following: 13379

(1) The applicant's name, residential address, business 13380  
address, if any, and social security number; 13381

(2) Satisfactory proof that the applicant meets the age 13382  
~~and moral character requirements~~ requirement specified in 13383  
~~divisions~~ division (A) (1) ~~and (2)~~ of section 4730.11 of the 13384  
Revised Code; 13385

(3) Satisfactory proof that the applicant meets either the 13386  
educational requirements specified in division (B) (1) or (2) of 13387  
section 4730.11 of the Revised Code or the educational or other 13388  
applicable requirements specified in division (C) (1), (2), or 13389  
(3) of that section; 13390

(4) Any other information the board requires.	13391
(B) At the time of making application for a license to practice, the applicant shall pay the board a fee of four hundred dollars, no part of which shall be returned. The fees shall be deposited in accordance with section 4731.24 of the Revised Code.	13392 13393 13394 13395 13396
<b>Sec. 4730.101.</b> In addition to any other eligibility requirement set forth in this chapter, each applicant for a license to practice as a physician assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. <del>The state medical board shall not grant to an applicant a license to practice as a physician assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4730.12 of the Revised Code.</del>	13397 13398 13399 13400 13401 13402 13403 13404 13405
<b>Sec. 4730.11.</b> (A) To be eligible to receive a license to practice as a physician assistant, all of the following apply to an applicant:	13406 13407 13408
(1) The applicant shall be at least eighteen years of age.	13409
(2) <del>The applicant shall be of good moral character.</del>	13410
<del>(3)</del> The applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board.	13411 13412 13413 13414
<del>(4)</del> <u>(3)</u> The applicant shall meet either of the following requirements:	13415 13416
(a) The educational requirements specified in division (B) (1) or (2) of this section;	13417 13418

(b) The educational or other applicable requirements 13419  
specified in division (C) (1), (2), or (3) of this section. 13420

(B) For purposes of division (A) ~~(4)~~ (3) (a) of this section, 13421  
an applicant shall meet either of the following educational 13422  
requirements: 13423

(1) The applicant shall hold a master's or higher degree 13424  
obtained from a program accredited by the accreditation review 13425  
commission on education for the physician assistant or a 13426  
predecessor or successor organization recognized by the board. 13427

(2) The applicant shall hold both of the following 13428  
degrees: 13429

(a) A degree other than a master's or higher degree 13430  
obtained from a program accredited by the accreditation review 13431  
commission on education for the physician assistant or a 13432  
predecessor or successor organization recognized by the board; 13433

(b) A master's or higher degree in a course of study with 13434  
clinical relevance to the practice of physician assistants and 13435  
obtained from a program accredited by a regional or specialized 13436  
and professional accrediting agency recognized by the council 13437  
for higher education accreditation. 13438

(C) For purposes of division (A) ~~(4)~~ (3) (b) of this section, 13439  
an applicant shall present evidence satisfactory to the board of 13440  
meeting one of the following requirements in lieu of meeting the 13441  
educational requirements specified in division (B) (1) or (2) of 13442  
this section: 13443

(1) The applicant shall hold a current, valid license or 13444  
other form of authority to practice as a physician assistant 13445  
issued by another jurisdiction and either have been in active 13446  
practice in any jurisdiction throughout the two-year period 13447

immediately preceding the date of application or have met one or 13448  
more of the following requirements as specified by the board: 13449

(a) Passed an oral or written examination or assessment, 13450  
or both types of examination or assessment, that determined the 13451  
applicant's present fitness to resume practice; 13452

(b) Obtained additional training and passed an examination 13453  
or assessment on completion of the training; 13454

(c) Agreed to limitations on the applicant's extent, 13455  
scope, or type of practice. 13456

(2) The applicant shall hold a degree obtained as a result 13457  
of being enrolled on January 1, 2008, in a program in this state 13458  
that was accredited by the accreditation review commission on 13459  
education for the physician assistant but did not grant a 13460  
master's or higher degree to individuals enrolled in the program 13461  
on that date, and completing the program on or before December 13462  
31, 2009. 13463

(3) The applicant shall hold a degree obtained from a 13464  
program accredited by the accreditation review commission on 13465  
education for the physician assistant and meet either of the 13466  
following experience requirements: 13467

(a) Either have experience practicing as a physician 13468  
assistant for at least two consecutive years immediately 13469  
preceding the date of application while on active duty, with 13470  
evidence of service under honorable conditions, in any of the 13471  
armed forces of the United States or the national guard of any 13472  
state, including any experience attained while practicing as a 13473  
physician assistant at a health care facility or clinic operated 13474  
by the United States department of veterans affairs or have met 13475  
one or more of the following requirements as specified by the 13476

board:	13477
(i) Passed an oral or written examination or assessment,	13478
or both types of examination or assessment, that determined the	13479
applicant's present fitness to resume practice;	13480
(ii) Obtained additional training and passed an	13481
examination or assessment on completion of the training;	13482
(iii) Agreed to limitations on the applicant's extent,	13483
scope, or type of practice;	13484
(b) Either have experience practicing as a physician	13485
assistant for at least two consecutive years immediately	13486
preceding the date of application while on active duty in the	13487
United States public health service commissioned corps or have	13488
met one or more of the following requirements as specified by	13489
the board:	13490
(i) Passed an oral or written examination or assessment,	13491
or both types of examination or assessment, that determined the	13492
applicant's present fitness to resume practice;	13493
(ii) Obtained additional training and passed an	13494
examination or assessment on completion of the training;	13495
(iii) Agreed to limitations on the applicant's extent,	13496
scope, or type of practice.	13497
(D) This section does not require an individual to obtain	13498
a master's or higher degree as a condition of retaining or	13499
renewing a license to practice as a physician assistant if the	13500
individual received the license without holding a master's or	13501
higher degree as provided in either of the following:	13502
(1) Before the educational requirements specified in	13503
division (B) (1) or (2) of this section became effective January	13504

1, 2008; 13505

(2) By meeting the educational or other applicable 13506  
requirements specified in division (C) (1), (2), or (3) of this 13507  
section. 13508

**Sec. 4730.25.** (A) The state medical board, by an 13509  
affirmative vote of not fewer than six members, may revoke or 13510  
may refuse to grant a license to practice as a physician 13511  
assistant to a person found by the board to have committed 13512  
fraud, misrepresentation, or deception in applying for or 13513  
securing the license. 13514

(B) ~~The~~ Except as provided in division (N) of this 13515  
section, the board, by an affirmative vote of not fewer than six 13516  
members, shall, to the extent permitted by law, limit, revoke, 13517  
or suspend an individual's license to practice as a physician 13518  
assistant or prescriber number, refuse to issue a license to an 13519  
applicant, refuse to renew a license, refuse to reinstate a 13520  
license, or reprimand or place on probation the holder of a 13521  
license for any of the following reasons: 13522

(1) Failure to practice in accordance with the supervising 13523  
physician's supervision agreement with the physician assistant, 13524  
including, if applicable, the policies of the health care 13525  
facility in which the supervising physician and physician 13526  
assistant are practicing; 13527

(2) Failure to comply with the requirements of this 13528  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 13529  
by the board; 13530

(3) Violating or attempting to violate, directly or 13531  
indirectly, or assisting in or abetting the violation of, or 13532  
conspiring to violate, any provision of this chapter, Chapter 13533



4731. of the Revised Code, or the rules adopted by the board;	13534
(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	13535 13536 13537 13538
(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	13539 13540 13541 13542
(6) Administering drugs for purposes other than those authorized under this chapter;	13543 13544
(7) Willfully betraying a professional confidence;	13545
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.	13546 13547 13548 13549 13550 13551 13552
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	13553 13554 13555 13556 13557 13558 13559 13560
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other	13561 13562

person, that an incurable disease or injury, or other incurable  
condition, can be permanently cured; 13563  
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(10) The obtaining of, or attempting to obtain, money or  
anything of value by fraudulent misrepresentations in the course  
of practice; 13565  
13566  
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(11) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for, a felony; 13568  
13569  
13570

(12) Commission of an act that constitutes a felony in  
this state, regardless of the jurisdiction in which the act was  
committed; 13571  
13572  
13573

(13) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for, a misdemeanor committed in the course of  
practice; 13574  
13575  
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(14) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for, a misdemeanor involving moral turpitude; 13578  
13579  
13580

(15) Commission of an act in the course of practice that  
constitutes a misdemeanor in this state, regardless of the  
jurisdiction in which the act was committed; 13581  
13582  
13583

(16) Commission of an act involving moral turpitude that  
constitutes a misdemeanor in this state, regardless of the  
jurisdiction in which the act was committed; 13584  
13585  
13586

(17) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for violating any state or federal law regulating the  
possession, distribution, or use of any drug, including 13587  
13588  
13589  
13590

trafficking in drugs;	13591
(18) Any of the following actions taken by the state	13592
agency responsible for regulating the practice of physician	13593
assistants in another state, for any reason other than the	13594
nonpayment of fees: the limitation, revocation, or suspension of	13595
an individual's license to practice; acceptance of an	13596
individual's license surrender; denial of a license; refusal to	13597
renew or reinstate a license; imposition of probation; or	13598
issuance of an order of censure or other reprimand;	13599
(19) A departure from, or failure to conform to, minimal	13600
standards of care of similar physician assistants under the same	13601
or similar circumstances, regardless of whether actual injury to	13602
a patient is established;	13603
(20) Violation of the conditions placed by the board on a	13604
license to practice as a physician assistant;	13605
(21) Failure to use universal blood and body fluid	13606
precautions established by rules adopted under section 4731.051	13607
of the Revised Code;	13608
(22) Failure to cooperate in an investigation conducted by	13609
the board under section 4730.26 of the Revised Code, including	13610
failure to comply with a subpoena or order issued by the board	13611
or failure to answer truthfully a question presented by the	13612
board at a deposition or in written interrogatories, except that	13613
failure to cooperate with an investigation shall not constitute	13614
grounds for discipline under this section if a court of	13615
competent jurisdiction has issued an order that either quashes a	13616
subpoena or permits the individual to withhold the testimony or	13617
evidence in issue;	13618
(23) Assisting suicide, as defined in section 3795.01 of	13619

the Revised Code; 13620

(24) Prescribing any drug or device to perform or induce 13621  
an abortion, or otherwise performing or inducing an abortion; 13622

(25) Failure to comply with section 4730.53 of the Revised 13623  
Code, unless the board no longer maintains a drug database 13624  
pursuant to section 4729.75 of the Revised Code; 13625

(26) Failure to comply with the requirements in section 13626  
3719.061 of the Revised Code before issuing for a minor a 13627  
prescription for an opioid analgesic, as defined in section 13628  
3719.01 of the Revised Code; 13629

(27) Having certification by the national commission on 13630  
certification of physician assistants or a successor 13631  
organization expire, lapse, or be suspended or revoked; 13632

(28) The revocation, suspension, restriction, reduction, 13633  
or termination of clinical privileges by the United States 13634  
department of defense or department of veterans affairs or the 13635  
termination or suspension of a certificate of registration to 13636  
prescribe drugs by the drug enforcement administration of the 13637  
United States department of justice. 13638

(C) Disciplinary actions taken by the board under 13639  
divisions (A) and (B) of this section shall be taken pursuant to 13640  
an adjudication under Chapter 119. of the Revised Code, except 13641  
that in lieu of an adjudication, the board may enter into a 13642  
consent agreement with a physician assistant or applicant to 13643  
resolve an allegation of a violation of this chapter or any rule 13644  
adopted under it. A consent agreement, when ratified by an 13645  
affirmative vote of not fewer than six members of the board, 13646  
shall constitute the findings and order of the board with 13647  
respect to the matter addressed in the agreement. If the board 13648

refuses to ratify a consent agreement, the admissions and 13649  
findings contained in the consent agreement shall be of no force 13650  
or effect. 13651

(D) For purposes of divisions (B) (12), (15), and (16) of 13652  
this section, the commission of the act may be established by a 13653  
finding by the board, pursuant to an adjudication under Chapter 13654  
119. of the Revised Code, that the applicant or license holder 13655  
committed the act in question. The board shall have no 13656  
jurisdiction under these divisions in cases where the trial 13657  
court renders a final judgment in the license holder's favor and 13658  
that judgment is based upon an adjudication on the merits. The 13659  
board shall have jurisdiction under these divisions in cases 13660  
where the trial court issues an order of dismissal upon 13661  
technical or procedural grounds. 13662

(E) The sealing of conviction records by any court shall 13663  
have no effect upon a prior board order entered under the 13664  
provisions of this section or upon the board's jurisdiction to 13665  
take action under the provisions of this section if, based upon 13666  
a plea of guilty, a judicial finding of guilt, or a judicial 13667  
finding of eligibility for intervention in lieu of conviction, 13668  
the board issued a notice of opportunity for a hearing prior to 13669  
the court's order to seal the records. The board shall not be 13670  
required to seal, destroy, redact, or otherwise modify its 13671  
records to reflect the court's sealing of conviction records. 13672

(F) For purposes of this division, any individual who 13673  
holds a license issued under this chapter, or applies for a 13674  
license issued under this chapter, shall be deemed to have given 13675  
consent to submit to a mental or physical examination when 13676  
directed to do so in writing by the board and to have waived all 13677  
objections to the admissibility of testimony or examination 13678

reports that constitute a privileged communication. 13679

(1) In enforcing division (B)(4) of this section, the 13680  
board, upon a showing of a possible violation, may compel any 13681  
individual who holds a license issued under this chapter or who 13682  
has applied for a license pursuant to this chapter to submit to 13683  
a mental examination, physical examination, including an HIV 13684  
test, or both a mental and physical examination. The expense of 13685  
the examination is the responsibility of the individual 13686  
compelled to be examined. Failure to submit to a mental or 13687  
physical examination or consent to an HIV test ordered by the 13688  
board constitutes an admission of the allegations against the 13689  
individual unless the failure is due to circumstances beyond the 13690  
individual's control, and a default and final order may be 13691  
entered without the taking of testimony or presentation of 13692  
evidence. If the board finds a physician assistant unable to 13693  
practice because of the reasons set forth in division (B)(4) of 13694  
this section, the board shall require the physician assistant to 13695  
submit to care, counseling, or treatment by physicians approved 13696  
or designated by the board, as a condition for an initial, 13697  
continued, reinstated, or renewed license. An individual 13698  
affected under this division shall be afforded an opportunity to 13699  
demonstrate to the board the ability to resume practicing in 13700  
compliance with acceptable and prevailing standards of care. 13701

(2) For purposes of division (B)(5) of this section, if 13702  
the board has reason to believe that any individual who holds a 13703  
license issued under this chapter or any applicant for a license 13704  
suffers such impairment, the board may compel the individual to 13705  
submit to a mental or physical examination, or both. The expense 13706  
of the examination is the responsibility of the individual 13707  
compelled to be examined. Any mental or physical examination 13708  
required under this division shall be undertaken by a treatment 13709

provider or physician qualified to conduct such examination and 13710  
chosen by the board. 13711

Failure to submit to a mental or physical examination 13712  
ordered by the board constitutes an admission of the allegations 13713  
against the individual unless the failure is due to 13714  
circumstances beyond the individual's control, and a default and 13715  
final order may be entered without the taking of testimony or 13716  
presentation of evidence. If the board determines that the 13717  
individual's ability to practice is impaired, the board shall 13718  
suspend the individual's license or deny the individual's 13719  
application and shall require the individual, as a condition for 13720  
initial, continued, reinstated, or renewed licensure, to submit 13721  
to treatment. 13722

Before being eligible to apply for reinstatement of a 13723  
license suspended under this division, the physician assistant 13724  
shall demonstrate to the board the ability to resume practice or 13725  
prescribing in compliance with acceptable and prevailing 13726  
standards of care. The demonstration shall include the 13727  
following: 13728

(a) Certification from a treatment provider approved under 13729  
section 4731.25 of the Revised Code that the individual has 13730  
successfully completed any required inpatient treatment; 13731

(b) Evidence of continuing full compliance with an 13732  
aftercare contract or consent agreement; 13733

(c) Two written reports indicating that the individual's 13734  
ability to practice has been assessed and that the individual 13735  
has been found capable of practicing according to acceptable and 13736  
prevailing standards of care. The reports shall be made by 13737  
individuals or providers approved by the board for making such 13738

assessments and shall describe the basis for their 13739  
determination. 13740

The board may reinstate a license suspended under this 13741  
division after such demonstration and after the individual has 13742  
entered into a written consent agreement. 13743

When the impaired physician assistant resumes practice or 13744  
prescribing, the board shall require continued monitoring of the 13745  
physician assistant. The monitoring shall include compliance 13746  
with the written consent agreement entered into before 13747  
reinstatement or with conditions imposed by board order after a 13748  
hearing, and, upon termination of the consent agreement, 13749  
submission to the board for at least two years of annual written 13750  
progress reports made under penalty of falsification stating 13751  
whether the physician assistant has maintained sobriety. 13752

(G) If the secretary and supervising member determine that 13753  
there is clear and convincing evidence that a physician 13754  
assistant has violated division (B) of this section and that the 13755  
individual's continued practice or prescribing presents a danger 13756  
of immediate and serious harm to the public, they may recommend 13757  
that the board suspend the individual's license without a prior 13758  
hearing. Written allegations shall be prepared for consideration 13759  
by the board. 13760

The board, upon review of those allegations and by an 13761  
affirmative vote of not fewer than six of its members, excluding 13762  
the secretary and supervising member, may suspend a license 13763  
without a prior hearing. A telephone conference call may be 13764  
utilized for reviewing the allegations and taking the vote on 13765  
the summary suspension. 13766

The board shall issue a written order of suspension by 13767



certified mail or in person in accordance with section 119.07 of 13768  
the Revised Code. The order shall not be subject to suspension 13769  
by the court during pendency of any appeal filed under section 13770  
119.12 of the Revised Code. If the physician assistant requests 13771  
an adjudicatory hearing by the board, the date set for the 13772  
hearing shall be within fifteen days, but not earlier than seven 13773  
days, after the physician assistant requests the hearing, unless 13774  
otherwise agreed to by both the board and the license holder. 13775

A summary suspension imposed under this division shall 13776  
remain in effect, unless reversed on appeal, until a final 13777  
adjudicative order issued by the board pursuant to this section 13778  
and Chapter 119. of the Revised Code becomes effective. The 13779  
board shall issue its final adjudicative order within sixty days 13780  
after completion of its hearing. Failure to issue the order 13781  
within sixty days shall result in dissolution of the summary 13782  
suspension order, but shall not invalidate any subsequent, final 13783  
adjudicative order. 13784

(H) If the board takes action under division (B) (11), 13785  
(13), or (14) of this section, and the judicial finding of 13786  
guilt, guilty plea, or judicial finding of eligibility for 13787  
intervention in lieu of conviction is overturned on appeal, upon 13788  
exhaustion of the criminal appeal, a petition for 13789  
reconsideration of the order may be filed with the board along 13790  
with appropriate court documents. Upon receipt of a petition and 13791  
supporting court documents, the board shall reinstate the 13792  
individual's license. The board may then hold an adjudication 13793  
under Chapter 119. of the Revised Code to determine whether the 13794  
individual committed the act in question. Notice of opportunity 13795  
for hearing shall be given in accordance with Chapter 119. of 13796  
the Revised Code. If the board finds, pursuant to an 13797  
adjudication held under this division, that the individual 13798

committed the act, or if no hearing is requested, it may order 13799  
any of the sanctions identified under division (B) of this 13800  
section. 13801

(I) The license to practice issued to a physician 13802  
assistant and the physician assistant's practice in this state 13803  
are automatically suspended as of the date the physician 13804  
assistant pleads guilty to, is found by a judge or jury to be 13805  
guilty of, or is subject to a judicial finding of eligibility 13806  
for intervention in lieu of conviction in this state or 13807  
treatment or intervention in lieu of conviction in another state 13808  
for any of the following criminal offenses in this state or a 13809  
substantially equivalent criminal offense in another 13810  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 13811  
felonious assault, kidnapping, rape, sexual battery, gross 13812  
sexual imposition, aggravated arson, aggravated robbery, or 13813  
aggravated burglary. Continued practice after the suspension 13814  
shall be considered practicing without a license. 13815

The board shall notify the individual subject to the 13816  
suspension by certified mail or in person in accordance with 13817  
section 119.07 of the Revised Code. If an individual whose 13818  
license is suspended under this division fails to make a timely 13819  
request for an adjudication under Chapter 119. of the Revised 13820  
Code, the board shall enter a final order permanently revoking 13821  
the individual's license to practice. 13822

(J) In any instance in which the board is required by 13823  
Chapter 119. of the Revised Code to give notice of opportunity 13824  
for hearing and the individual subject to the notice does not 13825  
timely request a hearing in accordance with section 119.07 of 13826  
the Revised Code, the board is not required to hold a hearing, 13827  
but may adopt, by an affirmative vote of not fewer than six of 13828

its members, a final order that contains the board's findings. 13829  
In that final order, the board may order any of the sanctions 13830  
identified under division (A) or (B) of this section. 13831

(K) Any action taken by the board under division (B) of 13832  
this section resulting in a suspension shall be accompanied by a 13833  
written statement of the conditions under which the physician 13834  
assistant's license may be reinstated. The board shall adopt 13835  
rules in accordance with Chapter 119. of the Revised Code 13836  
governing conditions to be imposed for reinstatement. 13837  
Reinstatement of a license suspended pursuant to division (B) of 13838  
this section requires an affirmative vote of not fewer than six 13839  
members of the board. 13840

(L) When the board refuses to grant or issue to an 13841  
applicant a license to practice as a physician assistant, 13842  
revokes an individual's license, refuses to renew an 13843  
individual's license, or refuses to reinstate an individual's 13844  
license, the board may specify that its action is permanent. An 13845  
individual subject to a permanent action taken by the board is 13846  
forever thereafter ineligible to hold the license and the board 13847  
shall not accept an application for reinstatement of the license 13848  
or for issuance of a new license. 13849

(M) Notwithstanding any other provision of the Revised 13850  
Code, all of the following apply: 13851

(1) The surrender of a license issued under this chapter 13852  
is not effective unless or until accepted by the board. 13853  
Reinstatement of a license surrendered to the board requires an 13854  
affirmative vote of not fewer than six members of the board. 13855

(2) An application made under this chapter for a license 13856  
may not be withdrawn without approval of the board. 13857

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

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

**Sec. 4731.08.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall comply with sections 4776.01 to 4776.04 of the Revised Code. ~~The state medical board shall not grant to an applicant a license to practice medicine and surgery or osteopathic medicine and surgery unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4731.14 of the Revised Code.~~

**Sec. 4731.09.** (A) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery must meet all of the following requirements:

(1) Be at least eighteen years of age ~~and of good moral character;~~

(2) Possess a high school diploma or a certificate of high school equivalence or have obtained the equivalent of such education as determined by the state medical board;

(3) Have completed two years of undergraduate work in a

college of arts and sciences or the equivalent of such education	13887
as determined by the board;	13888
(4) Meet one of the following medical education and	13889
graduate medical education requirements:	13890
(a) Hold a diploma from a medical school or osteopathic	13891
medical school that, at the time the diploma was issued, was a	13892
medical school accredited by the liaison committee on medical	13893
education or an osteopathic medical school accredited by the	13894
American osteopathic association and have successfully completed	13895
not less than twelve months of graduate medical education	13896
through the first-year level of graduate medical education or	13897
its equivalent as determined by the board;	13898
(b) Hold certification from the educational commission for	13899
foreign medical graduates and have successfully completed not	13900
less than twenty-four months of graduate medical education	13901
through the second-year level of graduate medical education or	13902
its equivalent as determined by the board;	13903
(c) Be a qualified graduate of a fifth pathway training	13904
program as recognized by the board under section 4731.091 of the	13905
Revised Code and have successfully completed, subsequent to	13906
completing fifth pathway training, not less than twelve months	13907
of graduate medical education or its equivalent as determined by	13908
the board.	13909
(5) Have successfully passed an examination prescribed in	13910
rules adopted by the board to determine competency to practice	13911
medicine and surgery or osteopathic medicine and surgery;	13912
(6) Comply with section 4731.08 of the Revised Code;	13913
(7) Meet the requirements of section 4731.142 of the	13914
Revised Code if eligibility for the license applied for is based	13915

in part on certification from the educational commission for 13916  
foreign medical graduates and the undergraduate education 13917  
requirements established by this section were fulfilled at an 13918  
institution outside of the United States. 13919

(B) An applicant for a license to practice medicine and 13920  
surgery or osteopathic medicine and surgery shall submit to the 13921  
board an application in the form and manner prescribed by the 13922  
board. The application must include all of the following: 13923

(1) Evidence satisfactory to the board to demonstrate that 13924  
the applicant meets all of the requirements of division (A) of 13925  
this section; 13926

(2) An attestation that the information submitted under 13927  
this section is accurate and truthful; 13928

(3) Consent to the release of the applicant's information; 13929

(4) Any other information the board requires. 13930

(C) An applicant for a license to practice medicine and 13931  
surgery or osteopathic medicine and surgery shall include with 13932  
the application a fee of three hundred five dollars, no part of 13933  
which may be returned. An application is not considered 13934  
submitted until the board receives the fee. 13935

(D) The board may conduct an investigation related to the 13936  
application materials received pursuant to this section and may 13937  
contact any individual, agency, or organization for 13938  
recommendations or other information about the applicant. 13939

(E) The board shall conclude any investigation of an 13940  
applicant conducted under section 4731.22 of the Revised Code 13941  
not later than ninety days after receipt of a complete 13942  
application unless the applicant agrees in writing to an 13943

extension or the board determines that there is a substantial 13944  
question of a violation of this chapter or the rules adopted 13945  
under it and notifies the applicant in writing of the reasons 13946  
for continuation of the investigation. If the board determines 13947  
that the applicant is not in violation of this chapter or the 13948  
rules adopted under it, the board shall issue a license not 13949  
later than forty-five days after making that determination. 13950

**Sec. 4731.171.** In addition to any other eligibility 13951  
requirement set forth in this chapter, each applicant for a 13952  
license to practice massage therapy or cosmetic therapy shall 13953  
comply with sections 4776.01 to 4776.04 of the Revised Code. ~~The~~ 13954  
~~state medical board shall not grant to an applicant a license to~~ 13955  
~~practice massage therapy or cosmetic therapy unless the board,~~ 13956  
~~in its discretion, decides that the results of the criminal~~ 13957  
~~records check do not make the applicant ineligible for a license~~ 13958  
~~issued pursuant to section 4731.17 of the Revised Code.~~ 13959

**Sec. 4731.19.** (A) A person seeking a license to practice a 13960  
limited branch of medicine shall file with the state medical 13961  
board an application in a manner prescribed by the board. The 13962  
application shall include or be accompanied by all of the 13963  
following: 13964

(1) Evidence that the applicant is at least eighteen years 13965  
of age ~~and of good moral character;~~ 13966

(2) Evidence that the applicant has attained high school 13967  
graduation or its equivalent; 13968

(3) Evidence that the applicant holds one of the 13969  
following: 13970

(a) A diploma or certificate from a school, college, or 13971  
institution in good standing as determined by the board, showing 13972

the completion of the required courses of instruction;	13973
(b) A diploma or certificate from a school, college, or	13974
institution in another state or jurisdiction showing completion	13975
of a course of instruction that meets course requirements	13976
determined by the board through rules adopted under section	13977
4731.05 of the Revised Code;	13978
(c) During the five-year period immediately preceding the	13979
date of application, a current license, registration, or	13980
certificate in good standing in another state for massage	13981
therapy or cosmetic therapy.	13982
(4) Evidence that the applicant has successfully passed an	13983
examination, prescribed in rules described in section 4731.16 of	13984
the Revised Code, to determine competency to practice the	13985
applicable limited branch of medicine;	13986
(5) An attestation that the information submitted under	13987
this section is accurate and truthful and that the applicant	13988
consents to release of information;	13989
(6) Any other information the board requires.	13990
(B) An applicant for a license to practice a limited	13991
branch of medicine shall comply with the requirements of section	13992
4731.171 of the Revised Code.	13993
(C) At the time of making application for a license to	13994
practice a limited branch of medicine, the applicant shall pay	13995
to the board a fee of one hundred fifty dollars, no part of	13996
which shall be returned. No application shall be considered	13997
filed until the board receives the appropriate fee.	13998
(D) The board may investigate the application materials	13999
received under this section and contact any agency or	14000



organization for recommendations or other information about the 14001  
applicant. 14002

**Sec. 4731.22.** (A) The state medical board, by an 14003  
affirmative vote of not fewer than six of its members, may 14004  
limit, revoke, or suspend a license or certificate to practice 14005  
or certificate to recommend, refuse to grant a license or 14006  
certificate, refuse to renew a license or certificate, refuse to 14007  
reinstate a license or certificate, or reprimand or place on 14008  
probation the holder of a license or certificate if the 14009  
individual applying for or holding the license or certificate is 14010  
found by the board to have committed fraud during the 14011  
administration of the examination for a license or certificate 14012  
to practice or to have committed fraud, misrepresentation, or 14013  
deception in applying for, renewing, or securing any license or 14014  
certificate to practice or certificate to recommend issued by 14015  
the board. 14016

(B) ~~The~~ Except as provided in division (P) of this 14017  
section, the board, by an affirmative vote of not fewer than six 14018  
members, shall, to the extent permitted by law, limit, revoke, 14019  
or suspend a license or certificate to practice or certificate 14020  
to recommend, refuse to issue a license or certificate, refuse 14021  
to renew a license or certificate, refuse to reinstate a license 14022  
or certificate, or reprimand or place on probation the holder of 14023  
a license or certificate for one or more of the following 14024  
reasons: 14025

(1) Permitting one's name or one's license or certificate 14026  
to practice to be used by a person, group, or corporation when 14027  
the individual concerned is not actually directing the treatment 14028  
given; 14029

(2) Failure to maintain minimal standards applicable to 14030

the selection or administration of drugs, or failure to employ 14031  
acceptable scientific methods in the selection of drugs or other 14032  
modalities for treatment of disease; 14033

(3) Except as provided in section 4731.97 of the Revised 14034  
Code, selling, giving away, personally furnishing, prescribing, 14035  
or administering drugs for other than legal and legitimate 14036  
therapeutic purposes or a plea of guilty to, a judicial finding 14037  
of guilt of, or a judicial finding of eligibility for 14038  
intervention in lieu of conviction of, a violation of any 14039  
federal or state law regulating the possession, distribution, or 14040  
use of any drug; 14041

(4) Willfully betraying a professional confidence. 14042

For purposes of this division, "willfully betraying a 14043  
professional confidence" does not include providing any 14044  
information, documents, or reports under sections 307.621 to 14045  
307.629 of the Revised Code to a child fatality review board; 14046  
does not include providing any information, documents, or 14047  
reports to the director of health pursuant to guidelines 14048  
established under section 3701.70 of the Revised Code; does not 14049  
include written notice to a mental health professional under 14050  
section 4731.62 of the Revised Code; and does not include the 14051  
making of a report of an employee's use of a drug of abuse, or a 14052  
report of a condition of an employee other than one involving 14053  
the use of a drug of abuse, to the employer of the employee as 14054  
described in division (B) of section 2305.33 of the Revised 14055  
Code. Nothing in this division affects the immunity from civil 14056  
liability conferred by section 2305.33 or 4731.62 of the Revised 14057  
Code upon a physician who makes a report in accordance with 14058  
section 2305.33 or notifies a mental health professional in 14059  
accordance with section 4731.62 of the Revised Code. As used in 14060

this division, "employee," "employer," and "physician" have the 14061  
same meanings as in section 2305.33 of the Revised Code. 14062

(5) Making a false, fraudulent, deceptive, or misleading 14063  
statement in the solicitation of or advertising for patients; in 14064  
relation to the practice of medicine and surgery, osteopathic 14065  
medicine and surgery, podiatric medicine and surgery, or a 14066  
limited branch of medicine; or in securing or attempting to 14067  
secure any license or certificate to practice issued by the 14068  
board. 14069

As used in this division, "false, fraudulent, deceptive, 14070  
or misleading statement" means a statement that includes a 14071  
misrepresentation of fact, is likely to mislead or deceive 14072  
because of a failure to disclose material facts, is intended or 14073  
is likely to create false or unjustified expectations of 14074  
favorable results, or includes representations or implications 14075  
that in reasonable probability will cause an ordinarily prudent 14076  
person to misunderstand or be deceived. 14077

(6) A departure from, or the failure to conform to, 14078  
minimal standards of care of similar practitioners under the 14079  
same or similar circumstances, whether or not actual injury to a 14080  
patient is established; 14081

(7) Representing, with the purpose of obtaining 14082  
compensation or other advantage as personal gain or for any 14083  
other person, that an incurable disease or injury, or other 14084  
incurable condition, can be permanently cured; 14085

(8) The obtaining of, or attempting to obtain, money or 14086  
anything of value by fraudulent misrepresentations in the course 14087  
of practice; 14088

(9) A plea of guilty to, a judicial finding of guilt of, 14089

or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	14090 14091
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	14092 14093 14094
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	14095 14096 14097 14098
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	14099 14100 14101
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	14102 14103 14104
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	14105 14106 14107
(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;	14108 14109
(16) Failure to pay license renewal fees specified in this chapter;	14110 14111
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	14112 14113 14114 14115 14116
(18) Subject to section 4731.226 of the Revised Code,	14117

violation of any provision of a code of ethics of the American 14118  
medical association, the American osteopathic association, the 14119  
American podiatric medical association, or any other national 14120  
professional organizations that the board specifies by rule. The 14121  
state medical board shall obtain and keep on file current copies 14122  
of the codes of ethics of the various national professional 14123  
organizations. The individual whose license or certificate is 14124  
being suspended or revoked shall not be found to have violated 14125  
any provision of a code of ethics of an organization not 14126  
appropriate to the individual's profession. 14127

For purposes of this division, a "provision of a code of 14128  
ethics of a national professional organization" does not include 14129  
any provision that would preclude the making of a report by a 14130  
physician of an employee's use of a drug of abuse, or of a 14131  
condition of an employee other than one involving the use of a 14132  
drug of abuse, to the employer of the employee as described in 14133  
division (B) of section 2305.33 of the Revised Code. Nothing in 14134  
this division affects the immunity from civil liability 14135  
conferred by that section upon a physician who makes either type 14136  
of report in accordance with division (B) of that section. As 14137  
used in this division, "employee," "employer," and "physician" 14138  
have the same meanings as in section 2305.33 of the Revised 14139  
Code. 14140

(19) Inability to practice according to acceptable and 14141  
prevailing standards of care by reason of mental illness or 14142  
physical illness, including, but not limited to, physical 14143  
deterioration that adversely affects cognitive, motor, or 14144  
perceptive skills. 14145

In enforcing this division, the board, upon a showing of a 14146  
possible violation, may compel any individual authorized to 14147

practice by this chapter or who has submitted an application 14148  
pursuant to this chapter to submit to a mental examination, 14149  
physical examination, including an HIV test, or both a mental 14150  
and a physical examination. The expense of the examination is 14151  
the responsibility of the individual compelled to be examined. 14152  
Failure to submit to a mental or physical examination or consent 14153  
to an HIV test ordered by the board constitutes an admission of 14154  
the allegations against the individual unless the failure is due 14155  
to circumstances beyond the individual's control, and a default 14156  
and final order may be entered without the taking of testimony 14157  
or presentation of evidence. If the board finds an individual 14158  
unable to practice because of the reasons set forth in this 14159  
division, the board shall require the individual to submit to 14160  
care, counseling, or treatment by physicians approved or 14161  
designated by the board, as a condition for initial, continued, 14162  
reinstated, or renewed authority to practice. An individual 14163  
affected under this division shall be afforded an opportunity to 14164  
demonstrate to the board the ability to resume practice in 14165  
compliance with acceptable and prevailing standards under the 14166  
provisions of the individual's license or certificate. For the 14167  
purpose of this division, any individual who applies for or 14168  
receives a license or certificate to practice under this chapter 14169  
accepts the privilege of practicing in this state and, by so 14170  
doing, shall be deemed to have given consent to submit to a 14171  
mental or physical examination when directed to do so in writing 14172  
by the board, and to have waived all objections to the 14173  
admissibility of testimony or examination reports that 14174  
constitute a privileged communication. 14175

(20) Except as provided in division (F)(1)(b) of section 14176  
4731.282 of the Revised Code or when civil penalties are imposed 14177  
under section 4731.225 of the Revised Code, and subject to 14178

section 4731.226 of the Revised Code, violating or attempting to 14179  
violate, directly or indirectly, or assisting in or abetting the 14180  
violation of, or conspiring to violate, any provisions of this 14181  
chapter or any rule promulgated by the board. 14182

This division does not apply to a violation or attempted 14183  
violation of, assisting in or abetting the violation of, or a 14184  
conspiracy to violate, any provision of this chapter or any rule 14185  
adopted by the board that would preclude the making of a report 14186  
by a physician of an employee's use of a drug of abuse, or of a 14187  
condition of an employee other than one involving the use of a 14188  
drug of abuse, to the employer of the employee as described in 14189  
division (B) of section 2305.33 of the Revised Code. Nothing in 14190  
this division affects the immunity from civil liability 14191  
conferred by that section upon a physician who makes either type 14192  
of report in accordance with division (B) of that section. As 14193  
used in this division, "employee," "employer," and "physician" 14194  
have the same meanings as in section 2305.33 of the Revised 14195  
Code. 14196

(21) The violation of section 3701.79 of the Revised Code 14197  
or of any abortion rule adopted by the director of health 14198  
pursuant to section 3701.341 of the Revised Code; 14199

(22) Any of the following actions taken by an agency 14200  
responsible for authorizing, certifying, or regulating an 14201  
individual to practice a health care occupation or provide 14202  
health care services in this state or another jurisdiction, for 14203  
any reason other than the nonpayment of fees: the limitation, 14204  
revocation, or suspension of an individual's license to 14205  
practice; acceptance of an individual's license surrender; 14206  
denial of a license; refusal to renew or reinstate a license; 14207  
imposition of probation; or issuance of an order of censure or 14208

other reprimand; 14209

(23) The violation of section 2919.12 of the Revised Code 14210  
or the performance or inducement of an abortion upon a pregnant 14211  
woman with actual knowledge that the conditions specified in 14212  
division (B) of section 2317.56 of the Revised Code have not 14213  
been satisfied or with a heedless indifference as to whether 14214  
those conditions have been satisfied, unless an affirmative 14215  
defense as specified in division (H) (2) of that section would 14216  
apply in a civil action authorized by division (H) (1) of that 14217  
section; 14218

(24) The revocation, suspension, restriction, reduction, 14219  
or termination of clinical privileges by the United States 14220  
department of defense or department of veterans affairs or the 14221  
termination or suspension of a certificate of registration to 14222  
prescribe drugs by the drug enforcement administration of the 14223  
United States department of justice; 14224

(25) Termination or suspension from participation in the 14225  
medicare or medicaid programs by the department of health and 14226  
human services or other responsible agency; 14227

(26) Impairment of ability to practice according to 14228  
acceptable and prevailing standards of care because of habitual 14229  
or excessive use or abuse of drugs, alcohol, or other substances 14230  
that impair ability to practice. 14231

For the purposes of this division, any individual 14232  
authorized to practice by this chapter accepts the privilege of 14233  
practicing in this state subject to supervision by the board. By 14234  
filing an application for or holding a license or certificate to 14235  
practice under this chapter, an individual shall be deemed to 14236  
have given consent to submit to a mental or physical examination 14237



when ordered to do so by the board in writing, and to have 14238  
waived all objections to the admissibility of testimony or 14239  
examination reports that constitute privileged communications. 14240

If it has reason to believe that any individual authorized 14241  
to practice by this chapter or any applicant for licensure or 14242  
certification to practice suffers such impairment, the board may 14243  
compel the individual to submit to a mental or physical 14244  
examination, or both. The expense of the examination is the 14245  
responsibility of the individual compelled to be examined. Any 14246  
mental or physical examination required under this division 14247  
shall be undertaken by a treatment provider or physician who is 14248  
qualified to conduct the examination and who is chosen by the 14249  
board. 14250

Failure to submit to a mental or physical examination 14251  
ordered by the board constitutes an admission of the allegations 14252  
against the individual unless the failure is due to 14253  
circumstances beyond the individual's control, and a default and 14254  
final order may be entered without the taking of testimony or 14255  
presentation of evidence. If the board determines that the 14256  
individual's ability to practice is impaired, the board shall 14257  
suspend the individual's license or certificate or deny the 14258  
individual's application and shall require the individual, as a 14259  
condition for initial, continued, reinstated, or renewed 14260  
licensure or certification to practice, to submit to treatment. 14261

Before being eligible to apply for reinstatement of a 14262  
license or certificate suspended under this division, the 14263  
impaired practitioner shall demonstrate to the board the ability 14264  
to resume practice in compliance with acceptable and prevailing 14265  
standards of care under the provisions of the practitioner's 14266  
license or certificate. The demonstration shall include, but 14267

shall not be limited to, the following: 14268

(a) Certification from a treatment provider approved under 14269  
section 4731.25 of the Revised Code that the individual has 14270  
successfully completed any required inpatient treatment; 14271

(b) Evidence of continuing full compliance with an 14272  
aftercare contract or consent agreement; 14273

(c) Two written reports indicating that the individual's 14274  
ability to practice has been assessed and that the individual 14275  
has been found capable of practicing according to acceptable and 14276  
prevailing standards of care. The reports shall be made by 14277  
individuals or providers approved by the board for making the 14278  
assessments and shall describe the basis for their 14279  
determination. 14280

The board may reinstate a license or certificate suspended 14281  
under this division after that demonstration and after the 14282  
individual has entered into a written consent agreement. 14283

When the impaired practitioner resumes practice, the board 14284  
shall require continued monitoring of the individual. The 14285  
monitoring shall include, but not be limited to, compliance with 14286  
the written consent agreement entered into before reinstatement 14287  
or with conditions imposed by board order after a hearing, and, 14288  
upon termination of the consent agreement, submission to the 14289  
board for at least two years of annual written progress reports 14290  
made under penalty of perjury stating whether the individual has 14291  
maintained sobriety. 14292

(27) A second or subsequent violation of section 4731.66 14293  
or 4731.69 of the Revised Code; 14294

(28) Except as provided in division (N) of this section: 14295

(a) Waiving the payment of all or any part of a deductible	14296
or copayment that a patient, pursuant to a health insurance or	14297
health care policy, contract, or plan that covers the	14298
individual's services, otherwise would be required to pay if the	14299
waiver is used as an enticement to a patient or group of	14300
patients to receive health care services from that individual;	14301
(b) Advertising that the individual will waive the payment	14302
of all or any part of a deductible or copayment that a patient,	14303
pursuant to a health insurance or health care policy, contract,	14304
or plan that covers the individual's services, otherwise would	14305
be required to pay.	14306
(29) Failure to use universal blood and body fluid	14307
precautions established by rules adopted under section 4731.051	14308
of the Revised Code;	14309
(30) Failure to provide notice to, and receive	14310
acknowledgment of the notice from, a patient when required by	14311
section 4731.143 of the Revised Code prior to providing	14312
nonemergency professional services, or failure to maintain that	14313
notice in the patient's medical record;	14314
(31) Failure of a physician supervising a physician	14315
assistant to maintain supervision in accordance with the	14316
requirements of Chapter 4730. of the Revised Code and the rules	14317
adopted under that chapter;	14318
(32) Failure of a physician or podiatrist to enter into a	14319
standard care arrangement with a clinical nurse specialist,	14320
certified nurse-midwife, or certified nurse practitioner with	14321
whom the physician or podiatrist is in collaboration pursuant to	14322
section 4731.27 of the Revised Code or failure to fulfill the	14323
responsibilities of collaboration after entering into a standard	14324

care arrangement;	14325
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	14326 14327 14328
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	14329 14330 14331 14332 14333 14334 14335 14336 14337 14338 14339
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	14340 14341 14342 14343
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	14344 14345 14346
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	14347 14348
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	14349 14350
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	14351 14352 14353

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	14354 14355 14356 14357
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	14358 14359 14360 14361
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	14362 14363 14364 14365
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	14366 14367 14368 14369
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	14370 14371 14372 14373 14374
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	14375 14376 14377 14378 14379
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed	14380 14381 14382

with the classification;	14383
(47) Failure to comply with any of the requirements	14384
regarding making or maintaining medical records or documents	14385
described in division (A) of section 2919.192, division (C) of	14386
section 2919.193, division (B) of section 2919.195, or division	14387
(A) of section 2919.196 of the Revised Code;	14388
(48) Failure to comply with the requirements in section	14389
3719.061 of the Revised Code before issuing for a minor a	14390
prescription for an opioid analgesic, as defined in section	14391
3719.01 of the Revised Code;	14392
(49) Failure to comply with the requirements of section	14393
4731.30 of the Revised Code or rules adopted under section	14394
4731.301 of the Revised Code when recommending treatment with	14395
medical marijuana;	14396
(50) Practicing at a facility, clinic, or other location	14397
that is subject to licensure as a category III terminal	14398
distributor of dangerous drugs with an office-based opioid	14399
treatment classification unless the person operating that place	14400
has obtained and maintains the license with the classification;	14401
(51) Owning a facility, clinic, or other location that is	14402
subject to licensure as a category III terminal distributor of	14403
dangerous drugs with an office-based opioid treatment	14404
classification unless that place is licensed with the	14405
classification;	14406
(52) A pattern of continuous or repeated violations of	14407
division (E) (2) or (3) of section 3963.02 of the Revised Code.	14408
(C) Disciplinary actions taken by the board under	14409
divisions (A) and (B) of this section shall be taken pursuant to	14410
an adjudication under Chapter 119. of the Revised Code, except	14411

that in lieu of an adjudication, the board may enter into a 14412  
consent agreement with an individual to resolve an allegation of 14413  
a violation of this chapter or any rule adopted under it. A 14414  
consent agreement, when ratified by an affirmative vote of not 14415  
fewer than six members of the board, shall constitute the 14416  
findings and order of the board with respect to the matter 14417  
addressed in the agreement. If the board refuses to ratify a 14418  
consent agreement, the admissions and findings contained in the 14419  
consent agreement shall be of no force or effect. 14420

A telephone conference call may be utilized for 14421  
ratification of a consent agreement that revokes or suspends an 14422  
individual's license or certificate to practice or certificate 14423  
to recommend. The telephone conference call shall be considered 14424  
a special meeting under division (F) of section 121.22 of the 14425  
Revised Code. 14426

If the board takes disciplinary action against an 14427  
individual under division (B) of this section for a second or 14428  
subsequent plea of guilty to, or judicial finding of guilt of, a 14429  
violation of section 2919.123 of the Revised Code, the 14430  
disciplinary action shall consist of a suspension of the 14431  
individual's license or certificate to practice for a period of 14432  
at least one year or, if determined appropriate by the board, a 14433  
more serious sanction involving the individual's license or 14434  
certificate to practice. Any consent agreement entered into 14435  
under this division with an individual that pertains to a second 14436  
or subsequent plea of guilty to, or judicial finding of guilt 14437  
of, a violation of that section shall provide for a suspension 14438  
of the individual's license or certificate to practice for a 14439  
period of at least one year or, if determined appropriate by the 14440  
board, a more serious sanction involving the individual's 14441  
license or certificate to practice. 14442

(D) For purposes of divisions (B) (10), (12), and (14) of 14443  
this section, the commission of the act may be established by a 14444  
finding by the board, pursuant to an adjudication under Chapter 14445  
119. of the Revised Code, that the individual committed the act. 14446  
The board does not have jurisdiction under those divisions if 14447  
the trial court renders a final judgment in the individual's 14448  
favor and that judgment is based upon an adjudication on the 14449  
merits. The board has jurisdiction under those divisions if the 14450  
trial court issues an order of dismissal upon technical or 14451  
procedural grounds. 14452

(E) The sealing of conviction records by any court shall 14453  
have no effect upon a prior board order entered under this 14454  
section or upon the board's jurisdiction to take action under 14455  
this section if, based upon a plea of guilty, a judicial finding 14456  
of guilt, or a judicial finding of eligibility for intervention 14457  
in lieu of conviction, the board issued a notice of opportunity 14458  
for a hearing prior to the court's order to seal the records. 14459  
The board shall not be required to seal, destroy, redact, or 14460  
otherwise modify its records to reflect the court's sealing of 14461  
conviction records. 14462

(F) (1) The board shall investigate evidence that appears 14463  
to show that a person has violated any provision of this chapter 14464  
or any rule adopted under it. Any person may report to the board 14465  
in a signed writing any information that the person may have 14466  
that appears to show a violation of any provision of this 14467  
chapter or any rule adopted under it. In the absence of bad 14468  
faith, any person who reports information of that nature or who 14469  
testifies before the board in any adjudication conducted under 14470  
Chapter 119. of the Revised Code shall not be liable in damages 14471  
in a civil action as a result of the report or testimony. Each 14472  
complaint or allegation of a violation received by the board 14473



shall be assigned a case number and shall be recorded by the board. 14474  
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(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 14476  
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(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board. 14485  
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(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable 14497  
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period of time surrounding the alleged violation. 14504

(b) On failure to comply with any subpoena issued by the 14505  
board and after reasonable notice to the person being 14506  
subpoenaed, the board may move for an order compelling the 14507  
production of persons or records pursuant to the Rules of Civil 14508  
Procedure. 14509

(c) A subpoena issued by the board may be served by a 14510  
sheriff, the sheriff's deputy, or a board employee or agent 14511  
designated by the board. Service of a subpoena issued by the 14512  
board may be made by delivering a copy of the subpoena to the 14513  
person named therein, reading it to the person, or leaving it at 14514  
the person's usual place of residence, usual place of business, 14515  
or address on file with the board. When serving a subpoena to an 14516  
applicant for or the holder of a license or certificate issued 14517  
under this chapter, service of the subpoena may be made by 14518  
certified mail, return receipt requested, and the subpoena shall 14519  
be deemed served on the date delivery is made or the date the 14520  
person refuses to accept delivery. If the person being served 14521  
refuses to accept the subpoena or is not located, service may be 14522  
made to an attorney who notifies the board that the attorney is 14523  
representing the person. 14524

(d) A sheriff's deputy who serves a subpoena shall receive 14525  
the same fees as a sheriff. Each witness who appears before the 14526  
board in obedience to a subpoena shall receive the fees and 14527  
mileage provided for under section 119.094 of the Revised Code. 14528

(4) All hearings, investigations, and inspections of the 14529  
board shall be considered civil actions for the purposes of 14530  
section 2305.252 of the Revised Code. 14531

(5) A report required to be submitted to the board under 14532

this chapter, a complaint, or information received by the board 14533  
pursuant to an investigation or pursuant to an inspection under 14534  
division (E) of section 4731.054 of the Revised Code is 14535  
confidential and not subject to discovery in any civil action. 14536

The board shall conduct all investigations or inspections 14537  
and proceedings in a manner that protects the confidentiality of 14538  
patients and persons who file complaints with the board. The 14539  
board shall not make public the names or any other identifying 14540  
information about patients or complainants unless proper consent 14541  
is given or, in the case of a patient, a waiver of the patient 14542  
privilege exists under division (B) of section 2317.02 of the 14543  
Revised Code, except that consent or a waiver of that nature is 14544  
not required if the board possesses reliable and substantial 14545  
evidence that no bona fide physician-patient relationship 14546  
exists. 14547

The board may share any information it receives pursuant 14548  
to an investigation or inspection, including patient records and 14549  
patient record information, with law enforcement agencies, other 14550  
licensing boards, and other governmental agencies that are 14551  
prosecuting, adjudicating, or investigating alleged violations 14552  
of statutes or administrative rules. An agency or board that 14553  
receives the information shall comply with the same requirements 14554  
regarding confidentiality as those with which the state medical 14555  
board must comply, notwithstanding any conflicting provision of 14556  
the Revised Code or procedure of the agency or board that 14557  
applies when it is dealing with other information in its 14558  
possession. In a judicial proceeding, the information may be 14559  
admitted into evidence only in accordance with the Rules of 14560  
Evidence, but the court shall require that appropriate measures 14561  
are taken to ensure that confidentiality is maintained with 14562  
respect to any part of the information that contains names or 14563

other identifying information about patients or complainants 14564  
whose confidentiality was protected by the state medical board 14565  
when the information was in the board's possession. Measures to 14566  
ensure confidentiality that may be taken by the court include 14567  
sealing its records or deleting specific information from its 14568  
records. 14569

(6) On a quarterly basis, the board shall prepare a report 14570  
that documents the disposition of all cases during the preceding 14571  
three months. The report shall contain the following information 14572  
for each case with which the board has completed its activities: 14573

(a) The case number assigned to the complaint or alleged 14574  
violation; 14575

(b) The type of license or certificate to practice, if 14576  
any, held by the individual against whom the complaint is 14577  
directed; 14578

(c) A description of the allegations contained in the 14579  
complaint; 14580

(d) The disposition of the case. 14581

The report shall state how many cases are still pending 14582  
and shall be prepared in a manner that protects the identity of 14583  
each person involved in each case. The report shall be a public 14584  
record under section 149.43 of the Revised Code. 14585

(G) If the secretary and supervising member determine both 14586  
of the following, they may recommend that the board suspend an 14587  
individual's license or certificate to practice or certificate 14588  
to recommend without a prior hearing: 14589

(1) That there is clear and convincing evidence that an 14590  
individual has violated division (B) of this section; 14591

(2) That the individual's continued practice presents a 14592  
danger of immediate and serious harm to the public. 14593

Written allegations shall be prepared for consideration by 14594  
the board. The board, upon review of those allegations and by an 14595  
affirmative vote of not fewer than six of its members, excluding 14596  
the secretary and supervising member, may suspend a license or 14597  
certificate without a prior hearing. A telephone conference call 14598  
may be utilized for reviewing the allegations and taking the 14599  
vote on the summary suspension. 14600

The board shall issue a written order of suspension by 14601  
certified mail or in person in accordance with section 119.07 of 14602  
the Revised Code. The order shall not be subject to suspension 14603  
by the court during pendency of any appeal filed under section 14604  
119.12 of the Revised Code. If the individual subject to the 14605  
summary suspension requests an adjudicatory hearing by the 14606  
board, the date set for the hearing shall be within fifteen 14607  
days, but not earlier than seven days, after the individual 14608  
requests the hearing, unless otherwise agreed to by both the 14609  
board and the individual. 14610

Any summary suspension imposed under this division shall 14611  
remain in effect, unless reversed on appeal, until a final 14612  
adjudicative order issued by the board pursuant to this section 14613  
and Chapter 119. of the Revised Code becomes effective. The 14614  
board shall issue its final adjudicative order within seventy- 14615  
five days after completion of its hearing. A failure to issue 14616  
the order within seventy-five days shall result in dissolution 14617  
of the summary suspension order but shall not invalidate any 14618  
subsequent, final adjudicative order. 14619

(H) If the board takes action under division (B) (9), (11), 14620  
or (13) of this section and the judicial finding of guilt, 14621

guilty plea, or judicial finding of eligibility for intervention 14622  
in lieu of conviction is overturned on appeal, upon exhaustion 14623  
of the criminal appeal, a petition for reconsideration of the 14624  
order may be filed with the board along with appropriate court 14625  
documents. Upon receipt of a petition of that nature and 14626  
supporting court documents, the board shall reinstate the 14627  
individual's license or certificate to practice. The board may 14628  
then hold an adjudication under Chapter 119. of the Revised Code 14629  
to determine whether the individual committed the act in 14630  
question. Notice of an opportunity for a hearing shall be given 14631  
in accordance with Chapter 119. of the Revised Code. If the 14632  
board finds, pursuant to an adjudication held under this 14633  
division, that the individual committed the act or if no hearing 14634  
is requested, the board may order any of the sanctions 14635  
identified under division (B) of this section. 14636

(I) The license or certificate to practice issued to an 14637  
individual under this chapter and the individual's practice in 14638  
this state are automatically suspended as of the date of the 14639  
individual's second or subsequent plea of guilty to, or judicial 14640  
finding of guilt of, a violation of section 2919.123 of the 14641  
Revised Code. In addition, the license or certificate to 14642  
practice or certificate to recommend issued to an individual 14643  
under this chapter and the individual's practice in this state 14644  
are automatically suspended as of the date the individual pleads 14645  
guilty to, is found by a judge or jury to be guilty of, or is 14646  
subject to a judicial finding of eligibility for intervention in 14647  
lieu of conviction in this state or treatment or intervention in 14648  
lieu of conviction in another jurisdiction for any of the 14649  
following criminal offenses in this state or a substantially 14650  
equivalent criminal offense in another jurisdiction: aggravated 14651  
murder, murder, voluntary manslaughter, felonious assault, 14652

kidnapping, rape, sexual battery, gross sexual imposition, 14653  
aggravated arson, aggravated robbery, or aggravated burglary. 14654  
Continued practice after suspension shall be considered 14655  
practicing without a license or certificate. 14656

The board shall notify the individual subject to the 14657  
suspension by certified mail or in person in accordance with 14658  
section 119.07 of the Revised Code. If an individual whose 14659  
license or certificate is automatically suspended under this 14660  
division fails to make a timely request for an adjudication 14661  
under Chapter 119. of the Revised Code, the board shall do 14662  
whichever of the following is applicable: 14663

(1) If the automatic suspension under this division is for 14664  
a second or subsequent plea of guilty to, or judicial finding of 14665  
guilt of, a violation of section 2919.123 of the Revised Code, 14666  
the board shall enter an order suspending the individual's 14667  
license or certificate to practice for a period of at least one 14668  
year or, if determined appropriate by the board, imposing a more 14669  
serious sanction involving the individual's license or 14670  
certificate to practice. 14671

(2) In all circumstances in which division (I)(1) of this 14672  
section does not apply, enter a final order permanently revoking 14673  
the individual's license or certificate to practice. 14674

(J) If the board is required by Chapter 119. of the 14675  
Revised Code to give notice of an opportunity for a hearing and 14676  
if the individual subject to the notice does not timely request 14677  
a hearing in accordance with section 119.07 of the Revised Code, 14678  
the board is not required to hold a hearing, but may adopt, by 14679  
an affirmative vote of not fewer than six of its members, a 14680  
final order that contains the board's findings. In that final 14681  
order, the board may order any of the sanctions identified under 14682

division (A) or (B) of this section. 14683

(K) Any action taken by the board under division (B) of 14684  
this section resulting in a suspension from practice shall be 14685  
accompanied by a written statement of the conditions under which 14686  
the individual's license or certificate to practice may be 14687  
reinstated. The board shall adopt rules governing conditions to 14688  
be imposed for reinstatement. Reinstatement of a license or 14689  
certificate suspended pursuant to division (B) of this section 14690  
requires an affirmative vote of not fewer than six members of 14691  
the board. 14692

(L) When the board refuses to grant or issue a license or 14693  
certificate to practice to an applicant, revokes an individual's 14694  
license or certificate to practice, refuses to renew an 14695  
individual's license or certificate to practice, or refuses to 14696  
reinstatement an individual's license or certificate to practice, 14697  
the board may specify that its action is permanent. An 14698  
individual subject to a permanent action taken by the board is 14699  
forever thereafter ineligible to hold a license or certificate 14700  
to practice and the board shall not accept an application for 14701  
reinstatement of the license or certificate or for issuance of a 14702  
new license or certificate. 14703

(M) Notwithstanding any other provision of the Revised 14704  
Code, all of the following apply: 14705

(1) The surrender of a license or certificate issued under 14706  
this chapter shall not be effective unless or until accepted by 14707  
the board. A telephone conference call may be utilized for 14708  
acceptance of the surrender of an individual's license or 14709  
certificate to practice. The telephone conference call shall be 14710  
considered a special meeting under division (F) of section 14711  
121.22 of the Revised Code. Reinstatement of a license or 14712



certificate surrendered to the board requires an affirmative 14713  
vote of not fewer than six members of the board. 14714

(2) An application for a license or certificate made under 14715  
the provisions of this chapter may not be withdrawn without 14716  
approval of the board. 14717

(3) Failure by an individual to renew a license or 14718  
certificate to practice in accordance with this chapter or a 14719  
certificate to recommend in accordance with rules adopted under 14720  
section 4731.301 of the Revised Code shall not remove or limit 14721  
the board's jurisdiction to take any disciplinary action under 14722  
this section against the individual. 14723

(4) At the request of the board, a license or certificate 14724  
holder shall immediately surrender to the board a license or 14725  
certificate that the board has suspended, revoked, or 14726  
permanently revoked. 14727

(N) Sanctions shall not be imposed under division (B) (28) 14728  
of this section against any person who waives deductibles and 14729  
copayments as follows: 14730

(1) In compliance with the health benefit plan that 14731  
expressly allows such a practice. Waiver of the deductibles or 14732  
copayments shall be made only with the full knowledge and 14733  
consent of the plan purchaser, payer, and third-party 14734  
administrator. Documentation of the consent shall be made 14735  
available to the board upon request. 14736

(2) For professional services rendered to any other person 14737  
authorized to practice pursuant to this chapter, to the extent 14738  
allowed by this chapter and rules adopted by the board. 14739

(O) Under the board's investigative duties described in 14740  
this section and subject to division (F) of this section, the 14741

board shall develop and implement a quality intervention program 14742  
designed to improve through remedial education the clinical and 14743  
communication skills of individuals authorized under this 14744  
chapter to practice medicine and surgery, osteopathic medicine 14745  
and surgery, and podiatric medicine and surgery. In developing 14746  
and implementing the quality intervention program, the board may 14747  
do all of the following: 14748

(1) Offer in appropriate cases as determined by the board 14749  
an educational and assessment program pursuant to an 14750  
investigation the board conducts under this section; 14751

(2) Select providers of educational and assessment 14752  
services, including a quality intervention program panel of case 14753  
reviewers; 14754

(3) Make referrals to educational and assessment service 14755  
providers and approve individual educational programs 14756  
recommended by those providers. The board shall monitor the 14757  
progress of each individual undertaking a recommended individual 14758  
educational program. 14759

(4) Determine what constitutes successful completion of an 14760  
individual educational program and require further monitoring of 14761  
the individual who completed the program or other action that 14762  
the board determines to be appropriate; 14763

(5) Adopt rules in accordance with Chapter 119. of the 14764  
Revised Code to further implement the quality intervention 14765  
program. 14766

An individual who participates in an individual 14767  
educational program pursuant to this division shall pay the 14768  
financial obligations arising from that educational program. 14769

(P) The board shall not refuse to issue a license to an 14770

applicant because of a conviction, plea of guilty, judicial 14771  
finding of guilt, judicial finding of eligibility for 14772  
intervention in lieu of conviction, or the commission of an act 14773  
that constitutes a criminal offense, unless the refusal is in 14774  
accordance with section 9.79 of the Revised Code. 14775

**Sec. 4731.291.** (A) An individual seeking to pursue an 14776  
internship, residency, clinical fellowship program, or elective 14777  
clinical rotation in this state, who does not hold a license to 14778  
practice medicine and surgery or osteopathic medicine or surgery 14779  
issued under this chapter, shall apply to the state medical 14780  
board for a training certificate. The application shall be made 14781  
on forms that the board shall furnish and shall be accompanied 14782  
by an application fee of one hundred thirty dollars. 14783

An applicant for a training certificate shall furnish to 14784  
the board all of the following: 14785

(1) Evidence satisfactory to the board that the applicant 14786  
is at least eighteen years of age ~~and is of good moral~~ 14787  
~~character.~~; 14788

(2) Evidence satisfactory to the board that the applicant 14789  
has been accepted or appointed to participate in this state in 14790  
one of the following: 14791

(a) An internship, residency, or clinical fellowship 14792  
program accredited by either the accreditation council for 14793  
graduate medical education of the American medical association 14794  
or the American osteopathic association; 14795

(b) A clinical fellowship program that is not accredited 14796  
as described in division (A) (2) (a) of this section, but is 14797  
conducted at an institution with a residency program that is 14798  
accredited as described in that division and is in a clinical 14799

field the same as or related to the clinical field of the 14800  
fellowship program; 14801

(c) An elective clinical rotation that lasts not more than 14802  
one year and is offered to interns, residents, or clinical 14803  
fellows participating in programs that are located outside this 14804  
state and meet the requirements of division (A) (2) (a) or (b) of 14805  
this section. 14806

(3) Information identifying the beginning and ending dates 14807  
of the period for which the applicant has been accepted or 14808  
appointed to participate in the internship, residency, or 14809  
clinical fellowship program; 14810

(4) Any other information that the board requires. 14811

(B) If no grounds for denying a license or certificate 14812  
under section 4731.22 of the Revised Code apply, and the 14813  
applicant meets the requirements of division (A) of this 14814  
section, the board shall issue a training certificate to the 14815  
applicant. The board shall not require an examination as a 14816  
condition of receiving a training certificate. 14817

A training certificate issued pursuant to this section 14818  
shall be valid only for three years, but may be renewed by the 14819  
board for one additional three-year period. To renew a training 14820  
certificate, the holder shall apply to the board on or before 14821  
the certificate's expiration date. 14822

The fee for renewal of a training certificate shall be one 14823  
hundred dollars. A late application may be submitted not more 14824  
than thirty days after the certificate's expiration date. In 14825  
such a case, the holder shall include with the application a 14826  
one-hundred-fifty-dollar reinstatement fee. 14827

(C) The holder of a valid training certificate shall be 14828

entitled to perform such acts as may be prescribed by or 14829  
incidental to the holder's internship, residency, or clinical 14830  
fellowship program, but the holder shall not be entitled 14831  
otherwise to engage in the practice of medicine and surgery or 14832  
osteopathic medicine and surgery in this state. The holder shall 14833  
limit activities under the certificate to the programs of the 14834  
hospitals or facilities for which the training certificate is 14835  
issued. The holder shall train only under the supervision of the 14836  
physicians responsible for supervision as part of the 14837  
internship, residency, or clinical fellowship program. 14838

A training certificate may be revoked by the board upon 14839  
proof, satisfactory to the board, that the holder thereof has 14840  
engaged in practice in this state outside the scope of the 14841  
internship, residency, or clinical fellowship program for which 14842  
the training certificate has been issued, or upon proof, 14843  
satisfactory to the board, that the holder thereof has engaged 14844  
in unethical conduct or that there are grounds for action 14845  
against the holder under section 4731.22 of the Revised Code. 14846

(D) The board may adopt rules as the board finds necessary 14847  
to effect the purpose of this section. 14848

**Sec. 4731.299.** (A) The state medical board may issue, 14849  
without examination, to an applicant who meets all of the 14850  
requirements of this section an expedited license to practice 14851  
medicine and surgery or osteopathic medicine and surgery by 14852  
endorsement. 14853

(B) An individual who seeks an expedited license by 14854  
endorsement shall file with the board a written application on a 14855  
form prescribed and supplied by the board. The application shall 14856  
include all of the information the board considers necessary to 14857  
process it. 14858

(C) To be eligible to receive an expedited license by	14859
endorsement, an applicant shall do both of the following:	14860
(1) Provide evidence satisfactory to the board that the	14861
applicant meets all of the following requirements:	14862
(a) Has passed one of the following:	14863
(i) Steps one, two, and three of the United States medical	14864
licensing examination;	14865
(ii) Levels one, two, and three of the comprehensive	14866
osteopathic medical licensing examination of the United States;	14867
(iii) Any other medical licensing examination recognized	14868
by the board.	14869
(b) During the five-year period immediately preceding the	14870
date of application, has held a current, unrestricted license to	14871
practice medicine and surgery or osteopathic medicine and	14872
surgery issued by the licensing authority of another state or a	14873
Canadian province;	14874
(c) For at least two years immediately preceding the date	14875
of application, has actively practiced medicine and surgery or	14876
osteopathic medicine and surgery in a clinical setting;	14877
(d) Is in compliance with the medical education and	14878
training requirements in sections 4731.09 and 4731.14 of the	14879
Revised Code.	14880
(2) Certify to the board that all of the following are the	14881
case:	14882
(a) Not more than two malpractice claims, which resulted	14883
in a finding of liability or in payment, have been filed against	14884
the applicant during the ten-year period immediately preceding	14885

the date of application and no malpractice claim against the 14886  
applicant during that ten-year period has resulted in total 14887  
payment of more than five hundred thousand dollars. 14888

~~(b) The applicant does not have a criminal record— 14889~~  
~~according to the criminal records check required by section— 14890~~  
~~4731.08 of the Revised Code.— 14891~~

~~(e) The applicant does not have a medical condition that 14892~~  
could affect the applicant's ability to practice according to 14893  
acceptable and prevailing standards of care. 14894

~~(d) (c) No adverse action has been taken against the 14895~~  
applicant by a health care institution. 14896

~~(e) (d) To the applicant's knowledge, no federal agency, 14897~~  
medical society, medical association, or branch of the United 14898  
States military has investigated or taken action against the 14899  
applicant. 14900

~~(f) (e) No professional licensing or regulatory authority 14901~~  
has filed a complaint against, investigated, or taken action 14902  
against the applicant and the applicant has not withdrawn a 14903  
professional license application. 14904

~~(g) (f) The applicant has not been suspended or expelled 14905~~  
from any institution of higher education or school, including a 14906  
medical school. 14907

(D) An applicant for an expedited license by endorsement 14908  
shall comply with section 4731.08 of the Revised Code. 14909

(E) At the time of application, the applicant shall pay to 14910  
the board a fee of one thousand dollars, no part of which shall 14911  
be returned. No application shall be considered filed until the 14912  
board receives the fee. 14913

(F) The secretary and supervising member of the board 14914  
shall review all applications received under this section. 14915

If the secretary and supervising member determine that an 14916  
applicant meets the requirements for an expedited license by 14917  
endorsement, the board shall issue the license to the applicant. 14918

If the secretary and supervising member determine that an 14919  
applicant does not meet the requirements for an expedited 14920  
license by endorsement, the application shall be treated as an 14921  
application under section 4731.09 of the Revised Code. 14922

(G) Each license issued by the board under this section 14923  
shall be signed by the president and secretary of the board and 14924  
attested by the board's seal. 14925

(H) Within sixty days after September 29, 2013, the board 14926  
shall approve acceptable means of demonstrating compliance with 14927  
sections 4731.09 and 4731.14 of the Revised Code as required by 14928  
division (C) (1) (d) of this section. 14929

**Sec. 4731.52.** (A) A person seeking a license to practice 14930  
podiatric medicine and surgery shall file with the state medical 14931  
board an application in the form and manner prescribed by the 14932  
board. The application must include all of the following: 14933

(1) Evidence satisfactory to the board to demonstrate that 14934  
the applicant meets all of the following requirements: 14935

(a) Is at least eighteen years of age ~~and of good moral~~ 14936  
~~character;~~ 14937

(b) Possesses a high school diploma or a certificate of 14938  
high school equivalence or has obtained the equivalent of such 14939  
education as determined by the board; 14940

(c) Has completed at least two years of undergraduate work 14941



in a college of arts and sciences or the equivalent of such 14942  
education as determined by the board; 14943

(d) Holds a degree from a college of podiatric medicine 14944  
and surgery that was in good standing with the board at the time 14945  
the degree was granted, as determined by the board; 14946

(e) Has completed one year of postgraduate training in a 14947  
podiatric internship, residency, or clinical fellowship program 14948  
accredited by the council on podiatric medicine or the American 14949  
podiatric medical association or its equivalent as determined by 14950  
the board; 14951

(f) Has successfully passed an examination prescribed in 14952  
rules adopted by the board to determine competency to practice 14953  
podiatric medicine and surgery; 14954

(g) Has complied with section 4731.531 of the Revised 14955  
Code. 14956

(2) An attestation that the information submitted under 14957  
this section is accurate and truthful; 14958

(3) Consent to the release of the applicant's information; 14959

(4) Any other information the board requires. 14960

(B) An applicant for a license to practice podiatric 14961  
medicine and surgery shall include with the application a fee of 14962  
three hundred five dollars, no part of which may be returned. An 14963  
application is not considered submitted until the board receives 14964  
the fee. 14965

(C) The board may conduct an investigation related to the 14966  
application materials received pursuant to this section and may 14967  
contact any individual, agency, or organization for 14968  
recommendations or other information about the applicant. 14969

(D) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not later than forty-five days after making that determination.

**Sec. 4731.531.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a license to practice podiatric medicine and surgery shall comply with sections 4776.01 to 4776.04 of the Revised Code. ~~The state medical board shall not grant to an applicant a license to practice podiatric medicine and surgery unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4731.56 of the Revised Code.~~

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

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

(1) Evidence satisfactory to the board that the applicant	15000
is at least eighteen years of age <del>and is of good moral</del>	15001
<del>character;</del>	15002
(2) Evidence satisfactory to the board that the applicant	15003
has been accepted or appointed to participate in this state in	15004
one of the following:	15005
(a) An internship, residency, or clinical fellowship	15006
program accredited by either the council on podiatric medical	15007
education or the American podiatric medical association;	15008
(b) A clinical fellowship program that is not accredited	15009
as described in division (A) (2) (a) of this section, but is	15010
conducted at an institution with a residency program that is	15011
accredited as described in that division and is in a clinical	15012
field the same as or related to the clinical field of the	15013
fellowship program.	15014
(3) Information identifying the beginning and ending dates	15015
of the period for which the applicant has been accepted or	15016
appointed to participate in the internship, residency, or	15017
clinical fellowship program;	15018
(4) Any other information that the board requires.	15019
(B) If no grounds for denying a license or certificate	15020
under section 4731.22 of the Revised Code apply and the	15021
applicant meets the requirements of division (A) of this	15022
section, the board shall issue a training certificate to the	15023
applicant. The board shall not require an examination as a	15024
condition of receiving a training certificate.	15025
A training certificate issued pursuant to this section	15026
shall be valid only for three years, but may be renewed by the	15027
board for one additional three-year period. To renew a training	15028

certificate, the holder shall apply to the board on or before 15029  
the certificate's expiration date. 15030

The fee for renewal of a training certificate shall be one 15031  
hundred dollars. A late application may be submitted not more 15032  
than thirty days after the certificate's expiration date. In 15033  
such a case, the holder shall include with the application a 15034  
one-hundred-fifty-dollar reinstatement fee. 15035

(C) The holder of a valid training certificate shall be 15036  
entitled to perform such acts as may be prescribed by or 15037  
incidental to the holder's internship, residency, or clinical 15038  
fellowship program, but the holder shall not be entitled 15039  
otherwise to engage in the practice of podiatric medicine and 15040  
surgery in this state. The holder shall limit activities under 15041  
the certificate to the programs of the hospitals or facilities 15042  
for which the training certificate is issued. The holder shall 15043  
train only under the supervision of the podiatrists responsible 15044  
for supervision as part of the internship, residency, or 15045  
clinical fellowship program. A training certificate may be 15046  
revoked by the board upon proof, satisfactory to the board, that 15047  
the holder thereof has engaged in practice in this state outside 15048  
the scope of the internship, residency, or clinical fellowship 15049  
program for which the training certificate has been issued, or 15050  
upon proof, satisfactory to the board, that the holder thereof 15051  
has engaged in unethical conduct or that there are grounds for 15052  
action against the holder under section 4731.22 of the Revised 15053  
Code. 15054

(D) The board may adopt rules as the board finds necessary 15055  
to effect the purpose of this section. 15056

**Sec. 4732.091.** (A) As used in this section, "license" and 15057  
"applicant for an initial license" have the same meanings as in 15058

section 4776.01 of the Revised Code, except that "license" as 15059  
used in both of those terms refers to the types of 15060  
authorizations otherwise issued or conferred under this chapter. 15061

(B) In addition to any other eligibility requirement set 15062  
forth in this chapter, each applicant for an initial license 15063  
shall comply with sections 4776.01 to 4776.04 of the Revised 15064  
Code. The state board of psychology shall not grant a license to 15065  
an applicant for an initial license unless the applicant 15066  
complies with sections 4776.01 to 4776.04 of the Revised Code 15067  
~~and the board, in its discretion, decides that the results of-~~ 15068  
~~the criminal records check do not make the applicant ineligible-~~ 15069  
~~for a license issued pursuant to section 4732.14 of the Revised-~~ 15070  
Code. 15071

**Sec. 4732.10.** (A) The state board of psychology shall 15072  
appoint an entrance examiner who shall determine the sufficiency 15073  
of an applicant's qualifications for admission to the 15074  
appropriate examination. A member of the board or the executive 15075  
director may be appointed as the entrance examiner. 15076

(B) Requirements for admission to examination for a 15077  
psychologist license shall be that the applicant: 15078

(1) Is at least twenty-one years of age; 15079

(2) ~~Is of good moral character;~~ 15080

~~(3)~~ Meets one of the following requirements: 15081

(a) Received an earned doctoral degree from an institution 15082  
accredited or recognized by a national or regional accrediting 15083  
agency and a program accredited by any of the following: 15084

(i) The American psychological association, office of 15085  
program consultation and accreditation; 15086

(ii) The accreditation office of the Canadian psychological association;	15087 15088
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	15089 15090 15091
(iv) The national association of school psychologists.	15092
(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B) <del>(3)</del> <u>(2)</u> (a) of this section;	15093 15094 15095 15096 15097
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) <del>(3)</del> <u>(2)</u> (a) of this section;	15098 15099 15100 15101 15102
(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	15103 15104 15105 15106 15107
<del>(4)</del> <u>(3)</u> Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.	15108 15109 15110 15111 15112 15113
<del>(5)</del> <u>(4)</u> If applying under division (B) <del>(3)</del> <u>(2)</u> (b) or (c) of this section, has had at least two years of supervised	15114 15115

professional experience in psychological work of a type 15116  
satisfactory to the board, at least one year of which must be 15117  
postdoctoral. The board shall adopt guidelines for the kind of 15118  
supervised professional experience that fulfill this 15119  
requirement. 15120

(C) Requirements for admission to examination for a school 15121  
psychologist license shall be that the applicant: 15122

(1) Has received from an educational institution 15123  
accredited or recognized by national or regional accrediting 15124  
agencies as maintaining satisfactory standards, including those 15125  
approved by the state board of education for the training of 15126  
school psychologists, at least a master's degree in school 15127  
psychology, or a degree considered equivalent by the board; 15128

(2) Is at least twenty-one years of age; 15129

(3) ~~Is of good moral character;~~ 15130

~~(4)~~ Has completed at least sixty quarter hours, or the 15131  
semester hours equivalent, at the graduate level, of accredited 15132  
study in course work relevant to the study of school psychology; 15133

~~(5)~~ (4) Has completed an internship in an educational 15134  
institution approved by the Ohio department of education for 15135  
school psychology supervised experience or one year of other 15136  
training experience acceptable to the board, such as supervised 15137  
professional experience under the direction of a licensed 15138  
psychologist or licensed school psychologist; 15139

~~(6)~~ (5) Furnishes proof of at least twenty-seven months, 15140  
exclusive of internship, of full-time experience as a 15141  
certificated school psychologist employed by a board of 15142  
education or a private school meeting the standards prescribed 15143  
by the state board of education, or of experience that the board 15144

deems equivalent. 15145

(D) If the entrance examiner finds that the applicant 15146  
meets the requirements set forth in this section, the applicant 15147  
shall be admitted to the appropriate examination. 15148

(E) The board shall adopt under Chapter 119. of the 15149  
Revised Code rules for determining for the purposes of division 15150  
(B) ~~(3)~~ (2) (b) of this section whether a degree is equivalent to a 15151  
degree in psychology from an institution in the United States. 15152

**Sec. 4732.17.** (A) Subject to division (F) of this section 15153  
and except as provided in division (G) of this section, the 15154  
state board of psychology may take any of the actions specified 15155  
in division (C) of this section against an applicant for or a 15156  
person who holds a license issued under this chapter on any of 15157  
the following grounds as applicable: 15158

(1) Conviction, including a plea of guilty or no contest, 15159  
of a felony, or of any offense involving moral turpitude, in a 15160  
court of this or any other state or in a federal court; 15161

(2) A judicial finding of eligibility for intervention in 15162  
lieu of conviction for a felony or any offense involving moral 15163  
turpitude in a court of this or any other state or in a federal 15164  
court; 15165

(3) Using fraud or deceit in the procurement of the 15166  
license to practice psychology or school psychology or knowingly 15167  
assisting another in the procurement of such a license through 15168  
fraud or deceit; 15169

(4) Accepting commissions or rebates or other forms of 15170  
remuneration for referring persons to other professionals; 15171

(5) Willful, unauthorized communication of information 15172



received in professional confidence;	15173
(6) Being negligent in the practice of psychology or school psychology;	15174 15175
(7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;	15176 15177 15178
(8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;	15179 15180 15181
(9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;	15182 15183
(10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.	15184 15185 15186 15187 15188 15189 15190 15191
(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	15192 15193 15194 15195 15196 15197
(12) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be	15198 15199 15200 15201

required to pay;	15202
(13) Any of the following actions taken by the agency	15203
responsible for authorizing or certifying the person to practice	15204
or regulating the person's practice of a health care occupation	15205
or provision of health care services in this state or another	15206
jurisdiction, as evidenced by a certified copy of that agency's	15207
records and findings for any reason other than the nonpayment of	15208
fees:	15209
(a) Limitation, revocation, or suspension of the person's	15210
license to practice;	15211
(b) Acceptance of the person's license surrender;	15212
(c) Denial of a license to the person;	15213
(d) Refuse to renew or reinstate the person's license;	15214
(e) Imposition of probation on the person;	15215
(f) Issuance of an order of censure or other reprimand	15216
against the person;	15217
(g) Other negative action or finding against the person	15218
about which information is available to the public.	15219
(14) Offering or rendering psychological services after a	15220
license issued under this chapter has expired due to a failure	15221
to timely register under section 4732.14 of the Revised Code or	15222
complete continuing education requirements;	15223
(15) Offering or rendering psychological services after a	15224
license issued under this chapter has been placed in retired	15225
status pursuant to section 4732.142 of the Revised Code;	15226
(16) Unless the person is a school psychologist licensed	15227
by the state board of education:	15228

(a) Offering or rendering school psychological services	15229
after a license issued under this chapter has expired due to a	15230
failure to timely register under section 4732.14 of the Revised	15231
Code or complete continuing education requirements;	15232
(b) Offering or rendering school psychological services	15233
after a license issued under this chapter has been placed in	15234
retired status pursuant to section 4732.142 of the Revised Code.	15235
(17) Violating any adjudication order or consent agreement	15236
adopted by the board;	15237
(18) Failure to submit to mental, cognitive, substance	15238
abuse, or medical evaluations, or a combination of these	15239
evaluations, ordered by the board under division (E) of this	15240
section.	15241
(B) Notwithstanding divisions (A) (11) and (12) of this	15242
section, sanctions shall not be imposed against any license	15243
holder who waives deductibles and copayments:	15244
(1) In compliance with the health benefit plan that	15245
expressly allows such a practice. Waiver of the deductibles or	15246
copays shall be made only with the full knowledge and consent of	15247
the plan purchaser, payer, and third-party administrator. Such	15248
consent shall be made available to the board upon request.	15249
(2) For professional services rendered to any other person	15250
licensed pursuant to this chapter to the extent allowed by this	15251
chapter and the rules of the board.	15252
(C) For any of the reasons specified in division (A) of	15253
this section, the board may do one or more of the following:	15254
(1) Refuse to issue a license to an applicant;	15255
(2) Issue a reprimand to a license holder;	15256

(3) Suspend the license of a license holder;	15257
(4) Revoke the license of a license holder;	15258
(5) Limit or restrict the areas of practice of an applicant or a license holder;	15259 15260
(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;	15261 15262 15263
(7) Require remedial education and training of an applicant or a license holder.	15264 15265
(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.	15266 15267 15268 15269 15270 15271
(E) When the board issues a notice of opportunity for a hearing on the basis of division (A)(7) of this section, the supervising member of the board, with cause and upon consultation with the board's executive director and the board's legal counsel, may compel the applicant or license holder to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, by a person or persons selected by the board. Notice shall be given to the applicant or license holder in writing signed by the supervising member, the executive director, and the board's legal counsel. The applicant or license holder is deemed to have given consent to submit to these evaluations and to have waived all objections to the admissibility of testimony or evaluation reports that constitute a privileged communication. The expense of the	15272 15273 15274 15275 15276 15277 15278 15279 15280 15281 15282 15283 15284 15285

evaluation or evaluations shall be the responsibility of the 15286  
applicant or license holder who is evaluated. 15287

(F) Before the board may take action under this section, 15288  
written charges shall be filed with the board by the secretary 15289  
and a hearing shall be had thereon in accordance with Chapter 15290  
119. of the Revised Code, except as follows: 15291

(1) On receipt of a complaint that any of the grounds 15292  
listed in division (A) of this section exist, the state board of 15293  
psychology may suspend a license issued under this chapter prior 15294  
to holding a hearing in accordance with Chapter 119. of the 15295  
Revised Code if it determines, based on the complaint, that 15296  
there is an immediate threat to the public. A telephone 15297  
conference call may be used to conduct an emergency meeting for 15298  
review of the matter by a quorum of the board, taking the vote, 15299  
and memorializing the action in the minutes of the meeting. 15300

After suspending a license pursuant to division (F)(1) of 15301  
this section, the board shall notify the license holder of the 15302  
suspension in accordance with section 119.07 of the Revised 15303  
Code. If the individual whose license is suspended fails to make 15304  
a timely request for an adjudication under Chapter 119. of the 15305  
Revised Code, the board shall enter a final order permanently 15306  
revoking the license. 15307

(2) The board shall adopt rules establishing a case 15308  
management schedule for pre-hearing procedures by the hearing 15309  
examiner or presiding board member. The schedule shall include 15310  
applicable deadlines related to the hearing process, including 15311  
all of the following: 15312

(a) The date of the hearing; 15313

(b) The date for the disclosure of witnesses and exhibits; 15314

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports; 15315  
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(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F) (4) of this section. 15317  
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(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses, summary of their testimony, and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension. Failure to timely provide a list or copies requested in accordance with this section may, at the discretion of the hearing officer or presiding board member, result in exclusion from the hearing of the witnesses, testimony, or documents. 15320  
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(4) In addition to subpoenas for the production of books, records, and papers requested under Chapter 119. of the Revised Code, either party may ask the board to issue a subpoena for the production of other tangible items. 15335  
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The person subject to a subpoena for the production of books, records, papers, or other tangible items shall respond to the subpoena at least twenty days prior to the date of the hearing. If a person fails to respond to a subpoena issued by the board, after providing reasonable notice to the person, the board, the hearing officer, or both may proceed with enforcement 15339  
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of the subpoena pursuant to section 119.09 of the Revised Code. 15345

(G) The board shall not refuse to issue a license to an 15346  
applicant because of a conviction or plea of guilty or no 15347  
contest to an offense or a judicial finding of eligibility for 15348  
intervention in lieu of conviction, unless the refusal is in 15349  
accordance with section 9.79 of the Revised Code. 15350

**Sec. 4733.11.** (A) The state board of registration for 15351  
professional engineers and surveyors shall consider an applicant 15352  
to be qualified for registration as a professional engineer if 15353  
an applicant satisfies all of the requirements listed in either 15354  
division (A) (1) or (2) of this section as follows: 15355

(1) (a) Graduation from an accredited engineering 15356  
curriculum of four years or more; 15357

(b) A specific record of four years or more of practical 15358  
experience in engineering work completed in addition to, and not 15359  
overlapping in time, any school work completed under division 15360  
(A) (1) (a) of this section that is acceptable to the board, not 15361  
more than two years of which may be before graduation but after 15362  
the completion of the second year of college, indicating that 15363  
the applicant is competent to be placed in responsible charge of 15364  
such work; 15365

(c) Passing the prescribed examinations under divisions 15366  
(A) and (B) of section 4733.13 of the Revised Code. 15367

(2) (a) Graduation from a college curriculum in engineering 15368  
of four years or more that is not accredited, whose curricula is 15369  
evaluated by the board and found to be of a high quality 15370  
essentially equal to the curricula that are accredited by ABET, 15371  
Inc., or graduation from a college curriculum in engineering 15372  
technology of four years or more that is accredited by the 15373

engineering technical accreditation commission of ABET, Inc.; 15374

(b) Eight years or more of practical experience in 15375  
engineering work completed in addition to, and not overlapping 15376  
in time, any school work completed under division (A) (2) (a) of 15377  
this section that is acceptable to the state board of 15378  
registration for professional engineers and surveyors, not more 15379  
than two years of which may be before college graduation but 15380  
after completion of the second year of college, indicating that 15381  
the applicant is competent to be placed in responsible charge of 15382  
such work; 15383

(c) Passing the prescribed examinations under divisions 15384  
(A) and (B) of section 4733.13 of the Revised Code. 15385

(B) The state board of registration for professional 15386  
engineers and surveyors shall consider an applicant to be 15387  
qualified for registration as a professional surveyor if the 15388  
applicant satisfies all of the requirements listed in either 15389  
division (B) (1) or (2) of this section as follows: 15390

(1) (a) Graduation from an approved curriculum in surveying 15391  
of four years or more; 15392

(b) A specific record of four years or more of surveying 15393  
office and field experience completed in addition to, and not 15394  
overlapping in time, any school work completed under division 15395  
(B) (1) (a) of this section that is of a character acceptable to 15396  
the board, at least two years of which shall be after college 15397  
graduation, with at least two of the four years of work in the 15398  
surveying of land boundaries under the direct supervision of a 15399  
professional surveyor, who may indicate in writing that the 15400  
applicant is competent to be placed in responsible charge of the 15401  
work; 15402



(c) Passing the prescribed examinations under divisions	15403
(A) and (C) of section 4733.13 of the Revised Code.	15404
(2) (a) Graduation from an accredited curriculum in civil	15405
engineering of four years or more in a recognized school or	15406
college;	15407
(b) Successful completion of at least sixteen semester	15408
hours, or equivalent quarter or trimester hours, of approved	15409
surveying courses in surveying and mapping arts and sciences,	15410
except that courses successfully completed as prior studies may	15411
be credited by the board toward this requirement, of which at	15412
least six semester hours, or equivalent quarter or trimester	15413
hours, are in surveying of land boundaries;	15414
(c) A specific record of four years or more of surveying	15415
office and field experience completed in addition to, and not	15416
overlapping in time, any school work completed under division	15417
(B) (2) (a) of this section that is of a character acceptable to	15418
the board, at least two years of which shall be after college	15419
graduation, with at least two of the four years of work in	15420
surveying of land boundaries under the direct supervision of a	15421
professional surveyor, who may indicate in writing that the	15422
applicant is competent to be placed in responsible charge of the	15423
work;	15424
(d) Passing the prescribed examinations under divisions	15425
(A) and (C) of section 4733.13 of the Revised Code.	15426
(C) Engineering experience, for a professional engineer's	15427
practical experience requirement, or surveying experience, for a	15428
professional surveyor's practical experience requirement, in any	15429
of the armed forces of the United States or civilian war	15430
services may be credited for registration, if the experience is	15431

acceptable to the board. 15432

(D) As used in this section, "an approved curriculum in 15433  
surveying" is one which has been accredited by the related 15434  
accreditation committee of ABET, Inc., or one which has been 15435  
approved by the state board of registration for professional 15436  
engineers and surveyors. 15437

~~(E) No person is eligible for registration as a 15438  
professional engineer, or professional surveyor, who is not of 15439  
good character and reputation. 15440~~

~~(F)~~—In considering the qualifications of applicants, 15441  
responsible charge of engineering or surveying teaching may be 15442  
construed as responsible charge of engineering or surveying 15443  
work, respectively. No applicant shall receive credit for more 15444  
than six years of engineering or surveying experience because of 15445  
educational qualifications. The mere execution, as a contractor, 15446  
of work designed by a professional engineer or professional 15447  
surveyor, or the supervision of the construction of such work as 15448  
a superintendent is not deemed to be practical experience in 15449  
engineering or surveying work. 15450

~~(G)~~—(F) Every person applying for registration as a 15451  
professional engineer or professional surveyor shall be required 15452  
to pass the fundamentals examination and the principles and 15453  
practice examination as provided in section 4733.13 of the 15454  
Revised Code. In addition to passing each requisite examination, 15455  
each applicant must submit evidence, satisfactory to the board, 15456  
that the applicant has completed the practical experience 15457  
required in this section. 15458

~~(H)~~—(G) The board shall require the applicant for 15459  
registration as a professional engineer or professional surveyor 15460

to take two examinations. The first examination, known as the  
fundamentals examination, may be taken by the applicant at any  
time after the applicant has completed the required education  
under division (A) or (B) of this section, or, at the discretion  
of the board, an applicant may be permitted to take the first  
examination during the applicant's concluding term of an  
approved curriculum in engineering or surveying of four years or  
more.

~~(I)~~ (H) The board shall give an applicant an appropriate  
certificate showing the applicant's status as an engineer intern  
or surveyor intern upon the occurrence of all of the following:

(1) The applicant provides proof to the board that the  
applicant has passed the fundamentals examination as described  
in division (A) of section 4733.13 of the Revised Code.

(2) The board believes the applicant meets the  
requirements of this chapter based on verified evidence.

(3) The applicant applies for registration in accordance  
with the requirements of this chapter.

(4) The applicant pays the fee required pursuant to  
section 4733.12 of the Revised Code.

Each applicant applying for registration as a professional  
engineer or professional surveyor shall first be certified as an  
engineer intern or surveyor intern in this state.

~~(J)~~ (I) The applicant is not eligible to take the second  
examination, known as the principles and practice examination,  
until the applicant has passed the fundamentals examination.

~~(K)~~ (J) Any person having the necessary qualifications to  
entitle the person to registration is eligible for registration

though the person may not be practicing the person's profession 15489  
at the time of making application. 15490

**Sec. 4733.20.** (A) ~~Pursuant to~~ Except as provided in 15491  
division (I) of this section, the state board of registration 15492  
for professional engineers and surveyors may fine, revoke, 15493  
suspend, refuse to renew, or limit the registration, or 15494  
reprimand, place on probation, deny an applicant the opportunity 15495  
to sit for an examination or to have an examination scored, or 15496  
impose any combination of these disciplinary measures on any 15497  
applicant or registrant, or revoke the certificate of 15498  
authorization of any holder found to be or to have been engaged 15499  
in any one or more of the following acts or practices: 15500

(1) Any fraud or deceit in obtaining registration or a 15501  
certificate of authorization; 15502

(2) Any gross negligence, incompetency, or misconduct in 15503  
the practice of professional engineering or professional 15504  
surveying as a registered professional engineer or registered 15505  
professional surveyor; 15506

(3) Aiding or abetting any person to practice professional 15507  
engineering or professional surveying illegally in the state; 15508

(4) Conviction of or plea of guilty to any felony or crime 15509  
involving moral turpitude; 15510

(5) Violation of this chapter or any rule adopted by the 15511  
board; 15512

(6) Violation of any condition of limitation placed by the 15513  
board upon the registration of any professional engineer or 15514  
professional surveyor; 15515

(7) Failure to abide by or comply with examination 15516

instructions. 15517

(B) The board shall cause to have prepared and shall adopt 15518  
a code of ethics, which it shall make known to every registrant. 15519  
The board may revise and amend this code of ethics from time to 15520  
time in accordance with Chapter 119. of the Revised Code. 15521

(C) Any person may file with the board a complaint 15522  
alleging fraud, deceit, gross negligence, incompetency, 15523  
misconduct, or violation of this chapter or any rule adopted by 15524  
the board pursuant to section 4733.07 of the Revised Code. 15525  
Complaints shall be in writing. 15526

(D) The board may investigate any registrant or holder of 15527  
a certificate of authorization to determine whether the 15528  
registrant or certificate holder is or has been engaged in any 15529  
one or more of the acts or practices listed in division (A) of 15530  
this section. The board, by subpoena, may compel witnesses to 15531  
appear and testify in relation to any investigation under this 15532  
chapter and may require, by subpoena duces tecum, the production 15533  
and copying of any book, paper, or document pertaining to an 15534  
investigation. If a person fails to comply with the subpoena or 15535  
subpoena duces tecum, the board may apply to the Franklin county 15536  
court of common pleas for an order compelling the person to 15537  
comply or, for the failure to do so, to be held in contempt of 15538  
court. 15539

(E) If the board determines there is cause to believe that 15540  
an applicant, registrant, or a holder of a certificate of 15541  
authorization is or has been engaged in any act or practice 15542  
listed in division (A) of this section, the board shall issue a 15543  
written charge and notify the applicant, registrant, or 15544  
certificate holder of the right to an adjudication hearing, in 15545  
accordance with Chapter 119. of the Revised Code. If the accused 15546

applicant, registrant, or holder of a certificate of 15547  
authorization fails or refuses to appear, or does not request a 15548  
hearing within the time period specified in Chapter 119. of the 15549  
Revised Code, the board may determine the validity of the charge 15550  
and issue an adjudication order in accordance with Chapter 119. 15551  
of the Revised Code. 15552

(F) ~~If~~ Except as provided in division (I) of this section, 15553  
if a majority of the board votes in favor of sustaining the 15554  
charge, the board shall impose one or any combination of the 15555  
following disciplinary measures: 15556

(1) Reprimanding the individual; 15557

(2) Imposing a fine on the individual of not more than one 15558  
thousand dollars for each offense committed by the individual; 15559

(3) Refusing to renew, suspending, or revoking the 15560  
individual's registration, or revoking the holder's certificate 15561  
of authorization; 15562

(4) Refusing to allow an applicant to take an examination; 15563

(5) Refusing to score an applicant's examination. 15564

The board, for good cause shown, may reregister any person 15565  
or reissue a certificate of authorization to any corporation, 15566  
firm, partnership, association, or limited liability company 15567  
whose registration or certificate has been revoked or suspended. 15568

(G) Any applicant, registrant, or certificate holder 15569  
aggrieved by any action of the board in fining the registrant or 15570  
denying, suspending, refusing to renew, or revoking the 15571  
registrant's registration or a certificate of authorization, or 15572  
denying an applicant the opportunity to take an examination or 15573  
to have an examination scored may appeal such action to the 15574

proper court under section 119.12 of the Revised Code. 15575

(H) A new certificate of authorization to replace any 15576  
certificate revoked, lost, destroyed, or mutilated, may be 15577  
issued, subject to the rules of the board, upon payment of a fee 15578  
established by the board at an amount adequate to cover the 15579  
expense of issuing a duplicate certificate of authorization. 15580

(I) The board shall not refuse to issue a license or deny 15581  
the opportunity to sit for an examination or to have an 15582  
examination scored to an applicant because of a conviction of or 15583  
plea of guilty to an offense, unless the refusal or denial is in 15584  
accordance with section 9.79 of the Revised Code. 15585

**Sec. 4734.20.** (A) Except for persons seeking to practice 15586  
chiropractic under a special limited license issued pursuant to 15587  
section 4734.27 of the Revised Code, each person seeking to 15588  
practice chiropractic in this state shall apply in writing to 15589  
the state chiropractic board for a license to practice 15590  
chiropractic. The application shall be made under oath, on a 15591  
form prescribed by the board, and shall be accompanied by a fee 15592  
of two hundred fifty dollars. 15593

(B) Except as provided in sections 4734.23 and 4734.24 of 15594  
the Revised Code, to receive a chiropractic license, an 15595  
applicant must meet the following conditions: 15596

(1) The applicant must be at least twenty-one years of 15597  
age, ~~be of good moral character,~~ and possess a high school 15598  
education or its equivalent. 15599

(2) The applicant must have successfully completed, prior 15600  
to matriculation at a school or college of chiropractic, at 15601  
least two years of college credit in the arts and sciences at a 15602  
college or university accredited by a state or regional 15603

accrediting organization recognized by the board, except that 15604  
the board may adopt rules in accordance with Chapter 119. of the 15605  
Revised Code that require completion of additional years of 15606  
college credit or receipt of a college degree in an area 15607  
specified in the rules. 15608

(3) The applicant must be a graduate of and hold the 15609  
degree of doctor of chiropractic from a school or college of 15610  
chiropractic approved by the board under section 4734.21 of the 15611  
Revised Code. 15612

(4) The applicant must have received one of the following 15613  
from the national board of chiropractic examiners, as 15614  
appropriate according to the date of the applicant's graduation 15615  
from a school or college of chiropractic: 15616

(a) If the applicant graduated on or after January 1, 15617  
1970, but before January 1, 1989, a "diplomate certificate" or 15618  
"certificate of attainment" evidencing passage of parts I and II 15619  
and the physiotherapy section of the national board's 15620  
examinations; 15621

(b) If the applicant graduated on or after January 1, 15622  
1989, but before January 1, 2002, a "certificate of attainment" 15623  
evidencing passage of parts I, II, and III and the physiotherapy 15624  
section of the national board's examinations; 15625

(c) If the applicant graduated on or after January 1, 15626  
2002, a "certificate of attainment" evidencing passage of parts 15627  
I, II, III, and IV and the physiotherapy section of the national 15628  
board's examinations. 15629

(5) The applicant must have passed the board's 15630  
jurisprudence examination conducted under section 4734.22 of the 15631  
Revised Code. 15632



(C) The board shall issue a license to practice 15633  
chiropractic to each applicant who files a complete application, 15634  
pays all applicable fees, and meets the conditions specified in 15635  
division (B) of this section. The burden of proof is on the 15636  
applicant, to prove by clear and convincing evidence to the 15637  
board, that the applicant meets the conditions for receipt of 15638  
the license. 15639

The board may conduct any investigation it considers 15640  
appropriate to verify an applicant's credentials, ~~moral~~ 15641  
~~character,~~ and fitness to receive a license. In conducting an 15642  
investigation, the board may request information from the 15643  
records maintained by the federal bureau of investigation, the 15644  
bureau of criminal identification and investigation, and any 15645  
other repositories of criminal records held in this or another 15646  
state. The board may charge the applicant a fee for conducting 15647  
the investigation. The amount of the fee shall not exceed the 15648  
expenses the board incurs in conducting the investigation and 15649  
may include any fees that must be paid to obtain information in 15650  
the criminal record. 15651

**Sec. 4734.202.** (A) As used in this section, "license" and 15652  
"applicant for an initial license" have the same meanings as in 15653  
section 4776.01 of the Revised Code, except that "license" as 15654  
used in both of those terms refers to the types of 15655  
authorizations otherwise issued or conferred under this chapter. 15656

(B) In addition to any other eligibility requirement set 15657  
forth in this chapter, each applicant for an initial license 15658  
shall comply with sections 4776.01 to 4776.04 of the Revised 15659  
Code. The state chiropractic board shall not grant a license to 15660  
an applicant for an initial license unless the applicant 15661  
complies with sections 4776.01 to 4776.04 of the Revised Code 15662

~~and the board, in its discretion, decides that the results of~~ 15663  
~~the criminal records check do not make the applicant ineligible~~ 15664  
~~for a license issued pursuant to section 4734.20, 4734.23, or~~ 15665  
~~4734.27 of the Revised Code.~~ 15666

**Sec. 4734.23.** (A) A person licensed by another state or 15667  
country in the practice of chiropractic may apply under this 15668  
section for a license to practice chiropractic in this state in 15669  
lieu of applying under section 4734.20 of the Revised Code. The 15670  
fee for applying under this section shall be five hundred 15671  
dollars. 15672

(B) The state chiropractic board may, for good cause, 15673  
waive all or part of the educational and testing requirements 15674  
specified under section 4734.20 of the Revised Code and issue a 15675  
license to an applicant under this section, if the applicant 15676  
presents satisfactory proof of being licensed to practice 15677  
chiropractic in another state or country where the requirements 15678  
for receipt of the license, on the date the license was issued, 15679  
are considered by the board to be substantially equivalent to 15680  
those of this chapter. The applicant must meet the same age ~~and~~ 15681  
~~moral character requirements~~ requirement that must be met under 15682  
section 4734.20 of the Revised Code. If the board does not waive 15683  
all of the educational and testing requirements, the board may 15684  
require that the applicant complete and receive a score 15685  
specified by the board on one or more tests administered by the 15686  
board or by the national board of chiropractic examiners or 15687  
another testing entity. 15688

**Sec. 4734.27.** (A) To the extent it is in the public 15689  
interest, the state chiropractic board may issue, without 15690  
examination, a special limited license to practice chiropractic 15691  
as follows: 15692

(1) To a person who is seeking to participate in an internship, residency, preceptorship, or clinical fellowship in this state in preparation for the practice of chiropractic;

(2) To a person who plans to provide chiropractic services in connection with a special activity, program, or event conducted in this state, if the person holds a current, valid, and unrestricted license to practice chiropractic in another state or country;

(3) To a person who previously held an unrestricted license to practice chiropractic in this state who plans to offer gratuitous chiropractic services as a voluntary public service;

(4) To any other person for any other reason specified as good cause by the board in rules adopted under this section.

(B) An applicant for a special limited license shall submit to the board a complete application on a form prescribed by the board, pay an application fee of seventy-five dollars, and furnish proof satisfactory to the board of being at least twenty-one years of age, ~~of good moral character,~~ and of either holding the degree of doctor of chiropractic or being enrolled in a program leading to the degree. The institution from which the applicant received the degree or in which the applicant is enrolled must be a school or college that is approved by the board under section 4734.21 of the Revised Code.

(C) The provisions of this chapter that apply to applicants for and holders of licenses to practice chiropractic shall apply to applicants for and holders of special limited licenses to the extent the board considers appropriate, including the board's authority to conduct any investigation it

considers appropriate to verify an applicant's credentials, ~~moral character,~~ and fitness to receive a license and the board's authority to take actions under section 4734.31 of the Revised Code.

(D) The board shall adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 4734.31.** (A) The state chiropractic board may take any of the actions specified in division (B) of this section against an individual who has applied for or holds a license to practice chiropractic in this state if any of the reasons specified in division (C) of this section for taking action against an individual are applicable. Except as provided in division (D) of this section, actions taken against an individual shall be taken in accordance with Chapter 119. of the Revised Code. The board may specify that any action it takes is a permanent action. The board's authority to take action against an individual is not removed or limited by the individual's failure to renew a license.

(B) In its imposition of sanctions against an individual, the board may do any of the following:

(1) ~~Refuse~~ Except as provided in division (H) of this section, refuse to issue, renew, restore, or reinstate a license to practice chiropractic or a certificate to practice acupuncture;

(2) Reprimand or censure a license holder;

(3) Place limits, restrictions, or probationary conditions on a license holder's practice;

(4) Impose a civil fine of not more than five thousand dollars according to a schedule of fines specified in rules that the board shall adopt in accordance with Chapter 119. of the Revised Code.	15751 15752 15753 15754
(5) Suspend a license to practice chiropractic or a certificate to practice acupuncture for a limited or indefinite period;	15755 15756 15757
(6) Revoke a license to practice chiropractic or a certificate to practice acupuncture.	15758 15759
(C) The board may take the actions specified in division (B) of this section for any of the following reasons:	15760 15761
(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony in any jurisdiction, in which case a certified copy of the court record shall be conclusive evidence of the conviction;	15762 15763 15764 15765 15766
(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	15767 15768 15769
(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter;	15770 15771 15772 15773 15774
(4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	15775 15776 15777
(5) A plea of guilty to, a judicial finding of guilt of,	15778

or a judicial finding of eligibility for intervention in lieu of 15779  
conviction for, a misdemeanor committed in the course of 15780  
practice, in which case a certified copy of the court record 15781  
shall be conclusive evidence of the matter; 15782

(6) Commission of an act in the course of practice that 15783  
constitutes a misdemeanor in this state, regardless of the 15784  
jurisdiction in which the act was committed; 15785

(7) A violation or attempted violation of this chapter or 15786  
the rules adopted under it governing the practice of 15787  
chiropractic and the practice of acupuncture by a chiropractor 15788  
licensed under this chapter; 15789

(8) Failure to cooperate in an investigation conducted by 15790  
the board, including failure to comply with a subpoena or order 15791  
issued by the board or failure to answer truthfully a question 15792  
presented by the board at a deposition or in written 15793  
interrogatories, except that failure to cooperate with an 15794  
investigation shall not constitute grounds for discipline under 15795  
this section if the board or a court of competent jurisdiction 15796  
has issued an order that either quashes a subpoena or permits 15797  
the individual to withhold the testimony or evidence in issue; 15798

(9) Engaging in an ongoing professional relationship with 15799  
a person or entity that violates any provision of this chapter 15800  
or the rules adopted under it, unless the chiropractor makes a 15801  
good faith effort to have the person or entity comply with the 15802  
provisions; 15803

(10) Retaliating against a chiropractor for the 15804  
chiropractor's reporting to the board or any other agency with 15805  
jurisdiction any violation of the law or for cooperating with 15806  
the board of another agency in the investigation of any 15807

violation of the law;	15808
(11) Aiding, abetting, assisting, counseling, or	15809
conspiring with any person in that person's violation of any	15810
provision of this chapter or the rules adopted under it,	15811
including the practice of chiropractic without a license, the	15812
practice of acupuncture without a certificate, or aiding,	15813
abetting, assisting, counseling, or conspiring with any person	15814
in that person's unlicensed practice of any other health care	15815
profession that has licensing requirements;	15816
(12) With respect to a report or record that is made,	15817
filed, or signed in connection with the practice of chiropractic	15818
or acupuncture, knowingly making or filing a report or record	15819
that is false, intentionally or negligently failing to file a	15820
report or record required by federal, state, or local law or	15821
willfully impeding or obstructing the required filing, or	15822
inducing another person to engage in any such acts;	15823
(13) Making a false, fraudulent, or deceitful statement to	15824
the board or any agent of the board during any investigation or	15825
other official proceeding conducted by the board under this	15826
chapter or in any filing that must be submitted to the board;	15827
(14) Attempting to secure a license to practice	15828
chiropractic or certificate to practice acupuncture or to	15829
corrupt the outcome of an official board proceeding through	15830
bribery or any other improper means;	15831
(15) Willfully obstructing or hindering the board or any	15832
agent of the board in the discharge of the board's duties;	15833
(16) Habitually using drugs or intoxicants to the extent	15834
that the person is rendered unfit for the practice of	15835
chiropractic or acupuncture;	15836

(17) Inability to practice chiropractic or acupuncture	15837
according to acceptable and prevailing standards of care by	15838
reason of chemical dependency, mental illness, or physical	15839
illness, including conditions in which physical deterioration	15840
has adversely affected the person's cognitive, motor, or	15841
perceptive skills and conditions in which a chiropractor's	15842
continued practice may pose a danger to the chiropractor or the	15843
public;	15844
(18) Any act constituting gross immorality relative to the	15845
person's practice of chiropractic or acupuncture, including acts	15846
involving sexual abuse, sexual misconduct, or sexual	15847
exploitation;	15848
(19) Exploiting a patient for personal or financial gain;	15849
(20) Failing to maintain proper, accurate, and legible	15850
records in the English language documenting each patient's care,	15851
including, as appropriate, records of the following: dates of	15852
treatment, services rendered, examinations, tests, x-ray	15853
reports, referrals, and the diagnosis or clinical impression and	15854
clinical treatment plan provided to the patient;	15855
(21) Except as otherwise required by the board or by law,	15856
disclosing patient information gained during the chiropractor's	15857
professional relationship with a patient without obtaining the	15858
patient's authorization for the disclosure;	15859
(22) Commission of willful or gross malpractice, or	15860
willful or gross neglect, in the practice of chiropractic or	15861
acupuncture;	15862
(23) Failing to perform or negligently performing an act	15863
recognized by the board as a general duty or the exercise of due	15864
care in the practice of chiropractic or acupuncture, regardless	15865



of whether injury results to a patient from the failure to perform or negligent performance of the act; 15866  
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(24) Engaging in any conduct or practice that impairs or may impair the ability to practice chiropractic or acupuncture safely and skillfully; 15868  
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(25) Practicing, or claiming to be capable of practicing, beyond the scope of the practice of chiropractic or acupuncture as established under this chapter and the rules adopted under this chapter; 15871  
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(26) Accepting and performing professional responsibilities as a chiropractor or chiropractor with a certificate to practice acupuncture when not qualified to perform those responsibilities, if the person knew or had reason to know that the person was not qualified to perform them; 15875  
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(27) Delegating any of the professional responsibilities of a chiropractor or chiropractor with a certificate to practice acupuncture to an employee or other individual when the delegating chiropractor knows or had reason to know that the employee or other individual is not qualified by training, experience, or professional licensure to perform the responsibilities; 15880  
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(28) Delegating any of the professional responsibilities of a chiropractor or chiropractor with a certificate to practice acupuncture to an employee or other individual in a negligent manner or failing to provide proper supervision of the employee or other individual to whom the responsibilities are delegated; 15887  
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(29) Failing to refer a patient to another health care practitioner for consultation or treatment when the chiropractor knows or has reason to know that the referral is in the best 15892  
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interest of the patient;	15895
(30) Obtaining or attempting to obtain any fee or other advantage by fraud or misrepresentation;	15896 15897
(31) Making misleading, deceptive, false, or fraudulent representations in the practice of chiropractic or acupuncture;	15898 15899
(32) Being guilty of false, fraudulent, deceptive, or misleading advertising or other solicitations for patients or knowingly having professional connection with any person that advertises or solicits for patients in such a manner;	15900 15901 15902 15903
(33) Violation of a provision of any code of ethics established or adopted by the board under section 4734.16 of the Revised Code;	15904 15905 15906
(34) Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	15907 15908 15909
(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	15910 15911 15912
(36) Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services or acupuncture services are provided;	15913 15914 15915
(37) Except as provided in division (G) of this section:	15916
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that chiropractor;	15917 15918 15919 15920 15921 15922

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

(38) Failure to supervise an oriental medicine practitioner performing acupuncture or an acupuncturist in accordance with the provisions of section 4762.11 of the Revised Code that are applicable to a supervising chiropractor.

(D) The adjudication requirements of Chapter 119. of the Revised Code apply to the board when taking actions against an individual under this section, except as follows:

(1) An applicant is not entitled to an adjudication for failing to meet the conditions specified under section 4734.20 of the Revised Code for receipt of a license that involve the board's examination on jurisprudence or the examinations of the national board of chiropractic examiners.

(2) A person is not entitled to an adjudication if the person fails to make a timely request for a hearing, in accordance with Chapter 119. of the Revised Code.

(3) In lieu of an adjudication, the board may accept the surrender of a license to practice chiropractic or certificate to practice acupuncture from a chiropractor.

(4) In lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a

consent agreement, the admissions and findings contained in the 15952  
consent agreement shall be of no force or effect. 15953

(E) This section does not require the board to hire, 15954  
contract with, or retain the services of an expert witness when 15955  
the board takes action against a chiropractor concerning 15956  
compliance with acceptable and prevailing standards of care in 15957  
the practice of chiropractic or acupuncture. As part of an 15958  
action taken concerning compliance with acceptable and 15959  
prevailing standards of care, the board may rely on the 15960  
knowledge of its members for purposes of making a determination 15961  
of compliance, notwithstanding any expert testimony presented by 15962  
the chiropractor that contradicts the knowledge and opinions of 15963  
the members of the board. 15964

(F) The sealing of conviction records by a court shall 15965  
have no effect on a prior board order entered under this section 15966  
or on the board's jurisdiction to take action under this section 15967  
if, based on a plea of guilty, a judicial finding of guilt, or a 15968  
judicial finding of eligibility for intervention in lieu of 15969  
conviction, the board issued a notice of opportunity for a 15970  
hearing prior to the court's order to seal the records. The 15971  
board shall not be required to seal, destroy, redact, or 15972  
otherwise modify its records to reflect the court's sealing of 15973  
conviction records. 15974

(G) Actions shall not be taken pursuant to division (C) 15975  
(37) of this section against any chiropractor who waives 15976  
deductibles and copayments as follows: 15977

(1) In compliance with the health benefit plan that 15978  
expressly allows a practice of that nature. Waiver of the 15979  
deductibles or copayments shall be made only with the full 15980  
knowledge and consent of the plan purchaser, payer, and third- 15981

party administrator. Documentation of the consent shall be made 15982  
available to the board upon request. 15983

(2) For professional services rendered to any other person 15984  
licensed pursuant to this chapter, to the extent allowed by this 15985  
chapter and the rules of the board. 15986

(H) The board shall not refuse to issue a license to an 15987  
applicant because of a conviction, plea of guilty, judicial 15988  
finding of guilt, judicial finding of eligibility for 15989  
intervention in lieu of conviction, or the commission of an act 15990  
that constitutes a criminal offense, unless the refusal is in 15991  
accordance with section 9.79 of the Revised Code. 15992

**Sec. 4735.07.** (A) The superintendent of real estate, with 15993  
the consent of the Ohio real estate commission, may enter into 15994  
agreements with recognized national testing services to 15995  
administer the real estate broker's examination under the 15996  
superintendent's supervision and control, consistent with the 15997  
requirements of this chapter as to the contents of such 15998  
examination. 15999

(B) No applicant for a real estate broker's license shall 16000  
take the broker's examination who has not established to the 16001  
satisfaction of the superintendent that the applicant: 16002

(1) Is honest, and truthful, ~~and of good reputation;~~ 16003

(2) (a) Has not been convicted of a ~~felony or crime of~~ 16004  
~~moral turpitude, or if the applicant has been so convicted, the~~ 16005  
~~superintendent has disregarded the conviction because the~~ 16006  
~~applicant has proven to the superintendent, by a preponderance~~ 16007  
~~of the evidence, that the applicant's activities and employment~~ 16008  
~~record since the conviction show that the applicant is honest,~~ 16009  
~~truthful, and of good reputation, and there is no basis in fact~~ 16010

~~for believing that the applicant again will violate the laws~~ 16011  
~~involved disqualifying offense as determined in accordance with~~ 16012  
~~section 9.79 of the Revised Code;~~ 16013

(b) Has not been finally adjudged by a court to have 16014  
violated any municipal, state, or federal civil rights laws 16015  
relevant to the protection of purchasers or sellers of real 16016  
estate or, if the applicant has been so adjudged, at least two 16017  
years have passed since the court decision and the 16018  
superintendent has disregarded the adjudication because the 16019  
applicant has proven, by a preponderance of the evidence, that 16020  
the applicant's activities and employment record since the 16021  
adjudication show that the applicant is honest, ~~and~~ truthful, ~~and~~ 16022  
~~and of good reputation,~~ and there is no basis in fact for 16023  
believing that the applicant will again violate the laws 16024  
involved. 16025

(3) Has not, during any period in which the applicant was 16026  
licensed under this chapter, violated any provision of, or any 16027  
rule adopted pursuant to, this chapter, or, if the applicant has 16028  
violated any such provision or rule, has established to the 16029  
satisfaction of the superintendent that the applicant will not 16030  
again violate such provision or rule; 16031

(4) Is at least eighteen years of age; 16032

(5) Has been a licensed real estate broker or salesperson 16033  
for at least two years; during at least two of the five years 16034  
preceding the person's application, has worked as a licensed 16035  
real estate broker or salesperson for an average of at least 16036  
thirty hours per week; and has completed one of the following: 16037

(a) At least twenty real estate transactions, in which 16038  
property was sold for another by the applicant while acting in 16039

the capacity of a real estate broker or salesperson; 16040

(b) Such equivalent experience as is defined by rules 16041  
adopted by the commission. 16042

(6) (a) If licensed as a real estate salesperson prior to 16043  
August 1, 2001, successfully has completed at an institution of 16044  
higher education all of the following credit-eligible courses by 16045  
either classroom instruction or distance education: 16046

(i) Thirty hours of instruction in real estate practice; 16047

(ii) Thirty hours of instruction that includes the 16048  
subjects of Ohio real estate law, municipal, state, and federal 16049  
civil rights law, new case law on housing discrimination, 16050  
desegregation issues, and methods of eliminating the effects of 16051  
prior discrimination. If feasible, the instruction in Ohio real 16052  
estate law shall be taught by a member of the faculty of an 16053  
accredited law school. If feasible, the instruction in 16054  
municipal, state, and federal civil rights law, new case law on 16055  
housing discrimination, desegregation issues, and methods of 16056  
eliminating the effects of prior discrimination shall be taught 16057  
by a staff member of the Ohio civil rights commission who is 16058  
knowledgeable with respect to those subjects. The requirements 16059  
of this division do not apply to an applicant who is admitted to 16060  
practice before the supreme court. 16061

(iii) Thirty hours of instruction in real estate 16062  
appraisal; 16063

(iv) Thirty hours of instruction in real estate finance; 16064

(v) Three quarter hours, or its equivalent in semester 16065  
hours, in financial management; 16066

(vi) Three quarter hours, or its equivalent in semester 16067

hours, in human resource or personnel management;	16068
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	16069 16070
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	16071 16072
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	16073 16074 16075 16076
(i) Forty hours of instruction in real estate practice;	16077
(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	16078 16079 16080 16081 16082 16083 16084 16085 16086 16087 16088 16089 16090 16091
(iii) Twenty hours of instruction in real estate appraisal;	16092 16093
(iv) Twenty hours of instruction in real estate finance;	16094
(v) The training in the amount of hours specified under	16095



divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 16096

(c) Division (B) (6) (a) or (b) of this section does not 16097  
apply to any applicant who holds a valid real estate 16098  
salesperson's license issued prior to January 2, 1972. Divisions 16099  
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 16100  
of this section do not apply to any applicant who holds a valid 16101  
real estate salesperson's license issued prior to January 3, 16102  
1984. 16103

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 16104  
section do not apply to any new applicant who holds a valid Ohio 16105  
real estate appraiser license or certificate issued prior to the 16106  
date of application for a real estate broker's license. 16107

(e) Successful completion of the instruction required by 16108  
division (B) (6) (a) or (b) of this section shall be determined by 16109  
the law in effect on the date the instruction was completed. 16110

(7) If licensed as a real estate salesperson on or after 16111  
January 3, 1984, satisfactorily has completed a minimum of two 16112  
years of post-secondary education, or its equivalent in semester 16113  
or quarter hours, at an institution of higher education, and has 16114  
fulfilled the requirements of division (B) (6) (a) or (b) of this 16115  
section. The requirements of division (B) (6) (a) or (b) of this 16116  
section may be included in the two years of post-secondary 16117  
education, or its equivalent in semester or quarter hours, that 16118  
is required by this division. The post-secondary education 16119  
requirement may be satisfied by completing the credit-eligible 16120  
courses using either classroom instruction or distance 16121  
education. Successful completion of any course required by this 16122  
section shall be determined by the law in effect on the date the 16123  
course was completed. 16124

(C) Each applicant for a broker's license shall be 16125  
examined in the principles of real estate practice, Ohio real 16126  
estate law, and financing and appraisal, and as to the duties of 16127  
real estate brokers and real estate salespersons, the 16128  
applicant's knowledge of real estate transactions and 16129  
instruments relating to them, and the canons of business ethics 16130  
pertaining to them. The commission from time to time shall 16131  
promulgate such canons and cause them to be published in printed 16132  
form. 16133

(D) Examinations shall be administered with reasonable 16134  
accommodations in accordance with the requirements of the 16135  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16136  
U.S.C. 12101. The contents of an examination shall be consistent 16137  
with the requirements of division (B)(6) of this section and 16138  
with the other specific requirements of this section. An 16139  
applicant who has completed the requirements of division (B)(6) 16140  
of this section at the time of application shall be examined no 16141  
later than twelve months after the applicant is notified of 16142  
admission to the examination. 16143

(E) The superintendent may waive one or more of the 16144  
requirements of this section in the case of an application from 16145  
a nonresident real estate broker pursuant to a reciprocity 16146  
agreement with the licensing authority of the state from which 16147  
the nonresident applicant holds a valid real estate broker 16148  
license. 16149

(F) There shall be no limit placed on the number of times 16150  
an applicant may retake the examination. 16151

(G) (1) Not earlier than the date of issue of a real estate 16152  
broker's license to a licensee, but not later than twelve months 16153  
after the date of issue of a real estate broker's license to a 16154

licensee, the licensee shall submit proof satisfactory to the 16155  
superintendent, on forms made available by the superintendent, 16156  
of the completion of ten hours of instruction that shall be 16157  
completed in schools, seminars, and educational institutions 16158  
that are approved by the commission. Approval of the curriculum 16159  
and providers shall be granted according to rules adopted 16160  
pursuant to section 4735.10 of the Revised Code and may be taken 16161  
through classroom instruction or distance education. 16162

If the required proof of completion is not submitted to 16163  
the superintendent within twelve months of the date a license is 16164  
issued under this section, the license of the real estate broker 16165  
is suspended automatically without the taking of any action by 16166  
the superintendent. The broker's license shall not be 16167  
reactivated by the superintendent until it is established, to 16168  
the satisfaction of the superintendent, that the requirements of 16169  
this division have been met and that the licensee is in 16170  
compliance with this chapter. A licensee's license is revoked 16171  
automatically without the taking of any action by the 16172  
superintendent if the licensee fails to submit proof of 16173  
completion of the education requirements specified under 16174  
division (G)(1) of this section within twelve months of the date 16175  
the license is suspended. 16176

(2) If the license of a real estate broker is suspended 16177  
pursuant to division (G)(1) of this section, the license of a 16178  
real estate salesperson associated with that broker 16179  
correspondingly is suspended pursuant to division (H) of section 16180  
4735.20 of the Revised Code. However, the suspended license of 16181  
the associated real estate salesperson shall be reactivated and 16182  
no fee shall be charged or collected for that reactivation if 16183  
all of the following occur: 16184

(a) That broker subsequently submits satisfactory proof to 16185  
the superintendent that the broker has complied with the 16186  
requirements of division (G) (1) of this section and requests 16187  
that the broker's license as a real estate broker be 16188  
reactivated; 16189

(b) The superintendent then reactivates the broker's 16190  
license as a real estate broker; 16191

(c) The associated real estate salesperson intends to 16192  
continue to be associated with that broker and otherwise is in 16193  
compliance with this chapter. 16194

**Sec. 4735.09.** (A) Application for a license as a real 16195  
estate salesperson shall be made to the superintendent of real 16196  
estate on forms furnished by the superintendent and signed by 16197  
the applicant. The application shall be in the form prescribed 16198  
by the superintendent and shall contain such information as is 16199  
required by this chapter and the rules of the Ohio real estate 16200  
commission. The application shall be accompanied by the 16201  
recommendation of the real estate broker with whom the applicant 16202  
is associated or with whom the applicant intends to be 16203  
associated, certifying that the applicant is honest, and 16204  
~~truthful, and of good reputation, has not been convicted of a~~ 16205  
~~felony or a crime involving moral turpitude,~~ and has not been 16206  
finally adjudged by a court to have violated any municipal, 16207  
state, or federal civil rights laws relevant to the protection 16208  
of purchasers or sellers of real estate, which conviction or 16209  
adjudication the applicant has not disclosed to the 16210  
superintendent, and recommending that the applicant be admitted 16211  
to the real estate salesperson examination. 16212

(B) A fee of eighty-one dollars shall accompany the 16213  
application, which fee includes the fee for the initial year of 16214

the licensing period, if a license is issued. The initial year 16215  
of the licensing period commences at the time the license is 16216  
issued and ends on the applicant's first birthday thereafter. 16217  
The application fee shall be nonrefundable. A fee of eighty-one 16218  
dollars shall be charged by the superintendent for each 16219  
successive application made by the applicant. One dollar of each 16220  
application fee shall be credited to the real estate education 16221  
and research fund. 16222

(C) There shall be no limit placed on the number of times 16223  
an applicant may retake the examination. 16224

(D) The superintendent, with the consent of the 16225  
commission, may enter into an agreement with a recognized 16226  
national testing service to administer the real estate 16227  
salesperson's examination under the superintendent's supervision 16228  
and control, consistent with the requirements of this chapter as 16229  
to the contents of the examination. 16230

If the superintendent, with the consent of the commission, 16231  
enters into an agreement with a national testing service to 16232  
administer the real estate salesperson's examination, the 16233  
superintendent may require an applicant to pay the testing 16234  
service's examination fee directly to the testing service. If 16235  
the superintendent requires the payment of the examination fee 16236  
directly to the testing service, each applicant shall submit to 16237  
the superintendent a processing fee in an amount determined by 16238  
the Ohio real estate commission pursuant to division (A)(1) of 16239  
section 4735.10 of the Revised Code. 16240

(E) The superintendent shall issue a real estate 16241  
salesperson's license when satisfied that the applicant has 16242  
received a passing score on each portion of the salesperson's 16243  
examination as determined by rule by the real estate commission, 16244

except that the superintendent may waive one or more of the 16245  
requirements of this section in the case of an applicant who is 16246  
a licensed real estate salesperson in another state pursuant to 16247  
a reciprocity agreement with the licensing authority of the 16248  
state from which the applicant holds a valid real estate 16249  
salesperson's license. 16250

(F) No applicant for a salesperson's license shall take 16251  
the salesperson's examination who has not established to the 16252  
satisfaction of the superintendent that the applicant: 16253

(1) Is honest, and truthful, ~~and of good reputation;~~ 16254

(2) (a) Has not been convicted of a ~~felony or crime of~~ 16255  
~~moral turpitude or, if the applicant has been so convicted, the~~ 16256  
~~superintendent has disregarded the conviction because the~~ 16257  
~~applicant has proven to the superintendent, by a preponderance~~ 16258  
~~of the evidence, that the applicant's activities and employment~~ 16259  
~~record since the conviction show that the applicant is honest,~~ 16260  
~~truthful, and of good reputation, and there is no basis in fact~~ 16261  
~~for believing that the applicant again will violate the laws~~ 16262  
~~involved~~ disqualifying offense as determined in accordance with 16263  
section 9.79 of the Revised Code; 16264

(b) Has not been finally adjudged by a court to have 16265  
violated any municipal, state, or federal civil rights laws 16266  
relevant to the protection of purchasers or sellers of real 16267  
estate or, if the applicant has been so adjudged, at least two 16268  
years have passed since the court decision and the 16269  
superintendent has disregarded the adjudication because the 16270  
applicant has proven, by a preponderance of the evidence, that 16271  
the applicant is honest, and truthful, ~~and of good reputation,~~ 16272  
and there is no basis in fact for believing that the applicant 16273  
again will violate the laws involved. 16274

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

(4) Is at least eighteen years of age;

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

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

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

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

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

(d) Twenty hours of instruction in real estate finance.	16304
(G) (1) Successful completion of the instruction required	16305
by division (F) (6) of this section shall be determined by the	16306
law in effect on the date the instruction was completed.	16307
(2) Division (F) (6) (c) of this section does not apply to	16308
any new applicant who holds a valid Ohio real estate appraiser	16309
license or certificate issued prior to the date of application	16310
for a real estate salesperson's license.	16311
(H) Only for noncredit course offerings, an institution of	16312
higher education shall obtain approval from the appropriate	16313
state authorizing entity prior to offering a real estate course	16314
that is designed and marketed as satisfying the salesperson	16315
license education requirements of division (F) (6) of this	16316
section. The state authorizing entity may consult with the	16317
superintendent in reviewing the course for compliance with this	16318
section.	16319
(I) Any person who has not been licensed as a real estate	16320
salesperson or broker within a four-year period immediately	16321
preceding the person's current application for the salesperson's	16322
examination shall have successfully completed the prelicensure	16323
instruction required by division (F) (6) of this section within a	16324
ten-year period immediately preceding the person's current	16325
application for the salesperson's examination.	16326
(J) Not earlier than the date of issue of a real estate	16327
salesperson's license to a licensee, but not later than twelve	16328
months after the date of issue of a real estate salesperson	16329
license to a licensee, the licensee shall submit proof	16330
satisfactory to the superintendent, on forms made available by	16331
the superintendent, of the completion of twenty hours of	16332



instruction that shall be completed in schools, seminars, and 16333  
educational institutions approved by the commission. The 16334  
instruction shall include, but is not limited to, current 16335  
practices relating to commercial real estate, property 16336  
management, short sales, and land contracts; contract law; 16337  
federal and state programs; economic conditions; and fiduciary 16338  
responsibility. Approval of the curriculum and providers shall 16339  
be granted according to rules adopted pursuant to section 16340  
4735.10 of the Revised Code and may be taken through classroom 16341  
instruction or distance education. 16342

If proof of completion of the required instruction is not 16343  
submitted within twelve months of the date a license is issued 16344  
under this section, the licensee's license is suspended 16345  
automatically without the taking of any action by the 16346  
superintendent. The superintendent immediately shall notify the 16347  
broker with whom such salesperson is associated of the 16348  
suspension of the salesperson's license. A salesperson whose 16349  
license has been suspended under this division shall have twelve 16350  
months after the date of the suspension of the salesperson's 16351  
license to submit proof of successful completion of the 16352  
instruction required under this division. No such license shall 16353  
be reactivated by the superintendent until it is established, to 16354  
the satisfaction of the superintendent, that the requirements of 16355  
this division have been met and that the licensee is in 16356  
compliance with this chapter. A licensee's license is revoked 16357  
automatically without the taking of any action by the 16358  
superintendent when the licensee fails to submit the required 16359  
proof of completion of the education requirements under division 16360  
(I) of this section within twelve months of the date the license 16361  
is suspended. 16362

(K) Examinations shall be administered with reasonable 16363

accommodations in accordance with the requirements of the 16364  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16365  
U.S.C. 12189. The contents of an examination shall be consistent 16366  
with the classroom instructional requirements of division (F) (6) 16367  
of this section. An applicant who has completed the classroom 16368  
instructional requirements of division (F) (6) of this section at 16369  
the time of application shall be examined no later than twelve 16370  
months after the applicant is notified of the applicant's 16371  
admission to the examination. 16372

**Sec. 4735.10.** (A) (1) The Ohio real estate commission may 16373  
adopt reasonable rules in accordance with Chapter 119. of the 16374  
Revised Code, necessary for implementing the provisions of this 16375  
chapter relating, but not limited to, the following: 16376

(a) The form and manner of filing applications for 16377  
licensure; 16378

(b) Times and form of examination for license; 16379

(c) Placing an existing broker's license on deposit or a 16380  
salesperson's license on an inactive status for an indefinite 16381  
period; 16382

(d) Specifying the process by which a licensee may resign 16383  
the licensee's license; 16384

(e) Defining any additional license status that the 16385  
commission determines is necessary and that is not otherwise 16386  
defined in this chapter and establishing the process by which a 16387  
licensee places the licensee's license in a status defined by 16388  
the commission in the rules the commission adopts; 16389

(f) Clarification of the activities that require a license 16390  
under this chapter; 16391

(g) Permitting a broker to act as principal broker for more than one brokerage.	16392 16393
(2) The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code, for implementing the provisions of this chapter relating to the following:	16394 16395 16396 16397
(a) The issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license;	16398 16399 16400 16401
(b) A three-year license and a three-year license renewal system;	16402 16403
(c) Standards for the approval of the postlicensure courses as required by division (G) of section 4735.07 and division (J) of section 4735.09 of the Revised Code, courses of study required for licenses, courses offered in preparation for license examinations, or courses required as continuing education for licenses.	16404 16405 16406 16407 16408 16409
(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.	16410 16411 16412 16413 16414
(e) Requirements for trust accounts and property management accounts. The rules shall specify that:	16415 16416
(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the	16417 16418 16419 16420

property owner. The exercise of authority for withdrawals does	16421
not constitute a violation of any provision of division (A) of	16422
section 4735.18 of the Revised Code.	16423
(ii) The interest earned on property management trust	16424
accounts maintained in the name of the property owner or the	16425
broker shall be payable to the property owner unless otherwise	16426
specified in a written contract.	16427
(f) Notice of renewal forms and filing deadlines;	16428
(g) Special assessments under division (A) of section	16429
4735.12 of the Revised Code.	16430
(B) The commission may adopt rules in accordance with	16431
Chapter 119. of the Revised Code establishing standards and	16432
guidelines with which the superintendent of real estate shall	16433
comply in the exercise of the following powers:	16434
(1) Appointment and recommendation of ancillary trustees	16435
under section 4735.05 of the Revised Code;	16436
(2) Rejection of names proposed to be used by	16437
partnerships, associations, limited liability companies, limited	16438
liability partnerships, and corporations, under division (B) of	16439
section 4735.06 of the Revised Code, including procedures for	16440
the application and approval of more than one trade name for a	16441
brokerage;	16442
(3) Acceptance and rejection of applications to take the	16443
broker and salesperson examinations and licensure, with	16444
appropriate waivers pursuant to division (E) of section 4735.07	16445
and section 4735.09 of the Revised Code;	16446
(4) Approval of applications of brokers to place their	16447
licenses in an inactive status and to become salespersons under	16448

section 4735.13 of the Revised Code; 16449

(5) Appointment of hearing examiners under section 119.09 16450  
of the Revised Code; 16451

(6) Acceptance and rejection of applications to take the 16452  
foreign real estate dealer and salesperson examinations and 16453  
licensure, with waiver of examination, under sections 4735.27 16454  
and 4735.28 of the Revised Code; 16455

(7) Qualification of foreign real estate under section 16456  
4735.25 of the Revised Code. 16457

If at any time there is no rule in effect establishing a 16458  
guideline or standard required by this division, the 16459  
superintendent may adopt a rule in accordance with Chapter 119. 16460  
of the Revised Code for such purpose. 16461

(C) The commission or superintendent may hear testimony in 16462  
matters relating to the duties imposed upon them, and the 16463  
president of the commission and superintendent may administer 16464  
oaths. The commission or superintendent may require other proof 16465  
of the honesty, and truthfulness, ~~and good reputation~~ of any 16466  
person named in an application for a real estate broker's or 16467  
real estate salesperson's license before admitting the applicant 16468  
to the examination or issuing a license. 16469

**Sec. 4735.13.** (A) Every real estate broker licensed under 16470  
this chapter shall have and maintain a definite place of 16471  
business in this state. A post office box address is not a 16472  
definite place of business for purposes of this section. The 16473  
license of a real estate broker shall be prominently displayed 16474  
in the office or place of business of the broker, and no license 16475  
shall authorize the licensee to do business except from the 16476  
location specified in it. If the broker maintains more than one 16477

place of business within the state, the broker shall apply for 16478  
and procure a duplicate license for each branch office 16479  
maintained by the broker. Each branch office shall be in the 16480  
charge of a licensed broker or salesperson. The branch office 16481  
license shall be prominently displayed at the branch office 16482  
location. 16483

(B) The license of each real estate salesperson shall be 16484  
mailed to and remain in the possession of the licensed broker 16485  
with whom the salesperson is or is to be associated until the 16486  
licensee places the license on inactive or resigned status or 16487  
until the salesperson leaves the brokerage or is terminated. The 16488  
broker shall keep each salesperson's license in a way that it 16489  
can, and shall on request, be made immediately available for 16490  
public inspection at the office or place of business of the 16491  
broker. Except as provided in divisions (G) and (H) of this 16492  
section, immediately upon the salesperson's leaving the 16493  
association or termination of the association of a real estate 16494  
salesperson with the broker, the broker shall return the 16495  
salesperson's license to the superintendent of real estate. 16496

The failure of a broker to return the license of a real 16497  
estate salesperson or broker who leaves or who is terminated, 16498  
via certified mail return receipt requested, within three 16499  
business days of the receipt of a written request from the 16500  
superintendent for the return of the license, is prima-facie 16501  
evidence of misconduct under division (A) (6) of section 4735.18 16502  
of the Revised Code. 16503

(C) A licensee shall notify the superintendent in writing 16504  
within fifteen days of any of the following occurrences: 16505

(1) The licensee is convicted of a felony. 16506

(2) The licensee is convicted of a crime involving moral turpitude.	16507 16508
(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing.	16509 16510 16511
(4) The licensee is found to have engaged in a discriminatory practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code.	16512 16513 16514 16515
(5) The licensee is the subject of an order by the department of commerce, the department of insurance, or the department of agriculture revoking or permanently surrendering any professional license, certificate, or registration.	16516 16517 16518 16519
(6) The licensee is the subject of an order by any government agency concerning real estate, financial matters, or the performance of fiduciary duties with respect to any license, certificate, or registration.	16520 16521 16522 16523
If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee.	16524 16525 16526
Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.	16527 16528 16529 16530
(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a	16531 16532 16533 16534 16535

business location without giving the required notice and without 16536  
receiving new licenses that action is prima-facie evidence of 16537  
misconduct under division (A) (6) of section 4735.18 of the 16538  
Revised Code. 16539

(E) If a real estate broker desires to associate with 16540  
another real estate broker in the capacity of a real estate 16541  
salesperson, the broker shall apply to the superintendent to 16542  
deposit the broker's real estate broker's license with the 16543  
superintendent and for the issuance of a real estate 16544  
salesperson's license. The application shall be made on a form 16545  
prescribed by the superintendent and shall be accompanied by the 16546  
recommendation of the real estate broker with whom the applicant 16547  
intends to become associated and a fee of thirty-four dollars 16548  
for the real estate salesperson's license. One dollar of the fee 16549  
shall be credited to the real estate education and research 16550  
fund. If the superintendent is satisfied that the applicant is 16551  
honest, ~~and truthful, and of good reputation,~~ has not been 16552  
convicted of a ~~felony or a crime involving moral~~ 16553  
~~turpitude~~ disqualifying offense as determined in accordance with 16554  
section 9.79 of the Revised Code, and has not been finally 16555  
adjudged by a court to have violated any municipal, state, or 16556  
federal civil rights laws relevant to the protection of 16557  
purchasers or sellers of real estate, and that the association 16558  
of the real estate broker and the applicant will be in the 16559  
public interest, the superintendent shall grant the application 16560  
and issue a real estate salesperson's license to the applicant. 16561  
Any license so deposited with the superintendent shall be 16562  
subject to this chapter. A broker who intends to deposit the 16563  
broker's license with the superintendent, as provided in this 16564  
section, shall give written notice of this fact in a format 16565  
prescribed by the superintendent to all salespersons associated 16566



with the broker when applying to place the broker's license on 16567  
deposit. 16568

(F) If a real estate broker desires to become a member or 16569  
officer of a partnership, association, limited liability 16570  
company, limited liability partnership, or corporation that is 16571  
or intends to become a licensed real estate broker, the broker 16572  
shall notify the superintendent of the broker's intentions. The 16573  
notice of intention shall be on a form prescribed by the 16574  
superintendent and shall be accompanied by a fee of thirty-four 16575  
dollars. One dollar of the fee shall be credited to the real 16576  
estate education and research fund. 16577

A licensed real estate broker who is a member or officer 16578  
of a partnership, association, limited liability company, 16579  
limited liability partnership, or corporation shall only act as 16580  
a real estate broker for such partnership, association, limited 16581  
liability company, limited liability partnership, or 16582  
corporation. 16583

(G) (1) If a real estate broker or salesperson enters the 16584  
armed forces, the broker or salesperson may place the broker's 16585  
or salesperson's license on deposit with the Ohio real estate 16586  
commission. The licensee shall not be required to renew the 16587  
license until the renewal date that follows the date of 16588  
discharge from the armed forces. Any license deposited with the 16589  
commission shall be subject to this chapter. 16590

Any licensee whose license is on deposit under this 16591  
division and who fails to meet the continuing education 16592  
requirements of section 4735.141 of the Revised Code because the 16593  
licensee is in the armed forces shall satisfy the commission 16594  
that the licensee has complied with the continuing education 16595  
requirements within twelve months of the licensee's first 16596

birthday after discharge or within the amount of time equal to 16597  
the total number of months the licensee spent on active duty, 16598  
whichever is greater. The licensee shall submit proper 16599  
documentation of active duty service and the length of that 16600  
active duty service to the superintendent. The extension shall 16601  
not exceed the total number of months that the licensee served 16602  
in active duty. The superintendent shall notify the licensee of 16603  
the licensee's obligations under section 4735.141 of the Revised 16604  
Code at the time the licensee applies for reactivation of the 16605  
licensee's license. 16606

(2) If a licensee is a spouse of a member of the armed 16607  
forces and the spouse's service resulted in the licensee's 16608  
absence from this state, both of the following apply: 16609

(a) The licensee shall not be required to renew the 16610  
license until the renewal date that follows the date of the 16611  
spouse's discharge from the armed forces. 16612

(b) If the licensee fails to meet the continuing education 16613  
requirements of section 4735.141 of the Revised Code, the 16614  
licensee shall satisfy the commission that the licensee has 16615  
complied with the continuing education requirements within 16616  
twelve months after the licensee's first birthday after the 16617  
spouse's discharge or within the amount of time equal to the 16618  
total number of months the licensee's spouse spent on active 16619  
duty, whichever is greater. The licensee shall submit proper 16620  
documentation of the spouse's active duty service and the length 16621  
of that active duty service. This extension shall not exceed the 16622  
total number of months that the licensee's spouse served in 16623  
active duty. 16624

(3) In the case of a licensee as described in division (G) 16625  
(2) of this section, who holds the license through a reciprocity 16626

agreement with another state, the spouse's service shall have 16627  
resulted in the licensee's absence from the licensee's state of 16628  
residence for the provisions of that division to apply. 16629

(4) As used in this division, "armed forces" means the 16630  
armed forces of the United States or reserve component of the 16631  
armed forces of the United States including the Ohio national 16632  
guard or the national guard of any other state. 16633

(H) If a licensed real estate salesperson submits an 16634  
application to the superintendent to leave the association of 16635  
one broker to associate with a different broker, the broker 16636  
possessing the licensee's license need not return the 16637  
salesperson's license to the superintendent. The superintendent 16638  
may process the application regardless of whether the licensee's 16639  
license is returned to the superintendent. 16640

**Sec. 4735.27.** (A) An application to act as a foreign real 16641  
estate dealer shall be in writing and filed with the 16642  
superintendent of real estate. It shall be in the form the 16643  
superintendent prescribes and shall contain the following 16644  
information: 16645

(1) The name and address of the applicant; 16646

(2) A description of the applicant, including, if the 16647  
applicant is a partnership, unincorporated association, or any 16648  
similar form of business organization, the names and the 16649  
residence and business addresses of all partners, officers, 16650  
directors, trustees, or managers of the organization, and the 16651  
limitation of the liability of any partner or member; and if the 16652  
applicant is a corporation, a list of its officers and 16653  
directors, and the residence and business addresses of each, 16654  
and, if it is a foreign corporation, a copy of its articles of 16655

incorporation in addition; 16656

(3) The location and addresses of the principal office and 16657  
all other offices of the applicant; 16658

(4) A general description of the business of the applicant 16659  
prior to the application, including a list of states in which 16660  
the applicant is a licensed foreign real estate dealer; 16661

(5) The names and addresses of all salespersons of the 16662  
applicant at the date of the application; 16663

(6) The nature of the business of the applicant, and its 16664  
places of business, for the ten-year period preceding the date 16665  
of application. 16666

(B) Every nonresident applicant shall name a person within 16667  
this state upon whom process against the applicant may be served 16668  
and shall give the complete residence and business address of 16669  
the person designated. Every applicant shall file an irrevocable 16670  
written consent, executed and acknowledged by an individual duly 16671  
authorized to give such consent, that actions growing out of a 16672  
fraud committed by the applicant in connection with the sale in 16673  
this state of foreign real estate may be commenced against it, 16674  
in the proper court of any county in this state in which a cause 16675  
of action for such fraud may arise or in which the plaintiff in 16676  
such action may reside, by serving on the secretary of state any 16677  
proper process or pleading authorized by the laws of this state, 16678  
in the event that the applicant if a resident of this state, or 16679  
the person designated by the nonresident applicant, cannot be 16680  
found at the address given. The consent shall stipulate that the 16681  
service of process on the secretary of state shall be taken in 16682  
all courts to be as valid and binding as if service had been 16683  
made upon the foreign real estate dealer. If the applicant is a 16684

corporation or an unincorporated association, the consent shall 16685  
be accompanied by a certified copy of the resolution of the 16686  
board of directors, trustees, or managers of the corporation or 16687  
association, authorizing such individual to execute the consent. 16688

(C) The superintendent may investigate any applicant for a 16689  
dealer's license, and may require any additional information the 16690  
superintendent considers necessary to determine the ~~business-~~ 16691  
~~repute and~~ qualifications of the applicant to act as a foreign 16692  
real estate dealer. If the application for a dealer's license 16693  
involves investigation outside this state, the superintendent 16694  
may require the applicant to advance sufficient funds to pay any 16695  
of the actual expenses of the investigation, and an itemized 16696  
statement of such expense shall be furnished to the applicant. 16697

(D) Every applicant shall take a written examination, 16698  
prescribed and conducted by the superintendent, which covers the 16699  
applicant's knowledge of the principles of real estate practice, 16700  
real estate law, financing and appraisal, real estate 16701  
transactions and instruments relating to them, canons of 16702  
business ethics relating to real estate transactions, and the 16703  
duties of foreign real estate dealers and salespersons. The fee 16704  
for the examination, when administered by the superintendent, is 16705  
one hundred one dollars. If the applicant does not appear for 16706  
the examination, the fee shall be forfeited and a new 16707  
application and fee shall be filed, unless good cause for the 16708  
failure to appear is shown to the superintendent. The 16709  
requirement of an examination may be waived in whole or in part 16710  
by the superintendent if an applicant is licensed as a real 16711  
estate broker by any state. 16712

Any applicant who fails the examination twice shall wait 16713  
six months before applying to retake the examination. 16714

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

(1) Has not been convicted of a ~~felony or a crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved~~ disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

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

(3) Has not, during any period for which the applicant was licensed under this chapter or any former section of the Revised Code applicable to licensed foreign real estate dealers or salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if the applicant

has violated any such provision or rule, has established to the 16745  
satisfaction of the superintendent that the applicant will not 16746  
again violate the provision or rule. 16747

(F) If the superintendent finds that an applicant for a 16748  
license as a foreign real estate dealer, or each named member, 16749  
manager, or officer of a partnership, association, or corporate 16750  
applicant is at least eighteen years of age, ~~is of good business~~ 16751  
~~repute,~~ has passed the examination required under this section 16752  
or has had the requirement of an examination waived, and appears 16753  
otherwise qualified, the superintendent shall issue a license to 16754  
the applicant to engage in business in this state as a foreign 16755  
real estate dealer. Dealers licensed pursuant to this section 16756  
shall employ as salespersons of foreign real estate only persons 16757  
licensed pursuant to section 4735.28 of the Revised Code. If at 16758  
any time such salespersons resign or are discharged or new 16759  
salespersons are added, the dealer forthwith shall notify the 16760  
superintendent and shall file with the division of real estate 16761  
the names and addresses of new salespersons. 16762

(G) If the applicant merely is renewing the applicant's 16763  
license for the previous year, the application need contain only 16764  
the information required by divisions (A) (2), (3), and (6) of 16765  
this section. 16766

**Sec. 4735.28.** (A) An application to act as a foreign real 16767  
estate salesperson shall be in writing and filed with the 16768  
superintendent of real estate. It shall be in the form the 16769  
superintendent prescribes and shall contain the following 16770  
information: 16771

(1) The name and complete residence and business addresses 16772  
of the applicant; 16773

(2) The name of the foreign real estate dealer who is 16774  
employing the applicant or who intends to employ the applicant; 16775

(3) The age and education of the applicant, and the 16776  
applicant's experience in the sale of foreign real estate; 16777  
whether the applicant has ever been licensed by the 16778  
superintendent, and if so, when; whether the applicant has ever 16779  
been refused a license by the superintendent; and whether the 16780  
applicant has ever been licensed or refused a license or any 16781  
similar permit by any division or superintendent of real estate, 16782  
by whatsoever name known or designated, anywhere; 16783

(4) The nature of the employment, and the names and 16784  
addresses of the employers, of the applicant for the period of 16785  
ten years immediately preceding the date of the application. 16786

(B) Every applicant shall take a written examination, 16787  
prescribed and conducted by the superintendent, which covers the 16788  
applicant's knowledge of the principles of real estate practice, 16789  
real estate law, financing and appraisal, real estate 16790  
transactions and instruments relating to them, canons of 16791  
business ethics relating to real estate transactions, and the 16792  
duties of foreign real estate salespersons. The fee for the 16793  
examination, when administered by the superintendent, is sixty- 16794  
eight dollars. If the applicant does not appear for the 16795  
examination, the fee shall be forfeited and a new application 16796  
and fee shall be filed, unless good cause for the failure to 16797  
appear is shown to the superintendent. The requirement of an 16798  
examination may be waived in whole or in part by the 16799  
superintendent if an applicant is licensed as a real estate 16800  
broker or salesperson by any state. 16801

Any applicant who fails the examination twice shall wait 16802  
six months before applying to retake the examination. 16803



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

(1) ~~Has not been convicted of a felony or a crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved~~ disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

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

(3) Has not, during any period for which the applicant was licensed under this chapter or any former section of the Revised Code applicable to licensed foreign real estate dealers or salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if the applicant has violated any such provision or rule, has established to the

satisfaction of the superintendent that the applicant will not 16834  
again violate the provision or rule. 16835

(D) Every salesperson of foreign real estate shall be 16836  
licensed by the superintendent of real estate and shall be 16837  
employed only by the licensed foreign real estate dealer 16838  
specified on the salesperson's license. 16839

(E) If the superintendent finds that the applicant ~~is of~~ 16840  
~~good business repute,~~ appears to be qualified to act as a 16841  
foreign real estate salesperson, and has fully complied with the 16842  
provisions of this chapter, and that the dealer in the 16843  
application is a licensed foreign real estate dealer, the 16844  
superintendent, upon payment of the fees prescribed by section 16845  
4735.15 of the Revised Code, shall issue a license to the 16846  
applicant authorizing the applicant to act as a salesperson for 16847  
the dealer named in the application. 16848

**Sec. 4736.08.** An application for registration as a 16849  
sanitarian shall be made to the director of health on a form 16850  
prescribed by the director and accompanied by the application 16851  
fee prescribed in section 4736.12 of the Revised Code. The 16852  
director shall register an applicant if the applicant ~~is of good~~ 16853  
~~moral character,~~ passes an examination conducted by the director 16854  
in accordance with section 4736.09 of the Revised Code, and 16855  
meets the education and experience requirements of division (A), 16856  
(B), or (C) of this section: 16857

(A) Graduated from an accredited college or university 16858  
with at least a baccalaureate degree, including at least forty- 16859  
five quarter units or thirty semester units of science courses 16860  
approved by the director; and completed at least two years of 16861  
full-time employment as a sanitarian; 16862

(B) Graduated from an accredited college or university 16863  
with at least a baccalaureate degree, completed a major in 16864  
environmental health science which included an internship 16865  
program approved by the director; and completed at least one 16866  
year of full-time employment as a sanitarian; 16867

(C) Graduated from an accredited college or university 16868  
with a degree higher than a baccalaureate degree, including at 16869  
least forty-five quarter units or thirty semester units of 16870  
science courses approved by the director; and completed at least 16871  
one year of full-time employment as a sanitarian. 16872

**Sec. 4738.04.** Each person applying for a motor vehicle 16873  
salvage dealer license or a salvage motor vehicle auction 16874  
license or a salvage motor vehicle pool license shall make out 16875  
and deliver to the registrar of motor vehicles, upon a blank to 16876  
be furnished by the registrar for that purpose, a separate 16877  
application for license for each county in which the business is 16878  
to be conducted. The application for each type of license shall 16879  
be in the form prescribed by the registrar and shall be signed 16880  
and sworn to by the applicant. The application for a license for 16881  
a motor vehicle salvage dealer, a salvage motor vehicle auction, 16882  
or salvage motor vehicle pool, in addition to other information 16883  
as is required by the registrar, shall include the following: 16884

(A) Name of applicant and location of principal place of 16885  
business; 16886

(B) Name or style under which business is to be conducted 16887  
and, if a corporation, the state of incorporation; 16888

(C) Name and address of each owner or partner and, if a 16889  
corporation, the names of the officers and directors; 16890

(D) The county in which the business is to be conducted 16891

and the address of each place of business therein; 16892

(E) A financial statement of the applicant showing the 16893  
true financial condition as of a date not earlier than six 16894  
months prior to the date of the application; 16895

(F) A statement of the previous history, record, and 16896  
association of the applicant and of each owner, partner, 16897  
officer, and director, which statement shall be sufficient to 16898  
establish to the satisfaction of the registrar the reputation in 16899  
business of the applicant; 16900

(G) A statement showing whether the applicant has 16901  
previously been convicted of ~~a crime of moral turpitude or a~~ 16902  
disqualifying offense as ~~those terms are defined in specified~~ 16903  
under section 4776.10-9.79 of the Revised Code; 16904

(H) A statement showing whether the applicant has 16905  
previously applied for a license under this chapter and the 16906  
result of the application, and whether the applicant has ever 16907  
been the holder of any such license which was revoked or 16908  
suspended; 16909

(I) If the applicant is a corporation or partnership, a 16910  
statement showing whether any of the partners, officers, or 16911  
directors have been refused a license under this chapter, or 16912  
have been the holder of any such license which was revoked or 16913  
suspended. 16914

**Sec. 4738.07.** (A) Except as otherwise provided in division 16915  
(B) of this section, the registrar of motor vehicles shall deny 16916  
the application of any person for a license under this chapter 16917  
and refuse to issue the person a license if the registrar finds 16918  
that the applicant: 16919

(1) Has made false statement of a material fact in the 16920

individual's application;	16921
(2) Has not complied with sections 4738.01 to 4738.15 of the Revised Code:	16922 16923
(3) <del>Is of bad business repute or has</del> <u>Has</u> habitually defaulted on financial obligations;	16924 16925
(4) Has been convicted of or pleaded guilty to a <del>crime of moral turpitude or a disqualifying offense as defined in,</del> <u>provided the registrar complies with section 4776.10-9.79</u> of the Revised Code;	16926 16927 16928 16929
(5) Has been guilty of a fraudulent act in connection with dealing in salvage motor vehicles or when operating as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool;	16930 16931 16932 16933
(6) Is insolvent;	16934
(7) Is of insufficient responsibility to assure the prompt payment of any final judgments which might reasonably be entered against the individual because of the transaction of the individual's business during the period of the license applied for;	16935 16936 16937 16938 16939
(8) Has no established place of business; <u>or</u>	16940
(9) Has less than twelve months prior to said application, been denied a license under this chapter.	16941 16942
(B) <del>(1) Except as otherwise provided in this division, the registrar of motor vehicles may grant, but is not required to grant, the application of any person for a license under this chapter if the registrar finds that the applicant has been convicted of or pleaded guilty to either of the following:</del>	16943 16944 16945 16946 16947

~~(a) A misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than a year prior to the person's initial application;~~ 16948  
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~~(b) A felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to the person's application.~~ 16951  
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~~(2) The provisions in division (B) (1) of this section do not apply with respect to any offense unless the registrar, prior to the effective date of this amendment, was required or authorized to deny the registration based on that offense.~~ 16954  
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~~(3) In considering a renewal of an individual's license, the registrar shall not consider any conviction or plea of guilty prior to the initial licensing. However, the registrar may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.~~ 16958  
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(C) The registrar may grant a person a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the person shall be considered fully licensed. 16964  
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(D) If the applicant is a corporation or partnership, the registrar may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any ~~act or omission which would be cause for refusing or revoking a license issued to the officer, director, or partner as an individual~~ disqualifying offense and the refusal is in accordance with section 9.79 of the Revised Code. The registrar's finding may be based upon facts contained in the application or upon any other information which ~~he~~ the registrar 16968  
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may have. Immediately upon denying an application for any of the reasons in this section, the registrar shall enter a final order together with the registrar's findings and certify the same to the motor vehicle salvage dealer's licensing board.

(E) If the registrar refuses an application for a license, the reasons for such refusal shall be put in writing. An applicant who has been refused a license may appeal from the action of the registrar to the motor vehicle salvage dealer's licensing board in the manner prescribed in section 4738.12 of the Revised Code.

(F) The registrar of motor vehicles shall not adopt, maintain, renew, or enforce any rule, or otherwise preclude in any way, an individual from ~~receiving or~~ renewing a license under this chapter due to any past criminal activity or interpretation of moral character, except as pursuant to division ~~(A) (4), (5), and~~ (B) of this section. If the registrar denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

**Sec. 4740.05.** Each specialty section of the Ohio construction industry licensing board, other than the administrative section, shall do all of the following:

(A) Adopt rules in accordance with Chapter 119. of the Revised Code that are limited to the following:

(1) Criteria for the section to use in evaluating the qualifications of an individual;

(2) Criteria for the section to use in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license;

(3) The determinations and approvals the section makes

under the reciprocity provision of section 4740.08 of the Revised Code; 17006  
17007

(4) Criteria for continuing education courses conducted pursuant to this chapter; 17008  
17009

(5) A requirement that any training agency seeking approval to provide continuing education courses submit the required information to the appropriate specialty section of the board at least thirty days, but not more than one year, prior to the date on which the course is proposed to be offered; 17010  
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(6) A prohibition against any training agency providing a continuing education course unless the administrative section of the board approved that training agency not more than one year prior to the date the course is offered; 17015  
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17017  
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(7) A list of disqualifying offenses pursuant to sections 9.79, 4740.06, 4740.10, and 4776.10 of the Revised Code. 17019  
17020

(B) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the specialty section and determine by rule a procedure to conduct investigations and hearings on these allegations; 17021  
17022  
17023  
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(C) Maintain a record of its proceedings; 17025

(D) Grant approval to a training agency to offer continuing education courses pursuant to rules the board adopts; 17026  
17027

(E) As required, do all things necessary to carry out this chapter; 17028  
17029

(F) Establish or approve a continuing education curriculum for license renewal for each class of contractors for which the section has primary responsibility. No curriculum may require more than five hours per year in specific course requirements. 17030  
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No contractor may be required to take more than ten hours per year in continuing education courses. The ten hours shall be the aggregate of hours of continuing education for all licenses the contractor holds.

(G) Design the examination for the type of contractor the specialty section licenses to determine an applicant's competence to perform that type of contracting.

**Sec. 4740.06.** (A) Any individual who applies for a license shall file a written application with the appropriate specialty section of the Ohio construction industry licensing board, accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The application shall be on the form the section prescribes and verified by the applicant's oath. The applicant shall provide information satisfactory to the section showing that the applicant meets the requirements of division (B) of this section.

(B) To qualify to take an examination, an individual shall:

(1) Be at least eighteen years of age;

(2) Be a United States citizen or legal alien who produces valid documentation to demonstrate the individual is a legal resident of the United States;

(3) Either have been a tradesperson in the type of licensed trade for which the application is filed for not less than five years immediately prior to the date the application is filed, be a currently registered engineer in this state with three years of business experience in the construction industry in the trade for which the engineer is applying to take an examination, or have other experience acceptable to the

appropriate specialty section of the board; 17063

(4) Maintain contractor's liability insurance in an amount 17064  
the appropriate specialty section of the board determines and 17065  
only in one contracting company name; 17066

(5) Not have done any of the following: 17067

~~(a) Been convicted of or pleaded guilty to a crime of~~ 17068  
~~moral turpitude or a disqualifying offense as those terms are~~ 17069  
~~defined in section 4776.10 of the Revised Code;~~ 17070

~~(b)~~ Violated this chapter or any rule adopted pursuant to 17071  
it; 17072

~~(e)~~ (b) Obtained or renewed a license issued pursuant to 17073  
this chapter, or any order, ruling, or authorization of the 17074  
board or a section of the board by fraud, misrepresentation, or 17075  
deception; 17076

~~(d)~~ (c) Engaged in fraud, misrepresentation, or deception 17077  
in the conduct of business. 17078

(C) When an applicant for licensure as a contractor in a 17079  
licensed trade meets the qualifications set forth in division 17080  
(B) of this section and passes the required examination, the 17081  
appropriate specialty section of the board, within ninety days 17082  
after the application was filed, shall authorize the 17083  
administrative section of the board to license the applicant for 17084  
the type of contractor's license for which the applicant 17085  
qualifies. A specialty section of the board may withdraw its 17086  
authorization to the administrative section for issuance of a 17087  
license for good cause shown, on the condition that notice of 17088  
that withdrawal is given prior to the administrative section's 17089  
issuance of the license. 17090

(D) (1) Except as provided in division (D) (2) of this 17091  
section, if an applicant does not pass the required examination, 17092  
the applicant may retake the examination not less than sixty 17093  
days after the applicant's most recent examination. 17094

(2) An applicant who does not pass the required 17095  
examination after taking the examination five times under this 17096  
section shall reapply for a license under division (A) of this 17097  
section before retaking the required examination any subsequent 17098  
time. 17099

(E) All licenses a contractor holds pursuant to this 17100  
chapter shall expire annually on the same date, which shall be 17101  
the expiration date of the original license the contractor 17102  
holds. An individual holding a valid, unexpired license may 17103  
renew the license, without reexamination, by submitting an 17104  
application to the appropriate specialty section of the board 17105  
not more than ninety calendar days before the expiration of the 17106  
license, along with the renewal fee the specialty section 17107  
requires and proof of compliance with the applicable continuing 17108  
education requirements. The applicant shall provide information 17109  
in the renewal application satisfactory to demonstrate to the 17110  
appropriate specialty section that the applicant continues to 17111  
meet the requirements of division (B) of this section. 17112

Upon application and within one calendar year after a 17113  
license has expired, a section may waive any of the requirements 17114  
for renewal of a license upon finding that an applicant 17115  
substantially meets the renewal requirements or that failure to 17116  
timely apply for renewal is due to excusable neglect. A section 17117  
that waives requirements for renewal of a license may impose 17118  
conditions upon the licensee and assess a late filing fee of not 17119  
more than double the usual renewal fee. An applicant shall 17120

satisfy any condition the section imposes before a license is 17121  
reissued. 17122

(F) An individual holding a valid license may request the 17123  
section of the board that authorized that license to place the 17124  
license in inactive status under conditions, and for a period of 17125  
time, as that section determines. 17126

(G) Except for the ninety-day extension provided for a 17127  
license assigned to a contracting company under division (D) of 17128  
section 4740.07 of the Revised Code, a license held by an 17129  
individual immediately terminates upon the death of the 17130  
individual. 17131

(H) Nothing in any license issued by the Ohio construction 17132  
industry licensing board shall be construed to limit or 17133  
eliminate any requirement of or any license issued by the Ohio 17134  
fire marshal. 17135

(I) (1) Subject to ~~divisions~~ division (I) ~~(2), (3), and (4)~~ 17136  
of this section, no specialty section of the board shall adopt, 17137  
maintain, renew, or enforce any rule, or otherwise preclude in 17138  
any way, an individual from ~~receiving or renewing~~ a license 17139  
under this chapter due to any past criminal activity or 17140  
interpretation of moral character, ~~except as pursuant to~~ 17141  
~~division (B) (5) (a) of this section.~~ If the specialty section 17142  
denies an individual a ~~license or license renewal~~, the reasons 17143  
for such denial shall be put in writing. 17144

(2) ~~Except as otherwise provided in this division, if an~~ 17145  
~~individual applying for a license has been convicted of or~~ 17146  
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 17147  
~~turpitude or a disqualifying offense less than one year prior to~~ 17148  
~~making the application, the~~ The section may use its discretion 17149

~~in granting or denying the individual refuse to issue a license. 17150~~  
~~Except as otherwise provided in this division, if an individual 17151~~  
~~applying for a license has been convicted of or pleaded guilty 17152~~  
~~to a felony that is not a crime of moral turpitude or a 17153~~  
~~disqualifying offense less than three years prior to making the 17154~~  
~~application, the section may use its discretion in granting or 17155~~  
~~denying the individual a license. The provisions in this 17156~~  
~~paragraph do not apply with respect to any offense unless the 17157~~  
~~section, prior to September 28, 2012, was required or authorized 17158~~  
~~to deny the application based on that offense. 17159~~

~~In all other circumstances, the section shall follow the 17160~~  
~~procedures it adopts by rule that conform to division (I)(1) of 17161~~  
~~this section to an applicant because of a conviction of or plea 17162~~  
~~of guilty to an offense if the refusal is in accordance with 17163~~  
~~section 9.79 of the Revised Code. 17164~~

(3) In considering a renewal of an individual's license, 17165  
the section shall not consider any conviction or plea of guilty 17166  
prior to the initial licensing. However, the board may consider 17167  
a conviction or plea of guilty if it occurred after the 17168  
individual was initially licensed, or after the most recent 17169  
license renewal. 17170

(4) The section may grant an individual a conditional 17171  
license that lasts for one year. After the one-year period has 17172  
expired, the license is no longer considered conditional, and 17173  
the individual shall be considered fully licensed. 17174

~~(I)(J)~~ Notwithstanding divisions ~~(D)(E)~~ and ~~(H)(I)~~ of this 17175  
section and sections 4740.04 and 4740.05 of the Revised Code, 17176  
the board may establish rules that amend the continuing 17177  
education requirements and license renewal schedule for 17178  
licensees as provided in or adopted pursuant to those sections 17179

for the purpose of establishing a compliance incentive program. 17180  
These rules may include provisions for the creation of the 17181  
program and the qualifications, continuing education 17182  
requirements, and renewal schedule for the program. 17183

**Sec. 4740.061.** (A) As used in this section, "license" and 17184  
"applicant for an initial license" have the same meanings as in 17185  
section 4776.01 of the Revised Code, except that "license" as 17186  
used in both of those terms refers to the types of 17187  
authorizations otherwise issued or conferred under this chapter. 17188

(B) In addition to any other eligibility requirement set 17189  
forth in this chapter, each applicant for an initial license 17190  
shall comply with sections 4776.01 to 4776.04 of the Revised 17191  
Code. The Ohio construction industry licensing board shall not 17192  
grant a license to an applicant for an initial license unless 17193  
the applicant complies with sections 4776.01 to 4776.04 of the 17194  
Revised Code ~~and the board, in its discretion, decides that the~~ 17195  
~~results of the criminal records check do not make the applicant~~ 17196  
~~ineligible for a license issued pursuant to section 4740.04 or~~ 17197  
~~4740.08 of the Revised Code.~~ 17198

**Sec. 4740.10.** (A) A specialty section of the Ohio 17199  
construction industry licensing board may impose any of the 17200  
following, or any combination of the following, disciplinary 17201  
actions against an applicant or license holder for committing an 17202  
act listed in division (B) of this section: 17203

- (1) Suspend, revoke, or refuse to issue any license; 17204
- (2) Require additional continuing education hours; 17205
- (3) Issue a fine. 17206

(B) (1) An applicant or licensee shall be subject to 17207  
disciplinary action as prescribed under division (A) of this 17208

section for any of the following:	17209
(a) Having been convicted of or pleading guilty to a crime of moral turpitude or disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;	17210 17211 17212
(b) Violating any provision of this chapter;	17213
(c) Violating any rule adopted pursuant to this chapter;	17214
(d) Obtaining or attempting to obtain a license or a renewal of such license pursuant to this chapter by means of fraud, deception, or misrepresentation;	17215 17216 17217
(e) Obtaining an order, ruling, or authorization from any section of the board by means of fraud or misrepresentation;	17218 17219
(f) Engaging in fraud, misrepresentation, or deception in the conduct of business;	17220 17221
(g) Transferring the person's license to another person without the approval of the appropriate specialty section;	17222 17223
(h) (i) Allowing the person's license to be used by an unlicensed person or entity;	17224 17225
(ii) Division (B) (1) (h) (i) of this section does not apply to a contracting company that has been assigned a license under section 4740.07 of the Revised Code.	17226 17227 17228
(i) Failing to comply with a disciplinary action imposed by the appropriate specialty section;	17229 17230
(j) Failing to maintain insurance throughout the license year, unless the license has properly been placed in inactive status under section 4740.06 of the Revised Code.	17231 17232 17233
(2) The appropriate specialty section of the board may take disciplinary action against an applicant or license holder	17234 17235

as prescribed under division (A) of this section upon receiving 17236  
notice that a municipal corporation or any other governmental 17237  
agency has suspended or revoked the local contracting license or 17238  
registration of an individual or contracting company that also 17239  
holds a license pursuant to this chapter. 17240

(C) Notwithstanding any provision to the contrary in 17241  
divisions (A) and (B) of this section, a specialty section shall 17242  
not refuse to issue a license to an applicant because of a 17243  
conviction of or plea of guilty to an offense unless the refusal 17244  
is in accordance with section 9.79 of the Revised Code. 17245

(D) The appropriate specialty sections shall direct the 17246  
administrative section to refuse to issue any license to an 17247  
applicant upon a finding by the appropriate specialty section 17248  
that the applicant has done either of the following: 17249

(1) Had another person take the required examination for 17250  
the applicant; 17251

(2) Failed to pass the required examination. 17252

~~(D)~~ (E) If an individual fails to request a hearing within 17253  
thirty days after the date a specialty section, in accordance 17254  
with section 119.07 of the Revised Code, notifies the individual 17255  
of the board's intent to impose a disciplinary action against 17256  
the individual under division (A) of this section, the specialty 17257  
section, by a majority vote of a quorum of the section members, 17258  
may impose the action against the individual without holding an 17259  
adjudication hearing. 17260

**Sec. 4741.10.** (A) As used in this section, "license" and 17261  
"applicant for an initial license" have the same meanings as in 17262  
section 4776.01 of the Revised Code, except that "license" as 17263  
used in both of those terms refers to the types of 17264



authorizations otherwise issued or conferred under this chapter. 17265

(B) In addition to any other eligibility requirement set 17266  
forth in this chapter, each applicant for an initial license 17267  
shall comply with sections 4776.01 to 4776.04 of the Revised 17268  
Code. The state veterinary medical licensing board shall not 17269  
grant a license to an applicant for an initial license unless 17270  
the applicant complies with sections 4776.01 to 4776.04 of the 17271  
Revised Code ~~and the board, in its discretion, decides that the~~ 17272  
~~results of the criminal records check do not make the applicant~~ 17273  
~~ineligible for a license issued pursuant to section 4741.11,~~ 17274  
~~4741.12, 4741.13, or 4741.14 of the Revised Code.~~ 17275

**Sec. 4741.12.** The state veterinary medical licensing board 17276  
may issue a license to practice veterinary medicine without the 17277  
examination required pursuant to section 4741.11 of the Revised 17278  
Code to an applicant from another state, territory, country, or 17279  
the District of Columbia who furnishes satisfactory proof to the 17280  
board that the applicant meets all of the following criteria: 17281

(A) The applicant is a graduate of a veterinary college 17282  
accredited by the American veterinary medical association or 17283  
holds a certificate issued, on or after May 1, 1987, by the 17284  
education commission for foreign veterinary graduates of the 17285  
American veterinary medical association or issued by any other 17286  
nationally recognized certification program the board approves 17287  
by rule. 17288

(B) The applicant holds a license, which is not under 17289  
suspension, revocation, or other disciplinary action, issued by 17290  
an agency similar to this board of another state, territory, 17291  
country, or the District of Columbia, having requirements 17292  
equivalent to those of this state, provided the laws of such 17293  
state, territory, country, or district accord equal rights to 17294

the holder of a license to practice in this state who removes to 17295  
such state, territory, country, or district. 17296

~~(C) The applicant is of good moral character, as 17297  
determined by the board. 17298~~

~~(D) The applicant is not under investigation for an act 17299  
which would constitute a violation of this chapter that would 17300  
require the revocation of or refusal to renew a license. 17301~~

~~(E) (D) The applicant has a thorough knowledge of the laws 17302  
and rules governing the practice of veterinary medicine in this 17303  
state, as determined by the board. 17304~~

**Sec. 4741.22.** (A) The state veterinary medical licensing 17305  
board may, except as provided in division (B) of this section, 17306  
refuse to issue or renew a license, limited license, 17307  
registration, or temporary permit to or of any applicant who, 17308  
and may issue a reprimand to, suspend or revoke the license, 17309  
limited license, registration, or the temporary permit of, or 17310  
impose a civil penalty pursuant to this section upon any person 17311  
holding a license, limited license, or temporary permit to 17312  
practice veterinary medicine or any person registered as a 17313  
registered veterinary technician who: 17314

(1) In the conduct of the person's practice does not 17315  
conform to the rules of the board or the standards of the 17316  
profession governing proper, humane, sanitary, and hygienic 17317  
methods to be used in the care and treatment of animals; 17318

(2) Uses fraud, misrepresentation, or deception in any 17319  
application or examination for licensure, or any other 17320  
documentation created in the course of practicing veterinary 17321  
medicine; 17322

(3) Is found to be physically or psychologically addicted 17323

to alcohol or an illegal or controlled substance, as defined in 17324  
section 3719.01 of the Revised Code, to such a degree as to 17325  
render the person unfit to practice veterinary medicine; 17326

(4) Directly or indirectly employs or lends the person's 17327  
services to a solicitor for the purpose of obtaining patients; 17328

(5) Obtains a fee on the assurance that an incurable 17329  
disease can be cured; 17330

(6) Advertises in a manner that violates section 4741.21 17331  
of the Revised Code; 17332

(7) Divides fees or charges or has any arrangement to 17333  
share fees or charges with any other person, except on the basis 17334  
of services performed; 17335

(8) Sells any biologic containing living, dead, or 17336  
sensitized organisms or products of those organisms, except in a 17337  
manner that the board by rule has prescribed; 17338

(9) Is convicted of or pleads guilty to any felony or 17339  
crime involving illegal or prescription drugs, or fails to 17340  
report to the board within sixty days of the individual's 17341  
conviction of, plea of guilty to, or treatment in lieu of 17342  
conviction involving a felony, misdemeanor of the first degree, 17343  
or offense involving illegal or prescription drugs; 17344

(10) Is convicted of any violation of section 959.13 of 17345  
the Revised Code; 17346

(11) Swears falsely in any affidavit required to be made 17347  
by the person in the course of the practice of veterinary 17348  
medicine; 17349

(12) Fails to report promptly to the proper official any 17350  
known reportable disease; 17351

- (13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule; 17352  
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- (14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose; 17354  
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- (15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter; 17358  
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- (16) Is guilty of gross incompetence or gross negligence; 17361
- (17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia; 17362  
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- (18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration; 17368  
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- (19) Represents self as a specialist unless certified as a specialist by the board; 17370  
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- (20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law; 17372  
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- (21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those 17378  
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drugs or other modalities for treatment of a disease or in 17380  
conduct of surgery; 17381

(22) Makes available a dangerous drug, as defined in 17382  
section 4729.01 of the Revised Code, to any person other than 17383  
for the specific treatment of an animal patient; 17384

(23) Refuses to permit a board investigator or the board's 17385  
designee to inspect the person's business premises during 17386  
regular business hours, except as provided in division (A) of 17387  
section 4741.26 of the Revised Code; 17388

(24) Violates any order of the board or fails to comply 17389  
with a subpoena of the board; 17390

(25) Fails to maintain medical records as required by rule 17391  
of the board; 17392

(26) Engages in cruelty to animals; 17393

(27) Uses, prescribes, or sells any veterinary 17394  
prescription drug or biologic, or prescribes any extra-label use 17395  
of any over-the-counter drug or dangerous drug in the absence of 17396  
a valid veterinary-client-patient relationship. 17397

(B) The board shall not refuse to issue a license, limited 17398  
license, registration, or temporary permit to an applicant 17399  
because of a conviction of or plea of guilty to an offense 17400  
unless the refusal is in accordance with section 9.79 of the 17401  
Revised Code. 17402

(C) Except as provided in division (D) of this section, 17403  
before the board may revoke, deny, refuse to renew, or suspend a 17404  
license, registration, or temporary permit or otherwise 17405  
discipline the holder of a license, registration, or temporary 17406  
permit, the executive director shall file written charges with 17407

the board. The board shall conduct a hearing on the charges as 17408  
provided in Chapter 119. of the Revised Code. 17409

~~(C)~~(D) If the board, after a hearing conducted pursuant to 17410  
Chapter 119. of the Revised Code, revokes, refuses to renew, or 17411  
suspends a license, registration, or temporary permit for a 17412  
violation of this section, section 4741.23, division (C) or (D) 17413  
of section 4741.19, or division (B), (C), or (D) of section 17414  
4741.21 of the Revised Code, the board may impose a civil 17415  
penalty upon the holder of the license, permit, or registration 17416  
of not less than one hundred dollars or more than one thousand 17417  
dollars. In addition to the civil penalty and any other 17418  
penalties imposed pursuant to this chapter, the board may assess 17419  
any holder of a license, permit, or registration the costs of 17420  
the hearing conducted under this section if the board determines 17421  
that the holder has violated any provision for which the board 17422  
may impose a civil penalty under this section. 17423

~~(D)~~(E) The executive director may recommend that the board 17424  
suspend an individual's certificate of license without a prior 17425  
hearing if the executive director determines both of the 17426  
following: 17427

(1) There is clear and convincing evidence that division 17428  
(A) (3), (9), (14), (22), or (26) of this section applies to the 17429  
individual. 17430

(2) The individual's continued practice presents a danger 17431  
of immediate and serious harm to the public. 17432

The executive director shall prepare written allegations 17433  
for consideration by the board. The board, upon review of those 17434  
allegations and by an affirmative vote of not fewer than four of 17435  
its members, may suspend the certificate without a prior 17436

hearing. A telephone conference call may be utilized for 17437  
reviewing the allegations and taking the vote on the suspension. 17438

The board shall issue a written order of suspension by 17439  
certified mail or in person in accordance with section 119.07 of 17440  
the Revised Code. If the individual subject to the suspension 17441  
requests an adjudicatory hearing by the board, the date set for 17442  
the hearing shall be not later than fifteen days, but not 17443  
earlier than seven days after the individual requests the 17444  
hearing unless otherwise agreed to by both the board and the 17445  
individual. 17446

A suspension imposed under this division shall remain in 17447  
effect, unless reversed on appeal, until a final adjudicative 17448  
order issued by the board under this section and Chapter 119. of 17449  
the Revised Code becomes effective. The board shall issue its 17450  
final adjudicative order not later than ninety days after 17451  
completion of its hearing. Failure to issue the order within 17452  
ninety days results in dissolution of the suspension order, but 17453  
does not invalidate any subsequent, final adjudicative order. 17454

~~(E)~~ (F) A license or registration issued to an individual 17455  
under this chapter is automatically suspended upon that 17456  
individual's conviction of or plea of guilty to or upon a 17457  
judicial finding with regard to any of the following: aggravated 17458  
murder, murder, voluntary manslaughter, felonious assault, 17459  
kidnapping, rape, sexual battery, gross sexual imposition, 17460  
aggravated arson, aggravated robbery, or aggravated burglary. 17461  
The suspension shall remain in effect from the date of the 17462  
conviction, plea, or finding until an adjudication is held under 17463  
Chapter 119. of the Revised Code. If the board has knowledge 17464  
that an automatic suspension has occurred, it shall notify the 17465  
individual subject to the suspension. If the individual is 17466

notified and either fails to request an adjudication within the 17467  
time periods established by Chapter 119. of the Revised Code or 17468  
fails to participate in the adjudication, the board shall enter 17469  
a final order permanently revoking the individual's license or 17470  
registration. 17471

**Sec. 4747.04.** (A) The state speech and hearing 17472  
professionals board shall: 17473

(1) Establish the nature and scope of qualifying 17474  
examinations in accordance with section 4747.08 of the Revised 17475  
Code; 17476

(2) Determine whether persons holding similar valid 17477  
licenses from other states or jurisdictions shall be required to 17478  
take and successfully pass the appropriate qualifying 17479  
examination as a condition for licensing in this state; 17480

(3) Review complaints and conduct investigations in 17481  
accordance with section 4747.13 of the Revised Code and hold any 17482  
hearings that are necessary to carry out this chapter; 17483

(4) Determine and specify the length of time each license 17484  
that is suspended or revoked shall remain suspended or revoked; 17485

(5) Deposit all payments collected under this chapter into 17486  
the state treasury to the credit of the occupational licensing 17487  
and regulatory fund created in section 4743.05 of the Revised 17488  
Code; 17489

(6) Establish a list of disqualifying offenses for 17490  
licensure as a hearing aid dealer or fitter, or for a hearing 17491  
aid dealer or fitter trainee permit, pursuant to sections 9.79, 17492  
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 17493

(B) The board shall adopt reasonable rules, in accordance 17494



with Chapter 119. of the Revised Code, necessary for the 17495  
administration of this chapter. The board shall include all of 17496  
the following in those rules: 17497

(1) The amount of any fees required under this chapter; 17498

(2) The information to be included in a hearing aid 17499  
receipt provided by a licensed hearing aid dealer or fitter to a 17500  
person under section 4747.09 of the Revised Code; 17501

(3) The amount of time a licensed hearing aid dealer or 17502  
fitter or trainee permit holder has to provide the notice of a 17503  
change in address or addresses required under section 4747.11 of 17504  
the Revised Code and any other requirements relating to the 17505  
notice; 17506

(4) Any additional conduct for which the board may 17507  
discipline a licensee or permit holder under section 4747.12 of 17508  
the Revised Code. 17509

(C) Nothing in this section shall be interpreted as 17510  
granting to the board the right to restrict advertising which is 17511  
not false or misleading, or to prohibit or in any way restrict a 17512  
hearing aid dealer or fitter from renting or leasing space from 17513  
any person, firm or corporation in a mercantile establishment 17514  
for the purpose of using such space for the lawful sale of 17515  
hearing aids or to prohibit a mercantile establishment from 17516  
selling hearing aids if the sale would be otherwise lawful under 17517  
this chapter. 17518

**Sec. 4747.05.** (A) The state speech and hearing 17519  
professionals board shall issue to each applicant, within sixty 17520  
days of receipt of a properly completed application and payment 17521  
of an application fee set by the board in rules adopted under 17522  
section 4747.04 of the Revised Code, a hearing aid dealer's or 17523

fitter's license if the applicant: 17524

(1) In the case of an individual, the individual is at 17525  
least eighteen years of age, ~~has not committed a disqualifying~~ 17526  
~~offense or a crime of moral turpitude, as those terms are~~ 17527  
~~defined in section 4776.10 of the Revised Code,~~ is free of 17528  
contagious or infectious disease, and has successfully passed a 17529  
qualifying examination specified and administered by the board. 17530

(2) In the case of a firm, partnership, association, or 17531  
corporation, the application, in addition to such information as 17532  
the board requires, is accompanied by an application for a 17533  
license for each person, whether owner or employee, of the firm, 17534  
partnership, association, or corporation, who engages in dealing 17535  
in or fitting of hearing aids, or contains a statement that such 17536  
applications are submitted separately. No firm, partnership, 17537  
association, or corporation licensed pursuant to this chapter 17538  
shall permit any unlicensed person to sell or fit hearing aids. 17539

(B) (1) Subject to ~~divisions~~ division (B) (2), (3), and 17540  
~~(4)~~ of this section, the board shall not adopt or enforce any 17541  
rule that precludes an individual from ~~receiving or~~ renewing a 17542  
license issued under this chapter due to any past criminal 17543  
activity, unless the individual has committed a crime of moral 17544  
turpitude or a disqualifying offense as those terms are defined 17545  
in section 4776.10 of the Revised Code. The board shall comply 17546  
with Chapter 119. of the Revised Code when denying an individual 17547  
a ~~license or~~ license renewal. 17548

(2) ~~Except as otherwise provided in this division, if an~~ 17549  
~~individual applying for a license has been convicted of or~~ 17550  
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 17551  
~~turpitude or a disqualifying offense less than one year prior to~~ 17552  
~~making the application, the~~ The board may use the board's 17553

~~discretion in granting or denying the individual refuse to issue~~ 17554  
~~a license. Except as otherwise provided in this division, if an~~ 17555  
~~individual applying for a license has been convicted of or~~ 17556  
~~pleaded guilty to a felony that is not a crime of moral~~ 17557  
~~turpitude or a disqualifying offense less than three years prior~~ 17558  
~~to making the application, the board may use the board's~~ 17559  
~~discretion in granting or denying the individual a license. The~~ 17560  
~~provisions in this paragraph do not apply with respect to any~~ 17561  
~~offense unless the board, prior to September 28, 2012, was~~ 17562  
~~required or authorized to deny the application based on that~~ 17563  
~~offense.~~ 17564

~~In all other circumstances, the board shall follow the~~ 17565  
~~procedures it adopts by rule that conform to division (B)(1) of~~ 17566  
~~this section to an applicant because of a conviction of or plea~~ 17567  
~~of guilty to an offense if the refusal is in accordance with~~ 17568  
~~section 9.79 of the Revised Code.~~ 17569

(3) In considering a renewal of an individual's license, 17570  
the board shall not consider any conviction or plea of guilty 17571  
prior to the initial licensing. However, the board may consider 17572  
a conviction or plea of guilty if it occurred after the 17573  
individual was initially licensed, or after the most recent 17574  
license renewal. 17575

(4) The board may grant an individual a conditional 17576  
license that lasts for one year. After the one-year period has 17577  
expired, the license is no longer considered conditional, and 17578  
the individual shall be considered fully licensed. 17579

(C) (1) Except as provided in division (C) (2) of this 17580  
section, each license issued is valid from the date of issuance 17581  
until the thirty-first day of December of the even-numbered year 17582  
that follows the date of issuance. 17583

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

**Sec. 4747.051.** (A) As used in this section, "license" and  
"applicant for an initial license" have the same meanings as in  
section 4776.01 of the Revised Code, except that "license" as  
used in both of those terms refers to the types of  
authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set  
forth in this chapter, each applicant for an initial license  
shall comply with sections 4776.01 to 4776.04 of the Revised  
Code. The state speech and hearing professionals board shall not  
grant a license to an applicant for an initial license unless  
the applicant complies with sections 4776.01 to 4776.04 of the  
Revised Code ~~and the board, in its discretion, decides that the  
results of the criminal records check do not make the applicant  
ineligible for a license issued pursuant to section 4747.05 or  
4747.10 of the Revised Code.~~

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

(A) Is at least eighteen years of age;

(B) Is the holder of a diploma from an accredited high school or a certificate of high school equivalence issued by the department of education; 17614  
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~~(C) Has not committed a disqualifying offense or a crime of moral turpitude, as those terms are defined in section 4776.10 of the Revised Code;~~ 17617  
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~~(D) Is free of contagious or infectious disease.~~ 17620

~~Subject to the next paragraph, the The board shall not deny a trainee permit issued under this section to any individual based on the individual's past criminal history unless the individual has committed a disqualifying offense or crime of moral turpitude as those terms are defined in denial is in accordance with section 4776.10-9.79 of the Revised Code. Except as otherwise provided in this paragraph, if an individual applying for a trainee permit has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use the board's discretion in granting or denying the individual a trainee permit. Except as otherwise provided in this paragraph, if an individual applying for a trainee permit has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use the board's discretion in granting or denying the individual a trainee permit. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.~~ 17621  
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~~In all other circumstances not described in the preceding~~ 17643

~~paragraph, the board shall follow the procedures it adopts by-~~ 17644  
~~rule that conform to this section.~~ 17645

In considering a renewal of an individual's trainee 17646  
permit, the board shall not consider any conviction or plea of 17647  
guilty prior to the issuance of the initial trainee permit. 17648  
However, the board may consider a conviction or plea of guilty 17649  
if it occurred after the individual was initially granted the 17650  
trainee permit, or after the most recent trainee permit renewal. 17651  
The board shall comply with Chapter 119. of the Revised Code 17652  
when denying an individual for a trainee permit or renewal. 17653  
Additionally, the board may grant an individual a conditional 17654  
trainee permit that lasts for one year. After the one-year 17655  
period has expired, the permit is no longer considered 17656  
conditional, and the individual shall be considered to be 17657  
granted a full trainee permit. 17658

Each trainee permit issued by the board expires one year 17659  
from the date it was first issued, and may be renewed once if 17660  
the trainee has not successfully completed the qualifying 17661  
requirements for licensing as a hearing aid dealer or fitter 17662  
before the expiration date of such permit. The board shall issue 17663  
a renewed permit to each applicant upon receipt of a properly 17664  
completed application and payment of a renewal fee set by the 17665  
board in rules adopted under section 4747.04 of the Revised 17666  
Code. No person holding a trainee permit shall engage in the 17667  
practice of dealing in or fitting of hearing aids except while 17668  
under supervision by a licensed hearing aid dealer or fitter. 17669

**Sec. 4747.12.** (A) In accordance with Chapter 119. of the 17670  
Revised Code, the state speech and hearing professionals board 17671  
may revoke, suspend, place on probation, or, except as provided 17672  
in division (B) of this section, refuse to issue or renew a 17673

license or permit or reprimand a licensee or permit holder if 17674  
the person who holds such license or permit: 17675

(1) Is convicted of a disqualifying offense or a crime of 17676  
moral turpitude as those terms are defined in section 4776.10 of 17677  
the Revised Code; 17678

(2) Procured a license or permit by fraud or deceit 17679  
practiced upon the board; 17680

(3) Obtained any fee or made any sale of a hearing aid by 17681  
fraud or misrepresentation; 17682

(4) Used or caused or promoted the use of any advertising 17683  
matter, promotional literature, testimonial, guarantee, 17684  
warranty, label, brand, insignia, or any other representation, 17685  
however disseminated or published, which is misleading, 17686  
deceptive, or untruthful; 17687

(5) Advertised a particular model or type of hearing aid 17688  
for sale when purchasers or prospective purchasers responding to 17689  
the advertisement cannot purchase the specified model or type of 17690  
hearing aid; 17691

(6) Represented or advertised that the service or advice 17692  
of a person licensed to practice medicine will be used or made 17693  
available in the selection, fitting, adjustment, maintenance, or 17694  
repair of hearing aids when such is not true, or using the words 17695  
"doctor," "clinic," or similar words, abbreviations, or symbols 17696  
which connote the medical profession when such use is not 17697  
accurate; 17698

(7) Advertised a manufacturer's product or used a 17699  
manufacturer's name or trademark in a manner which suggested the 17700  
existence of a relationship with the manufacturer which did not 17701  
or does not exist; 17702

- (8) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids; 17703  
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- (9) Engaged in the fitting and sale of hearing aids under a false name or an alias; 17707  
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- (10) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious disease; 17709  
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- (11) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids; 17712  
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- (12) Permitted another person to use the licensee's license; 17715  
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- (13) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code; 17717  
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- (14) Made or filed a false report or record in the sale or dispensing of a hearing aid; 17719  
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- (15) Aided or abetted the unlicensed sale, fitting, or dispensing of a hearing aid; 17721  
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- (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; 17723  
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- (17) Engaged in illegal, incompetent, or habitually negligent practice; 17726  
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- (18) Provided professional services while mentally incompetent or under the influence of alcohol or while using any 17728  
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narcotic or controlled substance or other drug that is in excess 17730  
of therapeutic amounts or without valid medical indication; 17731

(19) Violated this chapter or any lawful order given or 17732  
rule adopted by the board; 17733

(20) Is disciplined by a licensing or disciplinary 17734  
authority of this or any other state or country or is convicted 17735  
or disciplined by a court of this or any other state or country 17736  
for an act that would be grounds for disciplinary action under 17737  
this section; 17738

(21) Engaged in conduct that the board has identified in a 17739  
rule adopted under section 4747.04 of the Revised Code as 17740  
requiring disciplinary action under this section. 17741

(B) The board shall not refuse to issue a license or 17742  
permit to an applicant because of a criminal conviction unless 17743  
the refusal is in accordance with section 9.79 of the Revised 17744  
Code. 17745

(C) If the board revokes a person's license under division 17746  
(A) of this section, the person may apply for reinstatement. The 17747  
board may require the person to complete an examination or 17748  
additional continuing education as a condition of reinstatement. 17749

**Sec. 4749.03.** (A) (1) Any individual, including a partner 17750  
in a partnership, may be licensed as a private investigator 17751  
under a class B license, or as a security guard provider under a 17752  
class C license, or as a private investigator and a security 17753  
guard provider under a class A license, if the individual meets 17754  
all of the following requirements: 17755

(a) ~~Has a good reputation for integrity, has not been~~ 17756  
~~convicted of a disqualifying offense as defined in section~~ 17757  
~~4776.10 of the Revised Code within the last three years or any~~ 17758

~~crime of moral turpitude as that term is defined in section~~ 17759  
~~4776.10 of the Revised Code, and has not been adjudicated~~ 17760  
incompetent for the purpose of holding the license, as provided 17761  
in section 5122.301 of the Revised Code, without having been 17762  
restored to legal capacity for that purpose. 17763

(b) Depending upon the class of license for which 17764  
application is made, for a continuous period of at least two 17765  
years immediately preceding application for a license, has been 17766  
engaged in investigatory or security services work for a law 17767  
enforcement or other public agency engaged in investigatory 17768  
activities, or for a private investigator or security guard 17769  
provider, or engaged in the practice of law, or has acquired 17770  
equivalent experience as determined by rule of the director of 17771  
public safety. 17772

(c) Demonstrates competency as a private investigator or 17773  
security guard provider by passing an examination devised for 17774  
this purpose by the director, except that any individually 17775  
licensed person who qualifies a corporation for licensure shall 17776  
not be required to be reexamined if the person qualifies the 17777  
corporation in the same capacity that the person was 17778  
individually licensed. 17779

(d) Submits evidence of comprehensive general liability 17780  
insurance coverage, or other equivalent guarantee approved by 17781  
the director in such form and in principal amounts satisfactory 17782  
to the director, but not less than one hundred thousand dollars 17783  
for each person and three hundred thousand dollars for each 17784  
occurrence for bodily injury liability, and one hundred thousand 17785  
dollars for property damage liability. 17786

(e) Pays the requisite examination and license fees. 17787

(2) A corporation may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if an application for licensure is filed by an officer of the corporation and the officer, another officer, or the qualifying agent of the corporation satisfies the requirements of divisions (A) (1) and (F) (1) of this section. Officers and the statutory agent of a corporation shall be determined in accordance with Chapter 1701. of the Revised Code.

(3) At least one partner in a partnership shall be licensed as a private investigator, or as a security guard provider, or as a private investigator and a security guard provider. Partners in a partnership shall be determined as provided for in Chapter 1775. or 1776. of the Revised Code.

(B) An application for a class A, B, or C license shall be completed in the form the director prescribes. In the case of an individual, the application shall state the applicant's name, birth date, citizenship, physical description, current residence, residences for the preceding ten years, current employment, employment for the preceding seven years, experience qualifications, the location of each of the applicant's offices in this state, and any other information that is necessary in order for the director to comply with the requirements of this chapter. In the case of a corporation, the application shall state the name of the officer or qualifying agent filing the application; the state in which the corporation is incorporated and the date of incorporation; the states in which the corporation is authorized to transact business; the name of its qualifying agent; the name of the officer or qualifying agent of the corporation who satisfies the requirements of divisions (A)

(1) and (F) (1) of this section and the birth date, citizenship, 17819  
physical description, current residence, residences for the 17820  
preceding ten years, current employment, employment for the 17821  
preceding seven years, and experience qualifications of that 17822  
officer or qualifying agent; and other information that the 17823  
director requires. A corporation may specify in its application 17824  
information relative to one or more individuals who satisfy the 17825  
requirements of divisions (A) (1) and (F) (1) of this section. 17826

The application described in this division shall be 17827  
accompanied by all of the following: 17828

(1) One recent full-face photograph of the applicant or, 17829  
in the case of a corporation, of each officer or qualifying 17830  
agent specified in the application as satisfying the 17831  
requirements of divisions (A) (1) and (F) (1) of this section; 17832

(2) ~~Character references~~ References from at least five 17833  
reputable citizens for the applicant or, in the case of a 17834  
corporation, for each officer or qualifying agent specified in 17835  
the application as satisfying the requirements of divisions (A) 17836  
(1) and (F) (1) of this section, each of whom has known the 17837  
applicant, officer, or qualifying agent for at least five years 17838  
preceding the application, and none of whom are connected with 17839  
the applicant, officer, or qualifying agent by blood or 17840  
marriage; 17841

(3) An examination fee of twenty-five dollars for the 17842  
applicant or, in the case of a corporation, for each officer or 17843  
qualifying agent specified in the application as satisfying the 17844  
requirements of divisions (A) (1) and (F) (1) of this section, and 17845  
a license fee in the amount the director determines, not to 17846  
exceed three hundred seventy-five dollars. The license fee shall 17847  
be refunded if a license is not issued. 17848

(C) (1) Each individual applying for a license and each individual specified by a corporation as an officer or qualifying agent in an application shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The individual shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C) (2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C) (1) of section 109.572 of the Revised Code. An applicant who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or employment shall so notify the superintendent. This notification is in addition to any other requirement related to carrying a firearm that applies to the applicant. The individual or corporation requesting the criminal records check shall pay the fee the superintendent prescribes.

(2) The superintendent shall conduct the criminal records check as set forth in division (B) of section 109.572 of the Revised Code. If an applicant intends to carry a firearm in the course of business or employment, the superintendent shall make a request to the federal bureau of investigation for any information and review the information the bureau provides pursuant to division (B) (2) of section 109.572 of the Revised Code. The superintendent shall submit all results of the completed investigation to the director of public safety.

(3) If the director determines that the applicant, officer, or qualifying agent meets the requirements of divisions (A) (1) (a), (b), and (d) of this section and that an officer or qualifying agent meets the requirement of division (F) (1) of this section, the director shall notify the applicant, officer,

or agent of the time and place for the examination. If the 17880  
director determines that an applicant does not meet the 17881  
requirements of divisions (A) (1) (a), (b), and (d) of this 17882  
section, the director shall notify the applicant that the 17883  
applicant's application is refused and refund the license fee. 17884  
If the director determines that none of the individuals 17885  
specified in the application of a corporation as satisfying the 17886  
requirements of divisions (A) (1) and (F) (1) of this section meet 17887  
the requirements of divisions (A) (1) (a), (b), and (d) and (F) (1) 17888  
of this section, the director shall notify the corporation that 17889  
its application is refused and refund the license fee. If the 17890  
bureau assesses the director a fee for any investigation, the 17891  
director, in addition to any other fee assessed pursuant to this 17892  
chapter, may assess the applicant, officer, or qualifying agent, 17893  
as appropriate, a fee that is equal to the fee assessed by the 17894  
bureau. 17895

(4) (a) Subject to ~~divisions~~ division (C) (4) ~~(b), (c), and~~ 17896  
~~(d)~~ of this section, the director shall not adopt, maintain, 17897  
renew, or enforce any rule, or otherwise preclude in any way, an 17898  
individual from ~~receiving or renewing~~ a license under this 17899  
chapter due to any past criminal activity or interpretation of 17900  
moral character, ~~except as pursuant to division (A) (1) (a) of~~ 17901  
~~this section~~. If the director denies an individual a ~~license or~~ 17902  
license renewal, the reasons for such denial shall be put in 17903  
writing. 17904

(b) ~~Except as otherwise provided in this division, if an~~ 17905  
~~individual applying for a license has been convicted of or~~ 17906  
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 17907  
~~turpitude or a disqualifying offense less than one year prior to~~ 17908  
~~making the application, the~~ The director may use the director's 17909  
~~discretion in granting or denying the individual~~ refuse to issue 17910

~~a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the director may use the director's discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the director, prior to the effective date of this amendment, was required or authorized to deny the application based on that offense.~~

~~In all other circumstances, the director shall follow the procedures the director adopts by rule that conform to division (C) (4) (a) of this section to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code.~~

(c) In considering a renewal of an individual's license, the director shall not consider any conviction or plea of guilty prior to the initial licensing. However, the director may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

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

(D) If upon application, investigation, and examination, the director finds that the applicant or, in the case of a corporation, any officer or qualifying agent specified in the application as satisfying the requirements of divisions (A) (1) and (F) (1) of this section, meets the applicable requirements,

the director shall issue the applicant or the corporation a 17941  
class A, B, or C license. The director also shall issue an 17942  
identification card to an applicant, but not an officer or 17943  
qualifying agent of a corporation, who meets the applicable 17944  
requirements. The license and identification card shall state 17945  
the licensee's name, the classification of the license, the 17946  
location of the licensee's principal place of business in this 17947  
state, and the expiration date of the license, and, in the case 17948  
of a corporation, it also shall state the name of each officer 17949  
or qualifying agent who satisfied the requirements of divisions 17950  
(A) (1) and (F) (1) of this section. 17951

Licenses expire on the first day of March following the 17952  
date of initial issue, and on the first day of March of each 17953  
year thereafter. Annual renewals shall be according to the 17954  
standard renewal procedures contained in Chapter 4745. of the 17955  
Revised Code, upon payment of an annual renewal fee the director 17956  
determines, not to exceed two hundred seventy-five dollars. No 17957  
license shall be renewed if the licensee or, in the case of a 17958  
corporation, each officer or qualifying agent who qualified the 17959  
corporation for licensure no longer meets the applicable 17960  
requirements of this section. No license shall be renewed unless 17961  
the licensee provides evidence of workers' compensation risk 17962  
coverage and unemployment compensation insurance coverage, other 17963  
than for clerical employees and excepting sole proprietors who 17964  
are exempted therefrom, as provided for in Chapters 4123. and 17965  
4141. of the Revised Code, respectively, as well as the 17966  
licensee's state tax identification number. No reexamination 17967  
shall be required for renewal of a current license. 17968

For purposes of this chapter, a class A, B, or C license 17969  
issued to a corporation shall be considered as also having 17970  
licensed the individuals who qualified the corporation for 17971



licensure, for as long as they are associated with the 17972  
corporation. 17973

For purposes of this division, "sole proprietor" means an 17974  
individual licensed under this chapter who does not employ any 17975  
other individual. 17976

(E) The director may issue a duplicate copy of a license 17977  
issued under this section for the purpose of replacement of a 17978  
lost, spoliated, or destroyed license, upon payment of a fee the 17979  
director determines, not exceeding twenty-five dollars. Any 17980  
change in license classification requires new application and 17981  
application fees. 17982

(F) (1) In order to qualify a corporation for a class A, B, 17983  
or C license, an officer or qualifying agent may qualify another 17984  
corporation for similar licensure, provided that the officer or 17985  
qualifying agent is actively engaged in the business of both 17986  
corporations. 17987

(2) Each officer or qualifying agent who qualifies a 17988  
corporation for class A, B, or C licensure shall surrender any 17989  
personal license of a similar nature that the officer or 17990  
qualifying agent possesses. 17991

(3) Upon written notification to the director, completion 17992  
of an application similar to that for original licensure, 17993  
surrender of the corporation's current license, and payment of a 17994  
twenty-five-dollar fee, a corporation's class A, B, or C license 17995  
may be transferred to another corporation. 17996

(4) Upon written notification to the director, completion 17997  
of an application similar to that for an individual seeking 17998  
class A, B, or C licensure, payment of a twenty-five-dollar fee, 17999  
and, if the individual was the only individual that qualified a 18000

corporation for licensure, surrender of the corporation's 18001  
license, any officer or qualifying agent who qualified a 18002  
corporation for licensure under this chapter may obtain a 18003  
similar license in the individual's own name without 18004  
reexamination. A request by an officer or qualifying agent for 18005  
an individual license shall not affect a corporation's license 18006  
unless the individual is the only individual that qualified the 18007  
corporation for licensure or all the other individuals who 18008  
qualified the corporation for licensure submit such requests. 18009

(G) If a corporation is for any reason no longer 18010  
associated with an individual who qualified it for licensure 18011  
under this chapter, an officer of the corporation shall notify 18012  
the director of that fact by certified mail, return receipt 18013  
requested, within ten days after the association terminates. If 18014  
the notification is so given, the individual was the only 18015  
individual that qualified the corporation for licensure, and the 18016  
corporation submits the name of another officer or qualifying 18017  
agent to qualify the corporation for the license within thirty 18018  
days after the association terminates, the corporation may 18019  
continue to operate in the business of private investigation, 18020  
the business of security services, or both businesses in this 18021  
state under that license for ninety days after the association 18022  
terminates. If the officer or qualifying agent whose name is 18023  
submitted satisfies the requirements of divisions (A) (1) and (F) 18024  
(1) of this section, the director shall issue a new license to 18025  
the corporation within that ninety-day period. The names of more 18026  
than one individual may be submitted. 18027

**Sec. 4751.20.** (A) Subject to section 4751.32 of the 18028  
Revised Code, the board of executives of long-term services and 18029  
supports shall issue a nursing home administrator license to an 18030  
individual under this section if all of the following 18031

requirements are satisfied: 18032

(1) The individual has submitted to the board a completed 18033  
application for the license in accordance with rules adopted 18034  
under section 4751.04 of the Revised Code. 18035

(2) If the individual is required by rules adopted under 18036  
section 4751.04 of the Revised Code to serve as a nursing home 18037  
administrator in training, the individual has paid to the board 18038  
the administrator in training fee of fifty dollars. 18039

(3) The individual is at least twenty-one years of age. 18040

(4) The individual has successfully completed educational 18041  
requirements and work experience specified in rules adopted 18042  
under section 4751.04 of the Revised Code, including, if so 18043  
required by the rules, experience obtained as a nursing home 18044  
administrator in training. 18045

(5) ~~The individual is of good moral character.~~ 18046

~~(6)~~The individual has complied with section 4776.02 of 18047  
the Revised Code regarding a criminal records check. 18048

~~(7)~~(6) The board, in ~~its discretion~~accordance with 18049  
section 9.79 of the Revised Code, has determined that the 18050  
results of the criminal records check do not make the individual 18051  
ineligible for the license. 18052

~~(8)~~(7) The individual has passed the licensing 18053  
examination administered under section 4751.15 of the Revised 18054  
Code. 18055

~~(9)~~(8) The individual has paid to the board a license fee 18056  
of two hundred fifty dollars. 18057

~~(10)~~(9) The individual has satisfied any additional 18058

requirements as may be prescribed in rules adopted under section 18059  
4751.04 of the Revised Code. 18060

(B) A nursing home administrator license shall certify 18061  
that the individual to whom it was issued has met the applicable 18062  
requirements of this chapter and any applicable rules adopted 18063  
under section 4751.04 of the Revised Code and is authorized to 18064  
practice nursing home administration while the license is valid. 18065

**Sec. 4751.202.** (A) Subject to section 4751.32 of the 18066  
Revised Code, the board of executives of long-term services and 18067  
supports may issue a temporary nursing home administrator 18068  
license to an individual if all of the following requirements 18069  
are satisfied: 18070

(1) The operator of a nursing home has requested that the 18071  
board issue a temporary nursing home administrator license to 18072  
the individual to authorize the individual to temporarily 18073  
practice nursing home administration at the nursing home because 18074  
of a vacancy in the position of nursing home administrator at 18075  
the nursing home resulting from a death, illness, or other 18076  
unexpected cause. 18077

(2) The individual is at least twenty-one years of age. 18078

(3) ~~The individual is of good moral character.~~ 18079

~~(4)~~ The individual has complied with section 4776.02 of 18080  
the Revised Code regarding a criminal records check. 18081

~~(5)~~ (4) The board, in ~~its discretion~~ accordance with 18082  
section 9.79 of the Revised Code, has determined that the 18083  
results of the criminal records check do not make the individual 18084  
ineligible for the license. 18085

~~(6)~~ (5) The individual has paid to the board a fee for the 18086

temporary license of one hundred dollars. 18087

~~(7)~~ (6) The individual has satisfied any additional 18088  
requirements as may be prescribed in rules adopted under section 18089  
4751.04 of the Revised Code. 18090

(B) A temporary nursing home administrator license shall 18091  
certify that the individual to whom it was issued has met the 18092  
applicable requirements of this chapter and any applicable rules 18093  
adopted under section 4751.04 of the Revised Code and is 18094  
authorized to practice nursing home administration while the 18095  
temporary license is valid. 18096

(C) Except as provided in section 4751.32 of the Revised 18097  
Code, a temporary nursing home administrator license is valid 18098  
for a period of time the board shall specify on the temporary 18099  
license. That period shall not exceed one hundred eighty days. 18100  
If that period is less than one hundred eighty days, the 18101  
individual holding the temporary license may apply to the board 18102  
for renewal of the temporary license in accordance with rules 18103  
the board shall adopt under section 4751.04 of the Revised Code. 18104  
Except as provided in section 4751.32 of the Revised Code, a 18105  
renewed temporary nursing home administrator license is valid 18106  
for a period of time the board shall specify on the renewed 18107  
temporary license. That period shall not exceed the difference 18108  
between one hundred eighty days and the number of days for which 18109  
the original temporary license was valid. A renewed temporary 18110  
nursing home administrator license shall not be renewed. A 18111  
licensed temporary nursing home administrator who intends to 18112  
continue to practice nursing home administration after the 18113  
temporary license, including, if applicable, the renewed 18114  
temporary license, expires must obtain a nursing home 18115  
administrator license under section 4751.20 of the Revised Code. 18116

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

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

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

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

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

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

(6) The individual has paid to the board a license fee of one hundred dollars.

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

**Sec. 4751.32.** (A) ~~The~~ Except as provided in division (D) of this section, the board of executives of long-term services and supports may take any of the actions authorized by division

(B) of this section against an individual who has applied for or holds a nursing home administrator license, temporary nursing home administrator license, or health services executive license if any of the following apply to the individual:

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

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

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

(4) The individual has acted in a manner inconsistent with the health and safety of either of the following:

(a) The residents of the nursing home at which the individual practices nursing home administration;

(b) The consumers of services and supports provided by a long-term services and supports setting at which the individual serves in a leadership position or directs the practices of others.

(5) The individual has been convicted of, or pleaded guilty to, either of the following in a court of competent

jurisdiction, either within or without this state:	18174
(a) A felony;	18175
(b) An offense of moral turpitude that constitutes a misdemeanor in this state.	18176 18177
(6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, temporary nursing home administrator license, or health services executive license.	18178 18179 18180 18181
(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting.	18182 18183 18184 18185 18186
(8) The individual has substantially deviated from the board's code of ethics.	18187 18188
(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee:	18189 18190 18191
(a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice;	18192 18193 18194
(b) Imposed probation;	18195
(c) Issued a censure or other reprimand.	18196
(10) The individual has failed to do any of the following:	18197
(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;	18198 18199
(b) Respond to or comply with a subpoena issued by the	18200



board in an investigation of the individual;	18201
(c) Comply with any disciplinary action the board has	18202
taken against the individual pursuant to this section.	18203
(B) The following are the actions that the board may take	18204
for the purpose of division (A) of this section:	18205
(1) Deny the individual any of the following:	18206
(a) A nursing home administrator license under section	18207
4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;	18208
(b) A temporary nursing home administrator license under	18209
section 4751.202 or 4751.23 of the Revised Code;	18210
(c) A health services executive license under section	18211
4751.21, 4751.23, or 4751.25 of the Revised Code.	18212
(2) Suspend the individual's nursing home administrator	18213
license, temporary nursing home administrator license, or health	18214
services executive license;	18215
(3) Revoke the individual's nursing home administrator	18216
license, temporary nursing home administrator license, or health	18217
services executive license, either permanently or for a period	18218
of time the board specifies;	18219
(4) Place a limitation on the individual's nursing home	18220
administrator license, temporary nursing home administrator	18221
license, or health services executive license;	18222
(5) Place the individual on probation;	18223
(6) Issue a written reprimand of the individual;	18224
(7) Impose on the individual a civil penalty, fine, or	18225
other sanction specified in rules adopted under section 4751.04	18226
of the Revised Code.	18227

(C) The board shall take actions authorized by division 18228  
(B) of this section in accordance with Chapter 119. of the 18229  
Revised Code, except that the board may enter into a consent 18230  
agreement with an individual to resolve an alleged violation of 18231  
this chapter or a rule adopted under section 4751.04 of the 18232  
Revised Code in lieu of making an adjudication regarding the 18233  
alleged violation. A consent agreement constitutes the board's 18234  
findings and order with respect to the matter addressed in the 18235  
consent agreement if the board ratifies the consent agreement. 18236  
Any admissions or findings included in a proposed consent 18237  
agreement have no force or effect if the board refuses to ratify 18238  
the consent agreement. 18239

(D) The board shall not refuse to issue an initial nursing 18240  
home administrator license, temporary nursing home administrator 18241  
license, or health services executive license, unless the 18242  
refusal is in accordance with section 9.79 of the Revised Code. 18243

**Sec. 4752.09.** (A) The state board of pharmacy may, in 18244  
accordance with Chapter 119. of the Revised Code, impose any one 18245  
or more of the following sanctions on an applicant for a license 18246  
or certificate of registration issued under this chapter or a 18247  
license or certificate holder for any of the causes set forth in 18248  
division (B) of this section: 18249

(1) Suspend, revoke, restrict, limit, or refuse to grant 18250  
or renew a license or certificate of registration; 18251

(2) Reprimand or place the license or certificate holder 18252  
on probation; 18253

(3) Impose a monetary penalty or forfeiture not to exceed 18254  
in severity any fine designated under the Revised Code for a 18255  
similar offense or not more than five thousand dollars if the 18256

acts committed are not classified as an offense by the Revised Code.	18257 18258
(B) The board may impose the sanctions listed in division (A) of this section for any of the following:	18259 18260
(1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;	18261 18262 18263
(2) A plea of guilty to or a judicial finding of guilt of a felony or a misdemeanor that involves dishonesty or is directly related to the provision of home medical equipment services;	18264 18265 18266 18267
(3) Making a material misstatement in furnishing information to the board;	18268 18269
(4) Professional incompetence;	18270
(5) Being guilty of negligence or gross misconduct in providing home medical equipment services;	18271 18272
(6) Aiding, assisting, or willfully permitting another person to violate any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;	18273 18274 18275 18276
(7) Failing to provide information in response to a written request by the board;	18277 18278
(8) Engaging in conduct likely to deceive, defraud, or harm the public;	18279 18280
(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or	18281 18282 18283

jurisdiction;	18284
(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;	18285 18286 18287
(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments;	18288 18289 18290 18291
(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers;	18292 18293 18294 18295 18296
(13) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4752.17 of the Revised Code.	18297 18298 18299
<u>(C) Notwithstanding any provision of divisions (A) and (B) of this section to the contrary, the board shall not refuse to issue a license or certificate of registration to an applicant because of a plea of guilty to or a judicial finding of guilt of an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	18300 18301 18302 18303 18304 18305
<u>(D) The state board of pharmacy immediately may suspend a license without a hearing if it determines that there is evidence that the license holder is subject to actions under this section and that there is clear and convincing evidence that continued operation by the license holder presents an immediate and serious harm to the public. The board shall follow the procedure for suspension without a prior hearing in section</u>	18306 18307 18308 18309 18310 18311 18312

119.07 of the Revised Code. The board may vote on the suspension 18313  
by way of a telephone conference call. 18314

A suspension under this division shall remain in effect, 18315  
unless reversed by the board, until a final adjudication order 18316  
issued by the board pursuant to this section and Chapter 119. of 18317  
the Revised Code becomes effective. The board shall issue its 18318  
final adjudication order not later than ninety days after 18319  
completion of the hearing. The board's failure to issue the 18320  
order by that day shall cause the summary suspension to end, but 18321  
shall not affect the validity of any subsequent final 18322  
adjudication order. 18323

~~(D)~~ (E) If the board is required under Chapter 119. of the 18324  
Revised Code to give notice of an opportunity for a hearing and 18325  
the applicant or license or certificate holder does not make a 18326  
timely request for a hearing in accordance with section 119.07 18327  
of the Revised Code, the board is not required to hold a 18328  
hearing, but may adopt a final order that contains the board's 18329  
findings. In the final order, the board may impose any of the 18330  
sanctions listed in division (A) of this section. 18331

~~(E)~~ (F) Notwithstanding the provision of division (C) (2) of 18332  
section 2953.32 of the Revised Code specifying that if records 18333  
pertaining to a criminal case are sealed under that section the 18334  
proceedings in the case must be deemed not to have occurred, 18335  
sealing of the following records on which the board has based an 18336  
action under this section shall have no effect on the board's 18337  
action or any sanction imposed by the board under this section: 18338  
records of any conviction, guilty plea, judicial finding of 18339  
guilt resulting from a plea of no contest, or a judicial finding 18340  
of eligibility for a pretrial diversion program or intervention 18341  
in lieu of conviction. The board shall not be required to seal, 18342

destroy, redact, or otherwise modify its records to reflect the 18343  
court's sealing of conviction records. 18344

**Sec. 4753.061.** (A) As used in this section, "license" and 18345  
"applicant for an initial license" have the same meanings as in 18346  
section 4776.01 of the Revised Code, except that "license" as 18347  
used in both of those terms refers to the types of 18348  
authorizations otherwise issued or conferred under this chapter. 18349

(B) In addition to any other eligibility requirement set 18350  
forth in this chapter, each applicant for an initial license 18351  
shall comply with sections 4776.01 to 4776.04 of the Revised 18352  
Code. The state speech and hearing professionals board shall not 18353  
grant a license to an applicant for an initial license unless 18354  
the applicant complies with sections 4776.01 to 4776.04 of the 18355  
Revised Code ~~and the board, in its discretion, decides that the~~ 18356  
~~results of the criminal records check do not make the applicant~~ 18357  
~~ineligible for a license issued pursuant to section 4753.06 or~~ 18358  
~~4753.07 of the Revised Code.~~ 18359

**Sec. 4753.10.** (A) In accordance with Chapter 119. of the 18360  
Revised Code, the state speech and hearing professionals board 18361  
may reprimand or place on probation a speech-language 18362  
pathologist or audiologist or suspend, revoke, or, except as 18363  
provided in division (B) of this section, refuse to issue or 18364  
renew the license of a speech-language pathologist or 18365  
audiologist. Disciplinary actions may be taken by the board for 18366  
conduct that may result from but not necessarily be limited to: 18367

~~(A)~~ (1) Fraud, deception, or misrepresentation in obtaining 18368  
or attempting to obtain a license; 18369

~~(B)~~ (2) Fraud, deception, or misrepresentation in using a 18370  
license; 18371

<del>(C)</del> <u>(3)</u> Altering a license;	18372
<del>(D)</del> <u>(4)</u> Aiding or abetting unlicensed practice;	18373
<del>(E)</del> <u>(5)</u> Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:	18374 18375 18376
<del>(1)</del> <u>(a)</u> Making or filing a false report or record in the practice of speech-language pathology or audiology;	18377 18378
<del>(2)</del> <u>(b)</u> Submitting a false statement to collect a fee;	18379
<del>(3)</del> <u>(c)</u> Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.	18380 18381 18382
<del>(F)</del> <u>(6)</u> Using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation;	18383 18384 18385 18386
<del>(G)</del> <u>(7)</u> Falsely representing the use or availability of services or advice of a physician;	18387 18388
<del>(H)</del> <u>(8)</u> Misrepresenting the applicant, licensee, or holder by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;	18389 18390 18391 18392
<del>(I)</del> <u>(9)</u> Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech- language pathology or audiology;	18393 18394 18395
<del>(J)</del> <u>(10)</u> Engaging in illegal, incompetent, or habitually negligent practice;	18396 18397
<del>(K)</del> <u>(11)</u> Providing professional services while:	18398

<del>(1)</del> <u>(a)</u> Mentally incompetent;	18399
<del>(2)</del> <u>(b)</u> Under the influence of alcohol;	18400
<del>(3)</del> <u>(c)</u> Using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication.	18401 18402 18403
<del>(E)</del> <u>(12)</u> Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances, or products in accordance with results obtained utilizing appropriate assessment procedures and instruments;	18404 18405 18406 18407 18408
<del>(M)</del> <u>(13)</u> Violating this chapter or any lawful order given or rule adopted by the board;	18409 18410
<del>(N)</del> <u>(14)</u> Being convicted of or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;	18411 18412 18413 18414
<del>(O)</del> <u>(15)</u> Being disciplined by a licensing or disciplinary authority of this or any other state or country or convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section.	18415 18416 18417 18418 18419
<u>(B) The board shall not refuse to issue a license to an applicant because of a conviction of or a plea of guilty or nolo contendere to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	18420 18421 18422 18423
<u>(C) After revocation of a license under this section, application may be made to the board for reinstatement. The board, in accordance with an order of revocation as issued under</u>	18424 18425 18426



Chapter 119. of the Revised Code, may require an examination for reinstatement. 18427  
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(D) If any person has engaged in any practice which 18429  
constitutes an offense under the provisions of this chapter or 18430  
rules promulgated thereunder by the board, the board may apply 18431  
to the court of common pleas of the county for an injunction or 18432  
other appropriate order restraining such conduct, and the court 18433  
may issue such order. 18434

(E) Any person who wishes to make a complaint against any 18435  
person licensed pursuant to this chapter shall submit the 18436  
complaint in writing to the board within one year from the date 18437  
of the action or event upon which the complaint is based. The 18438  
board shall determine whether the allegations in the complaint 18439  
are of a sufficiently serious nature to warrant formal 18440  
disciplinary charges against the licensee pursuant to this 18441  
section. If the board determines that formal disciplinary 18442  
charges are warranted, it shall proceed in accordance with the 18443  
procedures established in Chapter 119. of the Revised Code. 18444

**Sec. 4755.06.** The occupational therapy section of the Ohio 18445  
occupational therapy, physical therapy, and athletic trainers 18446  
board may make reasonable rules in accordance with Chapter 119. 18447  
of the Revised Code relating to, but not limited to, the 18448  
following: 18449

(A) The form and manner for filing applications for 18450  
licensure under sections 4755.04 to 4755.13 of the Revised Code; 18451

(B) The issuance, suspension, and revocation of the 18452  
licenses and the conducting of investigations and hearings; 18453

(C) Standards for approval of courses of study relative to 18454  
the practice of occupational therapy; 18455

(D) The time and form of examination for the licensure;	18456
(E) Standards of ethical conduct in the practice of occupational therapy;	18457 18458
(F) The form and manner for filing applications for renewal and a schedule of deadlines for renewal;	18459 18460
(G) The conditions under which a license of a licensee who files a late application for renewal will be reinstated;	18461 18462
(H) Placing an existing license in escrow;	18463
(I) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;	18464 18465 18466
(J) Guidelines for limited permits;	18467
(K) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	18468 18469
(L) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges;	18470 18471 18472
(M) The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.	18473 18474
The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty, <del>and</del> <u>and</u> truthfulness, <del>and good reputation</del> of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license.	18475 18476 18477 18478 18479 18480 18481
<b>Sec. 4755.07.</b> No person shall qualify for licensure as an	18482

occupational therapist or as an occupational therapy assistant 18483  
unless the person has shown to the satisfaction of the 18484  
occupational therapy section of the Ohio occupational therapy, 18485  
physical therapy, and athletic trainers board that the person: 18486

~~(A) Is of good moral character;~~ 18487

~~(B)~~ Has successfully completed the academic requirements 18488  
of an educational program recognized by the section, including a 18489  
concentration of instruction in basic human sciences, the human 18490  
development process, occupational tasks and activities, the 18491  
health-illness-health continuum, and occupational therapy theory 18492  
and practice; 18493

~~(C)~~ (B) Has successfully completed a period of supervised 18494  
field work experience at a recognized educational institution or 18495  
a training program approved by the educational institution where 18496  
the person met the academic requirements. For an occupational 18497  
therapist, a minimum of six months of supervised field work 18498  
experience is required. For an occupational therapy assistant, a 18499  
minimum of two months of supervised field work experience is 18500  
required. 18501

~~(D)~~ (C) Has successfully passed a written examination 18502  
testing the person's knowledge of the basic and clinical 18503  
sciences relating to occupational therapy, and occupational 18504  
therapy theory and practice, including the applicant's 18505  
professional skills and judgment in the utilization of 18506  
occupational therapy techniques and methods, and such other 18507  
subjects as the section may consider useful to determine the 18508  
applicant's fitness to practice. The section may require 18509  
separate examinations of applicants for licensure as 18510  
occupational therapy assistants and applicants for licensure as 18511  
occupational therapists. 18512

Applicants for licensure shall be examined at a time and 18513  
place and under such supervision as the section determines. 18514

**Sec. 4755.08.** The occupational therapy section of the Ohio 18515  
occupational therapy, physical therapy, and athletic trainers 18516  
board shall issue a license to every applicant who has passed 18517  
the appropriate examination designated by the section and who 18518  
otherwise complies with the licensure requirements of sections 18519  
4755.04 to 4755.13 of the Revised Code. The license entitles the 18520  
holder to practice occupational therapy or to assist in the 18521  
practice of occupational therapy. The licensee shall display the 18522  
license in a conspicuous place at the licensee's principal place 18523  
of business. 18524

The section may issue a limited permit to persons who have 18525  
satisfied the requirements of divisions (A) ~~to (C)~~ and (B) of 18526  
section 4755.07 of the Revised Code. This permit allows the 18527  
person to practice as an occupational therapist or occupational 18528  
therapy assistant under the supervision of a licensed 18529  
occupational therapist and is valid until the date on which the 18530  
results of the examination are made public. This limited permit 18531  
shall not be renewed if the applicant has failed the 18532  
examination. 18533

**Sec. 4755.11.** (A) In accordance with Chapter 119. of the 18534  
Revised Code, the occupational therapy section of the Ohio 18535  
occupational therapy, physical therapy, and athletic trainers 18536  
board may suspend, revoke, or, except as provided in division 18537  
(B) of this section, refuse to issue or renew an occupational 18538  
therapist license, occupational therapy assistant license, 18539  
occupational therapist limited permit, occupational therapy 18540  
assistant limited permit, or reprimand, fine, place a license or 18541  
limited permit holder on probation, or require the license or 18542

limited permit holder to take corrective action courses, for any	18543
of the following:	18544
(1) Conviction of an offense involving moral turpitude or	18545
a felony, regardless of the state or country in which the	18546
conviction occurred;	18547
(2) Violation of any provision of sections 4755.04 to	18548
4755.13 of the Revised Code;	18549
(3) Violation of any lawful order or rule of the	18550
occupational therapy section;	18551
(4) Obtaining or attempting to obtain a license or limited	18552
permit issued by the occupational therapy section by fraud or	18553
deception, including the making of a false, fraudulent,	18554
deceptive, or misleading <del>statements</del> <u>statement</u> in relation to	18555
these activities;	18556
(5) Negligence, unprofessional conduct, or gross	18557
misconduct in the practice of the profession of occupational	18558
therapy;	18559
(6) Accepting commissions or rebates or other forms of	18560
remuneration for referring persons to other professionals;	18561
(7) Communicating, without authorization, information	18562
received in professional confidence;	18563
(8) Using controlled substances, habit forming drugs, or	18564
alcohol to an extent that it impairs the ability to perform the	18565
work of an occupational therapist, occupational therapy	18566
assistant, occupational therapist limited permit holder, or	18567
occupational therapy assistant limited permit holder;	18568
(9) Practicing in an area of occupational therapy for	18569
which the individual is untrained or incompetent;	18570

(10) Failing the licensing or Ohio jurisprudence examination;	18571 18572
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	18573 18574
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	18575 18576 18577 18578
(13) Except as provided in division <del>(B)</del> (C) of this section:	18579 18580
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	18581 18582 18583 18584 18585 18586
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.	18587 18588 18589 18590 18591
(14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the occupational therapy section;	18592 18593 18594 18595 18596 18597
(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;	18598 18599

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;

(19) (a) Except as provided in division (A) (19) (b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license or limited permit to practice; 18629  
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(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy; 18632  
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(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code. 18635  
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(B) The occupational therapy section shall not refuse to issue a license or limited permit to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 18638  
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(C) Sanctions shall not be imposed under division (A) (13) of this section against any individual who waives deductibles and copayments as follows: 18642  
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request. 18645  
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section. 18651  
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~~(C)~~ (D) Except as provided in division ~~(D)~~ (E) of this section, the suspension or revocation of a license or limited permit under this section is not effective until either the 18655  
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order for suspension or revocation has been affirmed following 18658  
an adjudication hearing, or the time for requesting a hearing 18659  
has elapsed. 18660

When a license or limited permit is revoked under this 18661  
section, application for reinstatement may not be made sooner 18662  
than one year after the date of revocation. The occupational 18663  
therapy section may accept or refuse an application for 18664  
reinstatement and may require that the applicant pass an 18665  
examination as a condition of reinstatement. 18666

When a license or limited permit holder is placed on 18667  
probation under this section, the occupational therapy section's 18668  
probation order shall be accompanied by a statement of the 18669  
conditions under which the individual may be removed from 18670  
probation and restored to unrestricted practice. 18671

~~(D)~~(E) On receipt of a complaint that a person who holds a 18672  
license or limited permit issued by the occupational therapy 18673  
section has committed any of the prohibited actions listed in 18674  
division (A) of this section, the section may immediately 18675  
suspend the license or limited permit prior to holding a hearing 18676  
in accordance with Chapter 119. of the Revised Code if it 18677  
determines, based on the complaint, that the licensee or limited 18678  
permit holder poses an immediate threat to the public. The 18679  
section may review the allegations and vote on the suspension by 18680  
telephone conference call. If the section votes to suspend a 18681  
license or limited permit under this division, the section shall 18682  
issue a written order of summary suspension to the licensee or 18683  
limited permit holder in accordance with section 119.07 of the 18684  
Revised Code. If the individual whose license or limited permit 18685  
is suspended fails to make a timely request for an adjudication 18686  
under Chapter 119. of the Revised Code, the section shall enter 18687

a final order permanently revoking the individual's license or 18688  
limited permit. Notwithstanding section 119.12 of the Revised 18689  
Code, a court of common pleas shall not grant a suspension of 18690  
the section's order of summary suspension pending the 18691  
determination of an appeal filed under that section. Any order 18692  
of summary suspension issued under this division shall remain in 18693  
effect, unless reversed on appeal, until a final adjudication 18694  
order issued by the section pursuant to division (A) of this 18695  
section becomes effective. The section shall issue its final 18696  
adjudication order regarding an order of summary suspension 18697  
issued under this division not later than ninety days after 18698  
completion of its hearing. Failure to issue the order within 18699  
ninety days shall result in immediate dissolution of the 18700  
suspension order, but shall not invalidate any subsequent, final 18701  
adjudication order. 18702

~~(E)~~ (F) If any person other than a person who holds a 18703  
license or limited permit issued under section 4755.08 of the 18704  
Revised Code has engaged in any practice that is prohibited 18705  
under sections 4755.04 to 4755.13 of the Revised Code or the 18706  
rules of the occupational therapy section, the section may apply 18707  
to the court of common pleas of the county in which the 18708  
violation occurred, for an injunction or other appropriate order 18709  
restraining this conduct, and the court shall issue this order. 18710

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the 18711  
Revised Code, the physical therapy section of the Ohio 18712  
occupational therapy, physical therapy, and athletic trainers 18713  
board may, except as provided in division (B) of this section, 18714  
refuse to grant a license to an applicant for an initial or 18715  
renewed license as a physical therapist or physical therapist 18716  
assistant or, by an affirmative vote of not less than five 18717  
members, may limit, suspend, or revoke the license of a physical 18718

therapist or physical therapist assistant or reprimand, fine, 18719  
place a license holder on probation, or require the license 18720  
holder to take corrective action courses, on any of the 18721  
following grounds: 18722

(1) Habitual indulgence in the use of controlled 18723  
substances, other habit-forming drugs, or alcohol to an extent 18724  
that affects the individual's professional competency; 18725

(2) Conviction of a felony or a crime involving moral 18726  
turpitude, regardless of the state or country in which the 18727  
conviction occurred; 18728

(3) Obtaining or attempting to obtain a license issued by 18729  
the physical therapy section by fraud or deception, including 18730  
the making of a false, fraudulent, deceptive, or misleading 18731  
statement; 18732

(4) An adjudication by a court, as provided in section 18733  
5122.301 of the Revised Code, that the applicant or licensee is 18734  
incompetent for the purpose of holding the license and has not 18735  
thereafter been restored to legal capacity for that purpose; 18736

(5) Subject to section 4755.471 of the Revised Code, 18737  
violation of the code of ethics adopted by the physical therapy 18738  
section; 18739

(6) Violating or attempting to violate, directly or 18740  
indirectly, or assisting in or abetting the violation of or 18741  
conspiring to violate sections 4755.40 to 4755.56 of the Revised 18742  
Code or any order issued or rule adopted under those sections; 18743

(7) Failure of one or both of the examinations required 18744  
under section 4755.43 or 4755.431 of the Revised Code; 18745

(8) Permitting the use of one's name or license by a 18746

person, group, or corporation when the one permitting the use is	18747
not directing the treatment given;	18748
(9) Denial, revocation, suspension, or restriction of	18749
authority to practice a health care occupation, including	18750
physical therapy, for any reason other than a failure to renew,	18751
in Ohio or another state or jurisdiction;	18752
(10) Failure to maintain minimal standards of practice in	18753
the administration or handling of drugs, as defined in section	18754
4729.01 of the Revised Code, or failure to employ acceptable	18755
scientific methods in the selection of drugs, as defined in	18756
section 4729.01 of the Revised Code, or other modalities for	18757
treatment;	18758
(11) Willful betrayal of a professional confidence;	18759
(12) Making a false, fraudulent, deceptive, or misleading	18760
statement in the solicitation of or advertising for patients in	18761
relation to the practice of physical therapy;	18762
(13) A departure from, or the failure to conform to,	18763
minimal standards of care required of licensees when under the	18764
same or similar circumstances, whether or not actual injury to a	18765
patient is established;	18766
(14) Obtaining, or attempting to obtain, money or anything	18767
of value by fraudulent misrepresentations in the course of	18768
practice;	18769
(15) Violation of the conditions of limitation or	18770
agreements placed by the physical therapy section on a license	18771
to practice;	18772
(16) Failure to renew a license in accordance with section	18773
4755.46 of the Revised Code;	18774

- (17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business; 18775  
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- (18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills; 18779  
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- (19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs; 18783  
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- (20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code; 18786  
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- (21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections; 18792  
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- (22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section; 18798  
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- (23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of 18802  
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physical therapy; 18804

(24) (a) Except as provided in division (A) (24) (b) of this 18805  
section, failure to cooperate with an investigation conducted by 18806  
the physical therapy section, including failure to comply with a 18807  
subpoena or orders issued by the section or failure to answer 18808  
truthfully a question presented by the section at a deposition 18809  
or in written interrogatories. 18810

(b) Failure to cooperate with an investigation does not 18811  
constitute grounds for discipline under this section if a court 18812  
of competent jurisdiction issues an order that either quashes a 18813  
subpoena or permits the individual to withhold the testimony or 18814  
evidence at issue. 18815

(25) Regardless of whether the contact or verbal behavior 18816  
is consensual, engaging with a patient other than the spouse of 18817  
the physical therapist or physical therapist assistant, in any 18818  
of the following: 18819

(a) Sexual contact, as defined in section 2907.01 of the 18820  
Revised Code; 18821

(b) Verbal behavior that is sexually demeaning to the 18822  
patient or may be reasonably interpreted by the patient as 18823  
sexually demeaning. 18824

(26) Failure to notify the physical therapy section of a 18825  
change in name, business address, or home address within thirty 18826  
days after the date of change; 18827

(27) Except as provided in division ~~(B)~~(C) of this 18828  
section: 18829

(a) Waiving the payment of all or any part of a deductible 18830  
or copayment that a patient, pursuant to a health insurance or 18831

health care policy, contract, or plan that covers physical 18832  
therapy, would otherwise be required to pay if the waiver is 18833  
used as an enticement to a patient or group of patients to 18834  
receive health care services from that provider; 18835

(b) Advertising that the individual will waive the payment 18836  
of all or any part of a deductible or copayment that a patient, 18837  
pursuant to a health insurance or health care policy, contract, 18838  
or plan that covers physical therapy, would otherwise be 18839  
required to pay. 18840

(28) Violation of any section of this chapter or rule 18841  
adopted under it. 18842

(B) The physical therapy section shall not refuse to issue 18843  
a license to an applicant because of a criminal conviction 18844  
unless the refusal is in accordance with section 9.79 of the 18845  
Revised Code. 18846

(C) Sanctions shall not be imposed under division (A) (27) 18847  
of this section against any individual who waives deductibles 18848  
and copayments as follows: 18849

(1) In compliance with the health benefit plan that 18850  
expressly allows such a practice. Waiver of the deductibles or 18851  
copayments shall be made only with the full knowledge and 18852  
consent of the plan purchaser, payer, and third-party 18853  
administrator. Documentation of the consent shall be made 18854  
available to the physical therapy section upon request. 18855

(2) For professional services rendered to any other person 18856  
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 18857  
Code to the extent allowed by those sections and the rules of 18858  
the physical therapy section. 18859

~~(C)~~ (D) When a license is revoked under this section, 18860

application for reinstatement may not be made sooner than one 18861  
year after the date of revocation. The physical therapy section 18862  
may accept or refuse an application for reinstatement and may 18863  
require that the applicant pass an examination as a condition 18864  
for reinstatement. 18865

When a license holder is placed on probation under this 18866  
section, the physical therapy section's order for placement on 18867  
probation shall be accompanied by a statement of the conditions 18868  
under which the individual may be removed from probation and 18869  
restored to unrestricted practice. 18870

~~(D)~~ (E) When an application for an initial or renewed 18871  
license is refused under this section, the physical therapy 18872  
section shall notify the applicant in writing of the section's 18873  
decision to refuse issuance of a license and the reason for its 18874  
decision. 18875

~~(E)~~ (F) On receipt of a complaint that a person licensed by 18876  
the physical therapy section has committed any of the actions 18877  
listed in division (A) of this section, the physical therapy 18878  
section may immediately suspend the license of the physical 18879  
therapist or physical therapist assistant prior to holding a 18880  
hearing in accordance with Chapter 119. of the Revised Code if 18881  
it determines, based on the complaint, that the person poses an 18882  
immediate threat to the public. The physical therapy section may 18883  
review the allegations and vote on the suspension by telephone 18884  
conference call. If the physical therapy section votes to 18885  
suspend a license under this division, the physical therapy 18886  
section shall issue a written order of summary suspension to the 18887  
person in accordance with section 119.07 of the Revised Code. If 18888  
the person fails to make a timely request for an adjudication 18889  
under Chapter 119. of the Revised Code, the physical therapy 18890



section shall enter a final order permanently revoking the 18891  
person's license. Notwithstanding section 119.12 of the Revised 18892  
Code, a court of common pleas shall not grant a suspension of 18893  
the physical therapy section's order of summary suspension 18894  
pending the determination of an appeal filed under that section. 18895  
Any order of summary suspension issued under this division shall 18896  
remain in effect, unless reversed on appeal, until a final 18897  
adjudication order issued by the physical therapy section 18898  
pursuant to division (A) of this section becomes effective. The 18899  
physical therapy section shall issue its final adjudication 18900  
order regarding an order of summary suspension issued under this 18901  
division not later than ninety days after completion of its 18902  
hearing. Failure to issue the order within ninety days shall 18903  
result in immediate dissolution of the suspension order, but 18904  
shall not invalidate any subsequent, final adjudication order. 18905

**Sec. 4755.62.** (A) No person shall claim to the public to 18906  
be an athletic trainer or imply by words, actions, or letters 18907  
that the person is an athletic trainer, or otherwise engage in 18908  
the practice of athletic training, unless the person is licensed 18909  
as an athletic trainer pursuant to this chapter. 18910

(B) Except as otherwise provided in division (B) of 18911  
section 4755.65 of the Revised Code, no educational institution, 18912  
partnership, association, or corporation shall advertise or 18913  
otherwise offer to provide or convey the impression that it is 18914  
providing athletic training unless an individual licensed as an 18915  
athletic trainer pursuant to this chapter is employed by, or 18916  
under contract to, the educational institution, partnership, 18917  
association, or corporation and will be performing the athletic 18918  
training services to which reference is made. 18919

(C) To qualify for an athletic trainers license, a person 18920

shall:	18921
(1) Have satisfactorily completed an application for licensure in accordance with rules adopted by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.61 of the Revised Code;	18922 18923 18924 18925 18926
(2) Have paid the examination fee required under this section;	18927 18928
(3) <del>Be of good moral character;</del>	18929
<del>(4)</del> Have shown, to the satisfaction of the athletic trainers section, that the applicant has received a baccalaureate or higher degree from an institution of higher education, approved by the athletic trainers section of the board and the federal regional accreditation agency and recognized by the council on postsecondary accreditation, and has satisfactorily completed the educational course work requirements established by rule of the athletic trainers section under section 4755.61 of the Revised Code.	18930 18931 18932 18933 18934 18935 18936 18937 18938
<del>(5)</del> <u>(4)</u> In addition to educational course work requirements, have obtained supervised clinical experience that meets the requirements established in rules adopted by the athletic trainers section under section 4755.61 of the Revised Code;	18939 18940 18941 18942 18943
<del>(6)</del> <u>(5)</u> Have passed an examination adopted by the athletic trainers section under division (A) (8) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the athletic trainers section.	18944 18945 18946 18947 18948
(D) The section may waive the requirements of division (C)	18949

of this section for any applicant who presents proof of current licensure in another state whose standards for licensure, as determined by the section, are equal to or greater than those in effect in this state on the date of application.

(E) The section shall issue a license to every applicant who complies with the requirements of division (C) of this section, files the required application form, and pays the fees required by section 4755.61 of the Revised Code. A license issued under this section entitles the holder to engage in the practice of athletic training, claim to the public to be an athletic trainer, or to imply by words or letters that the licensee is an athletic trainer. Each licensee shall display the licensee's license in a conspicuous place at the licensee's principal place of employment.

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the following:

(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;

(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;

(4) Negligence or gross misconduct in the practice of

athletic training;	18979
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;	18980 18981 18982
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	18983 18984 18985
(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;	18986 18987 18988 18989 18990 18991 18992
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	18993 18994 18995 18996
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	18997 18998 18999 19000
(10) Failing the licensing examination;	19001
(11) Aiding or abetting the unlicensed practice of athletic training;	19002 19003
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew,	19004 19005 19006

in Ohio or another state or jurisdiction. 19007

(B) The athletic trainers section shall not refuse to 19008  
issue a license to an applicant because of a criminal conviction 19009  
unless the refusal is in accordance with section 9.79 of the 19010  
Revised Code. 19011

(C) If the athletic trainers section places a licensee on 19012  
probation under division (A) of this section, the section's 19013  
order for placement on probation shall be accompanied by a 19014  
written statement of the conditions under which the person may 19015  
be removed from probation and restored to unrestricted practice. 19016

~~(C)~~ (D) A licensee whose license has been revoked under 19017  
division (A) of this section may apply to the athletic trainers 19018  
section for reinstatement of the license one year following the 19019  
date of revocation. The athletic trainers section may accept or 19020  
deny the application for reinstatement and may require that the 19021  
applicant pass an examination as a condition for reinstatement. 19022

~~(D)~~ (E) On receipt of a complaint that a person licensed by 19023  
the athletic trainers section has committed any of the 19024  
prohibited actions listed in division (A) of this section, the 19025  
section may immediately suspend the license of a licensed 19026  
athletic trainer prior to holding a hearing in accordance with 19027  
Chapter 119. of the Revised Code if it determines, based on the 19028  
complaint, that the licensee poses an immediate threat to the 19029  
public. The section may review the allegations and vote on the 19030  
suspension by telephone conference call. If the section votes to 19031  
suspend a license under this division, the section shall issue a 19032  
written order of summary suspension to the licensed athletic 19033  
trainer in accordance with section 119.07 of the Revised Code. 19034  
If the individual whose license is suspended fails to make a 19035  
timely request for an adjudication under Chapter 119. of the 19036

Revised Code, the section shall enter a final order permanently 19037  
revoking the individual's license. Notwithstanding section 19038  
119.12 of the Revised Code, a court of common pleas shall not 19039  
grant a suspension of the section's order of summary suspension 19040  
pending the determination of an appeal filed under that section. 19041  
Any order of summary suspension issued under this division shall 19042  
remain in effect, unless reversed on appeal, until a final 19043  
adjudication order issued by the section pursuant to division 19044  
(A) of this section becomes effective. The section shall issue 19045  
its final adjudication order regarding an order of summary 19046  
suspension issued under this division not later than ninety days 19047  
after completion of its hearing. Failure to issue the order 19048  
within ninety days shall result in immediate dissolution of the 19049  
suspension order, but shall not invalidate any subsequent, final 19050  
adjudication order. 19051

**Sec. 4755.70.** (A) As used in this section, "license" and 19052  
"applicant for an initial license" have the same meanings as in 19053  
section 4776.01 of the Revised Code, except that "license" as 19054  
used in both of those terms refers to the types of 19055  
authorizations otherwise issued or conferred under this chapter. 19056

(B) In addition to any other eligibility requirement set 19057  
forth in this chapter, each applicant for an initial license 19058  
shall comply with sections 4776.01 to 4776.04 of the Revised 19059  
Code. The occupational therapy section, the physical therapy 19060  
section, and the athletic trainers section of the Ohio 19061  
occupational therapy, physical therapy, and athletic trainers 19062  
board shall not grant a license to an applicant for an initial 19063  
license unless the applicant complies with sections 4776.01 to 19064  
4776.04 of the Revised Code ~~and the board, in its discretion,~~ 19065  
~~decides that the results of the criminal records check do not~~ 19066  
~~make the applicant ineligible for a license issued pursuant to~~ 19067

~~section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451, or 4755.62 of the Revised Code.~~ 19068  
19069

**Sec. 4757.10.** (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter. 19070  
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19072

(B) The board shall adopt rules that do all of the following: 19073  
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(1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter; 19075  
19076  
19077

(2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code; 19078  
19079  
19080

~~(3) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;~~ 19081  
19082  
19083

~~(4)~~ Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 19084  
19085

~~(5)~~ (4) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code; 19086  
19087  
19088  
19089  
19090  
19091

~~(6)~~ (5) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code; 19092  
19093  
19094

~~(7)~~ (6) Provide for voluntary registration of all of the 19095

following: 19096

(a) Master's level counselor trainees enrolled in practice and internships; 19097  
19098

(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships; 19099  
19100

(c) Master's level marriage and family therapist trainees enrolled in practice and internships. 19101  
19102

~~(8)~~ (7) Establish a schedule of deadlines for renewal. 19103

(C) Rules adopted under division (B) ~~(7)~~ (6) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board. 19104  
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(D) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy. 19109  
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**Sec. 4757.101.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter. 19116  
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(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised 19121  
19122  
19123



Code. The counselor, social worker, and marriage and family 19124  
therapist board shall not grant a license to an applicant for an 19125  
initial license unless the applicant complies with sections 19126  
4776.01 to 4776.04 of the Revised Code ~~and the board, in its~~ 19127  
~~discretion, decides that the results of the criminal records~~ 19128  
~~check do not make the applicant ineligible for a license issued~~ 19129  
~~pursuant to section 4757.22, 4757.23, 4757.27, 4757.28, 4757.29,~~ 19130  
~~4757.30, or 4757.301 of the Revised Code.~~ 19131

**Sec. 4757.22.** (A) The counselors professional standards 19132  
committee of the counselor, social worker, and marriage and 19133  
family therapist board shall issue a license to practice as a 19134  
licensed professional clinical counselor to each applicant who 19135  
submits a properly completed application, pays the fee 19136  
established under section 4757.31 of the Revised Code, and meets 19137  
the requirements specified in division (B) of this section. 19138

(B) (1) To be eligible for a licensed professional clinical 19139  
counselor license, an individual must meet the following 19140  
requirements: 19141

~~(a) The individual must be of good moral character.~~ 19142

~~(b)~~ The individual must hold a graduate degree in 19143  
counseling as described in division (B) (2) of this section. 19144

~~(e)~~ (b) The individual must complete a minimum of ninety 19145  
quarter hours or sixty semester hours of graduate credit in 19146  
counselor training acceptable to the committee, including 19147  
instruction in the following areas: 19148

(i) Clinical psychopathology, personality, and abnormal 19149  
behavior; 19150

(ii) Evaluation of mental and emotional disorders; 19151

(iii) Diagnosis of mental and emotional disorders;	19152
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	19153 19154
<del>(d)</del> <u>(c)</u> The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:	19155 19156 19157 19158 19159 19160
(i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;	19161 19162 19163
(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.	19164 19165 19166
<del>(e)</del> <u>(d)</u> The individual must pass a field evaluation that meets the following requirements:	19167 19168
(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence;	19169 19170 19171 19172
(ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders.	19173 19174 19175
<del>(f)</del> <u>(e)</u> The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor.	19176 19177 19178
(2) To meet the requirement of division (B) (1) <del>(b)</del> <u>(a)</u> of	19179

this section, a graduate degree in counseling obtained from a 19180  
counseling program in this state after January 1, 2018, must be 19181  
from one of the following: 19182

(a) A counseling program accredited by the council for 19183  
accreditation of counseling and related educational programs; 19184

(b) A counseling education program approved by the board 19185  
in accordance with rules adopted by the board under division (G) 19186  
of this section. 19187

(3) All of the following meet the educational requirements 19188  
of division (B) (1) ~~(c)~~ (b) of this section: 19189

(a) A clinical mental health counseling program accredited 19190  
by the council for accreditation of counseling and related 19191  
educational programs; 19192

(b) Until January 1, 2018, a mental health counseling 19193  
program accredited by the council for accreditation of 19194  
counseling and related educational programs; 19195

(c) A graduate degree in counseling issued by another 19196  
state from a clinical mental health counseling program, a 19197  
clinical rehabilitation counseling program, or an addiction 19198  
counseling program that is accredited by the council for 19199  
accreditation of counseling and related educational programs; 19200

(d) A counseling education program approved by the board 19201  
in accordance with rules adopted under division (G) of this 19202  
section. 19203

(C) To be accepted by the committee for purposes of 19204  
division (B) of this section, counselor training must include at 19205  
least the following: 19206

(1) Instruction in human growth and development; 19207

counseling theory; counseling techniques; group dynamics,	19208
processing, and counseling; appraisal of individuals; research	19209
and evaluation; professional, legal, and ethical	19210
responsibilities; social and cultural foundations; and lifestyle	19211
and career development;	19212
(2) Participation in a supervised practicum and clinical	19213
internship in counseling.	19214
(D) The committee may issue a temporary license to an	19215
applicant who meets all of the requirements to be licensed under	19216
this section, pending the receipt of transcripts or action by	19217
the committee to issue a license to practice as a licensed	19218
professional clinical counselor.	19219
(E) An individual may not sit for the licensing	19220
examination unless the individual meets the educational	19221
requirements to be licensed under this section. An individual	19222
who is denied admission to the licensing examination may appeal	19223
the denial in accordance with Chapter 119. of the Revised Code.	19224
(F) The board shall adopt any rules necessary for the	19225
committee to implement this section. The rules shall do both of	19226
the following:	19227
(1) Establish criteria for the committee to use in	19228
determining whether an applicant's training should be accepted	19229
and supervised experience approved;	19230
(2) Establish course content requirements for qualifying	19231
counseling degrees issued by institutions in other states from	19232
clinical mental health counseling programs, clinical	19233
rehabilitation counseling programs, and addiction counseling	19234
programs that are not accredited by the council for	19235
accreditation of counseling and related educational programs.	19236

Rules adopted under this division shall be adopted in 19237  
accordance with Chapter 119. of the Revised Code. 19238

(G) (1) The board may adopt rules to temporarily approve a 19239  
counseling education program created after January 1, 2018, that 19240  
has not been accredited by the council for accreditation of 19241  
counseling and related educational programs. If the board adopts 19242  
rules under this division, the board shall do all of the 19243  
following in the rules: 19244

(a) Create an application process under which a program 19245  
administrator may apply to the board for approval of the 19246  
program; 19247

(b) Identify the educational requirements that an 19248  
individual must satisfy to receive a graduate degree in 19249  
counseling from the approved program; 19250

(c) Establish a time period during which an individual may 19251  
use an unaccredited degree granted under the program to satisfy 19252  
the requirements of divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this 19253  
section; 19254

(d) Specify that, if the program is denied accreditation, 19255  
a student enrolled in the program before the accreditation is 19256  
denied may apply for licensure before completing the program 19257  
and, on receiving a degree from the program, is considered to 19258  
satisfy divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this section. 19259

(2) A degree from a counseling education program approved 19260  
by the board pursuant to the rules adopted under division (G) (1) 19261  
of this section satisfies the requirements of divisions (B) (1) 19262  
~~(b)~~ (a) and ~~(e)~~ (b) of this section for the time period approved 19263  
by the board. 19264

**Sec. 4757.23.** (A) The counselors professional standards 19265

committee of the counselor, social worker, and marriage and 19266  
family therapist board shall issue a license as a licensed 19267  
professional counselor to each applicant who submits a properly 19268  
completed application, pays the fee established under section 19269  
4757.31 of the Revised Code, and meets the requirements 19270  
established under division (B) of this section. 19271

(B) (1) To be eligible for a license as a licensed 19272  
professional counselor, an individual must meet the following 19273  
requirements: 19274

~~(a) The individual must be of good moral character.~~ 19275

~~(b)~~ The individual must hold a graduate degree in 19276  
counseling as described in division (B) (2) of this section. 19277

~~(e)~~ (b) The individual must complete a minimum of ninety 19278  
quarter hours or sixty semester hours of graduate credit in 19279  
counselor training acceptable to the committee, which the 19280  
individual may complete while working toward receiving a 19281  
graduate degree in counseling, or subsequent to receiving the 19282  
degree, and which shall include training in the following areas: 19283

(i) Clinical psychopathology, personality, and abnormal 19284  
behavior; 19285

(ii) Evaluation of mental and emotional disorders; 19286

(iii) Diagnosis of mental and emotional disorders; 19287

(iv) Methods of prevention, intervention, and treatment of 19288  
mental and emotional disorders. 19289

~~(d)~~ (c) The individual must pass an examination 19290  
administered by the board for the purpose of determining ability 19291  
to practice as a licensed professional counselor. 19292

(2) To meet the requirement of division (B) (1) ~~(b)~~ (a) of 19293  
this section, a graduate degree in counseling obtained from a 19294  
counseling program in this state after January 1, 2018, must be 19295  
from one of the following: 19296

(a) A counseling program accredited by the council for 19297  
accreditation of counseling and related educational programs; 19298

(b) A counseling education program approved by the board 19299  
in accordance with rules adopted by the board under division (G) 19300  
of this section. 19301

(3) All of the following meet the educational requirements 19302  
of division (B) (1) ~~(e)~~ (b) of this section: 19303

(a) A clinical mental health counseling program accredited 19304  
by the council for accreditation of counseling and related 19305  
educational programs; 19306

(b) Until January 1, 2018, a mental health counseling 19307  
program accredited by the council for accreditation of 19308  
counseling and related educational programs; 19309

(c) A graduate degree in counseling issued by an 19310  
institution in another state from a clinical mental health 19311  
counseling program, a clinical rehabilitation counseling 19312  
program, or an addiction counseling program that is accredited 19313  
by the council for accreditation of counseling and related 19314  
educational programs; 19315

(d) A counseling education program approved by the board 19316  
in accordance with rules adopted under division (G) of this 19317  
section. 19318

(C) To be accepted by the committee for purposes of 19319  
division (B) of this section, counselor training must include at 19320

least the following: 19321

(1) Instruction in human growth and development; 19322  
counseling theory; counseling techniques; group dynamics, 19323  
processing, and counseling; appraisal of individuals; research 19324  
and evaluation; professional, legal, and ethical 19325  
responsibilities; social and cultural foundations; and lifestyle 19326  
and career development; 19327

(2) Participation in a supervised practicum and clinical 19328  
internship in counseling. 19329

(D) The committee may issue a temporary license to 19330  
practice as a licensed professional counselor to an applicant 19331  
who meets all of the requirements to be licensed under this 19332  
section as follows: 19333

(1) Pending the receipt of transcripts or action by the 19334  
committee to issue a license as a licensed professional 19335  
counselor; 19336

(2) For a period not to exceed ninety days, to an 19337  
applicant who provides the board with a statement from the 19338  
applicant's academic institution indicating that the applicant 19339  
has met the academic requirements for the applicant's degree and 19340  
the projected date the applicant will receive the applicant's 19341  
transcript showing a conferred degree. 19342

On application to the committee, a temporary license 19343  
issued under division (D) (2) of this section may be renewed for 19344  
good cause shown. 19345

(E) An individual may not sit for the licensing 19346  
examination unless the individual meets the educational 19347  
requirements to be licensed under this section. An individual 19348  
who is denied admission to the licensing examination may appeal 19349



the denial in accordance with Chapter 119. of the Revised Code. 19350

(F) The board shall adopt any rules necessary for the 19351  
committee to implement this section. The rules shall do both of 19352  
the following: 19353

(1) Establish criteria for the committee to use in 19354  
determining whether an applicant's training should be accepted 19355  
and supervised experience approved; 19356

(2) Establish course content requirements for qualifying 19357  
counseling degrees issued by institutions in other states from 19358  
clinical mental health counseling programs, clinical 19359  
rehabilitation counseling programs, and addiction counseling 19360  
programs that are not accredited by the council for 19361  
accreditation of counseling and related educational programs. 19362

Rules adopted under this division shall be adopted in 19363  
accordance with Chapter 119. of the Revised Code. 19364

(G) (1) The board may adopt rules to temporarily approve a 19365  
counseling education program created after January 1, 2018, that 19366  
has not been accredited by the council for accreditation of 19367  
counseling and related educational programs. If the board adopts 19368  
rules under this division, the board shall do all of the 19369  
following in the rules: 19370

(a) Create an application process under which a program 19371  
administrator may apply to the board for approval of the 19372  
program; 19373

(b) Identify the educational requirements that an 19374  
individual must satisfy to receive a graduate degree in 19375  
counseling from the approved program; 19376

(c) Establish a time period during which an individual may 19377

use an unaccredited degree granted under the program to satisfy 19378  
the requirements of divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this 19379  
section; 19380

(d) Specify that, if the program is denied accreditation, 19381  
a student enrolled in the program before the accreditation is 19382  
denied may apply for licensure before completing the program 19383  
and, on receiving a degree from the program, is considered to 19384  
satisfy divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this section. 19385

(2) A degree from a counseling education program approved 19386  
by the board pursuant to the rules adopted under division (G) (1) 19387  
of this section satisfies the requirements of divisions (B) (1) 19388  
~~(b)~~ (a) and ~~(e)~~ (b) of this section for the time period approved 19389  
by the board. 19390

**Sec. 4757.27.** (A) The social workers professional 19391  
standards committee of the counselor, social worker, and 19392  
marriage and family therapist board shall issue a license as an 19393  
independent social worker to each applicant who submits a 19394  
properly completed application, pays the fee established under 19395  
section 4757.31 of the Revised Code, and meets the requirements 19396  
specified in division (B) of this section. An independent social 19397  
worker license shall clearly indicate each academic degree 19398  
earned by the person to whom it has been issued. 19399

(B) To be eligible for a license as an independent social 19400  
worker, an individual must meet the following requirements: 19401

(1) ~~The individual must be of good moral character.~~ 19402

~~(2)~~ The individual must hold a master's degree in social 19403  
work from an educational institution accredited by the council 19404  
on social work education or an educational institution in 19405  
candidacy for accreditation by the council. 19406

~~(3)~~ (2) The individual must complete at least two years of 19407  
post-master's degree social work experience supervised by an 19408  
independent social worker. 19409

~~(4)~~ (3) The individual must pass an examination 19410  
administered by the board for the purpose of determining ability 19411  
to practice as an independent social worker. 19412

(C) The committee may issue a temporary license to an 19413  
applicant who meets all of the requirements to be licensed under 19414  
this section, pending the receipt of transcripts or action by 19415  
the committee to issue a license as an independent social 19416  
worker. 19417

(D) The board shall adopt any rules necessary for the 19418  
committee to implement this section, including criteria for the 19419  
committee to use in determining whether an applicant's training 19420  
should be accepted and supervised experience approved. Rules 19421  
adopted under this division shall be adopted in accordance with 19422  
Chapter 119. of the Revised Code. 19423

**Sec. 4757.28.** (A) The social workers professional 19424  
standards committee of the counselor, social worker, and 19425  
marriage and family therapist board shall issue a license as a 19426  
social worker to each applicant who submits a properly completed 19427  
application, pays the fee established under section 4757.31 of 19428  
the Revised Code, and meets the requirements specified in 19429  
division (B) of this section. A social worker license shall 19430  
clearly indicate each academic degree earned by the person to 19431  
whom it is issued. 19432

(B) To be eligible for a license as a social worker, an 19433  
individual must meet the following requirements: 19434

(1) ~~The individual must be of good moral character.~~ 19435

<del>(2)</del> —The individual must hold from an accredited	19436
educational institution one of the following:	19437
(a) A baccalaureate degree in social work;	19438
(b) A master's degree in social work;	19439
(c) A doctorate in social work.	19440
<del>(3)</del> — <u>(2)</u> The individual must pass an examination	19441
administered by the board for the purpose of determining ability	19442
to practice as a social worker.	19443
(C) The committee may issue a temporary license to	19444
practice as a social worker as follows:	19445
(1) To an applicant who meets all of the requirements to	19446
be licensed under this section, pending the receipt of	19447
transcripts or action by the committee to issue a license as a	19448
social worker;	19449
(2) For a period not to exceed ninety days, to an	19450
applicant who provides the board with a statement from the	19451
applicant's academic institution indicating that the applicant	19452
has met the academic requirements for the applicant's degree,	19453
and the projected date the applicant will receive the	19454
applicant's transcript showing a conferred degree.	19455
On application to the committee, a temporary license	19456
issued under division (C) (2) of this section may be renewed for	19457
good cause shown.	19458
(D) The board shall adopt any rules necessary for the	19459
committee to implement this section, including criteria for the	19460
committee to use in determining whether an applicant's training	19461
should be accepted and supervised experience approved. Rules	19462
adopted under this division shall be adopted in accordance with	19463

Chapter 119. of the Revised Code. 19464

**Sec. 4757.29.** The social workers professional standards 19465  
committee of the counselor, social worker, and marriage and 19466  
family therapist board shall issue a certificate of registration 19467  
as a social work assistant to each applicant who submits a 19468  
properly completed application, pays the fee established under 19469  
section 4757.31 of the Revised Code, ~~is of good moral character,~~ 19470  
and holds from an accredited educational institution an 19471  
associate degree in social service technology or a bachelor's 19472  
degree that is equivalent to an associate degree in social 19473  
service technology or a related bachelor's or higher degree that 19474  
is approved by the committee. 19475

**Sec. 4757.36.** (A) The appropriate professional standards 19476  
committee of the counselor, social worker, and marriage and 19477  
family therapist board may, in accordance with Chapter 119. of 19478  
the Revised Code, take any action specified in division (B) of 19479  
this section for any reason described in division (C) of this 19480  
section against an individual who has applied for or holds a 19481  
license issued under this chapter; a master's level counselor 19482  
trainee, social worker trainee, or marriage and family therapist 19483  
trainee; or an individual or entity that is registered, or has 19484  
applied for registration, in accordance with rules adopted under 19485  
section 4757.33 of the Revised Code to provide continuing 19486  
education programs approved by the board. 19487

(B) In its imposition of sanctions against an individual 19488  
or entity specified in division (A) of this section, the board 19489  
may do any of the following: 19490

(1) Refuse to issue or refuse to renew a license or 19491  
certificate of registration; 19492

(2) Suspend, revoke, or otherwise restrict a license or certificate of registration;	19493 19494
(3) Reprimand an individual holding a license or certificate of registration;	19495 19496
(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code;	19497 19498 19499
(5) Require an individual holding a license or certificate of registration to take corrective action courses.	19500 19501
(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:	19502 19503 19504
(1) Commission of an act that violates any provision of this chapter or rules adopted under it;	19505 19506
(2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;	19507 19508 19509
(3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;	19510 19511 19512 19513 19514 19515 19516
(4) A failure to comply with section 4757.13 of the Revised Code;	19517 19518
(5) A conviction in this or any other state of a crime that is a felony in this state;	19519 19520

(6) A failure to perform properly as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker due to the use of alcohol or other drugs or any other physical or mental condition;

(7) A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;

(8) Practicing outside the scope of practice applicable to that person;

(9) Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (E) of section 4757.30, of the Revised Code;

(10) A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code;

(11) Revocation or suspension of a license or certificate of registration, other disciplinary action against a license holder or registration, or the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter.

(D) Notwithstanding any provision of divisions (A) to (C) of this section to the contrary, the board shall not refuse to issue a license or certificate of registration to an applicant because of a criminal conviction unless the refusal is in

accordance with section 9.79 of the Revised Code. 19550

(E) A disciplinary action under division (B) of this 19551  
section shall be taken pursuant to an adjudication under Chapter 19552  
119. of the Revised Code, except that in lieu of an 19553  
adjudication, the appropriate professional standards committee 19554  
may enter into a consent agreement with an individual or entity 19555  
specified in division (A) of this section to resolve an 19556  
allegation of a violation of this chapter or any rule adopted 19557  
under it. A consent agreement, when ratified by the appropriate 19558  
professional standards committee, constitutes the findings and 19559  
order of the board with respect to the matter addressed in the 19560  
agreement. If a committee refuses to ratify a consent agreement, 19561  
the admissions and findings contained in the consent agreement 19562  
are of no force or effect. 19563

~~(E)~~(F) In any instance in which a professional standards 19564  
committee of the board is required by Chapter 119. of the 19565  
Revised Code to give notice of the opportunity for a hearing and 19566  
the individual or entity subject to the notice does not timely 19567  
request a hearing in accordance with section 119.07 of the 19568  
Revised Code, the committee may adopt a final order that 19569  
contains the board's findings. In that final order, the 19570  
committee may order any of the sanctions identified in division 19571  
(B) of this section. 19572

~~(F)~~(G) One year or more after the date of suspension or 19573  
revocation of a license or certificate of registration under 19574  
this section, application may be made to the appropriate 19575  
professional standards committee for reinstatement. The 19576  
committee may approve or deny an application for reinstatement. 19577  
If a license has been suspended or revoked, the committee may 19578  
require an examination for reinstatement. 19579



~~(G)~~(H) On request of the board, the attorney general shall  
bring and prosecute to judgment a civil action to collect any  
fine imposed under division (B) (4) of this section that remains  
unpaid.

~~(H)~~(I) All fines collected under division (B) (4) of this  
section shall be deposited into the state treasury to the credit  
of the occupational licensing and regulatory fund.

**Sec. 4758.20.** (A) The chemical dependency professionals  
board shall adopt rules to establish, specify, or provide for  
all of the following:

(1) Fees for the purposes authorized by section 4758.21 of  
the Revised Code;

(2) If the board, pursuant to section 4758.221 of the  
Revised Code, elects to administer examinations for individuals  
seeking to act as substance abuse professionals in a U.S.  
department of transportation drug and alcohol testing program,  
the board's administration of the examinations;

(3) For the purpose of section 4758.23 of the Revised  
Code, codes of ethical practice and professional conduct for  
individuals who hold a license, certificate, or endorsement  
issued under this chapter;

(4) For the purpose of section 4758.24 of the Revised  
Code, all of the following:

~~(a) Good moral character requirements for an individual  
who seeks or holds a license, certificate, or endorsement issued  
under this chapter;~~

~~(b) The documents that an individual seeking such a  
license, certificate, or endorsement must submit to the board;~~

~~(e)~~(b) Requirements to obtain the license, certificate, 19608  
or endorsement that are in addition to the requirements 19609  
established under sections 4758.39, 4758.40, 4758.41, 4758.42, 19610  
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the 19611  
Revised Code. The additional requirements may include 19612  
preceptorships. 19613

~~(d)~~(c) The period of time that an individual whose 19614  
registered applicant certificate has expired must wait before 19615  
applying for a new registered applicant certificate. 19616

(5) For the purpose of section 4758.28 of the Revised 19617  
Code, requirements for approval of continuing education courses 19618  
of study for individuals who hold a license, certificate, or 19619  
endorsement issued under this chapter; 19620

(6) For the purpose of section 4758.30 of the Revised 19621  
Code, the intervention for and treatment of an individual 19622  
holding a license, certificate, or endorsement issued under this 19623  
chapter whose abilities to practice are impaired due to abuse of 19624  
or dependency on alcohol or other drugs or other physical or 19625  
mental condition; 19626

(7) Requirements governing reinstatement of a suspended or 19627  
revoked license, certificate, or endorsement under division ~~(B)~~ 19628  
(C) of section 4758.30 of the Revised Code, including 19629  
requirements for determining the amount of time an individual 19630  
must wait to apply for reinstatement; 19631

(8) For the purpose of section 4758.31 of the Revised 19632  
Code, methods of ensuring that all records the board holds 19633  
pertaining to an investigation remain confidential during the 19634  
investigation; 19635

(9) Criteria for employees of the board to follow when 19636

performing their duties under division (B) of section 4758.35 of the Revised Code;	19637 19638
(10) For the purpose of division (A) (1) of section 4758.39 and division (A) (1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses:	19639 19640 19641 19642 19643
(a) Theories of counseling and psychotherapy;	19644
(b) Counseling procedures;	19645
(c) Group process and techniques;	19646
(d) Relationship therapy;	19647
(e) Research methods and statistics;	19648
(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	19649 19650
(g) Psychopathology;	19651
(h) Human development;	19652
(i) Cultural competence in counseling;	19653
(j) Ethics.	19654
(11) For the purpose of division (A) (2) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience;	19655 19656 19657 19658 19659
(12) For the purpose of division (A) (3) of section 4758.39, division (A) (3) of section 4758.40, division (A) (3) of section 4758.41, and division (A) (3) of section 4758.42 of the	19660 19661 19662

Revised Code, both of the following: 19663

(a) The number of hours of training in chemical dependency 19664  
an individual must have; 19665

(b) Training requirements for chemical dependency that 19666  
shall, at a minimum, include qualifications for the individuals 19667  
who provide the training and the content areas covered in the 19668  
training. 19669

(13) For the purpose of division (A) (2) of section 19670  
4758.40, division (A) (2) of section 4758.41, and division (A) (2) 19671  
of section 4758.42 of the Revised Code, the number of hours of 19672  
compensated work or supervised internship experience that an 19673  
individual must have; 19674

(14) For the purpose of division (B) (2) (b) of section 19675  
4758.40 and division (B) (2) of section 4758.41 of the Revised 19676  
Code, requirements for the forty clock hours of training on the 19677  
version of the diagnostic and statistical manual of mental 19678  
disorders that is current at the time of the training, including 19679  
the number of the clock hours that must be on substance-related 19680  
disorders, the number of the clock hours that must be on 19681  
chemical dependency conditions, and the number of the clock 19682  
hours that must be on awareness of other mental and emotional 19683  
disorders; 19684

(15) For the purpose of division (A) (1) of section 4758.41 19685  
of the Revised Code, course requirements for a degree in a 19686  
behavioral science or nursing; 19687

(16) For the purpose of division (A) of section 4758.43 of 19688  
the Revised Code, both of the following: 19689

(a) The number of hours of training in chemical dependency 19690  
counseling that an individual must have; 19691

(b) Training requirements for chemical dependency	19692
counseling that shall, at a minimum, include qualifications for	19693
the individuals who provide the training and the content areas	19694
covered in the training.	19695
(17) For the purpose of division (A) (1) of section 4758.44	19696
of the Revised Code, the number of hours of compensated work	19697
experience in prevention services that an individual must have	19698
and the number of those hours that must be in administering or	19699
supervising the services;	19700
(18) For the purpose of division (A) (2) of section 4758.44	19701
of the Revised Code, the field of study in which an individual	19702
must obtain at least a bachelor's degree;	19703
(19) For the purpose of division (A) (3) of section	19704
4758.44, division (A) (3) of section 4758.45, and division (D) of	19705
section 4758.46 of the Revised Code, both of the following:	19706
(a) The number of hours of prevention-related education	19707
that an individual must have;	19708
(b) Requirements for prevention-related education.	19709
(20) For the purpose of division (A) (4) of section 4758.44	19710
of the Revised Code, the number of hours of administrative or	19711
supervisory education that an individual must have;	19712
(21) For the purpose of division (A) (1) of section 4758.45	19713
of the Revised Code, the number of hours of compensated or	19714
volunteer work, field placement, intern, or practicum experience	19715
in prevention services that an individual must have and the	19716
number of those hours that must be in planning or delivering the	19717
services;	19718
(22) For the purpose of division (A) (2) of section 4758.45	19719

of the Revised Code, the field of study in which an individual 19720  
must obtain at least an associate's degree; 19721

(23) For the purpose of division (C) of section 4758.46 of 19722  
the Revised Code, the number of hours of compensated or 19723  
volunteer work, field placement, intern, or practicum experience 19724  
in prevention services that an individual must have; 19725

(24) Standards for the one hundred hours of compensated 19726  
work or supervised internship in gambling disorder direct 19727  
clinical experience required by division (B) (2) of section 19728  
4758.48 of the Revised Code; 19729

(25) For the purpose of section 4758.51 of the Revised 19730  
Code, continuing education requirements for individuals who hold 19731  
a license, certificate, or endorsement issued under this 19732  
chapter; 19733

(26) For the purpose of section 4758.51 of the Revised 19734  
Code, the number of hours of continuing education that an 19735  
individual must complete to have an expired license, 19736  
certificate, or endorsement restored under section 4758.26 of 19737  
the Revised Code; 19738

(27) For the purpose of divisions (A) and (B) of section 19739  
4758.52 of the Revised Code, training requirements for chemical 19740  
dependency counseling; 19741

(28) The duties, which may differ, of all of the 19742  
following: 19743

(a) An independent chemical dependency counselor-clinical 19744  
supervisor licensed under this chapter who supervises a chemical 19745  
dependency counselor III under section 4758.56 of the Revised 19746  
Code; 19747

(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code; 19748  
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(c) A prevention consultant or prevention specialist certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code. 19753  
19754  
19755  
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(29) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code. 19759  
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19763

(30) Anything else necessary to administer this chapter. 19764

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations. 19765  
19766  
19767

(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or prevention services. 19768  
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**Sec. 4758.24.** (A) The chemical dependency professionals board shall issue a license, certificate, or endorsement under this chapter to an individual who meets all of the following requirements: 19772  
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19774  
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(1) ~~Is of good moral character as determined in accordance~~ 19776

~~with rules adopted under section 4758.20 of the Revised Code;~~ 19777

~~(2)~~ Except as provided in section 4758.241 of the Revised Code, submits a properly completed application and all other documentation specified in rules adopted under section 4758.20 of the Revised Code; 19778  
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19781

~~(3)~~ (2) Except as provided in section 4758.241 of the Revised Code, pays the fee established under section 4758.21 of the Revised Code for the license, certificate, or endorsement that the individual seeks; 19782  
19783  
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19785

~~(4)~~ (3) Meets the requirements to obtain the license, certificate, or endorsement that the individual seeks as specified in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the Revised Code; 19786  
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~~(5)~~ (4) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license, certificate, or endorsement that the individual seeks. 19791  
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(B) The board shall not do either of the following: 19795

(1) Issue a certificate to practice as a chemical dependency counselor I; 19796  
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(2) Issue a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than the period of time specified in rules adopted under section 4758.20 of the Revised Code. 19798  
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19801

**Sec. 4758.30.** (A) The chemical dependency professionals board, in accordance with Chapter 119. of the Revised Code, may, except as provided in division (B) of this section, refuse to 19802  
19803  
19804



issue a license, certificate, or endorsement applied for under 19805  
this chapter; refuse to renew or restore a license, certificate, 19806  
or endorsement issued under this chapter; suspend, revoke, or 19807  
otherwise restrict a license, certificate, or endorsement issued 19808  
under this chapter; or reprimand an individual holding a 19809  
license, certificate, or endorsement issued under this chapter. 19810  
These actions may be taken by the board regarding the applicant 19811  
for a license, certificate, or endorsement or the individual 19812  
holding a license, certificate, or endorsement for one or more 19813  
of the following reasons: 19814

(1) Violation of any provision of this chapter or rules 19815  
adopted under it; 19816

(2) Knowingly making a false statement on an application 19817  
for a license, certificate, or endorsement or for renewal, 19818  
restoration, or reinstatement of a license, certificate, or 19819  
endorsement; 19820

(3) Acceptance of a commission or rebate for referring an 19821  
individual to a person who holds a license or certificate issued 19822  
by, or who is registered with, an entity of state government, 19823  
including persons practicing chemical dependency counseling, 19824  
prevention services, gambling disorder counseling, or fields 19825  
related to chemical dependency counseling, prevention services, 19826  
or gambling disorder counseling; 19827

(4) Conviction in this or any other state of any crime 19828  
that is a felony in this state; 19829

(5) Conviction in this or any other state of a misdemeanor 19830  
committed in the course of practice as an independent chemical 19831  
dependency counselor-clinical supervisor, independent chemical 19832  
dependency counselor, chemical dependency counselor III, 19833

chemical dependency counselor II, chemical dependency counselor 19834  
assistant, prevention consultant, gambling disorder endorsee, 19835  
prevention specialist, prevention specialist assistant, or 19836  
registered applicant; 19837

(6) Inability to practice as an independent chemical 19838  
dependency counselor-clinical supervisor, independent chemical 19839  
dependency counselor, chemical dependency counselor III, 19840  
chemical dependency counselor II, chemical dependency counselor 19841  
assistant, gambling disorder endorsee, prevention consultant, 19842  
prevention specialist, prevention specialist assistant, or 19843  
registered applicant due to abuse of or dependency on alcohol or 19844  
other drugs or other physical or mental condition; 19845

(7) Practicing outside the individual's scope of practice; 19846

(8) Practicing without complying with the supervision 19847  
requirements specified under section 4758.56, 4758.59, 4758.61, 19848  
or 4758.62 of the Revised Code; 19849

(9) Violation of the code of ethical practice and 19850  
professional conduct for chemical dependency counseling, 19851  
prevention services, or gambling disorder counseling adopted by 19852  
the board pursuant to section 4758.23 of the Revised Code; 19853

(10) Revocation of a license, certificate, or endorsement 19854  
or voluntary surrender of a license, certificate, or endorsement 19855  
in another state or jurisdiction for an offense that would be a 19856  
violation of this chapter. 19857

(B) The board shall not refuse to issue a license, 19858  
certificate, or endorsement to an applicant because of a 19859  
criminal conviction unless the refusal is in accordance with 19860  
section 9.79 of the Revised Code. 19861

(C) An individual whose license, certificate, or 19862

endorsement has been suspended or revoked under this section may 19863  
apply to the board for reinstatement after an amount of time the 19864  
board shall determine in accordance with rules adopted under 19865  
section 4758.20 of the Revised Code. The board may accept or 19866  
refuse an application for reinstatement. The board may require 19867  
an examination for reinstatement of a license, certificate, or 19868  
endorsement that has been suspended or revoked. 19869

**Sec. 4759.02.** (A) Except as otherwise provided in this 19870  
section or in section 4759.10 of the Revised Code, no person 19871  
shall practice, offer to practice, or hold self forth to 19872  
practice dietetics unless the person has been licensed under 19873  
section 4759.06 of the Revised Code. 19874

(B) Except for a person licensed under section 4759.06 of 19875  
the Revised Code, or as otherwise provided in this section or in 19876  
section 4759.10 of the Revised Code: 19877

(1) No person shall use the title "dietitian"; 19878

(2) No person except for a person licensed under Title 19879  
XLVII of the Revised Code, when acting within the scope of their 19880  
practice, shall use any other title, designation, words, 19881  
letters, abbreviation, or insignia or combination of any title, 19882  
designation, words, letters, abbreviation, or insignia tending 19883  
to indicate that the person is practicing dietetics. 19884

(C) Notwithstanding division (B) of this section, a person 19885  
who is a dietitian registered by the commission on dietetic 19886  
registration and who does not violate division (A) of this 19887  
section may use the designation "registered dietitian" and the 19888  
abbreviation "R.D." 19889

(D) Division (A) of this section does not apply to: 19890

(1) A student enrolled in an academic program that is in 19891

compliance with division (A) ~~(4)~~ (3) of section 4759.06 of the 19892  
Revised Code who is engaging in the practice of dietetics under 19893  
the supervision of a dietitian licensed under section 4759.06 of 19894  
the Revised Code or a dietitian registered by the commission on 19895  
dietetic registration, as part of the academic program; 19896

(2) A person participating in the pre-professional 19897  
experience required by division (A) ~~(5)~~ (4) of section 4759.06 of 19898  
the Revised Code; 19899

(3) A person holding a limited permit under division (G) 19900  
of section 4759.06 of the Revised Code. 19901

(E) The attorney general, the prosecuting attorney of any 19902  
county in which the offense was committed or the offender 19903  
resides, the state medical board, or any other person having 19904  
knowledge of a person who either directly or by complicity is in 19905  
violation of this section, may, in accordance with provisions of 19906  
the Revised Code governing injunctions, maintain an action in 19907  
the name of the state to enjoin any person from engaging either 19908  
directly or by complicity in the unlawful activity by applying 19909  
for an injunction in the Franklin county court of common pleas 19910  
or any other court of competent jurisdiction. 19911

Prior to application for such injunction, the secretary of 19912  
the state medical board shall notify the person allegedly 19913  
engaged either directly or by complicity in the unlawful 19914  
activity by registered mail that the secretary has received 19915  
information indicating that the person is so engaged. The person 19916  
shall answer the secretary within thirty days showing that the 19917  
person is either properly licensed for the stated activity or 19918  
that the person is not in violation of this chapter. If the 19919  
answer is not forthcoming within thirty days after notice by the 19920  
secretary, the secretary shall request that the attorney 19921

general, the prosecuting attorney of the county in which the 19922  
offense was committed or the offender resides, or the state 19923  
medical board proceed as authorized in this section. 19924

Upon the filing of a verified petition in court, the court 19925  
shall conduct a hearing on the petition and shall give the same 19926  
preference to this proceeding as is given all proceedings under 19927  
Chapter 119. of the Revised Code, irrespective of the position 19928  
of the proceeding on the calendar of the court. Injunction 19929  
proceedings shall be in addition to, and not in lieu of, all 19930  
penalties and other remedies provided under this chapter. 19931

**Sec. 4759.051.** (A) The state medical board shall appoint a 19932  
dietetics advisory council for the purpose of advising the board 19933  
on issues relating to the practice of dietetics. The advisory 19934  
council shall consist of not more than seven individuals 19935  
knowledgeable in the area of dietetics. 19936

A majority of the council members shall be individuals 19937  
licensed under this chapter who are actively engaged in the 19938  
practice of dietetics. The board shall include both of the 19939  
following on the council: 19940

(1) One educator with a doctoral degree who holds a 19941  
regular faculty appointment in a program that prepares students 19942  
to meet the requirements of division (A) ~~(4)~~ (3) of section 19943  
4759.06 of the Revised Code; 19944

(2) One individual who is not affiliated with any health 19945  
care profession, who shall be appointed to represent the 19946  
interest of consumers. 19947

The Ohio academy of nutrition and dietetics, or its 19948  
successor organization, may nominate not more than three 19949  
qualified individuals for consideration by the board in 19950

appointing any member of the council. 19951

(B) Not later than ninety days after January 21, 2018, the 19952  
board shall make initial appointments to the council. Initial 19953  
members shall serve terms of office of one, two, or three years, 19954  
as selected by the board. Thereafter, terms of office shall be 19955  
for three years, with each term ending on the same day of the 19956  
same month as did the term that it succeeds. A council member 19957  
shall continue in office subsequent to the expiration date of 19958  
the member's term until a successor is appointed and takes 19959  
office, or until a period of sixty days has elapsed, whichever 19960  
occurs first. Each council member shall hold office from the 19961  
date of appointment until the end of the term for which the 19962  
member was appointed. 19963

(C) Members shall serve without compensation, but shall be 19964  
reimbursed for actual and necessary expenses incurred in 19965  
performing their official duties. 19966

(D) The council shall meet at least four times each year 19967  
and at such other times as may be necessary to carry out its 19968  
responsibilities. 19969

(E) The council may submit to the board recommendations 19970  
concerning all of the following: 19971

(1) Requirements for issuing a license to practice as a 19972  
dietitian or as a limited permit holder, including the 19973  
educational and experience requirements that must be met to 19974  
receive the license or permit; 19975

(2) Existing and proposed rules pertaining to the practice 19976  
of dietetics and the administration and enforcement of this 19977  
chapter; 19978

(3) Standards for the approval of educational programs 19979

required to qualify for licensure and continuing education programs for licensure renewal;	19980 19981
(4) Policies related to the issuance and renewal of licenses and limited permits;	19982 19983
(5) Fees for the issuance and renewal of a license to practice dietetics as a licensee or as a limited permit holder;	19984 19985
(6) Standards of practice and ethical conduct in the practice of dietetics;	19986 19987
(7) The safe and effective practice of dietetics, including scope of practice and minimal standards of care.	19988 19989
<b>Sec. 4759.06.</b> (A) The state medical board shall issue a license to practice dietetics to an applicant who meets all of the following requirements:	19990 19991 19992
(1) Has satisfactorily completed an application for licensure in accordance with rules adopted under division (A) of section 4759.05 of the Revised Code;	19993 19994 19995
(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;	19996 19997
(3) <del>Is of good moral character;</del>	19998
<del>(4)</del> Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;	19999 20000 20001 20002 20003 20004
<del>(5)</del> (4) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and	20005 20006

dietetics, or experience approved by the board under division 20007  
(A) (3) of section 4759.05 of the Revised Code; 20008

~~(6)~~ (5) Has passed the examination approved by the board 20009  
under division (A) (1) of section 4759.05 of the Revised Code. 20010

(B) The board shall waive the requirements of divisions 20011  
(A) ~~(4)~~ (3), ~~(5)~~ (4), and ~~(6)~~ (5) of this section and any rules 20012  
adopted under division (A) (6) of section 4759.05 of the Revised 20013  
Code if the applicant presents satisfactory evidence to the 20014  
board of current registration as a registered dietitian with the 20015  
commission on dietetic registration. 20016

(C) (1) The board shall issue a license to practice 20017  
dietetics to an applicant who meets the requirements of division 20018  
(A) of this section. A license shall be valid for a two-year 20019  
period unless revoked or suspended by the board and shall expire 20020  
on the date that is two years after the date of issuance. A 20021  
license may be renewed for additional two-year periods. 20022

(2) The board shall renew an applicant's license if the 20023  
applicant has paid the license renewal fee specified in section 20024  
4759.08 of the Revised Code and certifies to the board that the 20025  
applicant has met the continuing education requirements adopted 20026  
under division (A) (5) of section 4759.05 of the Revised Code. 20027  
The renewal shall be pursuant to the standard renewal procedure 20028  
of sections 4745.01 to 4745.03 of the Revised Code. 20029

At least one month before a license expires, the board 20030  
shall provide a renewal notice. Failure of any person to receive 20031  
a notice of renewal from the board shall not excuse the person 20032  
from the requirements contained in this section. Each person 20033  
holding a license shall give notice to the board of a change in 20034  
the license holder's residence address, business address, or 20035



electronic mail address not later than thirty days after the 20036  
change occurs. 20037

(D) Any person licensed to practice dietetics by the 20038  
former Ohio board of dietetics before January 21, 2018, may 20039  
continue to practice dietetics in this state under that license 20040  
if the person continues to meet the requirements to renew a 20041  
license under this chapter and renews the license through the 20042  
state medical board. 20043

The state medical board may take any of the following 20044  
actions, as provided in section 4759.07 of the Revised Code, 20045  
against the holder of a license to practice dietetics issued 20046  
before January 21, 2018, by the former Ohio board of dietetics: 20047

(1) Limit, revoke, or suspend the holder's license; 20048

(2) Refuse to renew or reinstate the holder's license; 20049

(3) Reprimand the holder or place the holder on probation. 20050

(E) The board may require a random sample of dietitians to 20051  
submit materials documenting that the continuing education 20052  
requirements adopted under division (A) (5) of section 4759.05 of 20053  
the Revised Code have been met. 20054

This division does not limit the board's authority to 20055  
conduct investigations pursuant to section 4759.07 of the 20056  
Revised Code. 20057

(F) (1) If, through a random sample conducted under 20058  
division (E) of this section or any other means, the board finds 20059  
that an individual who certified completion of the number of 20060  
hours and type of continuing education required to renew, 20061  
reinstate, or restore a license to practice did not complete the 20062  
requisite continuing education, the board may do either of the 20063

following: 20064

(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both; 20065  
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(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 20068  
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~~(4)~~(2) The board's finding in any disciplinary action taken under division (F) (1) (a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 20070  
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~~(5)~~(3) A civil penalty imposed under division (F) (1) (a) of this section or paid under division (F) (1) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 20075  
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(G) (1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A) ~~(4)~~(3) and ~~(5)~~(4) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A) (1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code. 20080  
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division (G) (1) of this section, the board shall issue a limited permit to the 20089  
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applicant. 20093

A limited permit expires in accordance with rules adopted 20094  
under section 4759.05 of the Revised Code. A limited permit may 20095  
be renewed in accordance with those rules. 20096

(3) A person holding a limited permit who has failed the 20097  
examination shall practice only under the direct supervision of 20098  
a licensed dietitian. 20099

(4) The board may revoke a limited permit on proof 20100  
satisfactory to the board that the permit holder has engaged in 20101  
practice in this state outside the scope of the permit, that the 20102  
holder has engaged in unethical conduct, or that grounds for 20103  
action against the holder exist under section 4759.07 of the 20104  
Revised Code. 20105

**Sec. 4759.061.** (A) As used in this section, "license" and 20106  
"applicant for an initial license" have the same meanings as in 20107  
section 4776.01 of the Revised Code, except that "license" as 20108  
used in both of those terms refers to the types of 20109  
authorizations otherwise issued or conferred under this chapter. 20110

(B) In addition to any other eligibility requirement set 20111  
forth in this chapter, each applicant for an initial license 20112  
shall comply with sections 4776.01 to 4776.04 of the Revised 20113  
Code. The state medical board shall not grant a license to an 20114  
applicant for an initial license unless the applicant complies 20115  
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 20116  
~~board, in its discretion, decides that the results of the~~ 20117  
~~criminal records check do not make the applicant ineligible for~~ 20118  
~~a license issued pursuant to section 4759.06 of the Revised~~ 20119  
Code. 20120

**Sec. 4759.07.** (A) The state medical board, by an 20121

affirmative vote of not fewer than six members, shall, except as 20122  
provided in division (B) of this section, and to the extent 20123  
permitted by law, limit, revoke, or suspend an individual's 20124  
license or limited permit, refuse to issue a license or limited 20125  
permit to an individual, refuse to renew a license or limited 20126  
permit, refuse to reinstate a license or limited permit, or 20127  
reprimand or place on probation the holder of a license or 20128  
limited permit for one or more of the following reasons: 20129

(1) Except when civil penalties are imposed under section 20130  
4759.071 of the Revised Code, violating or attempting to 20131  
violate, directly or indirectly, or assisting in or abetting the 20132  
violation of, or conspiring to violate, any provision of this 20133  
chapter or the rules adopted by the board; 20134

(2) Making a false, fraudulent, deceptive, or misleading 20135  
statement in the solicitation of or advertising for patients; in 20136  
relation to the practice of dietetics; or in securing or 20137  
attempting to secure any license or permit issued by the board 20138  
under this chapter. 20139

As used in division (A) (2) of this section, "false, 20140  
fraudulent, deceptive, or misleading statement" means a 20141  
statement that includes a misrepresentation of fact, is likely 20142  
to mislead or deceive because of a failure to disclose material 20143  
facts, is intended or is likely to create false or unjustified 20144  
expectations of favorable results, or includes representations 20145  
or implications that in reasonable probability will cause an 20146  
ordinarily prudent person to misunderstand or be deceived. 20147

(3) Committing fraud during the administration of the 20148  
examination for a license to practice or committing fraud, 20149  
misrepresentation, or deception in applying for, renewing, or 20150  
securing any license or permit issued by the board; 20151

- (4) A plea of guilty to, a judicial finding of guilt of, 20152  
or a judicial finding of eligibility for intervention in lieu of 20153  
conviction for, a felony; 20154
- (5) Commission of an act that constitutes a felony in this 20155  
state, regardless of the jurisdiction in which the act was 20156  
committed; 20157
- (6) A plea of guilty to, a judicial finding of guilt of, 20158  
or a judicial finding of eligibility for intervention in lieu of 20159  
conviction for, a misdemeanor committed in the course of 20160  
practice; 20161
- (7) Commission of an act in the course of practice that 20162  
constitutes a misdemeanor in this state, regardless of the 20163  
jurisdiction in which the act was committed; 20164
- (8) A plea of guilty to, a judicial finding of guilt of, 20165  
or a judicial finding of eligibility for intervention in lieu of 20166  
conviction for, a misdemeanor involving moral turpitude; 20167
- (9) Commission of an act involving moral turpitude that 20168  
constitutes a misdemeanor in this state, regardless of the 20169  
jurisdiction in which the act was committed; 20170
- (10) A record of engaging in incompetent or negligent 20171  
conduct in the practice of dietetics; 20172
- (11) A departure from, or failure to conform to, minimal 20173  
standards of care of similar practitioners under the same or 20174  
similar circumstances, whether or not actual injury to a patient 20175  
is established; 20176
- (12) The obtaining of, or attempting to obtain, money or 20177  
anything of value by fraudulent misrepresentations in the course 20178  
of practice; 20179

- (13) Violation of the conditions of limitation placed by the board on a license or permit; 20180  
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- (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills; 20182  
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- (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 20186  
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- (16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs; 20196  
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- (17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A) (11), (12), or (14) of this section; 20199  
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- (18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 20204  
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- (19) Failure to cooperate in an investigation conducted by 20208

the board under division (B) of section 4759.05 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Representing with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

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

(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

~~(C)~~ (D) When the board refuses to grant or issue a license or permit to an applicant, revokes an individual's license or

permit, refuses to renew an individual's license or permit, or 20239  
refuses to reinstate an individual's license or permit, the 20240  
board may specify that its action is permanent. An individual 20241  
subject to a permanent action taken by the board is forever 20242  
thereafter ineligible to hold a license or permit and the board 20243  
shall not accept an application for reinstatement of the license 20244  
or permit or for issuance of a new license or permit. 20245

~~(D)~~(E) Disciplinary actions taken by the board under 20246  
division (A) of this section shall be taken pursuant to an 20247  
adjudication under Chapter 119. of the Revised Code, except that 20248  
in lieu of an adjudication, the board may enter into a consent 20249  
agreement with an individual to resolve an allegation of a 20250  
violation of this chapter or any rule adopted under it. A 20251  
consent agreement, when ratified by an affirmative vote of not 20252  
fewer than six members of the board, shall constitute the 20253  
findings and order of the board with respect to the matter 20254  
addressed in the agreement. If the board refuses to ratify a 20255  
consent agreement, the admissions and findings contained in the 20256  
consent agreement shall be of no force or effect. 20257

A telephone conference call may be utilized for 20258  
ratification of a consent agreement that revokes or suspends an 20259  
individual's license or permit. The telephone conference call 20260  
shall be considered a special meeting under division (F) of 20261  
section 121.22 of the Revised Code. 20262

~~(E)~~(F) In enforcing division (A) (14) of this section, the 20263  
board, upon a showing of a possible violation, may compel any 20264  
individual authorized to practice by this chapter or who has 20265  
submitted an application pursuant to this chapter to submit to a 20266  
mental examination, physical examination, including an HIV test, 20267  
or both a mental and a physical examination. The expense of the 20268



examination is the responsibility of the individual compelled to 20269  
be examined. Failure to submit to a mental or physical 20270  
examination or consent to an HIV test ordered by the board 20271  
constitutes an admission of the allegations against the 20272  
individual unless the failure is due to circumstances beyond the 20273  
individual's control, and a default and final order may be 20274  
entered without the taking of testimony or presentation of 20275  
evidence. If the board finds an individual unable to practice 20276  
because of the reasons set forth in division (A) (14) of this 20277  
section, the board shall require the individual to submit to 20278  
care, counseling, or treatment by physicians approved or 20279  
designated by the board, as a condition for initial, continued, 20280  
reinstated, or renewed authority to practice. An individual 20281  
affected under this division shall be afforded an opportunity to 20282  
demonstrate to the board the ability to resume practice in 20283  
compliance with acceptable and prevailing standards under the 20284  
provisions of the individual's license or permit. For the 20285  
purpose of division (A) (14) of this section, any individual who 20286  
applies for or receives a license or permit under this chapter 20287  
accepts the privilege of practicing in this state and, by so 20288  
doing, shall be deemed to have given consent to submit to a 20289  
mental or physical examination when directed to do so in writing 20290  
by the board, and to have waived all objections to the 20291  
admissibility of testimony or examination reports that 20292  
constitute a privileged communication. 20293

~~(F)~~ (G) For the purposes of division (A) (18) of this 20294  
section, any individual authorized to practice by this chapter 20295  
accepts the privilege of practicing in this state subject to 20296  
supervision by the board. By filing an application for or 20297  
holding a license or permit under this chapter, an individual 20298  
shall be deemed to have given consent to submit to a mental or 20299

physical examination when ordered to do so by the board in 20300  
writing, and to have waived all objections to the admissibility 20301  
of testimony or examination reports that constitute privileged 20302  
communications. 20303

If it has reason to believe that any individual authorized 20304  
to practice by this chapter or any applicant for a license or 20305  
permit suffers such impairment, the board may compel the 20306  
individual to submit to a mental or physical examination, or 20307  
both. The expense of the examination is the responsibility of 20308  
the individual compelled to be examined. Any mental or physical 20309  
examination required under this division shall be undertaken by 20310  
a treatment provider or physician who is qualified to conduct 20311  
the examination and who is chosen by the board. 20312

Failure to submit to a mental or physical examination 20313  
ordered by the board constitutes an admission of the allegations 20314  
against the individual unless the failure is due to 20315  
circumstances beyond the individual's control, and a default and 20316  
final order may be entered without the taking of testimony or 20317  
presentation of evidence. If the board determines that the 20318  
individual's ability to practice is impaired, the board shall 20319  
suspend the individual's license or permit or deny the 20320  
individual's application and shall require the individual, as a 20321  
condition for an initial, continued, reinstated, or renewed 20322  
license or permit, to submit to treatment. 20323

Before being eligible to apply for reinstatement of a 20324  
license or permit suspended under this division, the impaired 20325  
practitioner shall demonstrate to the board the ability to 20326  
resume practice in compliance with acceptable and prevailing 20327  
standards of care under the provisions of the practitioner's 20328  
license or permit. The demonstration shall include, but shall 20329

not be limited to, the following: 20330

(1) Certification from a treatment provider approved under 20331  
section 4731.25 of the Revised Code that the individual has 20332  
successfully completed any required inpatient treatment; 20333

(2) Evidence of continuing full compliance with an 20334  
aftercare contract or consent agreement; 20335

(3) Two written reports indicating that the individual's 20336  
ability to practice has been assessed and that the individual 20337  
has been found capable of practicing according to acceptable and 20338  
prevailing standards of care. The reports shall be made by 20339  
individuals or providers approved by the board for making the 20340  
assessments and shall describe the basis for their 20341  
determination. 20342

The board may reinstate a license or permit suspended 20343  
under this division after that demonstration and after the 20344  
individual has entered into a written consent agreement. 20345

When the impaired practitioner resumes practice, the board 20346  
shall require continued monitoring of the individual. The 20347  
monitoring shall include, but not be limited to, compliance with 20348  
the written consent agreement entered into before reinstatement 20349  
or with conditions imposed by board order after a hearing, and, 20350  
upon termination of the consent agreement, submission to the 20351  
board for at least two years of annual written progress reports 20352  
made under penalty of perjury stating whether the individual has 20353  
maintained sobriety. 20354

~~(G)~~ (H) If the secretary and supervising member determine 20355  
both of the following, they may recommend that the board suspend 20356  
an individual's license or permit without a prior hearing: 20357

(1) That there is clear and convincing evidence that an 20358

individual has violated division (A) of this section; 20359

(2) That the individual's continued practice presents a 20360  
danger of immediate and serious harm to the public. 20361

Written allegations shall be prepared for consideration by 20362  
the board. The board, upon review of those allegations and by an 20363  
affirmative vote of not fewer than six of its members, excluding 20364  
the secretary and supervising member, may suspend a license or 20365  
permit without a prior hearing. A telephone conference call may 20366  
be utilized for reviewing the allegations and taking the vote on 20367  
the summary suspension. 20368

The board shall issue a written order of suspension by 20369  
certified mail or in person in accordance with section 119.07 of 20370  
the Revised Code. The order shall not be subject to suspension 20371  
by the court during pendency of any appeal filed under section 20372  
119.12 of the Revised Code. If the individual subject to the 20373  
summary suspension requests an adjudicatory hearing by the 20374  
board, the date set for the hearing shall be within fifteen 20375  
days, but not earlier than seven days, after the individual 20376  
requests the hearing, unless otherwise agreed to by both the 20377  
board and the individual. 20378

Any summary suspension imposed under this division shall 20379  
remain in effect, unless reversed on appeal, until a final 20380  
adjudicative order issued by the board pursuant to this section 20381  
and Chapter 119. of the Revised Code becomes effective. The 20382  
board shall issue its final adjudicative order within seventy- 20383  
five days after completion of its hearing. A failure to issue 20384  
the order within seventy-five days shall result in dissolution 20385  
of the summary suspension order but shall not invalidate any 20386  
subsequent, final adjudicative order. 20387

~~(H)~~(I) If the board is required by Chapter 119. of the 20388  
Revised Code to give notice of an opportunity for a hearing and 20389  
if the individual subject to the notice does not timely request 20390  
a hearing in accordance with section 119.07 of the Revised Code, 20391  
the board is not required to hold a hearing, but may adopt, by 20392  
an affirmative vote of not fewer than six of its members, a 20393  
final order that contains the board's findings. In the final 20394  
order, the board may order any of the sanctions identified under 20395  
division (A) of this section. 20396

~~(I)~~(J) For purposes of divisions (A) (5), (7), and (9) of 20397  
this section, the commission of the act may be established by a 20398  
finding by the board, pursuant to an adjudication under Chapter 20399  
119. of the Revised Code, that the individual committed the act. 20400  
The board does not have jurisdiction under those divisions if 20401  
the trial court renders a final judgment in the individual's 20402  
favor and that judgment is based upon an adjudication on the 20403  
merits. The board has jurisdiction under those divisions if the 20404  
trial court issues an order of dismissal upon technical or 20405  
procedural grounds. 20406

~~(J)~~(K) The sealing of conviction records by any court 20407  
shall have no effect upon a prior board order entered under this 20408  
section or upon the board's jurisdiction to take action under 20409  
this section if, based upon a plea of guilty, a judicial finding 20410  
of guilt, or a judicial finding of eligibility for intervention 20411  
in lieu of conviction, the board issued a notice of opportunity 20412  
for a hearing prior to the court's order to seal the records. 20413  
The board shall not be required to seal, destroy, redact, or 20414  
otherwise modify its records to reflect the court's sealing of 20415  
conviction records. 20416

~~(K)~~(L) If the board takes action under division (A) (4), 20417

(6), or (8) of this section, and the judicial finding of guilt, 20418  
guilty plea, or judicial finding of eligibility for intervention 20419  
in lieu of conviction is overturned on appeal, upon exhaustion 20420  
of the criminal appeal, a petition for reconsideration of the 20421  
order may be filed with the board along with appropriate court 20422  
documents. Upon receipt of a petition for reconsideration and 20423  
supporting court documents, the board shall reinstate the 20424  
individual's license or permit. The board may then hold an 20425  
adjudication under Chapter 119. of the Revised Code to determine 20426  
whether the individual committed the act in question. Notice of 20427  
an opportunity for a hearing shall be given in accordance with 20428  
Chapter 119. of the Revised Code. If the board finds, pursuant 20429  
to an adjudication held under this division, that the individual 20430  
committed the act or if no hearing is requested, the board may 20431  
order any of the sanctions identified under division (A) of this 20432  
section. 20433

~~(L)~~(M) The license or permit issued to an individual under 20434  
this chapter and the individual's practice in this state are 20435  
automatically suspended as of the date the individual pleads 20436  
guilty to, is found by a judge or jury to be guilty of, or is 20437  
subject to a judicial finding of eligibility for intervention in 20438  
lieu of conviction in this state or treatment or intervention in 20439  
lieu of conviction in another jurisdiction for any of the 20440  
following criminal offenses in this state or a substantially 20441  
equivalent criminal offense in another jurisdiction: aggravated 20442  
murder, murder, voluntary manslaughter, felonious assault, 20443  
kidnapping, rape, sexual battery, gross sexual imposition, 20444  
aggravated arson, aggravated robbery, or aggravated burglary. 20445  
Continued practice after suspension shall be considered 20446  
practicing without a license or permit. 20447

The board shall notify the individual subject to the 20448

suspension by certified mail or in person in accordance with 20449  
section 119.07 of the Revised Code. If an individual whose 20450  
license or permit is automatically suspended under this division 20451  
fails to make a timely request for an adjudication under Chapter 20452  
119. of the Revised Code, the board shall enter a final order 20453  
permanently revoking the individual's license or permit. 20454

~~(M)~~ (N) Notwithstanding any other provision of the Revised 20455  
Code, all of the following apply: 20456

(1) The surrender of a license or permit issued under this 20457  
chapter shall not be effective unless or until accepted by the 20458  
board. A telephone conference call may be utilized for 20459  
acceptance of the surrender of an individual's license or 20460  
permit. The telephone conference call shall be considered a 20461  
special meeting under division (F) of section 121.22 of the 20462  
Revised Code. Reinstatement of a license or permit surrendered 20463  
to the board requires an affirmative vote of not fewer than six 20464  
members of the board. 20465

(2) An application for a license or permit made under the 20466  
provisions of this chapter may not be withdrawn without approval 20467  
of the board. 20468

(3) Failure by an individual to renew a license or permit 20469  
in accordance with this chapter shall not remove or limit the 20470  
board's jurisdiction to take any disciplinary action under this 20471  
section against the individual. 20472

(4) At the request of the board, a license or permit 20473  
holder shall immediately surrender to the board a license or 20474  
permit that the board has suspended, revoked, or permanently 20475  
revoked. 20476

**Sec. 4760.03.** (A) An individual seeking a license to 20477

practice as an anesthesiologist assistant shall file with the 20478  
state medical board a written application on a form prescribed 20479  
and supplied by the board. The application shall include all of 20480  
the following information: 20481

(1) Evidence satisfactory to the board that the applicant 20482  
is at least twenty-one years of age ~~and of good moral character;~~ 20483

(2) Evidence satisfactory to the board that the applicant 20484  
has successfully completed the training necessary to prepare 20485  
individuals to practice as anesthesiologist assistants, as 20486  
specified in section 4760.031 of the Revised Code; 20487

(3) Evidence satisfactory to the board that the applicant 20488  
holds current certification from the national commission for 20489  
certification of anesthesiologist assistants and that the 20490  
requirements for receiving the certification included passage of 20491  
an examination to determine the individual's competence to 20492  
practice as an anesthesiologist assistant; 20493

(4) Any other information the board considers necessary to 20494  
process the application and evaluate the applicant's 20495  
qualifications. 20496

(B) At the time of making application for a license, the 20497  
applicant shall pay the board a fee of one hundred dollars, no 20498  
part of which shall be returned. 20499

(C) The board shall review all applications received under 20500  
this section. Not later than sixty days after receiving a 20501  
complete application, the board shall determine whether an 20502  
applicant meets the requirements to receive a license. The board 20503  
shall not issue a license to an applicant unless the applicant 20504  
is certified by the national commission for certification of 20505  
anesthesiologist assistants or a successor organization that is 20506



recognized by the board. 20507

**Sec. 4760.032.** In addition to any other eligibility 20508  
requirement set forth in this chapter, each applicant for a 20509  
license to practice as an anesthesiologist assistant shall 20510  
comply with sections 4776.01 to 4776.04 of the Revised Code. ~~The~~ 20511  
~~state medical board shall not grant to an applicant a license to~~ 20512  
~~practice as an anesthesiologist assistant unless the board, in~~ 20513  
~~its discretion, decides that the results of the criminal records~~ 20514  
~~check do not make the applicant ineligible for a license issued~~ 20515  
~~pursuant to section 4760.04 of the Revised Code.~~ 20516

**Sec. 4760.13.** (A) The state medical board, by an 20517  
affirmative vote of not fewer than six members, may revoke or 20518  
may refuse to grant a license to practice as an anesthesiologist 20519  
assistant to a person found by the board to have committed 20520  
fraud, misrepresentation, or deception in applying for or 20521  
securing the license. 20522

(B) The board, by an affirmative vote of not fewer than 20523  
six members, shall, except as provided in division (C) of this 20524  
section, and to the extent permitted by law, limit, revoke, or 20525  
suspend an individual's license to practice as an 20526  
anesthesiologist assistant, refuse to issue a license to an 20527  
applicant, refuse to renew a license, refuse to reinstate a 20528  
license, or reprimand or place on probation the holder of a 20529  
license for any of the following reasons: 20530

(1) Permitting the holder's name or license to be used by 20531  
another person; 20532

(2) Failure to comply with the requirements of this 20533  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 20534  
by the board; 20535

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

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

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

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

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.

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

(9) The obtaining of, or attempting to obtain, money or a

thing of value by fraudulent misrepresentations in the course of practice;	20565 20566
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	20567 20568 20569
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	20570 20571 20572
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	20573 20574 20575 20576
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	20577 20578 20579
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	20580 20581 20582
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	20583 20584 20585
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	20586 20587 20588 20589 20590
(17) Any of the following actions taken by the state agency responsible for regulating the practice of	20591 20592

anesthesiologist assistants in another jurisdiction, for any	20593
reason other than the nonpayment of fees: the limitation,	20594
revocation, or suspension of an individual's license to	20595
practice; acceptance of an individual's license surrender;	20596
denial of a license; refusal to renew or reinstate a license;	20597
imposition of probation; or issuance of an order of censure or	20598
other reprimand;	20599
(18) Violation of the conditions placed by the board on a	20600
license to practice;	20601
(19) Failure to use universal blood and body fluid	20602
precautions established by rules adopted under section 4731.051	20603
of the Revised Code;	20604
(20) Failure to cooperate in an investigation conducted by	20605
the board under section 4760.14 of the Revised Code, including	20606
failure to comply with a subpoena or order issued by the board	20607
or failure to answer truthfully a question presented by the	20608
board at a deposition or in written interrogatories, except that	20609
failure to cooperate with an investigation shall not constitute	20610
grounds for discipline under this section if a court of	20611
competent jurisdiction has issued an order that either quashes a	20612
subpoena or permits the individual to withhold the testimony or	20613
evidence in issue;	20614
(21) Failure to comply with any code of ethics established	20615
by the national commission for the certification of	20616
anesthesiologist assistants;	20617
(22) Failure to notify the state medical board of the	20618
revocation or failure to maintain certification from the	20619
national commission for certification of anesthesiologist	20620
assistants.	20621

(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 20622  
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(D) Disciplinary actions taken by the board under 20627  
divisions (A) and (B) of this section shall be taken pursuant to 20628  
an adjudication under Chapter 119. of the Revised Code, except 20629  
that in lieu of an adjudication, the board may enter into a 20630  
consent agreement with an anesthesiologist assistant or 20631  
applicant to resolve an allegation of a violation of this 20632  
chapter or any rule adopted under it. A consent agreement, when 20633  
ratified by an affirmative vote of not fewer than six members of 20634  
the board, shall constitute the findings and order of the board 20635  
with respect to the matter addressed in the agreement. If the 20636  
board refuses to ratify a consent agreement, the admissions and 20637  
findings contained in the consent agreement shall be of no force 20638  
or effect. 20639

~~(D)~~ (E) For purposes of divisions (B) (11), (14), and (15) 20640  
of this section, the commission of the act may be established by 20641  
a finding by the board, pursuant to an adjudication under 20642  
Chapter 119. of the Revised Code, that the applicant or license 20643  
holder committed the act in question. The board shall have no 20644  
jurisdiction under these divisions in cases where the trial 20645  
court renders a final judgment in the license holder's favor and 20646  
that judgment is based upon an adjudication on the merits. The 20647  
board shall have jurisdiction under these divisions in cases 20648  
where the trial court issues an order of dismissal on technical 20649  
or procedural grounds. 20650

~~(E)~~ (F) The sealing of conviction records by any court 20651

shall have no effect on a prior board order entered under the 20652  
provisions of this section or on the board's jurisdiction to 20653  
take action under the provisions of this section if, based upon 20654  
a plea of guilty, a judicial finding of guilt, or a judicial 20655  
finding of eligibility for intervention in lieu of conviction, 20656  
the board issued a notice of opportunity for a hearing prior to 20657  
the court's order to seal the records. The board shall not be 20658  
required to seal, destroy, redact, or otherwise modify its 20659  
records to reflect the court's sealing of conviction records. 20660

~~(F)~~ (G) For purposes of this division, any individual who 20661  
holds a license to practice issued under this chapter, or 20662  
applies for a license to practice, shall be deemed to have given 20663  
consent to submit to a mental or physical examination when 20664  
directed to do so in writing by the board and to have waived all 20665  
objections to the admissibility of testimony or examination 20666  
reports that constitute a privileged communication. 20667

(1) In enforcing division (B) (5) of this section, the 20668  
board, on a showing of a possible violation, may compel any 20669  
individual who holds a license to practice issued under this 20670  
chapter or who has applied for a license to practice pursuant to 20671  
this chapter to submit to a mental or physical examination, or 20672  
both. A physical examination may include an HIV test. The 20673  
expense of the examination is the responsibility of the 20674  
individual compelled to be examined. Failure to submit to a 20675  
mental or physical examination or consent to an HIV test ordered 20676  
by the board constitutes an admission of the allegations against 20677  
the individual unless the failure is due to circumstances beyond 20678  
the individual's control, and a default and final order may be 20679  
entered without the taking of testimony or presentation of 20680  
evidence. If the board finds an anesthesiologist assistant 20681  
unable to practice because of the reasons set forth in division 20682

(B) (5) of this section, the board shall require the 20683  
anesthesiologist assistant to submit to care, counseling, or 20684  
treatment by physicians approved or designated by the board, as 20685  
a condition for an initial, continued, reinstated, or renewed 20686  
license to practice. An individual affected by this division 20687  
shall be afforded an opportunity to demonstrate to the board the 20688  
ability to resume practicing in compliance with acceptable and 20689  
prevailing standards of care. 20690

(2) For purposes of division (B) (6) of this section, if 20691  
the board has reason to believe that any individual who holds a 20692  
license to practice issued under this chapter or any applicant 20693  
for a license to practice suffers such impairment, the board may 20694  
compel the individual to submit to a mental or physical 20695  
examination, or both. The expense of the examination is the 20696  
responsibility of the individual compelled to be examined. Any 20697  
mental or physical examination required under this division 20698  
shall be undertaken by a treatment provider or physician 20699  
qualified to conduct such examination and chosen by the board. 20700

Failure to submit to a mental or physical examination 20701  
ordered by the board constitutes an admission of the allegations 20702  
against the individual unless the failure is due to 20703  
circumstances beyond the individual's control, and a default and 20704  
final order may be entered without the taking of testimony or 20705  
presentation of evidence. If the board determines that the 20706  
individual's ability to practice is impaired, the board shall 20707  
suspend the individual's license or deny the individual's 20708  
application and shall require the individual, as a condition for 20709  
an initial, continued, reinstated, or renewed license to 20710  
practice, to submit to treatment. 20711

Before being eligible to apply for reinstatement of a 20712

license suspended under this division, the anesthesiologist 20713  
assistant shall demonstrate to the board the ability to resume 20714  
practice in compliance with acceptable and prevailing standards 20715  
of care. The demonstration shall include the following: 20716

(a) Certification from a treatment provider approved under 20717  
section 4731.25 of the Revised Code that the individual has 20718  
successfully completed any required inpatient treatment; 20719

(b) Evidence of continuing full compliance with an 20720  
aftercare contract or consent agreement; 20721

(c) Two written reports indicating that the individual's 20722  
ability to practice has been assessed and that the individual 20723  
has been found capable of practicing according to acceptable and 20724  
prevailing standards of care. The reports shall be made by 20725  
individuals or providers approved by the board for making such 20726  
assessments and shall describe the basis for their 20727  
determination. 20728

The board may reinstate a license suspended under this 20729  
division after such demonstration and after the individual has 20730  
entered into a written consent agreement. 20731

When the impaired anesthesiologist assistant resumes 20732  
practice, the board shall require continued monitoring of the 20733  
anesthesiologist assistant. The monitoring shall include 20734  
monitoring of compliance with the written consent agreement 20735  
entered into before reinstatement or with conditions imposed by 20736  
board order after a hearing, and, on termination of the consent 20737  
agreement, submission to the board for at least two years of 20738  
annual written progress reports made under penalty of 20739  
falsification stating whether the anesthesiologist assistant has 20740  
maintained sobriety. 20741



~~(G)~~ (H) If the secretary and supervising member determine 20742  
that there is clear and convincing evidence that an 20743  
anesthesiologist assistant has violated division (B) of this 20744  
section and that the individual's continued practice presents a 20745  
danger of immediate and serious harm to the public, they may 20746  
recommend that the board suspend the individual's license 20747  
without a prior hearing. Written allegations shall be prepared 20748  
for consideration by the board. 20749

The board, on review of the allegations and by an 20750  
affirmative vote of not fewer than six of its members, excluding 20751  
the secretary and supervising member, may suspend a license 20752  
without a prior hearing. A telephone conference call may be 20753  
utilized for reviewing the allegations and taking the vote on 20754  
the summary suspension. 20755

The board shall issue a written order of suspension by 20756  
certified mail or in person in accordance with section 119.07 of 20757  
the Revised Code. The order shall not be subject to suspension 20758  
by the court during pendency of any appeal filed under section 20759  
119.12 of the Revised Code. If the anesthesiologist assistant 20760  
requests an adjudicatory hearing by the board, the date set for 20761  
the hearing shall be within fifteen days, but not earlier than 20762  
seven days, after the anesthesiologist assistant requests the 20763  
hearing, unless otherwise agreed to by both the board and the 20764  
license holder. 20765

A summary suspension imposed under this division shall 20766  
remain in effect, unless reversed on appeal, until a final 20767  
adjudicative order issued by the board pursuant to this section 20768  
and Chapter 119. of the Revised Code becomes effective. The 20769  
board shall issue its final adjudicative order within sixty days 20770  
after completion of its hearing. Failure to issue the order 20771

within sixty days shall result in dissolution of the summary 20772  
suspension order, but shall not invalidate any subsequent, final 20773  
adjudicative order. 20774

~~(H)~~ (I) If the board takes action under division (B) (11), 20775  
(13), or (14) of this section, and the judicial finding of 20776  
guilt, guilty plea, or judicial finding of eligibility for 20777  
intervention in lieu of conviction is overturned on appeal, on 20778  
exhaustion of the criminal appeal, a petition for 20779  
reconsideration of the order may be filed with the board along 20780  
with appropriate court documents. On receipt of a petition and 20781  
supporting court documents, the board shall reinstate the 20782  
license to practice. The board may then hold an adjudication 20783  
under Chapter 119. of the Revised Code to determine whether the 20784  
individual committed the act in question. Notice of opportunity 20785  
for hearing shall be given in accordance with Chapter 119. of 20786  
the Revised Code. If the board finds, pursuant to an 20787  
adjudication held under this division, that the individual 20788  
committed the act, or if no hearing is requested, it may order 20789  
any of the sanctions specified in division (B) of this section. 20790

~~(I)~~ (J) The license to practice of an anesthesiologist 20791  
assistant and the assistant's practice in this state are 20792  
automatically suspended as of the date the anesthesiologist 20793  
assistant pleads guilty to, is found by a judge or jury to be 20794  
guilty of, or is subject to a judicial finding of eligibility 20795  
for intervention in lieu of conviction in this state or 20796  
treatment of intervention in lieu of conviction in another 20797  
jurisdiction for any of the following criminal offenses in this 20798  
state or a substantially equivalent criminal offense in another 20799  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 20800  
felonious assault, kidnapping, rape, sexual battery, gross 20801  
sexual imposition, aggravated arson, aggravated robbery, or 20802

aggravated burglary. Continued practice after the suspension 20803  
shall be considered practicing without a license. 20804

The board shall notify the individual subject to the 20805  
suspension by certified mail or in person in accordance with 20806  
section 119.07 of the Revised Code. If an individual whose 20807  
license is suspended under this division fails to make a timely 20808  
request for an adjudication under Chapter 119. of the Revised 20809  
Code, the board shall enter a final order permanently revoking 20810  
the individual's license to practice. 20811

~~(J)~~ (K) In any instance in which the board is required by 20812  
Chapter 119. of the Revised Code to give notice of opportunity 20813  
for hearing and the individual subject to the notice does not 20814  
timely request a hearing in accordance with section 119.07 of 20815  
the Revised Code, the board is not required to hold a hearing, 20816  
but may adopt, by an affirmative vote of not fewer than six of 20817  
its members, a final order that contains the board's findings. 20818  
In the final order, the board may order any of the sanctions 20819  
identified under division (A) or (B) of this section. 20820

~~(K)~~ (L) Any action taken by the board under division (B) 20821  
of this section resulting in a suspension shall be accompanied 20822  
by a written statement of the conditions under which the 20823  
anesthesiologist assistant's license may be reinstated. The 20824  
board shall adopt rules in accordance with Chapter 119. of the 20825  
Revised Code governing conditions to be imposed for 20826  
reinstatement. Reinstatement of a license suspended pursuant to 20827  
division (B) of this section requires an affirmative vote of not 20828  
fewer than six members of the board. 20829

~~(L)~~ (M) When the board refuses to grant or issue a license 20830  
to practice as an anesthesiologist assistant to an applicant, 20831  
revokes an individual's license, refuses to renew an 20832

individual's license, or refuses to reinstate an individual's 20833  
license, the board may specify that its action is permanent. An 20834  
individual subject to a permanent action taken by the board is 20835  
forever thereafter ineligible to hold a license to practice as 20836  
an anesthesiologist assistant and the board shall not accept an 20837  
application for reinstatement of the license or for issuance of 20838  
a new license. 20839

~~(M)~~ (N) Notwithstanding any other provision of the Revised 20840  
Code, all of the following apply: 20841

(1) The surrender of a license to practice issued under 20842  
this chapter is not effective unless or until accepted by the 20843  
board. Reinstatement of a license surrendered to the board 20844  
requires an affirmative vote of not fewer than six members of 20845  
the board. 20846

(2) An application made under this chapter for a license 20847  
to practice may not be withdrawn without approval of the board. 20848

(3) Failure by an individual to renew a license to 20849  
practice in accordance with section 4760.06 of the Revised Code 20850  
shall not remove or limit the board's jurisdiction to take 20851  
disciplinary action under this section against the individual. 20852

**Sec. 4761.04.** (A) Except as provided in division (B) of 20853  
this section, no person is eligible for licensure as a 20854  
respiratory care professional unless the person has shown, to 20855  
the satisfaction of the state medical board, all of the 20856  
following: 20857

(1) ~~That the person is of good moral character;~~ 20858

~~(2)~~ That the person has successfully completed the 20859  
requirements of an educational program approved by the board 20860  
that includes instruction in the biological and physical 20861

sciences, pharmacology, respiratory care theory, procedures, and 20862  
clinical practice, and cardiopulmonary rehabilitation 20863  
techniques; 20864

~~(3)~~(2) That the person has passed an examination approved 20865  
under rules adopted by the board that tests the applicant's 20866  
knowledge of the basic and clinical sciences relating to 20867  
respiratory care theory and practice, professional skills and 20868  
judgment in the utilization of respiratory care techniques, and 20869  
such other subjects as the board considers useful in determining 20870  
fitness to practice. 20871

(B) Any person licensed to practice respiratory care by 20872  
the former Ohio respiratory care board before January 21, 2018, 20873  
may continue to practice respiratory care in this state under 20874  
that license if the person continues to meet the requirements to 20875  
renew a license under this chapter and renews the license 20876  
through the state medical board. 20877

The state medical board may take any of the following 20878  
actions, as provided in section 4761.09 of the Revised Code, 20879  
against the holder of a license to practice respiratory care 20880  
issued before January 21, 2018, by the former Ohio respiratory 20881  
care board: 20882

(1) Limit, revoke, or suspend the holder's license; 20883

(2) Refuse to renew or reinstate the holder's license; 20884

(3) Reprimand the holder or place the holder on probation. 20885

**Sec. 4761.05.** (A) The state medical board shall issue a 20886  
license to any applicant who complies with the requirements of 20887  
section 4761.04 of the Revised Code, files the prescribed 20888  
application form, and pays the fee or fees required under 20889  
section 4761.07 of the Revised Code. The license entitles the 20890

holder to practice respiratory care. 20891

(B) (1) The board shall issue a limited permit to any 20892  
applicant who ~~meets the requirements of division (A) (1) of~~ 20893  
~~section 4761.04 of the Revised Code,~~ files an application on a 20894  
form furnished by the board, pays the fee required under section 20895  
4761.07 of the Revised Code, and meets either of the following 20896  
requirements: 20897

(a) Is enrolled in and is in good standing in a 20898  
respiratory care educational program approved by the board that 20899  
meets the requirements of division (A) ~~(2)~~ (1) of section 4761.04 20900  
of the Revised Code leading to a degree or certificate of 20901  
completion or is a graduate of the program; 20902

(b) Is employed as a provider of respiratory care in this 20903  
state and was employed as a provider of respiratory care in this 20904  
state prior to March 14, 1989. 20905

(2) If no grounds apply under section 4761.09 of the 20906  
Revised Code for denying a limited permit to the applicant and 20907  
the applicant meets the requirements of division (B) of this 20908  
section, the board shall issue a limited permit to the 20909  
applicant. 20910

The limited permit authorizes the holder to provide 20911  
respiratory care under the supervision of a respiratory care 20912  
professional. A person issued a limited permit under division 20913  
(B) (1) (a) of this section may practice respiratory care under 20914  
the limited permit for not more than three years after the date 20915  
the limited permit is issued, except that the limited permit 20916  
shall cease to be valid one year following the date of receipt 20917  
of a certificate of completion from a board-approved respiratory 20918  
care education program or immediately if the holder discontinues 20919

participation in the educational program. 20920

The holder shall notify the board as soon as practicable 20921  
when the holder completes a board-approved respiratory care 20922  
education program or discontinues participation in the 20923  
educational program. 20924

This division does not require a student enrolled in an 20925  
educational program leading to a degree or certificate of 20926  
completion in respiratory care approved by the board to obtain a 20927  
limited permit to perform any duties that are part of the 20928  
required course of study. 20929

(3) A person issued a limited permit under division (B) (1) 20930  
(b) of this section may practice under a limited permit for not 20931  
more than three years, except that this restriction does not 20932  
apply to a permit holder who, on March 14, 1989, has been 20933  
employed as a provider of respiratory care for an average of not 20934  
less than twenty-five hours per week for a period of not less 20935  
than five years by a hospital. 20936

(4) During the three-year period in which a person may 20937  
practice under a limited permit, the person shall apply for 20938  
renewal on an annual basis in accordance with section 4761.06 of 20939  
the Revised Code. 20940

(5) The board may revoke a limited permit upon proof 20941  
satisfactory to the board that the permit holder has engaged in 20942  
practice in this state outside the scope of the permit, that the 20943  
holder has engaged in unethical conduct, or that there are 20944  
grounds for action against the holder under section 4761.09 of 20945  
the Revised Code. 20946

(C) The holder of a license or limited permit issued under 20947  
this section shall either provide verification of licensure or 20948

permit status from the board's internet web site on request or 20949  
prominently display a wall certificate in the license holder's 20950  
office or place where the majority of the holder's practice is 20951  
conducted. 20952

**Sec. 4761.051.** (A) As used in this section, "license" and 20953  
"applicant for an initial license" have the same meanings as in 20954  
section 4776.01 of the Revised Code, except that "license" as 20955  
used in both of those terms refers to the types of 20956  
authorizations otherwise issued or conferred under this chapter. 20957

(B) In addition to any other eligibility requirement set 20958  
forth in this chapter, each applicant for an initial license 20959  
shall comply with sections 4776.01 to 4776.04 of the Revised 20960  
Code. The state medical board shall not grant a license to an 20961  
applicant for an initial license unless the applicant complies 20962  
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 20963  
~~board, in its discretion, decides that the results of the~~ 20964  
~~criminal records check do not make the applicant ineligible for~~ 20965  
~~a license issued pursuant to section 4761.05 of the Revised~~ 20966  
Code. 20967

**Sec. 4761.06.** (A) Each license to practice respiratory 20968  
care shall expire on the date that is two years after the date 20969  
of issuance and may be renewed for additional two-year periods. 20970  
Each limited permit to practice respiratory care shall be 20971  
renewed annually. Each person seeking to renew a license or 20972  
limited permit to practice respiratory care shall apply to the 20973  
state medical board in a manner prescribed by the board. 20974  
Licenses and limited permits shall be renewed in accordance with 20975  
the standard renewal procedure of Chapter 4745. of the Revised 20976  
Code. The board shall renew a license if the holder pays the 20977  
license renewal fee prescribed under section 4761.07 of the 20978



Revised Code and certifies that the holder has completed the 20979  
continuing education or reexamination requirements of division 20980  
(B) of this section. 20981

At least one month before a license expires, the board 20982  
shall provide to the license holder a renewal notice. Failure of 20983  
any license holder to receive a notice of renewal from the board 20984  
shall not excuse the holder from the requirements contained in 20985  
this section. Each license holder shall give notice to the board 20986  
of a change in the holder's residence address, business address, 20987  
or electronic mail address not later than thirty days after the 20988  
change occurs. 20989

The board shall renew a limited permit if the holder pays 20990  
the limited permit renewal fee prescribed under section 4761.07 20991  
of the Revised Code and does either of the following: 20992

(1) If the limited permit was issued on the basis of 20993  
division (B) (1) (a) of section 4761.05 of the Revised Code, 20994  
certifies that the holder is enrolled and in good standing in an 20995  
educational program that meets the requirements of division (A) 20996  
~~(2)~~ (1) of section 4761.04 of the Revised Code or has graduated 20997  
from such a program; 20998

(2) If the limited permit was issued on the basis of 20999  
division (B) (1) (b) of section 4761.05 of the Revised Code, 21000  
certifies that the applicant is employed as a provider of 21001  
respiratory care under the supervision of a respiratory care 21002  
professional. 21003

(B) On or before the annual renewal date, the holder of a 21004  
limited permit issued under division (B) (1) (b) of section 21005  
4761.05 of the Revised Code shall certify to the board that the 21006  
holder has satisfactorily completed the number of hours of 21007

continuing education required by the board, which shall not be 21008  
less than three nor more than ten hours of continuing education 21009  
acceptable to the board. 21010

On or before the date a license expires, a license holder 21011  
shall certify to the board that the license holder has 21012  
satisfactorily completed the number of hours of continuing 21013  
education required by the board, which shall be not less than 21014  
six nor more than twenty hours of continuing education 21015  
acceptable to the board, or has passed a reexamination in 21016  
accordance with the board's renewal requirements. 21017

(C) (1) A license to practice respiratory care that is not 21018  
renewed on or before its expiration date is automatically 21019  
suspended on its expiration date. Continued practice after 21020  
suspension shall be considered as practicing in violation of 21021  
section 4761.10 of the Revised Code. 21022

(2) If a license has been suspended pursuant to division 21023  
(C) (1) of this section for two years or less, it may be 21024  
reinstated. The board shall reinstate the license upon the 21025  
applicant's submission of a complete renewal application and 21026  
payment of a reinstatement fee of one hundred dollars. 21027

If a license has been suspended pursuant to division (C) 21028  
(1) of this section for more than two years, it may be restored. 21029  
Subject to section 4761.061 of the Revised Code, the board may 21030  
restore the license upon an applicant's submission of a complete 21031  
restoration application and a restoration fee of one hundred 21032  
twenty-five dollars and compliance with sections 4776.01 to 21033  
4776.04 of the Revised Code. The board shall not restore a 21034  
license unless the board, in its discretion, decides that the 21035  
results of the criminal records check do not make the applicant 21036  
ineligible for a license issued pursuant to division (A) of this 21037

section. 21038

(D) (1) The board may require a random sample of limited 21039  
permit holders to submit materials documenting that the holder 21040  
has completed the number of hours of continuing education as 21041  
described in division (B) of this section. 21042

(2) The board may require a random sample of license 21043  
holders to submit materials documenting that the holder has 21044  
completed the number of hours of continuing education as 21045  
described in division (B) of this section or has passed a 21046  
reexamination. 21047

(3) Division (D) (1) or (2) of this section does not limit 21048  
the board's authority to conduct investigations pursuant to 21049  
section 4731.22 of the Revised Code. 21050

(E) (1) If, through a random sample conducted under 21051  
division (D) of this section or any other means, the board finds 21052  
that an individual who certified passing the reexamination or 21053  
completion of the number of hours and type of continuing 21054  
education required to renew, reinstate, or restore a limited 21055  
permit or license did not pass the reexamination or complete the 21056  
requisite continuing education, the board may do either of the 21057  
following: 21058

(a) Take disciplinary action against the individual under 21059  
section 4761.09 of the Revised Code, impose a civil penalty, or 21060  
both; 21061

(b) Permit the individual to agree in writing to pass the 21062  
reexamination or complete the continuing education and pay a 21063  
civil penalty. 21064

(2) The board's finding in any disciplinary action taken 21065  
under division (E) (1) (a) of this section shall be made pursuant 21066

to an adjudication under Chapter 119. of the Revised Code and by 21067  
an affirmative vote of not fewer than six of its members. 21068

(3) A civil penalty imposed under division (E) (1) (a) of 21069  
this section or paid under division (E) (1) (b) of this section 21070  
shall be in an amount specified by the board of not more than 21071  
five thousand dollars. The board shall deposit civil penalties 21072  
in accordance with section 4731.24 of the Revised Code. 21073

**Sec. 4761.07.** (A) The state medical board shall charge any 21074  
license applicant or holder who is to take an examination 21075  
required under division (A) ~~(3)~~(2) of section 4761.04 or a 21076  
reexamination required under division (B) of section 4761.06 of 21077  
the Revised Code for license renewal or under section 4761.09 of 21078  
the Revised Code for license reinstatement, a nonrefundable 21079  
examination fee, not to exceed the amount necessary to cover the 21080  
expense of administering the examination. The license applicant 21081  
or holder shall pay the fee at the time of application for 21082  
licensure or renewal. 21083

(B) The board shall establish the following additional 21084  
nonrefundable fees and penalty: 21085

(1) An initial license fee of seventy-five dollars; 21086

(2) A biennial license renewal fee of seventy-five 21087  
dollars; 21088

(3) A limited permit fee of twenty dollars; 21089

(4) A limited permit renewal fee of ten dollars; 21090

(5) A duplicate license or limited permit fee of thirty- 21091  
five dollars; 21092

(6) In the case of a person holding a license issued under 21093  
this chapter, a license verification fee of fifty dollars. 21094

(C) Notwithstanding division (B) (4) of this section, after 21095  
the third renewal of a limited permit that meets the exception 21096  
in division (B) (3) of section 4761.05 of the Revised Code, the 21097  
limited permit renewal fee shall be thirty-five dollars. 21098

(D) All fees received by the board shall be deposited into 21099  
the state treasury to the credit of the state medical board 21100  
operating fund pursuant to section 4731.24 of the Revised Code. 21101

**Sec. 4761.09.** (A) The state medical board, by an 21102  
affirmative vote of not fewer than six members, shall, except as 21103  
provided in division (B) of this section, and to the extent 21104  
permitted by law, limit, revoke, or suspend an individual's 21105  
license or limited permit, refuse to issue a license or limited 21106  
permit to an individual, refuse to renew a license or limited 21107  
permit, refuse to reinstate a license or limited permit, or 21108  
reprimand or place on probation the holder of a license or 21109  
limited permit for one or more of the following reasons: 21110

(1) A plea of guilty to, a judicial finding of guilt of, 21111  
or a judicial finding of eligibility for intervention in lieu of 21112  
conviction for, a felony; 21113

(2) Commission of an act that constitutes a felony in this 21114  
state, regardless of the jurisdiction in which the act was 21115  
committed; 21116

(3) A plea of guilty to, a judicial finding of guilt of, 21117  
or a judicial finding of eligibility for intervention in lieu of 21118  
conviction for, a misdemeanor committed in the course of 21119  
practice; 21120

(4) Commission of an act in the course of practice that 21121  
constitutes a misdemeanor in this state, regardless of the 21122  
jurisdiction in which the act was committed; 21123

(5) A plea of guilty to, a judicial finding of guilt of, 21124  
or a judicial finding of eligibility for intervention in lieu of 21125  
conviction for, a misdemeanor involving moral turpitude; 21126

(6) Commission of an act involving moral turpitude that 21127  
constitutes a misdemeanor in this state, regardless of the 21128  
jurisdiction in which the act was committed; 21129

(7) Except when civil penalties are imposed under section 21130  
4761.091 of the Revised Code, violating or attempting to 21131  
violate, directly or indirectly, or assisting in or abetting the 21132  
violation of, or conspiring to violate, any provision of this 21133  
chapter or the rules adopted by the board; 21134

(8) Making a false, fraudulent, deceptive, or misleading 21135  
statement in the solicitation of or advertising for patients; in 21136  
relation to the practice of respiratory care; or in securing or 21137  
attempting to secure any license or permit issued by the board 21138  
under this chapter. 21139

As used in division (A) (8) of this section, "false, 21140  
fraudulent, deceptive, or misleading statement" means a 21141  
statement that includes a misrepresentation of fact, is likely 21142  
to mislead or deceive because of a failure to disclose material 21143  
facts, is intended or is likely to create false or unjustified 21144  
expectations of favorable results, or includes representations 21145  
or implications that in reasonable probability will cause an 21146  
ordinarily prudent person to misunderstand or be deceived. 21147

(9) Committing fraud during the administration of the 21148  
examination for a license to practice or committing fraud, 21149  
misrepresentation, or deception in applying for, renewing, or 21150  
securing any license or permit issued by the board; 21151

(10) A departure from, or failure to conform to, minimal 21152

standards of care of similar practitioners under the same or	21153
similar circumstances, whether or not actual injury to a patient	21154
is established;	21155
(11) Violating the standards of ethical conduct adopted by	21156
the board, in the practice of respiratory care;	21157
(12) The obtaining of, or attempting to obtain, money or	21158
anything of value by fraudulent misrepresentations in the course	21159
of practice;	21160
(13) Violation of the conditions of limitation placed by	21161
the board upon a license or permit;	21162
(14) Inability to practice according to acceptable and	21163
prevailing standards of care by reason of mental illness or	21164
physical illness, including physical deterioration that	21165
adversely affects cognitive, motor, or perceptive skills;	21166
(15) Any of the following actions taken by an agency	21167
responsible for authorizing, certifying, or regulating an	21168
individual to practice a health care occupation or provide	21169
health care services in this state or another jurisdiction, for	21170
any reason other than the nonpayment of fees: the limitation,	21171
revocation, or suspension of an individual's license; acceptance	21172
of an individual's license surrender; denial of a license;	21173
refusal to renew or reinstate a license; imposition of	21174
probation; or issuance of an order of censure or other	21175
reprimand;	21176
(16) The revocation, suspension, restriction, reduction,	21177
or termination of practice privileges by the United States	21178
department of defense or department of veterans affairs;	21179
(17) Termination or suspension from participation in the	21180
medicare or medicaid programs by the department of health and	21181

human services or other responsible agency for any act or acts 21182  
that also would constitute a violation of division (A) (10), 21183  
(12), or (14) of this section; 21184

(18) Impairment of ability to practice according to 21185  
acceptable and prevailing standards of care because of habitual 21186  
or excessive use or abuse of drugs, alcohol, or other substances 21187  
that impair ability to practice; 21188

(19) Failure to cooperate in an investigation conducted by 21189  
the board under division (E) of section 4761.03 of the Revised 21190  
Code, including failure to comply with a subpoena or order 21191  
issued by the board or failure to answer truthfully a question 21192  
presented by the board in an investigative interview, an 21193  
investigative office conference, at a deposition, or in written 21194  
interrogatories, except that failure to cooperate with an 21195  
investigation shall not constitute grounds for discipline under 21196  
this section if a court of competent jurisdiction has issued an 21197  
order that either quashes a subpoena or permits the individual 21198  
to withhold the testimony or evidence in issue; 21199

(20) Practicing in an area of respiratory care for which 21200  
the person is clearly untrained or incompetent or practicing in 21201  
a manner that conflicts with section 4761.17 of the Revised 21202  
Code; 21203

(21) Employing, directing, or supervising a person who is 21204  
not authorized to practice respiratory care under this chapter 21205  
in the performance of respiratory care procedures; 21206

(22) Misrepresenting educational attainments or authorized 21207  
functions for the purpose of obtaining some benefit related to 21208  
the practice of respiratory care; 21209

(23) Assisting suicide as defined in section 3795.01 of 21210



the Revised Code; 21211

(24) Representing, with the purpose of obtaining 21212  
compensation or other advantage as personal gain or for any 21213  
other person, that an incurable disease or injury, or other 21214  
incurable condition, can be permanently cured. 21215

Disciplinary actions taken by the board under division (A) 21216  
of this section shall be taken pursuant to an adjudication under 21217  
Chapter 119. of the Revised Code, except that in lieu of an 21218  
adjudication, the board may enter into a consent agreement with 21219  
an individual to resolve an allegation of a violation of this 21220  
chapter or any rule adopted under it. A consent agreement, when 21221  
ratified by an affirmative vote of not fewer than six members of 21222  
the board, shall constitute the findings and order of the board 21223  
with respect to the matter addressed in the agreement. If the 21224  
board refuses to ratify a consent agreement, the admissions and 21225  
findings contained in the consent agreement shall be of no 21226  
effect. 21227

A telephone conference call may be utilized for 21228  
ratification of a consent agreement that revokes or suspends an 21229  
individual's license or permit. The telephone conference call 21230  
shall be considered a special meeting under division (F) of 21231  
section 121.22 of the Revised Code. 21232

(B) The board shall not refuse to issue a license or 21233  
limited permit to an applicant because of a plea of guilty to, a 21234  
judicial finding of guilt of, or a judicial finding of 21235  
eligibility for intervention in lieu of conviction for an 21236  
offense unless the refusal is in accordance with section 9.79 of 21237  
the Revised Code. 21238

(C) Any action taken by the board under division (A) of 21239

this section resulting in a suspension from practice shall be 21240  
accompanied by a written statement of the conditions under which 21241  
the individual's license or permit may be reinstated. The board 21242  
shall adopt rules governing conditions to be imposed for 21243  
reinstatement. Reinstatement of a license or permit suspended 21244  
pursuant to division (A) of this section requires an affirmative 21245  
vote of not fewer than six members of the board. 21246

~~(C)~~(D) When the board refuses to grant or issue a license 21247  
or permit to an applicant, revokes an individual's license or 21248  
permit, refuses to renew an individual's license or permit, or 21249  
refuses to reinstate an individual's license or permit, the 21250  
board may specify that its action is permanent. An individual 21251  
subject to a permanent action taken by the board is forever 21252  
thereafter ineligible to hold a license or permit and the board 21253  
shall not accept an application for reinstatement of the license 21254  
or permit or for issuance of a new license or permit. 21255

~~(D)~~(E) If the board is required by Chapter 119. of the 21256  
Revised Code to give notice of an opportunity for a hearing and 21257  
if the individual subject to the notice does not timely request 21258  
a hearing in accordance with section 119.07 of the Revised Code, 21259  
the board is not required to hold a hearing, but may adopt, by 21260  
an affirmative vote of not fewer than six of its members, a 21261  
final order that contains the board's findings. In the final 21262  
order, the board may order any of the sanctions identified under 21263  
division (A) of this section. 21264

~~(E)~~(F) In enforcing division (A) (14) of this section, the 21265  
board, upon a showing of a possible violation, may compel any 21266  
individual authorized to practice by this chapter or who has 21267  
submitted an application pursuant to this chapter to submit to a 21268  
mental examination, physical examination, including an HIV test, 21269

or both a mental and a physical examination. The expense of the 21270  
examination is the responsibility of the individual compelled to 21271  
be examined. Failure to submit to a mental or physical 21272  
examination or consent to an HIV test ordered by the board 21273  
constitutes an admission of the allegations against the 21274  
individual unless the failure is due to circumstances beyond the 21275  
individual's control, and a default and final order may be 21276  
entered without the taking of testimony or presentation of 21277  
evidence. If the board finds an individual unable to practice 21278  
because of the reasons set forth in division (A) (14) of this 21279  
section, the board shall require the individual to submit to 21280  
care, counseling, or treatment by physicians approved or 21281  
designated by the board, as a condition for initial, continued, 21282  
reinstated, or renewed authority to practice. An individual 21283  
affected under this division shall be afforded an opportunity to 21284  
demonstrate to the board the ability to resume practice in 21285  
compliance with acceptable and prevailing standards under the 21286  
provisions of the individual's license or permit. For the 21287  
purpose of division (A) (14) of this section, any individual who 21288  
applies for or receives a license or permit to practice under 21289  
this chapter accepts the privilege of practicing in this state 21290  
and, by so doing, shall be deemed to have given consent to 21291  
submit to a mental or physical examination when directed to do 21292  
so in writing by the board, and to have waived all objections to 21293  
the admissibility of testimony or examination reports that 21294  
constitute a privileged communication. 21295

~~(F)~~ (G) For the purposes of division (A) (18) of this 21296  
section, any individual authorized to practice by this chapter 21297  
accepts the privilege of practicing in this state subject to 21298  
supervision by the board. By filing an application for or 21299  
holding a license or permit under this chapter, an individual 21300

shall be deemed to have given consent to submit to a mental or 21301  
physical examination when ordered to do so by the board in 21302  
writing, and to have waived all objections to the admissibility 21303  
of testimony or examination reports that constitute privileged 21304  
communications. 21305

If it has reason to believe that any individual authorized 21306  
to practice by this chapter or any applicant for a license or 21307  
permit suffers such impairment, the board may compel the 21308  
individual to submit to a mental or physical examination, or 21309  
both. The expense of the examination is the responsibility of 21310  
the individual compelled to be examined. Any mental or physical 21311  
examination required under this division shall be undertaken by 21312  
a treatment provider or physician who is qualified to conduct 21313  
the examination and who is chosen by the board. 21314

Failure to submit to a mental or physical examination 21315  
ordered by the board constitutes an admission of the allegations 21316  
against the individual unless the failure is due to 21317  
circumstances beyond the individual's control, and a default and 21318  
final order may be entered without the taking of testimony or 21319  
presentation of evidence. If the board determines that the 21320  
individual's ability to practice is impaired, the board shall 21321  
suspend the individual's license or permit or deny the 21322  
individual's application and shall require the individual, as a 21323  
condition for an initial, continued, reinstated, or renewed 21324  
license or permit, to submit to treatment. 21325

Before being eligible to apply for reinstatement of a 21326  
license or permit suspended under this division, the impaired 21327  
practitioner shall demonstrate to the board the ability to 21328  
resume practice in compliance with acceptable and prevailing 21329  
standards of care under the provisions of the practitioner's 21330

license or permit. The demonstration shall include, but shall  
not be limited to, the following:

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

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

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

The board may reinstate a license or permit suspended  
under this division after that demonstration and after the  
individual has entered into a written consent agreement.

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

~~(G)~~ (H) If the secretary and supervising member determine  
both of the following, they may recommend that the board suspend  
an individual's license or permit without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (A) of this section; 21360  
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 21362  
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Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 21364  
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual. 21371  
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Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order. 21381  
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~~(H)~~(I) For purposes of divisions (A) (2), (4), and (6) of 21390  
this section, the commission of the act may be established by a 21391  
finding by the board, pursuant to an adjudication under Chapter 21392  
119. of the Revised Code, that the individual committed the act. 21393  
The board does not have jurisdiction under those divisions if 21394  
the trial court renders a final judgment in the individual's 21395  
favor and that judgment is based upon an adjudication on the 21396  
merits. The board has jurisdiction under those divisions if the 21397  
trial court issues an order of dismissal upon technical or 21398  
procedural grounds. 21399

~~(I)~~(J) The sealing of conviction records by any court 21400  
shall have no effect upon a prior board order entered under this 21401  
section or upon the board's jurisdiction to take action under 21402  
this section if, based upon a plea of guilty, a judicial finding 21403  
of guilt, or a judicial finding of eligibility for intervention 21404  
in lieu of conviction, the board issued a notice of opportunity 21405  
for a hearing prior to the court's order to seal the records. 21406  
The board shall not be required to seal, destroy, redact, or 21407  
otherwise modify its records to reflect the court's sealing of 21408  
conviction records. 21409

~~(J)~~(K) If the board takes action under division (A) (1), 21410  
(3), or (5) of this section, and the judicial finding of guilt, 21411  
guilty plea, or judicial finding of eligibility for intervention 21412  
in lieu of conviction is overturned on appeal, upon exhaustion 21413  
of the criminal appeal, a petition for reconsideration of the 21414  
order may be filed with the board along with appropriate court 21415  
documents. Upon receipt of a petition for reconsideration and 21416  
supporting court documents, the board shall reinstate the 21417  
individual's license or permit. The board may then hold an 21418  
adjudication under Chapter 119. of the Revised Code to determine 21419  
whether the individual committed the act in question. Notice of 21420

an opportunity for a hearing shall be given in accordance with 21421  
Chapter 119. of the Revised Code. If the board finds, pursuant 21422  
to an adjudication held under this division, that the individual 21423  
committed the act or if no hearing is requested, the board may 21424  
order any of the sanctions identified under division (A) of this 21425  
section. 21426

~~(K)~~ (L) The license or permit issued to an individual under 21427  
this chapter and the individual's practice in this state are 21428  
automatically suspended as of the date the individual pleads 21429  
guilty to, is found by a judge or jury to be guilty of, or is 21430  
subject to a judicial finding of eligibility for intervention in 21431  
lieu of conviction in this state or treatment or intervention in 21432  
lieu of conviction in another jurisdiction for any of the 21433  
following criminal offenses in this state or a substantially 21434  
equivalent criminal offense in another jurisdiction: aggravated 21435  
murder, murder, voluntary manslaughter, felonious assault, 21436  
kidnapping, rape, sexual battery, gross sexual imposition, 21437  
aggravated arson, aggravated robbery, or aggravated burglary. 21438  
Continued practice after suspension shall be considered 21439  
practicing without a license or permit. 21440

The board shall notify the individual subject to the 21441  
suspension by certified mail or in person in accordance with 21442  
section 119.07 of the Revised Code. If an individual whose 21443  
license or permit is automatically suspended under this division 21444  
fails to make a timely request for an adjudication under Chapter 21445  
119. of the Revised Code, the board shall enter a final order 21446  
permanently revoking the individual's license or permit. 21447

~~(I)~~ (M) Notwithstanding any other provision of the Revised 21448  
Code, all of the following apply: 21449

(1) The surrender of a license or permit issued under this 21450



chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

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

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

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

**Sec. 4762.03.** (A) An individual seeking a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist shall file with the state medical board a written application on a form prescribed and supplied by the board.

(B) To be eligible for the license, an applicant shall meet all of the following conditions, as applicable:

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age ~~and of good moral character.~~

(2) In the case of an applicant seeking a license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed, in the two-year period immediately preceding application for the license to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental

medicine as a diplomate in oriental medicine, diplomate of 21509  
acupuncture and Chinese herbology, or diplomate in acupuncture; 21510

(c) Submitting evidence satisfactory to the board that the 21511  
applicant, in seeking a designation from the national 21512  
certification commission for acupuncture and oriental medicine 21513  
as a diplomate of oriental medicine, diplomate of acupuncture 21514  
and Chinese herbology, or diplomate of acupuncture, has 21515  
successfully completed in English the examination required for 21516  
such a designation by the national certification commission for 21517  
acupuncture and oriental medicine; 21518

(d) In the case of an applicant seeking a license to 21519  
practice as an oriental medicine practitioner, submitting 21520  
evidence satisfactory to the board that the applicant has 21521  
previously held a license to practice as an acupuncturist issued 21522  
under section 4762.04 of the Revised Code. 21523

(5) The applicant shall submit to the board any other 21524  
information the board requires. 21525

(6) The applicant shall pay to the board a fee of one 21526  
hundred dollars, no part of which may be returned to the 21527  
applicant. 21528

(C) The board shall review all applications received under 21529  
this section. The board shall determine whether an applicant 21530  
meets the requirements to receive a license not later than sixty 21531  
days after receiving a complete application. 21532

**Sec. 4762.031.** In addition to any other eligibility 21533  
requirement set forth in this chapter, each applicant for a 21534  
license to practice as an oriental medicine practitioner or 21535  
license to practice as an acupuncturist shall comply with 21536  
sections 4776.01 to 4776.04 of the Revised Code. ~~The state~~ 21537

~~medical board shall not grant to an applicant a license to~~ 21538  
~~practice unless the board, in its discretion, decides that the~~ 21539  
~~results of the criminal records check do not make the applicant~~ 21540  
~~ineligible for a license issued pursuant to section 4762.04 of~~ 21541  
~~the Revised Code.~~ 21542

**Sec. 4762.13.** (A) The state medical board, by an 21543  
affirmative vote of not fewer than six members, may revoke or 21544  
may refuse to grant a license to practice as an oriental 21545  
medicine practitioner or license to practice as an acupuncturist 21546  
to a person found by the board to have committed fraud, 21547  
misrepresentation, or deception in applying for or securing the 21548  
license. 21549

(B) The board, by an affirmative vote of not fewer than 21550  
six members, shall, except as provided in division (C) of this 21551  
section, and to the extent permitted by law, limit, revoke, or 21552  
suspend an individual's license to practice, refuse to issue a 21553  
license to an applicant, refuse to renew a license, refuse to 21554  
reinstate a license, or reprimand or place on probation the 21555  
holder of a license for any of the following reasons: 21556

(1) Permitting the holder's name or license to be used by 21557  
another person; 21558

(2) Failure to comply with the requirements of this 21559  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 21560  
by the board; 21561

(3) Violating or attempting to violate, directly or 21562  
indirectly, or assisting in or abetting the violation of, or 21563  
conspiring to violate, any provision of this chapter, Chapter 21564  
4731. of the Revised Code, or the rules adopted by the board; 21565

(4) A departure from, or failure to conform to, minimal 21566

standards of care of similar practitioners under the same or 21567  
similar circumstances whether or not actual injury to the 21568  
patient is established; 21569

(5) Inability to practice according to acceptable and 21570  
prevailing standards of care by reason of mental illness or 21571  
physical illness, including physical deterioration that 21572  
adversely affects cognitive, motor, or perceptive skills; 21573

(6) Impairment of ability to practice according to 21574  
acceptable and prevailing standards of care because of habitual 21575  
or excessive use or abuse of drugs, alcohol, or other substances 21576  
that impair ability to practice; 21577

(7) Willfully betraying a professional confidence; 21578

(8) Making a false, fraudulent, deceptive, or misleading 21579  
statement in soliciting or advertising for patients or in 21580  
securing or attempting to secure a license to practice as an 21581  
oriental medicine practitioner or license to practice as an 21582  
acupuncturist. 21583

As used in this division, "false, fraudulent, deceptive, 21584  
or misleading statement" means a statement that includes a 21585  
misrepresentation of fact, is likely to mislead or deceive 21586  
because of a failure to disclose material facts, is intended or 21587  
is likely to create false or unjustified expectations of 21588  
favorable results, or includes representations or implications 21589  
that in reasonable probability will cause an ordinarily prudent 21590  
person to misunderstand or be deceived. 21591

(9) Representing, with the purpose of obtaining 21592  
compensation or other advantage personally or for any other 21593  
person, that an incurable disease or injury, or other incurable 21594  
condition, can be permanently cured; 21595

- (10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 21596  
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 21599  
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- (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 21602  
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 21605  
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- (14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 21609  
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- (15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 21612  
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- (16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 21615  
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- (17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 21618  
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- (18) Any of the following actions taken by the state 21623

agency responsible for regulating the practice of oriental 21624  
medicine or acupuncture in another jurisdiction, for any reason 21625  
other than the nonpayment of fees: the limitation, revocation, 21626  
or suspension of an individual's license to practice; acceptance 21627  
of an individual's license surrender; denial of a license; 21628  
refusal to renew or reinstate a license; imposition of 21629  
probation; or issuance of an order of censure or other 21630  
reprimand; 21631

(19) Violation of the conditions placed by the board on a 21632  
license to practice as an oriental medicine practitioner or 21633  
license to practice as an acupuncturist; 21634

(20) Failure to use universal blood and body fluid 21635  
precautions established by rules adopted under section 4731.051 21636  
of the Revised Code; 21637

(21) Failure to cooperate in an investigation conducted by 21638  
the board under section 4762.14 of the Revised Code, including 21639  
failure to comply with a subpoena or order issued by the board 21640  
or failure to answer truthfully a question presented by the 21641  
board at a deposition or in written interrogatories, except that 21642  
failure to cooperate with an investigation shall not constitute 21643  
grounds for discipline under this section if a court of 21644  
competent jurisdiction has issued an order that either quashes a 21645  
subpoena or permits the individual to withhold the testimony or 21646  
evidence in issue; 21647

(22) Failure to comply with the standards of the national 21648  
certification commission for acupuncture and oriental medicine 21649  
regarding professional ethics, commitment to patients, 21650  
commitment to the profession, and commitment to the public; 21651

(23) Failure to have adequate professional liability 21652

insurance coverage in accordance with section 4762.22 of the Revised Code; 21653  
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(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the commission of the individual's designation, failure by the individual to meet the commission's requirements for redesignation, or failure to notify the board that the appropriate designation has not been maintained. 21655  
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(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 21664  
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(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an oriental medicine practitioner or acupuncturist or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 21669  
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~~(D)~~ (E) For purposes of divisions (B) (12), (15), and (16) 21682



of this section, the commission of the act may be established by 21683  
a finding by the board, pursuant to an adjudication under 21684  
Chapter 119. of the Revised Code, that the applicant or license 21685  
holder committed the act in question. The board shall have no 21686  
jurisdiction under these divisions in cases where the trial 21687  
court renders a final judgment in the license holder's favor and 21688  
that judgment is based upon an adjudication on the merits. The 21689  
board shall have jurisdiction under these divisions in cases 21690  
where the trial court issues an order of dismissal upon 21691  
technical or procedural grounds. 21692

~~(E)~~ (F) The sealing of conviction records by any court 21693  
shall have no effect upon a prior board order entered under the 21694  
provisions of this section or upon the board's jurisdiction to 21695  
take action under the provisions of this section if, based upon 21696  
a plea of guilty, a judicial finding of guilt, or a judicial 21697  
finding of eligibility for intervention in lieu of conviction, 21698  
the board issued a notice of opportunity for a hearing or 21699  
entered into a consent agreement prior to the court's order to 21700  
seal the records. The board shall not be required to seal, 21701  
destroy, redact, or otherwise modify its records to reflect the 21702  
court's sealing of conviction records. 21703

~~(F)~~ (G) For purposes of this division, any individual who 21704  
holds a license to practice issued under this chapter, or 21705  
applies for a license to practice, shall be deemed to have given 21706  
consent to submit to a mental or physical examination when 21707  
directed to do so in writing by the board and to have waived all 21708  
objections to the admissibility of testimony or examination 21709  
reports that constitute a privileged communication. 21710

(1) In enforcing division (B)(5) of this section, the 21711  
board, upon a showing of a possible violation, may compel any 21712

individual who holds a license to practice issued under this 21713  
chapter or who has applied for a license pursuant to this 21714  
chapter to submit to a mental examination, physical examination, 21715  
including an HIV test, or both a mental and physical 21716  
examination. The expense of the examination is the 21717  
responsibility of the individual compelled to be examined. 21718  
Failure to submit to a mental or physical examination or consent 21719  
to an HIV test ordered by the board constitutes an admission of 21720  
the allegations against the individual unless the failure is due 21721  
to circumstances beyond the individual's control, and a default 21722  
and final order may be entered without the taking of testimony 21723  
or presentation of evidence. If the board finds an oriental 21724  
medicine practitioner or acupuncturist unable to practice 21725  
because of the reasons set forth in division (B)(5) of this 21726  
section, the board shall require the individual to submit to 21727  
care, counseling, or treatment by physicians approved or 21728  
designated by the board, as a condition for an initial, 21729  
continued, reinstated, or renewed license to practice. An 21730  
individual affected by this division shall be afforded an 21731  
opportunity to demonstrate to the board the ability to resume 21732  
practicing in compliance with acceptable and prevailing 21733  
standards of care. 21734

(2) For purposes of division (B)(6) of this section, if 21735  
the board has reason to believe that any individual who holds a 21736  
license to practice issued under this chapter or any applicant 21737  
for a license suffers such impairment, the board may compel the 21738  
individual to submit to a mental or physical examination, or 21739  
both. The expense of the examination is the responsibility of 21740  
the individual compelled to be examined. Any mental or physical 21741  
examination required under this division shall be undertaken by 21742  
a treatment provider or physician qualified to conduct such 21743

examination and chosen by the board. 21744

Failure to submit to a mental or physical examination 21745  
ordered by the board constitutes an admission of the allegations 21746  
against the individual unless the failure is due to 21747  
circumstances beyond the individual's control, and a default and 21748  
final order may be entered without the taking of testimony or 21749  
presentation of evidence. If the board determines that the 21750  
individual's ability to practice is impaired, the board shall 21751  
suspend the individual's license or deny the individual's 21752  
application and shall require the individual, as a condition for 21753  
an initial, continued, reinstated, or renewed license, to submit 21754  
to treatment. 21755

Before being eligible to apply for reinstatement of a 21756  
license suspended under this division, the oriental medicine 21757  
practitioner or acupuncturist shall demonstrate to the board the 21758  
ability to resume practice in compliance with acceptable and 21759  
prevailing standards of care. The demonstration shall include 21760  
the following: 21761

(a) Certification from a treatment provider approved under 21762  
section 4731.25 of the Revised Code that the individual has 21763  
successfully completed any required inpatient treatment; 21764

(b) Evidence of continuing full compliance with an 21765  
aftercare contract or consent agreement; 21766

(c) Two written reports indicating that the individual's 21767  
ability to practice has been assessed and that the individual 21768  
has been found capable of practicing according to acceptable and 21769  
prevailing standards of care. The reports shall be made by 21770  
individuals or providers approved by the board for making such 21771  
assessments and shall describe the basis for their 21772

determination. 21773

The board may reinstate a license suspended under this 21774  
division after such demonstration and after the individual has 21775  
entered into a written consent agreement. 21776

When the impaired individual resumes practice, the board 21777  
shall require continued monitoring of the individual. The 21778  
monitoring shall include monitoring of compliance with the 21779  
written consent agreement entered into before reinstatement or 21780  
with conditions imposed by board order after a hearing, and, 21781  
upon termination of the consent agreement, submission to the 21782  
board for at least two years of annual written progress reports 21783  
made under penalty of falsification stating whether the 21784  
individual has maintained sobriety. 21785

~~(G)~~ (H) If the secretary and supervising member determine 21786  
both of the following, they may recommend that the board suspend 21787  
an individual's license to practice without a prior hearing: 21788

(1) That there is clear and convincing evidence that an 21789  
oriental medicine practitioner or acupuncturist has violated 21790  
division (B) of this section; 21791

(2) That the individual's continued practice presents a 21792  
danger of immediate and serious harm to the public. 21793

Written allegations shall be prepared for consideration by 21794  
the board. The board, upon review of the allegations and by an 21795  
affirmative vote of not fewer than six of its members, excluding 21796  
the secretary and supervising member, may suspend a license 21797  
without a prior hearing. A telephone conference call may be 21798  
utilized for reviewing the allegations and taking the vote on 21799  
the summary suspension. 21800

The board shall issue a written order of suspension by 21801

certified mail or in person in accordance with section 119.07 of 21802  
the Revised Code. The order shall not be subject to suspension 21803  
by the court during pendency of any appeal filed under section 21804  
119.12 of the Revised Code. If the oriental medicine 21805  
practitioner or acupuncturist requests an adjudicatory hearing 21806  
by the board, the date set for the hearing shall be within 21807  
fifteen days, but not earlier than seven days, after the hearing 21808  
is requested, unless otherwise agreed to by both the board and 21809  
the license holder. 21810

A summary suspension imposed under this division shall 21811  
remain in effect, unless reversed on appeal, until a final 21812  
adjudicative order issued by the board pursuant to this section 21813  
and Chapter 119. of the Revised Code becomes effective. The 21814  
board shall issue its final adjudicative order within sixty days 21815  
after completion of its hearing. Failure to issue the order 21816  
within sixty days shall result in dissolution of the summary 21817  
suspension order, but shall not invalidate any subsequent, final 21818  
adjudicative order. 21819

~~(H)~~(I) If the board takes action under division (B) (11), 21820  
(13), or (14) of this section, and the judicial finding of 21821  
guilt, guilty plea, or judicial finding of eligibility for 21822  
intervention in lieu of conviction is overturned on appeal, upon 21823  
exhaustion of the criminal appeal, a petition for 21824  
reconsideration of the order may be filed with the board along 21825  
with appropriate court documents. Upon receipt of a petition and 21826  
supporting court documents, the board shall reinstate the 21827  
license. The board may then hold an adjudication under Chapter 21828  
119. of the Revised Code to determine whether the individual 21829  
committed the act in question. Notice of opportunity for hearing 21830  
shall be given in accordance with Chapter 119. of the Revised 21831  
Code. If the board finds, pursuant to an adjudication held under 21832

this division, that the individual committed the act, or if no 21833  
hearing is requested, it may order any of the sanctions 21834  
specified in division (B) of this section. 21835

~~(I)~~ (J) The license to practice of an oriental medicine 21836  
practitioner or acupuncturist and the practitioner's or 21837  
acupuncturist's practice in this state are automatically 21838  
suspended as of the date the practitioner or acupuncturist 21839  
pleads guilty to, is found by a judge or jury to be guilty of, 21840  
or is subject to a judicial finding of eligibility for 21841  
intervention in lieu of conviction in this state or treatment or 21842  
intervention in lieu of conviction in another jurisdiction for 21843  
any of the following criminal offenses in this state or a 21844  
substantially equivalent criminal offense in another 21845  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 21846  
felonious assault, kidnapping, rape, sexual battery, gross 21847  
sexual imposition, aggravated arson, aggravated robbery, or 21848  
aggravated burglary. Continued practice after the suspension 21849  
shall be considered practicing without a license. 21850

The board shall notify the individual subject to the 21851  
suspension by certified mail or in person in accordance with 21852  
section 119.07 of the Revised Code. If an individual whose 21853  
license is suspended under this division fails to make a timely 21854  
request for an adjudication under Chapter 119. of the Revised 21855  
Code, the board shall enter a final order permanently revoking 21856  
the individual's license. 21857

~~(J)~~ (K) In any instance in which the board is required by 21858  
Chapter 119. of the Revised Code to give notice of opportunity 21859  
for hearing and the individual subject to the notice does not 21860  
timely request a hearing in accordance with section 119.07 of 21861  
the Revised Code, the board is not required to hold a hearing, 21862

but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

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

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

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

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

(2) An application made under this chapter for a license 21893  
may not be withdrawn without approval of the board. 21894

(3) Failure by an individual to renew a license in 21895  
accordance with section 4762.06 of the Revised Code shall not 21896  
remove or limit the board's jurisdiction to take disciplinary 21897  
action under this section against the individual. 21898

**Sec. 4763.05.** (A) (1) (a) A person shall make application 21899  
for an initial state-certified general real estate appraiser 21900  
certificate, an initial state-certified residential real estate 21901  
appraiser certificate, an initial state-licensed residential 21902  
real estate appraiser license, or an initial state-registered 21903  
real estate appraiser assistant registration in writing to the 21904  
superintendent of real estate on a form the superintendent 21905  
prescribes. The application shall include the address of the 21906  
applicant's principal place of business and all other addresses 21907  
at which the applicant currently engages in the business of 21908  
performing real estate appraisals and the address of the 21909  
applicant's current residence. The superintendent shall retain 21910  
the applicant's current residence address in a separate record 21911  
which does not constitute a public record for purposes of 21912  
section 149.43 of the Revised Code. The application shall 21913  
indicate whether the applicant seeks certification as a general 21914  
real estate appraiser or as a residential real estate appraiser, 21915  
licensure as a residential real estate appraiser, or 21916  
registration as a real estate appraiser assistant and be 21917  
accompanied by the prescribed examination and certification, 21918  
registration, or licensure fees set forth in section 4763.09 of 21919  
the Revised Code. The application also shall include a pledge, 21920  
signed by the applicant, that the applicant will comply with the 21921  
standards set forth in this chapter; and a statement that the 21922  
applicant understands the types of misconduct for which 21923



disciplinary proceedings may be initiated against the applicant 21924  
pursuant to this chapter. 21925

(b) Upon the filing of an application and payment of any 21926  
examination and certification, registration, or licensure fees, 21927  
the superintendent of real estate shall request the 21928  
superintendent of the bureau of criminal identification and 21929  
investigation, or a vendor approved by the bureau, to conduct a 21930  
criminal records check based on the applicant's fingerprints in 21931  
accordance with section 109.572 of the Revised Code. 21932  
Notwithstanding division (K) of section 121.08 of the Revised 21933  
Code, the superintendent of real estate shall request that 21934  
criminal record information from the federal bureau of 21935  
investigation be obtained as part of the criminal records check. 21936  
Any fee required under division (C)(3) of section 109.572 of the 21937  
Revised Code shall be paid by the applicant. 21938

(2) For purposes of providing funding for the real estate 21939  
appraiser recovery fund established by section 4763.16 of the 21940  
Revised Code, the real estate appraiser board shall levy an 21941  
assessment against each person issued an initial certificate, 21942  
registration, or license and against current licensees, 21943  
registrants, and certificate holders, as required by board rule. 21944  
The assessment is in addition to the application and examination 21945  
fees for initial applicants required by division (A)(1) of this 21946  
section and the renewal fees required for current certificate 21947  
holders, registrants, and licensees. The superintendent of real 21948  
estate shall deposit the assessment into the state treasury to 21949  
the credit of the real estate appraiser recovery fund. The 21950  
assessment for initial certificate holders, registrants, and 21951  
licensees shall be paid prior to the issuance of a certificate, 21952  
registration, or license, and for current certificate holders, 21953  
registrants, and licensees, at the time of renewal. 21954

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, and truthful, ~~and of good reputation~~ and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E) (1) A person who has obtained a residential real estate appraiser license, a residential real estate appraiser certificate, or a general real estate appraiser certificate from another state may apply to obtain a license or certificate issued under this chapter provided the state that issued the license or certificate has requirements that meet or exceed the

requirements found in this chapter. The board shall adopt rules 21985  
relating to this division. The application for obtaining a 21986  
license or certificate under this division may include any of 21987  
the following: 21988

(a) A pledge, signed by the applicant, that the applicant 21989  
will comply with the standards set forth in this chapter; 21990

(b) A statement that the applicant understands the types 21991  
of misconduct for which disciplinary proceedings may be 21992  
initiated against the applicant pursuant to this chapter; 21993

(c) A consent to service of process. 21994

(2) (a) The board shall recognize on a temporary basis a 21995  
certification or license issued in another state and shall 21996  
register on a temporary basis an appraiser who is certified or 21997  
licensed in another state if all of the following apply: 21998

(i) The temporary registration is to perform an appraisal 21999  
assignment that is part of a federally related transaction. 22000

(ii) The appraiser's business in this state is of a 22001  
temporary nature. 22002

(iii) The appraiser registers with the board pursuant to 22003  
this division. 22004

(b) An appraiser who is certified or licensed in another 22005  
state shall register with the board for temporary practice 22006  
before performing an appraisal assignment in this state in 22007  
connection with a federally related transaction. 22008

(c) The board shall adopt rules relating to registration 22009  
for the temporary recognition of certification and licensure of 22010  
appraisers from another state. The registration for temporary 22011  
recognition of certified or licensed appraisers from another 22012

state shall not authorize completion of more than one appraisal 22013  
assignment in this state. The board shall not issue more than 22014  
two registrations for temporary practice to any one applicant in 22015  
any calendar year. The application for obtaining a registration 22016  
under this division may include any of the following: 22017

(i) A pledge, signed by the applicant, that the applicant 22018  
will comply with the standards set forth in this chapter; 22019

(ii) A statement that the applicant understands the types 22020  
of misconduct for which disciplinary proceedings may be 22021  
initiated against the applicant pursuant to this chapter; 22022

(iii) A consent to service of process. 22023

(3) The board may enter into reciprocal agreements with 22024  
other states. The board shall prescribe reciprocal agreement 22025  
requirements by rule. 22026

(F) The superintendent shall not issue a certificate, 22027  
registration, or license to, or recognize on a temporary basis 22028  
an appraiser from another state that is a corporation, 22029  
partnership, or association. This prohibition shall not be 22030  
construed to prevent a certificate holder or licensee from 22031  
signing an appraisal report on behalf of a corporation, 22032  
partnership, or association. 22033

(G) Every person licensed, registered, or certified under 22034  
this chapter shall notify the superintendent, on a form provided 22035  
by the superintendent, of a change in the address of the 22036  
licensee's, registrant's, or certificate holder's principal 22037  
place of business or residence within thirty days of the change. 22038  
If a licensee's, registrant's, or certificate holder's license, 22039  
registration, or certificate is revoked or not renewed, the 22040  
licensee, registrant, or certificate holder immediately shall 22041

return the annual and any renewal certificate, registration, or 22042  
license to the superintendent. 22043

(H) (1) The superintendent shall not issue a certificate, 22044  
registration, or license to any person, or recognize on a 22045  
temporary basis an appraiser from another state, who does not 22046  
meet applicable minimum criteria for state certification, 22047  
registration, or licensure prescribed by federal law or rule. 22048

(2) The superintendent shall not refuse to issue a general 22049  
real estate appraiser certificate, residential real estate 22050  
appraiser certificate, residential real estate appraiser 22051  
license, or real estate appraiser assistant registration to any 22052  
person ~~who has been convicted because of a conviction of or~~ 22053  
~~pleaded plea of guilty to any criminal offense involving theft,~~ 22054  
~~receiving stolen property, embezzlement, forgery, fraud, passing~~ 22055  
~~bad checks, money laundering, or drug trafficking, or any~~ 22056  
~~criminal offense involving money or securities, including a~~ 22057  
~~violation of an existing or former law of this state, any other~~ 22058  
~~state, or the United States that substantially is equivalent to~~ 22059  
~~such an offense. However, if the applicant has pleaded guilty to~~ 22060  
~~or been convicted of such an offense, the superintendent shall~~ 22061  
~~not consider the offense if the applicant has proven to the~~ 22062  
~~superintendent, by a preponderance of the evidence, that the~~ 22063  
~~applicant's activities and employment record since the~~ 22064  
~~conviction show that the applicant is honest, truthful, and of~~ 22065  
~~good reputation, and there is no basis in fact for believing~~ 22066  
~~that the applicant will commit such an offense again~~ unless the 22067  
refusal is in accordance with section 9.79 of the Revised Code. 22068

**Sec. 4764.05.** (A) The Ohio home inspector board shall 22069  
adopt rules in accordance with Chapter 119. of the Revised Code 22070  
to do all of the following: 22071

(1) Establish standards to govern the issuance, renewal,	22072
suspension, and revocation of licenses, other sanctions that may	22073
be imposed for violations of this chapter, the conduct of	22074
hearings related to these actions, and the process of	22075
reactivating a license;	22076
(2) Establish the amount of the following fees:	22077
(a) Establish the following fees in an amount that is	22078
sufficient to defray necessary expenses incurred in the	22079
administration of this chapter:	22080
(i) The fee for applying for and receiving a license	22081
issued under section 4764.07 of the Revised Code and the special	22082
assessment for the home inspection recovery fund created in	22083
section 4764.21 of the Revised Code, which together shall not	22084
exceed two hundred fifty dollars;	22085
(ii) The fee for renewal of a license under section	22086
4764.09 of the Revised Code and the special assessment for the	22087
home inspection recovery fund created in section 4764.21 of the	22088
Revised Code, which together shall not exceed two hundred fifty	22089
dollars.	22090
(b) The renewal late fee described in division (B) (2) of	22091
section 4764.09 of the Revised Code;	22092
(c) The fee an institution or organization described in	22093
division (A) (7) of this section shall pay to receive approval to	22094
offer continuing education courses and programs;	22095
(d) The fee an institution or organization that is	22096
approved to offer continuing education courses and programs	22097
shall pay for each course or program that the institution or	22098
organization wishes to have the superintendent approve pursuant	22099
to the rules adopted by the board under division (A) (8) of this	22100

section;	22101
(e) Any other fees as required by this chapter.	22102
(3) In accordance with division (C) of this section,	22103
specify methods and procedures the board shall use to approve a	22104
curriculum of education a person must successfully complete to	22105
obtain a license under this chapter;	22106
(4) In accordance with division (D) of this section,	22107
specify methods and procedures the board shall use to approve a	22108
curriculum of experience that a person may elect to complete the	22109
proof of experience requirement specified in division (D)(6) of	22110
section 4764.07 of the Revised Code;	22111
(5) Establish the administrative reporting and review	22112
requirements for parallel inspections or equivalency for field	22113
experience to assure that an applicant for a license satisfies	22114
the requirements of division (D)(6) of section 4764.07 of the	22115
Revised Code, as applicable;	22116
(6) Establish a curriculum for continuing education that a	22117
licensed home inspector shall complete to satisfy the	22118
requirements for continuing education specified in section	22119
4764.08 of the Revised Code and procedures to assure continuing	22120
education requirements are updated periodically to make those	22121
requirements consistent with home inspection industry practices;	22122
(7) Establish requirements an institution or organization	22123
shall satisfy to obtain approval to provide courses or programs	22124
that enable a licensed home inspector to satisfy the	22125
requirements for continuing education specified in section	22126
4764.08 of the Revised Code and establish procedures that the	22127
superintendent of real estate and professional licensing shall	22128
use to approve an institution or organization that satisfies the	22129

requirements the board establishes;	22130
(8) Establish procedures and standards that the	22131
superintendent shall use to approve courses and programs,	22132
including online courses and programs, offered by an institution	22133
or organization that is approved by the superintendent to offer	22134
continuing education courses or programs pursuant to the rules	22135
adopted by the board under division (A) (7) of this section;	22136
(9) Establish reporting requirements for a licensed home	22137
inspector to follow to demonstrate that the licensed home	22138
inspector successfully completed the continuing education	22139
requirements specified in section 4764.08 of the Revised Code;	22140
(10) Establish requirements for conducting home	22141
inspections, standards of practice for home inspectors, and	22142
conflict of interest prohibitions to the extent that those	22143
provisions do not conflict with divisions <del>(B)</del> <u>(A) (2)</u> to <del>(E)</del> <u>(5)</u> of	22144
section 4764.14 of the Revised Code;	22145
(11) Specify requirements for settlement agreements	22146
entered into between the superintendent and a licensed home	22147
inspector under division (C) of section 4764.13 of the Revised	22148
Code;	22149
(12) Establish procedures for providing licensees with	22150
notice and applications for renewal under section 4764.09 of the	22151
Revised Code;	22152
(13) Establish a set of standards of practice and canons	22153
of ethics for the home inspection industry;	22154
(14) Establish directions for the superintendent of real	22155
estate and professional licensing to follow regarding the	22156
scheduling, instruction, and offerings of home inspection	22157
courses a person must successfully complete to obtain a license	22158



issued under this chapter;	22159
(15) Establish requirements a licensed home inspector	22160
shall satisfy to obtain approval to prepare and conduct peer	22161
review sessions.	22162
(B) The board shall do all of the following:	22163
(1) On appeal by any party affected, or on its own motion,	22164
review any order of or application determination made by the	22165
superintendent, and as the board determines necessary, reverse,	22166
vacate, modify, or sustain such an order or determination;	22167
(2) Hear appeals from orders of the superintendent	22168
regarding claims against the home inspection recovery fund	22169
created under section 4764.21 of <del>this section</del> <u>the Revised Code</u> ;	22170
(3) Disseminate to licensees and the public information	22171
relative to board activities and decisions;	22172
(4) Notify licensees of changes in state and federal laws	22173
pertaining to home inspections and relevant case law and inform	22174
licensees that they are subject to disciplinary action if they	22175
do not comply with the changes.	22176
(C) The board shall approve a curriculum of education a	22177
person must successfully complete to obtain a license issued	22178
under this chapter. The board shall approve a curriculum of	22179
education that satisfies all of the following requirements:	22180
(1) The curriculum is offered by an accredited public or	22181
private institution of higher education or a professional	22182
organization that has been approved by the board to offer a	22183
curriculum.	22184
(2) The curriculum includes a requirement that a person,	22185
to successfully complete the curriculum, complete at least	22186

eighty hours of classroom or online prelicensing instruction, 22187  
including instruction about compliance with the requirements 22188  
specified in this chapter, inspection safety, report writing, 22189  
and any other administrative matters required by the board. 22190

(3) The curriculum satisfies any other requirements the 22191  
board established in rules it adopts. 22192

(D) The board shall determine the equivalency of field 22193  
experience that a person may elect to complete to satisfy the 22194  
proof of experience requirement specified in division (D)(6) of 22195  
section 4764.07 of the Revised Code. The board shall approve 22196  
only a curriculum of experience that includes a requirement that 22197  
a person, to successfully complete the curriculum, must perform 22198  
at least forty hours of work in the home inspection field that 22199  
allows the person to obtain practical experience or training 22200  
regarding home inspections. The board shall approve only a 22201  
curriculum of experience that includes a requirement that a 22202  
person, to successfully complete the curriculum, must complete a 22203  
peer review session with a licensed home inspector approved by 22204  
the board before applying for a license. The peer review session 22205  
may be used as part of the required eighty hours of prelicensing 22206  
education. 22207

**Sec. 4764.06.** (A) The superintendent of real estate and 22208  
professional licensing shall do all of the following: 22209

(1) Administer this chapter; 22210

(2) Provide the Ohio home inspector board with meeting 22211  
space, staff services, and other technical assistance required 22212  
by the board to carry out the duties of the board under this 22213  
chapter; 22214

(3) Provide each applicant for a home inspector license 22215

with a copy of the requirements for home inspections specified 22216  
in rules adopted by the board pursuant to division (A) (10) of 22217  
section 4764.05 of the Revised Code, and make those requirements 22218  
available to the public by posting them on the web site 22219  
maintained by the department of commerce; 22220

(4) In accordance with division (B) of this section, issue 22221  
a home inspector license to, or renew a home inspector license 22222  
for, any person who satisfies the requirements specified in this 22223  
chapter for such licensure or renewal, and make a list of those 22224  
licensed home inspectors available to the public by posting the 22225  
list on the web site maintained by the department of commerce; 22226

(5) Administer the home inspector recovery fund created 22227  
under section 4764.21 of the Revised Code; 22228

(6) Establish procedures, in accordance with division (K) 22229  
of section 121.08 of the Revised Code, to have fingerprint-based 22230  
criminal records checks conducted by the bureau of criminal 22231  
identification and investigation for all applicants for 22232  
licensure; 22233

(7) In accordance with the procedures specified in rules 22234  
adopted by the board in accordance with division (A) (7) of 22235  
section 4764.05 of the Revised Code, approve an institution or 22236  
organization wishing to provide continuing education courses or 22237  
programs if that institution or organization satisfies the 22238  
requirements specified in rules adopted by the board in 22239  
accordance with that division and pays the fee established in 22240  
rules adopted by the board pursuant to division (A) (2) (c) of 22241  
that section; 22242

(8) In accordance with the procedures specified in rules 22243  
adopted by the board in accordance with division (A) (8) of 22244

section 4764.05 of the Revised Code, approve a course or program 22245  
that a licensed home inspector may complete to satisfy the 22246  
continuing education requirements specified in section 4764.08 22247  
of the Revised Code if all of the following are satisfied: 22248

(a) The course or program is offered by an institution or 22249  
organization approved by the superintendent pursuant to division 22250  
(A) (7) of this section. 22251

(b) The course or program satisfies the standards 22252  
established in rules adopted by the board pursuant to division 22253  
(A) (8) of section 4764.05 of the Revised Code. 22254

(c) The institution or organization pays the fee 22255  
established in rules adopted by the board pursuant to division 22256  
(A) (2) (d) of section 4764.05 of the Revised Code. 22257

(9) Issue all orders necessary to implement this chapter; 22258

(10) In accordance with section 4764.12 of the Revised 22259  
Code, investigate complaints concerning an alleged violation of 22260  
this chapter or the conduct of any licensee and subpoena 22261  
witnesses in connection with those investigations, as provided 22262  
in that section. The subpoena may contain a direction that the 22263  
witness produce and bring any documents, work files, inspection 22264  
reports, records, or papers mentioned in the subpoena. 22265

(11) Establish and maintain an investigation and audit 22266  
section to investigate complaints and conduct inspections, 22267  
audits, and other inquiries as in the judgment of the 22268  
superintendent are appropriate to enforce this chapter. The 22269  
superintendent shall utilize the investigators and auditors 22270  
employed pursuant to division (B) (4) of section 4735.05 of the 22271  
Revised Code to assist in performing the duties specified in 22272  
division (A) (10) of this section. 22273

(12) Specify the information that must be provided on an application for licensure under this chapter;	22274 22275
(13) Establish procedures for processing, approving, and denying applications for licensure under this chapter;	22276 22277
(14) Specify the format and content of all affidavits and other documents required for the administration of this chapter;	22278 22279
(15) Appoint a hearing officer for any proceeding involving a determination under section 3123.47 of the Revised Code, disciplinary action arising under section 4764.02 or division <del>(F)</del> <u>(A) (6)</u> of section 4764.14 of the Revised Code, or a proceeding under section 4764.16 of the Revised Code.	22280 22281 22282 22283 22284
(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.	22285 22286 22287 22288 22289
<b>Sec. 4764.13.</b> (A) If, upon examining the results of an investigation, the superintendent of real estate and professional licensing determines that reasonable evidence exists that a licensed home inspector has violated this chapter or engaged in an activity described in divisions (A) <u>(1)</u> to <del>(G)</del> <u>(7)</u> of section 4764.14 of the Revised Code, the superintendent shall proceed in accordance with the notice and hearing requirements prescribed in Chapter 119. of the Revised Code. After a hearing officer conducts a hearing and issues a report pursuant to division (D) of this section, the Ohio home inspector board shall review the report and shall order the disciplinary action the board considers appropriate, which may include any one or more of the following:	22290 22291 22292 22293 22294 22295 22296 22297 22298 22299 22300 22301 22302

(1) A reprimand;	22303
(2) A fine not exceeding one thousand dollars per violation;	22304 22305
(3) Completion of hours of education in subjects related to the underlying cause of the violation in an amount determined by the board;	22306 22307 22308
(4) Suspension of the license until the licensed home inspector complies with conditions the board establishes;	22309 22310
(5) Suspension of the license for a specific period of time;	22311 22312
(6) Revocation of the license;	22313
(7) Surrender of the license in lieu of discipline.	22314
(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.	22315 22316 22317 22318 22319
(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	22320 22321 22322 22323 22324 22325 22326 22327 22328 22329 22330

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

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

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

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

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

**Sec. 4764.14.** (A) The superintendent of real estate and professional licensing may, except as provided in division (B) of this section, refuse to issue or renew a license if the applicant for the license or renewal has done any of the following:

~~(A)~~ (1) Failed to establish to the satisfaction of the 22360  
superintendent that the applicant is honest, and truthful, ~~and~~ 22361  
~~of good reputation;~~ 22362

~~(B)~~ (2) Accepted compensation or other valuable 22363  
consideration from more than one interested party for the same 22364  
service without the written consent of all interested parties; 22365

~~(C)~~ (3) Accepted commissions, allowances, or other valuable 22366  
consideration, directly or indirectly, from other parties who 22367  
deal with a client in connection with the home inspection for 22368  
which the home inspector is responsible, or from other parties 22369  
who are involved in any part of the real estate transaction 22370  
involving a residential building for which that home inspector 22371  
conducted a home inspection; 22372

~~(D)~~ (4) Repaired, replaced, or upgraded, or solicited to 22373  
repair, replace, or upgrade, for compensation or other valuable 22374  
consideration, systems or components in a residential building 22375  
after completing a home inspection of that residential building, 22376  
but prior to the close of the real estate transaction associated 22377  
with that home inspection and the resolution of all contingent 22378  
issues involving that building and transaction; 22379

~~(E)~~ (5) Failed to disclose to a client in writing and 22380  
before entering into a written contract with the client 22381  
information about any business interest of the home inspector 22382  
that may affect the client in connection with the home 22383  
inspection; 22384

~~(F)~~ (6) Pleaded guilty to or been convicted of any crime of 22385  
moral turpitude, a felony, or an equivalent offense under the 22386  
laws of any other state or the United States, or was required to 22387  
register under Chapter 2950. of the Revised Code; 22388



~~(G)~~(7) Failed to maintain or provide copies of records to 22389  
the superintendent as required by section 4764.11 of the Revised 22390  
Code or failed to cooperate with an investigation conducted by 22391  
the superintendent under section 4764.12 of the Revised Code. 22392  
Failure of a licensee to comply with a subpoena issued under 22393  
division (D) of section 4764.12 of the Revised Code is prima 22394  
facie evidence of a violation of division (B) of section 4764.11 22395  
of the Revised Code. 22396

~~(H)~~(8) Failed to maintain, be covered by, or submit proof 22397  
of a comprehensive general liability insurance policy or a 22398  
commercial general liability insurance policy as required under 22399  
division (A) of section 4764.11 of the Revised Code at any point 22400  
during the term of a prior license; 22401

~~(I)~~(9) Violated rules adopted under section 4764.05 of the 22402  
Revised Code or is otherwise not in compliance with this 22403  
chapter; 22404

~~(J)~~(10) Failed to submit proof of satisfying the 22405  
continuing education requirements specified in section 4764.08 22406  
of the Revised Code. 22407

(B) The superintendent shall not refuse to issue a license 22408  
to an applicant because of a conviction of or plea of guilty to 22409  
an offense unless the refusal is in accordance with section 9.79 22410  
of the Revised Code. 22411

**Sec. 4765.11.** (A) The state board of emergency medical, 22412  
fire, and transportation services shall adopt, and may amend and 22413  
rescind, rules in accordance with Chapter 119. of the Revised 22414  
Code and division (C) of this section that establish all of the 22415  
following: 22416

(1) Procedures for its governance and the control of its 22417

actions and business affairs;	22418
(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;	22419 22420 22421 22422
(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;	22423 22424 22425 22426 22427
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	22428 22429 22430
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including <u>any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;</u>	22431 22432 22433 22434 22435 22436 22437
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	22438 22439 22440
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	22441 22442 22443 22444
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	22445 22446

(9) Standards for certificates of accreditation and	22447
certificates of approval;	22448
(10) Qualifications for certificates to teach;	22449
(11) Requirements for a certificate to practice;	22450
(12) The curricula, number of hours of instruction and	22451
training, and instructional materials to be used in adult and	22452
pediatric emergency medical services training programs and adult	22453
and pediatric emergency medical services continuing education	22454
programs;	22455
(13) Procedures for conducting courses in recognizing	22456
symptoms of life-threatening allergic reactions and in	22457
calculating proper dosage levels and administering injections of	22458
epinephrine to adult and pediatric patients who suffer life-	22459
threatening allergic reactions;	22460
(14) Examinations for certificates to practice;	22461
(15) Procedures for administering examinations for	22462
certificates to practice;	22463
(16) Procedures for approving examinations that	22464
demonstrate competence to have a certificate to practice renewed	22465
without completing an emergency medical services continuing	22466
education program;	22467
(17) Procedures for granting extensions and exemptions of	22468
emergency medical services continuing education requirements;	22469
(18) Procedures for approving the additional emergency	22470
medical services first responders are authorized by division (C)	22471
of section 4765.35 of the Revised Code to perform, EMTs-basic	22472
are authorized by division (C) of section 4765.37 of the Revised	22473
Code to perform, EMTs-I are authorized by division (B) (5) of	22474

section 4765.38 of the Revised Code to perform, and paramedics 22475  
are authorized by division (B) (6) of section 4765.39 of the 22476  
Revised Code to perform; 22477

(19) Standards and procedures for implementing the 22478  
requirements of section 4765.06 of the Revised Code, including 22479  
designations of the persons who are required to report 22480  
information to the board and the types of information to be 22481  
reported; 22482

(20) Procedures for administering the emergency medical 22483  
services grant program established under section 4765.07 of the 22484  
Revised Code; 22485

(21) Procedures consistent with Chapter 119. of the 22486  
Revised Code for appealing decisions of the board; 22487

(22) Minimum qualifications and peer review and quality 22488  
improvement requirements for persons who provide medical 22489  
direction to emergency medical service personnel; 22490

(23) The manner in which a patient, or a patient's parent, 22491  
guardian, or custodian may consent to the board releasing 22492  
identifying information about the patient under division (D) of 22493  
section 4765.102 of the Revised Code; 22494

(24) Circumstances under which a training program or 22495  
continuing education program, or portion of either type of 22496  
program, may be taught by a person who does not hold a 22497  
certificate to teach issued under section 4765.23 of the Revised 22498  
Code; 22499

(25) Certification cycles for certificates issued under 22500  
sections 4765.23 and 4765.30 of the Revised Code and 22501  
certificates issued by the executive director of the state board 22502  
of emergency medical, fire, and transportation services under 22503

section 4765.55 of the Revised Code that establish a common 22504  
expiration date for all certificates. 22505

(B) The board may adopt, and may amend and rescind, rules 22506  
in accordance with Chapter 119. of the Revised Code and division 22507  
(C) of this section that establish the following: 22508

(1) Specifications of information that may be collected 22509  
under the trauma system registry and incidence reporting system 22510  
created under section 4765.06 of the Revised Code; 22511

(2) Standards and procedures for implementing any of the 22512  
recommendations made by any committees of the board or under 22513  
section 4765.04 of the Revised Code; 22514

(3) Requirements that a person must meet to receive a 22515  
certificate to practice as a first responder pursuant to 22516  
division (A)(2) of section 4765.30 of the Revised Code; 22517

(4) Any other rules necessary to implement this chapter. 22518

(C) In developing and administering rules adopted under 22519  
this chapter, the state board of emergency medical, fire, and 22520  
transportation services shall consult with regional directors 22521  
and regional physician advisory boards created by section 22522  
4765.05 of the Revised Code and emphasize the special needs of 22523  
pediatric and geriatric patients. 22524

(D) Except as otherwise provided in this division, before 22525  
adopting, amending, or rescinding any rule under this chapter, 22526  
the board shall submit the proposed rule to the director of 22527  
public safety for review. The director may review the proposed 22528  
rule for not more than sixty days after the date it is 22529  
submitted. If, within this sixty-day period, the director 22530  
approves the proposed rule or does not notify the board that the 22531  
rule is disapproved, the board may adopt, amend, or rescind the 22532

rule as proposed. If, within this sixty-day period, the director 22533  
notifies the board that the proposed rule is disapproved, the 22534  
board shall not adopt, amend, or rescind the rule as proposed 22535  
unless at least twelve members of the board vote to adopt, 22536  
amend, or rescind it. 22537

This division does not apply to an emergency rule adopted 22538  
in accordance with section 119.03 of the Revised Code. 22539

**Sec. 4765.17.** (A) The state board of emergency medical, 22540  
fire, and transportation services shall issue the appropriate 22541  
certificate of accreditation or certificate of approval to an 22542  
applicant who ~~is of good reputation and~~ meets the requirements 22543  
of section 4765.16 of the Revised Code. The board shall grant or 22544  
deny a certificate of accreditation or certificate of approval 22545  
within one hundred twenty days of receipt of the application. 22546  
The board may issue ~~or renew~~ a certificate of accreditation or 22547  
certificate of approval on a provisional basis to an applicant 22548  
who ~~is of good reputation and is~~ in substantial compliance with 22549  
the requirements of section 4765.16 of the Revised Code or renew 22550  
a certificate of accreditation or certificate of approval on a 22551  
provisional basis to an applicant who is of good reputation and 22552  
is in substantial compliance with the requirements of section 22553  
4765.16 of the Revised Code. The board shall inform an applicant 22554  
receiving such a certificate of the conditions that must be met 22555  
to complete compliance with section 4765.16 of the Revised Code. 22556

(B) Except as provided in division (C) of this section, a 22557  
certificate of accreditation or certificate of approval is valid 22558  
for up to five years and may be renewed by the board pursuant to 22559  
procedures and standards established in rules adopted under 22560  
section 4765.11 of the Revised Code. An application for renewal 22561  
shall be accompanied by the appropriate renewal fee established 22562

in rules adopted under section 4765.11 of the Revised Code. 22563

(C) A certificate of accreditation or certificate of 22564  
approval issued on a provisional basis is valid for the length 22565  
of time established by the board. If the board finds that the 22566  
holder of such a certificate has met the conditions it specifies 22567  
under division (A) of this section, the board shall issue the 22568  
appropriate certificate of accreditation or certificate of 22569  
approval. 22570

(D) A certificate of accreditation is valid only for the 22571  
emergency medical services training program or programs for 22572  
which it is issued. The holder of a certificate of accreditation 22573  
may apply to operate additional training programs in accordance 22574  
with rules adopted by the board under section 4765.11 of the 22575  
Revised Code. Any additional training programs shall expire on 22576  
the expiration date of the applicant's current certificate. A 22577  
certificate of approval is valid only for the emergency medical 22578  
services continuing education program for which it is issued. 22579  
Neither is transferable. 22580

(E) The holder of a certificate of accreditation or a 22581  
certificate of approval may offer courses at more than one 22582  
location in accordance with rules adopted under section 4765.11 22583  
of the Revised Code. 22584

**Sec. 4765.301.** (A) An appointing authority may request the 22585  
superintendent of BCII to conduct a criminal records check with 22586  
respect to any person who is under consideration for appointment 22587  
or employment as an emergency medical technician-basic, an 22588  
emergency medical technician-intermediate, or an emergency 22589  
medical technician-paramedic. An appointing authority may refuse 22590  
to appoint a person based on the results of that criminal 22591  
records check if the individual is convicted of or pleads guilty 22592

to an offense included on the list developed by the state board 22593  
of emergency medical, fire, and transportation services under 22594  
section 9.79 of the Revised Code and performs the evaluation 22595  
described in division (D) of that section. 22596

(B) (1) The appointing authority may request that the 22597  
superintendent of BCII obtain information from the federal 22598  
bureau of investigation as a part of the criminal records check 22599  
requested pursuant to division (A) of this section. 22600

(2) An appointing authority authorized by division (A) of 22601  
this section to request a criminal records check shall provide 22602  
to each person for whom the appointing authority intends to 22603  
request a criminal records check a copy of the form prescribed 22604  
pursuant to division (C) (1) of section 109.578 of the Revised 22605  
Code and a standard impression sheet to obtain fingerprint 22606  
impressions prescribed pursuant to division (C) (2) of section 22607  
109.578 of the Revised Code, obtain the completed form and 22608  
impression sheet from the person, and forward the completed form 22609  
and impression sheet to the superintendent of BCII at the time 22610  
the criminal records check is requested. 22611

(3) Any person subject to a criminal records check who 22612  
receives a copy of the form and a copy of the impression sheet 22613  
pursuant to division (B) (2) of this section and who is requested 22614  
to complete the form and provide a set of fingerprint 22615  
impressions shall complete the form or provide all the 22616  
information necessary to complete the form and shall provide the 22617  
impression sheet with the impressions of the person's 22618  
fingerprints. If a person fails to provide the information 22619  
necessary to complete the form or fails to provide impressions 22620  
of the person's fingerprints, the appointing authority shall not 22621  
appoint or employ the person as an emergency medical technician- 22622



basic, an emergency medical technician-intermediate, or an 22623  
emergency medical technician-paramedic. 22624

~~(C)(1) Except as otherwise provided in division (C)(2) of 22625  
this section, an appointing authority shall not appoint or 22626  
employ a person as an emergency medical technician-basic, an 22627  
emergency medical technician-intermediate, or an emergency 22628  
medical technician-paramedic if the appointing authority has 22629  
requested a criminal records check pursuant to division (A) of 22630  
this section and the criminal records check indicates that the 22631  
person previously has been convicted of or pleaded guilty to any 22632  
of the following: 22633~~

~~(a) A felony; 22634~~

~~(b) A violation of section 2909.03 of the Revised Code; 22635~~

~~(c) A violation of an existing or former law of this 22636  
state, any other state, or the United States that is 22637  
substantially equivalent to any of the offenses described in 22638  
division (C)(1)(a) or (b) of this section. 22639~~

~~(2) Notwithstanding division (C)(1) of this section, an 22640  
appointing authority may appoint or employ a person as an 22641  
emergency medical technician-basic, an emergency medical 22642  
technician-intermediate, or an emergency medical technician- 22643  
paramedic if all of the following apply: 22644~~

~~(a) The appointing authority has requested a criminal 22645  
records check pursuant to division (A) of this section. 22646~~

~~(b) The criminal records check indicates that the person 22647  
previously has been convicted of or pleaded guilty to any of the 22648  
offenses described in division (C)(1) of this section. 22649~~

~~(c) The person meets rehabilitation standards established 22650~~

~~in rules adopted under division (E) of this section.~~ 22651

~~(3) If an appointing authority requests a criminal records check pursuant to division (A) of this section, the appointing authority may appoint or employ a person as an emergency medical technician-basic, an emergency medical technician-intermediate, or an emergency medical technician-paramedic conditionally until the criminal records check is completed and the appointing authority receives the results. If the results of the criminal records check indicate that, pursuant to division (C) (1) of this section, the person subject to the criminal records check is disqualified from appointment or employment, the appointing authority shall release the person from appointment or employment.~~ 22652  
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(D) The appointing authority shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.578 of the Revised Code for each criminal records check conducted in accordance with that section. The appointing authority may charge the applicant who is subject to the criminal records check a fee for the costs the appointing authority incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the appointing authority pays for the criminal records check. If a fee is charged under this division, the appointing authority shall notify the applicant at the time of the applicant's initial application for appointment or employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for appointment or employment. 22664  
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(E) The appointing authority shall adopt rules in accordance with Chapter 119. of the Revised Code to implement 22679  
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~~this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (C) (1) of this section must meet for the appointing authority to appoint or employ the person as an emergency medical technician basic, an emergency medical technician intermediate, or an emergency medical technician paramedic.~~

(F) An appointing authority that intends to request a criminal records check for an applicant shall inform each applicant, at the time of the person's initial application for appointment or employment, that the applicant is required to provide a set of impressions of the person's fingerprints and that the appointing authority requires a criminal records check to be conducted and satisfactorily completed in accordance with section 109.578 of the Revised Code.

(G) As used in this section:

(1) "Appointing authority" means any person or body that has the authority to hire, appoint, or employ emergency medical technicians-basic, emergency medical technicians-intermediate, or emergency medical technicians-paramedic.

(2) "Criminal records check" has the same meaning as in section 109.578 of the Revised Code.

(3) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code.

**Sec. 4765.55.** (A) The executive director of the state board of emergency medical, fire, and transportation services, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall assist in the

establishment and maintenance by any state agency, or any 22710  
county, township, city, village, school district, or educational 22711  
service center of a fire service training program for the 22712  
training of all persons in positions of any fire training 22713  
certification level approved by the executive director, 22714  
including full-time paid firefighters, part-time paid 22715  
firefighters, volunteer firefighters, and fire safety inspectors 22716  
in this state. The executive director, with the advice and 22717  
counsel of the committee, shall adopt rules to regulate those 22718  
firefighter and fire safety inspector training programs, and 22719  
other training programs approved by the executive director. The 22720  
rules may include, but need not be limited to, training 22721  
curriculum, certification examinations, training schedules, 22722  
minimum hours of instruction, attendance requirements, required 22723  
equipment and facilities, basic physical requirements, and 22724  
methods of training for all persons in positions of any fire 22725  
training certification level approved by the executive director, 22726  
including full-time paid firefighters, part-time paid 22727  
firefighters, volunteer firefighters, and fire safety 22728  
inspectors. The rules adopted to regulate training programs for 22729  
volunteer firefighters shall not require more than thirty-six 22730  
hours of training. 22731

The executive director, with the advice and counsel of the 22732  
committee, shall provide for the classification and chartering 22733  
of fire service training programs in accordance with rules 22734  
adopted under division (B) of this section, and may take action 22735  
against any chartered training program or applicant, in 22736  
accordance with rules adopted under divisions (B) (4) and (5) of 22737  
this section, for failure to meet standards set by the adopted 22738  
rules. 22739

(B) The executive director, with the advice and counsel of 22740

the firefighter and fire safety inspector training committee of 22741  
the state board of emergency medical, fire, and transportation 22742  
services, shall adopt, and may amend or rescind, rules under 22743  
Chapter 119. of the Revised Code that establish all of the 22744  
following: 22745

(1) Requirements for, and procedures for chartering, the 22746  
training programs regulated by this section; 22747

(2) Requirements for, and requirements and procedures for 22748  
obtaining and renewing, an instructor certificate to teach the 22749  
training programs and continuing education classes regulated by 22750  
this section; 22751

(3) Requirements for, and requirements and procedures for 22752  
obtaining and renewing, any of the fire training certificates 22753  
regulated by this section; 22754

(4) Grounds and procedures for suspending, revoking, 22755  
restricting, or refusing to issue or renew any of the 22756  
certificates or charters regulated by this section, which 22757  
grounds shall be limited to one of the following: 22758

(a) Failure to satisfy the education or training 22759  
requirements of this section; 22760

(b) Conviction of a felony offense; 22761

(c) Conviction of a misdemeanor involving moral turpitude; 22762

(d) Conviction of a misdemeanor committed in the course of 22763  
practice; 22764

(e) In the case of a chartered training program or 22765  
applicant, failure to meet standards set by the rules adopted 22766  
under this division. 22767

(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B) (4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code; 22768  
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(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities; 22775  
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(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements; 22778  
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(8) Certification cycles for which the certificates and charters regulated by this section are valid. 22781  
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(C) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against an instructor certificate holder or applicant in accordance with rules adopted under division (B) of this section. The executive director, with the advice and counsel of the committee, shall charter or renew the charter of any training program that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action 22783  
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against the holder of a charter in accordance with rules adopted 22798  
under division (B) of this section. 22799

(D) The executive director shall issue or renew a fire 22800  
training certificate for a firefighter, a fire safety inspector, 22801  
or another position of any fire training certification level 22802  
approved by the executive director, to any applicant that the 22803  
executive director determines meets the qualifications 22804  
established in rules adopted under division (B) of this section 22805  
and may take disciplinary actions against a certificate holder 22806  
or applicant in accordance with rules adopted under division (B) 22807  
of this section. 22808

(E) Certificates issued under this section shall be on a 22809  
form prescribed by the executive director, with the advice and 22810  
counsel of the firefighter and fire safety inspector training 22811  
committee of the state board of emergency medical, fire, and 22812  
transportation services. 22813

(F) (1) The executive director, with the advice and counsel 22814  
of the firefighter and fire safety inspector training committee 22815  
of the state board of emergency medical, fire, and 22816  
transportation services, shall establish criteria for evaluating 22817  
the standards maintained by other states and the branches of the 22818  
United States military for firefighter, fire safety inspector, 22819  
and fire instructor training programs, and other training 22820  
programs recognized by the executive director, to determine 22821  
whether the standards are equivalent to those established under 22822  
this section and shall establish requirements and procedures for 22823  
issuing a certificate to each person who presents proof to the 22824  
executive director of having satisfactorily completed a training 22825  
program that meets those standards. 22826

(2) The executive director, with the committee's advice 22827

and counsel, shall adopt rules establishing requirements and 22828  
procedures for issuing a fire training certificate in lieu of 22829  
completing a chartered training program. 22830

(G) Nothing in this section invalidates any other section 22831  
of the Revised Code relating to the fire training academy. 22832  
Section 4765.11 of the Revised Code does not affect any powers 22833  
and duties granted to the executive director under this section. 22834

(H) Notwithstanding any provision of division (B)(4) of 22835  
this section to the contrary, the executive director shall not 22836  
adopt rules for refusing to issue any of the certificates or 22837  
charters regulated by this section to an applicant because of a 22838  
criminal conviction unless the rules establishing grounds and 22839  
procedures for refusal are in accordance with section 9.79 of 22840  
the Revised Code. 22841

**Sec. 4771.18.** (A) The Ohio athletic commission may, except 22842  
as provided in division (B) of this section, refuse to grant or 22843  
renew a registration, or may suspend or revoke a registration of 22844  
an athlete agent upon proof satisfactory to the commission that 22845  
the athlete agent or an employee or representative of the 22846  
athlete agent has done any of the following: 22847

(1) Made false or misleading statements of a material 22848  
nature in an application for registration as an athlete agent; 22849

(2) Been convicted of or pleaded guilty to an offense in 22850  
connection with the person's service as an athlete agent in this 22851  
or another state; 22852

(3) Been convicted of or pleaded guilty to an offense 22853  
involving illegal gambling; 22854

(4) Engaged in conduct that has a significant adverse 22855  
impact on the applicant's credibility, integrity, or competence 22856



to serve in a fiduciary capacity; 22857

(5) Misappropriated funds or engaged in other specific 22858  
conduct that would render the applicant unfit to serve in a 22859  
fiduciary capacity, including being convicted of or pleading 22860  
guilty to offenses involving embezzlement, theft, or fraud; 22861

(6) Violated a provision of this chapter or a rule adopted 22862  
under this chapter. 22863

(B) The commission shall not refuse to issue a 22864  
registration to an applicant because of a conviction of or plea 22865  
of guilty to an offense unless the refusal is in accordance with 22866  
section 9.79 of the Revised Code. 22867

(C) Upon receiving a complaint of a violation of this 22868  
chapter or a rule adopted under it, the commission shall conduct 22869  
an investigation of the complaint. If the commission finds 22870  
reasonable cause to believe a violation occurred, the commission 22871  
shall conduct a hearing in accordance with Chapter 119. of the 22872  
Revised Code to determine if a violation occurred. If the 22873  
commission finds a violation occurred, the commission may 22874  
suspend or revoke, or refuse to issue or renew, the registration 22875  
of an athlete agent for such period of time as the commission 22876  
finds appropriate. 22877

Upon completion of an investigation, if the commission 22878  
finds no reasonable grounds to believe a violation occurred, the 22879  
commission shall certify without a hearing that no violation 22880  
occurred. The commission shall serve the certification on all 22881  
parties addressed in the complaint by certified mail, return 22882  
receipt requested. The certification shall be considered a final 22883  
resolution of the matter if no objection to the certification is 22884  
filed. A party involved in the complaint may file an objection 22885

to the certification with the commission within ten days after 22886  
the date the certification is mailed. If a party files an 22887  
objection to the certification within the prescribed period, the 22888  
commission, within its discretion, may conduct a hearing in 22889  
accordance with Chapter 119. of the Revised Code to determine if 22890  
a violation occurred. 22891

**Sec. 4773.03.** (A) Each individual seeking a license to 22892  
practice as a general x-ray machine operator, radiographer, 22893  
radiation therapy technologist, or nuclear medicine technologist 22894  
shall apply to the department of health on a form the department 22895  
shall prescribe and provide. The application shall be 22896  
accompanied by the appropriate license application fee 22897  
established in rules adopted under section 4773.08 of the 22898  
Revised Code. 22899

(B) The department shall review all applications received 22900  
and issue the appropriate general x-ray machine operator, 22901  
radiographer, radiation therapy technologist, or nuclear 22902  
medicine technologist license to each applicant who meets all of 22903  
the following requirements: 22904

(1) Is eighteen years of age or older; 22905

(2) ~~Is of good moral character;~~ 22906

~~(3)~~ Except as provided in division (C) of this section, 22907  
passes the examination administered under section 4773.04 of the 22908  
Revised Code for the applicant's area of practice; 22909

~~(4)~~ (3) Complies with any other licensing standards 22910  
established in rules adopted under section 4773.08 of the 22911  
Revised Code. 22912

(C) An applicant is not required to take a licensing 22913  
examination if one of the following applies to the applicant: 22914

(1) The individual is applying for a license as a general x-ray machine operator and holds certification in that area of practice from the American registry of radiologic technologists or the American chiropractic registry of radiologic technologists.

(2) The individual is applying for a license as a radiographer and holds certification in that area of practice from the American registry of radiologic technologists.

(3) The individual is applying for a license as a radiation therapy technologist and holds certification in that area of practice from the American registry of radiologic technologists.

(4) The individual is applying for a license as a nuclear medicine technologist and holds certification in that area of practice from the American registry of radiologic technologists or the nuclear medicine technology certification board.

(5) The individual holds a conditional license issued under section 4773.05 of the Revised Code and has completed the continuing education requirements established in rules adopted under section 4773.08 of the Revised Code.

(6) The individual holds a license, certificate, or other credential issued by another state that the department determines uses standards for radiologic professions that are at least equal to those established under this chapter.

(D) A license issued under this section expires biennially on the license holder's birthday, except for an initial license which expires on the license holder's birthday following two years after it is issued. For an initial license, the fee established in rules adopted under section 4773.08 of the

Revised Code may be increased in proportion to the amount of 22944  
time beyond two years that the license may be valid. 22945

A license may be renewed. To be eligible for renewal, the 22946  
license holder must complete the continuing education 22947  
requirements specified in rules adopted by the department under 22948  
section 4773.08 of the Revised Code. Applications for license 22949  
renewal shall be accompanied by the appropriate renewal fee 22950  
established in rules adopted under section 4773.08 of the 22951  
Revised Code. Renewals shall be made in accordance with the 22952  
standard renewal procedure established under Chapter 4745. of 22953  
the Revised Code. 22954

(E) (1) A license that has lapsed or otherwise become 22955  
inactive may be reinstated. An individual seeking reinstatement 22956  
of a license shall apply to the department on a form the 22957  
department shall prescribe and provide. The application shall be 22958  
accompanied by the appropriate reinstatement fee established in 22959  
rules adopted under section 4773.08 of the Revised Code. 22960

(2) To be eligible for reinstatement, both of the 22961  
following apply: 22962

(a) An applicant must continue to meet the conditions for 22963  
receiving an initial license, including the examination or 22964  
certification requirements specified in division (B) or (C) of 22965  
this section. In the case of an applicant seeking reinstatement 22966  
based on having passed an examination administered under section 22967  
4773.04 of the Revised Code, the length of time that has elapsed 22968  
since the examination was passed is not a consideration in 22969  
determining whether the applicant is eligible for reinstatement. 22970

(b) The applicant must complete the continuing education 22971  
requirements for reinstatement established in rules adopted 22972

under section 4773.08 of the Revised Code. 22973

(F) The department shall refuse to issue, renew, or 22974  
reinstate and may suspend or revoke a general x-ray machine 22975  
operator, radiographer, radiation therapy technologist, or 22976  
nuclear medicine technologist license if the applicant or 22977  
license holder does not comply with the applicable requirements 22978  
of this chapter or rules adopted under it. 22979

**Sec. 4774.03.** (A) An individual seeking a license to 22980  
practice as a radiologist assistant shall file with the state 22981  
medical board a written application on a form prescribed and 22982  
supplied by the board. The application shall include all the 22983  
information the board considers necessary to process the 22984  
application, including evidence satisfactory to the board that 22985  
the applicant meets the requirements specified in division (B) 22986  
of this section. 22987

At the time an application is submitted, the applicant 22988  
shall pay the board the application fee specified by the board 22989  
in rules adopted under section 4774.11 of the Revised Code. No 22990  
part of the fee shall be returned. 22991

(B) To be eligible to receive a license to practice as a 22992  
radiologist assistant, an applicant shall meet all of the 22993  
following requirements: 22994

(1) Be at least eighteen years of age ~~and of good moral~~ 22995  
~~character;~~ 22996

(2) Hold a current, valid license as a radiographer under 22997  
Chapter 4773. of the Revised Code; 22998

(3) Have attained a baccalaureate degree or 22999  
postbaccalaureate certificate from an advanced academic program 23000  
encompassing a nationally recognized radiologist assistant 23001

curriculum that includes a radiologist-directed clinical 23002  
preceptorship; 23003

(4) Hold current certification as a registered radiologist 23004  
assistant from the American registry of radiologic technologists 23005  
and have attained the certification by meeting the standard 23006  
certification requirements established by the registry, 23007  
including the registry's requirements for documenting clinical 23008  
education in the form of a clinical portfolio and passing an 23009  
examination to determine competence to practice; 23010

(5) Hold current certification in advanced cardiac life 23011  
support. 23012

(C) The board shall review all applications received under 23013  
this section. Not later than sixty days after receiving an 23014  
application the board considers to be complete, the board shall 23015  
determine whether the applicant meets the requirements to 23016  
receive a license to practice as a radiologist assistant. 23017

**Sec. 4774.031.** In addition to any other eligibility 23018  
requirement set forth in this chapter, each applicant for a 23019  
license to practice as a radiologist assistant shall comply with 23020  
sections 4776.01 to 4776.04 of the Revised Code. ~~The state~~ 23021  
~~medical board shall not grant to an applicant a license to~~ 23022  
~~practice as a radiologist assistant unless the board, in its~~ 23023  
~~discretion, decides that the results of the criminal records~~ 23024  
~~check do not make the applicant ineligible for a license issued~~ 23025  
~~pursuant to section 4774.04 of the Revised Code.~~ 23026

**Sec. 4774.13.** (A) The state medical board, by an 23027  
affirmative vote of not fewer than six members, may revoke or 23028  
may refuse to grant a license to practice as a radiologist 23029  
assistant to an individual found by the board to have committed 23030

fraud, misrepresentation, or deception in applying for or 23031  
securing the license. 23032

(B) The board, by an affirmative vote of not fewer than 23033  
six members, shall, except as provided in division (C) of this 23034  
section, and to the extent permitted by law, limit, revoke, or 23035  
suspend an individual's license to practice as a radiologist 23036  
assistant, refuse to issue a license to an applicant, refuse to 23037  
renew a license, refuse to reinstate a license, or reprimand or 23038  
place on probation the holder of a license for any of the 23039  
following reasons: 23040

(1) Permitting the holder's name or license to be used by 23041  
another person; 23042

(2) Failure to comply with the requirements of this 23043  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 23044  
by the board; 23045

(3) Violating or attempting to violate, directly or 23046  
indirectly, or assisting in or abetting the violation of, or 23047  
conspiring to violate, any provision of this chapter, Chapter 23048  
4731. of the Revised Code, or the rules adopted by the board; 23049

(4) A departure from, or failure to conform to, minimal 23050  
standards of care of similar practitioners under the same or 23051  
similar circumstances whether or not actual injury to the 23052  
patient is established; 23053

(5) Inability to practice according to acceptable and 23054  
prevailing standards of care by reason of mental illness or 23055  
physical illness, including physical deterioration that 23056  
adversely affects cognitive, motor, or perceptive skills; 23057

(6) Impairment of ability to practice according to 23058  
acceptable and prevailing standards of care because of habitual 23059

or excessive use or abuse of drugs, alcohol, or other substances	23060
that impair ability to practice;	23061
(7) Willfully betraying a professional confidence;	23062
(8) Making a false, fraudulent, deceptive, or misleading	23063
statement in securing or attempting to secure a license to	23064
practice as a radiologist assistant.	23065
As used in this division, "false, fraudulent, deceptive,	23066
or misleading statement" means a statement that includes a	23067
misrepresentation of fact, is likely to mislead or deceive	23068
because of a failure to disclose material facts, is intended or	23069
is likely to create false or unjustified expectations of	23070
favorable results, or includes representations or implications	23071
that in reasonable probability will cause an ordinarily prudent	23072
person to misunderstand or be deceived.	23073
(9) The obtaining of, or attempting to obtain, money or a	23074
thing of value by fraudulent misrepresentations in the course of	23075
practice;	23076
(10) A plea of guilty to, a judicial finding of guilt of,	23077
or a judicial finding of eligibility for intervention in lieu of	23078
conviction for, a felony;	23079
(11) Commission of an act that constitutes a felony in	23080
this state, regardless of the jurisdiction in which the act was	23081
committed;	23082
(12) A plea of guilty to, a judicial finding of guilt of,	23083
or a judicial finding of eligibility for intervention in lieu of	23084
conviction for, a misdemeanor committed in the course of	23085
practice;	23086
(13) A plea of guilty to, a judicial finding of guilt of,	23087



or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	23088 23089
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	23090 23091 23092
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	23093 23094 23095
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	23096 23097 23098 23099 23100
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	23101 23102 23103 23104 23105 23106 23107 23108
(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant;	23109 23110
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	23111 23112 23113
(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board	23114 23115 23116

or failure to answer truthfully a question presented by the 23117  
board at a deposition or in written interrogatories, except that 23118  
failure to cooperate with an investigation shall not constitute 23119  
grounds for discipline under this section if a court of 23120  
competent jurisdiction has issued an order that either quashes a 23121  
subpoena or permits the individual to withhold the testimony or 23122  
evidence in issue; 23123

(21) Failure to maintain a license as a radiographer under 23124  
Chapter 4773. of the Revised Code; 23125

(22) Failure to maintain certification as a registered 23126  
radiologist assistant from the American registry of radiologic 23127  
technologists, including revocation by the registry of the 23128  
assistant's certification or failure by the assistant to meet 23129  
the registry's requirements for annual registration, or failure 23130  
to notify the board that the certification as a registered 23131  
radiologist assistant has not been maintained; 23132

(23) Failure to comply with any of the rules of ethics 23133  
included in the standards of ethics established by the American 23134  
registry of radiologic technologists, as those rules apply to an 23135  
individual who holds the registry's certification as a 23136  
registered radiologist assistant. 23137

(C) The board shall not refuse to issue a license to an 23138  
applicant because of a plea of guilty to, a judicial finding of 23139  
guilt of, or a judicial finding of eligibility for intervention 23140  
in lieu of conviction for an offense unless the refusal is in 23141  
accordance with section 9.79 of the Revised Code. 23142

(D) Disciplinary actions taken by the board under 23143  
divisions (A) and (B) of this section shall be taken pursuant to 23144  
an adjudication under Chapter 119. of the Revised Code, except 23145

that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

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

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

~~(F)~~-(G) For purposes of this division, any individual who 23177  
holds a license to practice as a radiologist assistant issued 23178  
under this chapter, or applies for a license, shall be deemed to 23179  
have given consent to submit to a mental or physical examination 23180  
when directed to do so in writing by the board and to have 23181  
waived all objections to the admissibility of testimony or 23182  
examination reports that constitute a privileged communication. 23183

(1) In enforcing division (B) (5) of this section, the 23184  
board, on a showing of a possible violation, may compel any 23185  
individual who holds a license to practice as a radiologist 23186  
assistant issued under this chapter or who has applied for a 23187  
license to submit to a mental or physical examination, or both. 23188  
A physical examination may include an HIV test. The expense of 23189  
the examination is the responsibility of the individual 23190  
compelled to be examined. Failure to submit to a mental or 23191  
physical examination or consent to an HIV test ordered by the 23192  
board constitutes an admission of the allegations against the 23193  
individual unless the failure is due to circumstances beyond the 23194  
individual's control, and a default and final order may be 23195  
entered without the taking of testimony or presentation of 23196  
evidence. If the board finds a radiologist assistant unable to 23197  
practice because of the reasons set forth in division (B) (5) of 23198  
this section, the board shall require the radiologist assistant 23199  
to submit to care, counseling, or treatment by physicians 23200  
approved or designated by the board, as a condition for an 23201  
initial, continued, reinstated, or renewed license. An 23202  
individual affected by this division shall be afforded an 23203  
opportunity to demonstrate to the board the ability to resume 23204  
practicing in compliance with acceptable and prevailing 23205  
standards of care. 23206

(2) For purposes of division (B) (6) of this section, if 23207

the board has reason to believe that any individual who holds a 23208  
license to practice as a radiologist assistant issued under this 23209  
chapter or any applicant for a license suffers such impairment, 23210  
the board may compel the individual to submit to a mental or 23211  
physical examination, or both. The expense of the examination is 23212  
the responsibility of the individual compelled to be examined. 23213  
Any mental or physical examination required under this division 23214  
shall be undertaken by a treatment provider or physician 23215  
qualified to conduct such examination and chosen by the board. 23216

Failure to submit to a mental or physical examination 23217  
ordered by the board constitutes an admission of the allegations 23218  
against the individual unless the failure is due to 23219  
circumstances beyond the individual's control, and a default and 23220  
final order may be entered without the taking of testimony or 23221  
presentation of evidence. If the board determines that the 23222  
individual's ability to practice is impaired, the board shall 23223  
suspend the individual's license or deny the individual's 23224  
application and shall require the individual, as a condition for 23225  
an initial, continued, reinstated, or renewed license to 23226  
practice, to submit to treatment. 23227

Before being eligible to apply for reinstatement of a 23228  
license suspended under this division, the radiologist assistant 23229  
shall demonstrate to the board the ability to resume practice in 23230  
compliance with acceptable and prevailing standards of care. The 23231  
demonstration shall include the following: 23232

(a) Certification from a treatment provider approved under 23233  
section 4731.25 of the Revised Code that the individual has 23234  
successfully completed any required inpatient treatment; 23235

(b) Evidence of continuing full compliance with an 23236  
aftercare contract or consent agreement; 23237

(c) Two written reports indicating that the individual's 23238  
ability to practice has been assessed and that the individual 23239  
has been found capable of practicing according to acceptable and 23240  
prevailing standards of care. The reports shall be made by 23241  
individuals or providers approved by the board for making such 23242  
assessments and shall describe the basis for their 23243  
determination. 23244

The board may reinstate a license suspended under this 23245  
division after such demonstration and after the individual has 23246  
entered into a written consent agreement. 23247

When the impaired radiologist assistant resumes practice, 23248  
the board shall require continued monitoring of the radiologist 23249  
assistant. The monitoring shall include monitoring of compliance 23250  
with the written consent agreement entered into before 23251  
reinstatement or with conditions imposed by board order after a 23252  
hearing, and, on termination of the consent agreement, 23253  
submission to the board for at least two years of annual written 23254  
progress reports made under penalty of falsification stating 23255  
whether the radiologist assistant has maintained sobriety. 23256

~~(G)~~ (H) If the secretary and supervising member determine 23257  
that there is clear and convincing evidence that a radiologist 23258  
assistant has violated division (B) of this section and that the 23259  
individual's continued practice presents a danger of immediate 23260  
and serious harm to the public, they may recommend that the 23261  
board suspend the individual's license to practice without a 23262  
prior hearing. Written allegations shall be prepared for 23263  
consideration by the board. 23264

The board, on review of the allegations and by an 23265  
affirmative vote of not fewer than six of its members, excluding 23266  
the secretary and supervising member, may suspend a license 23267

without a prior hearing. A telephone conference call may be 23268  
utilized for reviewing the allegations and taking the vote on 23269  
the summary suspension. 23270

The board shall issue a written order of suspension by 23271  
certified mail or in person in accordance with section 119.07 of 23272  
the Revised Code. The order shall not be subject to suspension 23273  
by the court during pendency of any appeal filed under section 23274  
119.12 of the Revised Code. If the radiologist assistant 23275  
requests an adjudicatory hearing by the board, the date set for 23276  
the hearing shall be within fifteen days, but not earlier than 23277  
seven days, after the radiologist assistant requests the 23278  
hearing, unless otherwise agreed to by both the board and the 23279  
license holder. 23280

A summary suspension imposed under this division shall 23281  
remain in effect, unless reversed on appeal, until a final 23282  
adjudicative order issued by the board pursuant to this section 23283  
and Chapter 119. of the Revised Code becomes effective. The 23284  
board shall issue its final adjudicative order within sixty days 23285  
after completion of its hearing. Failure to issue the order 23286  
within sixty days shall result in dissolution of the summary 23287  
suspension order, but shall not invalidate any subsequent, final 23288  
adjudicative order. 23289

~~(H)~~ (I) If the board takes action under division (B) (10), 23290  
(12), or (13) of this section, and the judicial finding of 23291  
guilt, guilty plea, or judicial finding of eligibility for 23292  
intervention in lieu of conviction is overturned on appeal, on 23293  
exhaustion of the criminal appeal, a petition for 23294  
reconsideration of the order may be filed with the board along 23295  
with appropriate court documents. On receipt of a petition and 23296  
supporting court documents, the board shall reinstate the 23297

license to practice as a radiologist assistant. The board may 23298  
then hold an adjudication under Chapter 119. of the Revised Code 23299  
to determine whether the individual committed the act in 23300  
question. Notice of opportunity for hearing shall be given in 23301  
accordance with Chapter 119. of the Revised Code. If the board 23302  
finds, pursuant to an adjudication held under this division, 23303  
that the individual committed the act, or if no hearing is 23304  
requested, it may order any of the sanctions specified in 23305  
division (B) of this section. 23306

~~(I)~~ (J) The license to practice of a radiologist assistant 23307  
and the assistant's practice in this state are automatically 23308  
suspended as of the date the radiologist assistant pleads guilty 23309  
to, is found by a judge or jury to be guilty of, or is subject 23310  
to a judicial finding of eligibility for intervention in lieu of 23311  
conviction in this state or treatment of intervention in lieu of 23312  
conviction in another jurisdiction for any of the following 23313  
criminal offenses in this state or a substantially equivalent 23314  
criminal offense in another jurisdiction: aggravated murder, 23315  
murder, voluntary manslaughter, felonious assault, kidnapping, 23316  
rape, sexual battery, gross sexual imposition, aggravated arson, 23317  
aggravated robbery, or aggravated burglary. Continued practice 23318  
after the suspension shall be considered practicing without a 23319  
license. 23320

The board shall notify the individual subject to the 23321  
suspension by certified mail or in person in accordance with 23322  
section 119.07 of the Revised Code. If an individual whose 23323  
license is suspended under this division fails to make a timely 23324  
request for an adjudication under Chapter 119. of the Revised 23325  
Code, the board shall enter a final order permanently revoking 23326  
the individual's license. 23327



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

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

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

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

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

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

(3) Failure by an individual to renew a license to practice in accordance with section 4774.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

**Sec. 4776.04.** The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the federal bureau of investigation provides, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than as follows:

(A) If the request for the criminal records check was submitted by an applicant for an initial license or restored license, as follows:

(1) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency for use in determining, under the agency's authorizing chapter of the Revised Code and section 9.79 of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a license under that chapter and that section.

(2) The licensing agency shall make the results available

to the applicant who is the subject of the criminal records check. 23387  
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(B) If the request for the criminal records check was submitted by a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code or a person seeking to satisfy the requirements to be an employee of a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification, the superintendent of the bureau of criminal identification and investigation shall make the results available in accordance with the following: 23389  
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(1) The superintendent shall make the results of the criminal records check, including any information the federal bureau of investigation provides, available to the person who submitted the request and is the subject of the criminal records check. 23399  
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(2) The superintendent shall make the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code available to the employer or potential employer specified in the request of the person who submitted the request and shall send a letter of the type described in division (B)(2) of section 4776.02 of the Revised Code to that employer or potential employer regarding the information provided by the federal bureau of investigation that contains one of the types of statements described in that division. 23404  
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(C) If the request for the criminal records check was submitted by an applicant for a trainee license under section 23415  
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4776.021 of the Revised Code, as follows: 23417

(1) The superintendent of the bureau of criminal 23418  
identification and investigation shall make the results 23419  
available to the licensing agency or other agency identified in 23420  
division (B) of section 4776.021 of the Revised Code for use in 23421  
determining, under the agency's authorizing chapter of the 23422  
Revised Code ~~and~~ division (D) of section 4776.021 of the 23423  
Revised Code, and section 9.79 of the Revised Code, whether the 23424  
applicant who is the subject of the criminal records check 23425  
should be granted a trainee license under that chapter~~and~~ that 23426  
division, and that section. 23427

(2) The licensing agency or other agency identified in 23428  
division (B) of section 4776.021 of the Revised Code shall make 23429  
the results available to the applicant who is the subject of the 23430  
criminal records check. 23431

**Sec. 4778.02.** (A) (1) Except as provided in division (B) of 23432  
this section, no person shall practice as a genetic counselor 23433  
unless the person holds a current, valid license to practice as 23434  
a genetic counselor issued under this chapter. 23435

(2) No person shall use the title "genetic counselor," or 23436  
otherwise hold the person out as a genetic counselor, unless the 23437  
person holds a current, valid license to practice as a genetic 23438  
counselor issued under this chapter. 23439

(B) Division (A) (1) of this section does not apply to 23440  
either of the following: 23441

(1) A student performing an activity as part of a genetic 23442  
counseling graduate program described in division (B) ~~(1) (b) (2)~~ 23443  
of section 4778.03 of the Revised Code; 23444

(2) A person who is authorized pursuant to another 23445

provision of the Revised Code to perform any of the activities 23446  
that a genetic counselor is authorized to perform. 23447

**Sec. 4778.03.** (A) An individual seeking a license to 23448  
practice as a genetic counselor shall file with the state 23449  
medical board an application in a manner prescribed by the 23450  
board. The application shall include all the information the 23451  
board considers necessary to process the application, including 23452  
evidence satisfactory to the board that the applicant meets the 23453  
requirements specified in division (B) of this section. 23454

At the time an application is submitted, the applicant 23455  
shall pay the board an application fee of two hundred dollars. 23456  
No part of the fee shall be returned to the applicant or 23457  
transferred for purposes of another application. 23458

(B)~~(1)~~ To be eligible to receive a license to practice as 23459  
a genetic counselor, an applicant shall demonstrate to the board 23460  
that the applicant meets all of the following requirements: 23461

~~(a)~~ (1) Is at least eighteen years of age ~~and of good~~ 23462  
~~moral character;~~ 23463

~~(b)~~ ~~Except as provided in division (B) (2) of this section,~~ 23464  
~~has~~ (2) Has attained a master's degree or higher degree from a 23465  
genetic counseling graduate program accredited by the American 23466  
board of genetic counseling, inc.; 23467

~~(c)~~ (3) Is a certified genetic counselor; 23468

~~(d)~~ (4) Has satisfied any other requirements established 23469  
by the board in rules adopted under section 4778.12 of the 23470  
Revised Code. 23471

~~(2)~~ ~~In the case of an applicant who files an application~~ 23472  
~~not later than December 31, 2013, and meets all eligibility~~ 23473

~~requirements other than the requirement specified in division  
(B) (1) (b) of this section, the applicant is eligible for a  
license to practice as a genetic counselor if the applicant has  
attained a master's or higher degree in education or in a field  
that the state medical board considers to be closely related to  
genetic counseling.~~ 23474  
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(C) The board shall review all applications received under 23480  
this section. Not later than sixty days after receiving an 23481  
application it considers complete, the board shall determine 23482  
whether the applicant meets the requirements for a license to 23483  
practice as a genetic counselor. 23484

**Sec. 4778.04.** In addition to any other eligibility 23485  
requirement set forth in this chapter, each applicant for a 23486  
license to practice as a genetic counselor shall comply with 23487  
sections 4776.01 to 4776.04 of the Revised Code. ~~The state  
medical board shall not grant to an applicant a license to  
practice as a genetic counselor unless the board, in its  
discretion, decides that the results of the criminal records  
check do not make the applicant ineligible for a license issued  
pursuant to section 4778.05 of the Revised Code.~~ 23488  
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**Sec. 4778.14.** (A) The state medical board, by an 23494  
affirmative vote of not fewer than six members, may revoke or 23495  
may refuse to grant a license to practice as a genetic counselor 23496  
to an individual found by the board to have committed fraud, 23497  
misrepresentation, or deception in applying for or securing the 23498  
license. 23499

(B) The board, by an affirmative vote of not fewer than 23500  
six members, shall, except as provided in division (C) of this 23501  
section, and to the extent permitted by law, limit, revoke, or 23502  
suspend an individual's license to practice as a genetic 23503

counselor, refuse to issue a license to an applicant, refuse to	23504
renew a license, refuse to reinstate a license, or reprimand or	23505
place on probation the holder of a license for any of the	23506
following reasons:	23507
(1) Permitting the holder's name or license to be used by	23508
another person;	23509
(2) Failure to comply with the requirements of this	23510
chapter, Chapter 4731. of the Revised Code, or any rules adopted	23511
by the board;	23512
(3) Violating or attempting to violate, directly or	23513
indirectly, or assisting in or abetting the violation of, or	23514
conspiring to violate, any provision of this chapter, Chapter	23515
4731. of the Revised Code, or the rules adopted by the board;	23516
(4) A departure from, or failure to conform to, minimal	23517
standards of care of similar practitioners under the same or	23518
similar circumstances whether or not actual injury to the	23519
patient is established;	23520
(5) Inability to practice according to acceptable and	23521
prevailing standards of care by reason of mental illness or	23522
physical illness, including physical deterioration that	23523
adversely affects cognitive, motor, or perceptive skills;	23524
(6) Impairment of ability to practice according to	23525
acceptable and prevailing standards of care because of habitual	23526
or excessive use or abuse of drugs, alcohol, or other substances	23527
that impair ability to practice;	23528
(7) Willfully betraying a professional confidence;	23529
(8) Making a false, fraudulent, deceptive, or misleading	23530
statement in securing or attempting to secure a license to	23531

practice as a genetic counselor. 23532

As used in this division, "false, fraudulent, deceptive, 23533  
or misleading statement" means a statement that includes a 23534  
misrepresentation of fact, is likely to mislead or deceive 23535  
because of a failure to disclose material facts, is intended or 23536  
is likely to create false or unjustified expectations of 23537  
favorable results, or includes representations or implications 23538  
that in reasonable probability will cause an ordinarily prudent 23539  
person to misunderstand or be deceived. 23540

(9) The obtaining of, or attempting to obtain, money or a 23541  
thing of value by fraudulent misrepresentations in the course of 23542  
practice; 23543

(10) A plea of guilty to, a judicial finding of guilt of, 23544  
or a judicial finding of eligibility for intervention in lieu of 23545  
conviction for, a felony; 23546

(11) Commission of an act that constitutes a felony in 23547  
this state, regardless of the jurisdiction in which the act was 23548  
committed; 23549

(12) A plea of guilty to, a judicial finding of guilt of, 23550  
or a judicial finding of eligibility for intervention in lieu of 23551  
conviction for, a misdemeanor committed in the course of 23552  
practice; 23553

(13) A plea of guilty to, a judicial finding of guilt of, 23554  
or a judicial finding of eligibility for intervention in lieu of 23555  
conviction for, a misdemeanor involving moral turpitude; 23556

(14) Commission of an act in the course of practice that 23557  
constitutes a misdemeanor in this state, regardless of the 23558  
jurisdiction in which the act was committed; 23559



(15) Commission of an act involving moral turpitude that 23560  
constitutes a misdemeanor in this state, regardless of the 23561  
jurisdiction in which the act was committed; 23562

(16) A plea of guilty to, a judicial finding of guilt of, 23563  
or a judicial finding of eligibility for intervention in lieu of 23564  
conviction for violating any state or federal law regulating the 23565  
possession, distribution, or use of any drug, including 23566  
trafficking in drugs; 23567

(17) Any of the following actions taken by an agency 23568  
responsible for authorizing, certifying, or regulating an 23569  
individual to practice a health care occupation or provide 23570  
health care services in this state or in another jurisdiction, 23571  
for any reason other than the nonpayment of fees: the 23572  
limitation, revocation, or suspension of an individual's license 23573  
to practice; acceptance of an individual's license surrender; 23574  
denial of a license; refusal to renew or reinstate a license; 23575  
imposition of probation; or issuance of an order of censure or 23576  
other reprimand; 23577

(18) Violation of the conditions placed by the board on a 23578  
license to practice as a genetic counselor; 23579

(19) Failure to cooperate in an investigation conducted by 23580  
the board under section 4778.18 of the Revised Code, including 23581  
failure to comply with a subpoena or order issued by the board 23582  
or failure to answer truthfully a question presented by the 23583  
board at a deposition or in written interrogatories, except that 23584  
failure to cooperate with an investigation shall not constitute 23585  
grounds for discipline under this section if a court of 23586  
competent jurisdiction has issued an order that either quashes a 23587  
subpoena or permits the individual to withhold the testimony or 23588  
evidence in issue; 23589

(20) Failure to maintain the individual's status as a certified genetic counselor; 23590  
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(21) Failure to comply with the code of ethics established by the national society of genetic counselors. 23592  
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(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 23594  
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(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 23599  
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A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. 23612  
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~~(D)~~ (E) For purposes of divisions (B) (11), (14), and (15) of this section, the commission of the act may be established by 23617  
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a finding by the board, pursuant to an adjudication under 23619  
Chapter 119. of the Revised Code, that the applicant or license 23620  
holder committed the act in question. The board shall have no 23621  
jurisdiction under these divisions in cases where the trial 23622  
court renders a final judgment in the license holder's favor and 23623  
that judgment is based upon an adjudication on the merits. The 23624  
board shall have jurisdiction under these divisions in cases 23625  
where the trial court issues an order of dismissal on technical 23626  
or procedural grounds. 23627

~~(E)~~ (F) The sealing of conviction records by any court 23628  
shall have no effect on a prior board order entered under the 23629  
provisions of this section or on the board's jurisdiction to 23630  
take action under the provisions of this section if, based upon 23631  
a plea of guilty, a judicial finding of guilt, or a judicial 23632  
finding of eligibility for intervention in lieu of conviction, 23633  
the board issued a notice of opportunity for a hearing or took 23634  
other formal action under Chapter 119. of the Revised Code prior 23635  
to the court's order to seal the records. The board shall not be 23636  
required to seal, destroy, redact, or otherwise modify its 23637  
records to reflect the court's sealing of conviction records. 23638

~~(F)~~ (G) For purposes of this division, any individual who 23639  
holds a license to practice as a genetic counselor, or applies 23640  
for a license, shall be deemed to have given consent to submit 23641  
to a mental or physical examination when directed to do so in 23642  
writing by the board and to have waived all objections to the 23643  
admissibility of testimony or examination reports that 23644  
constitute a privileged communication. 23645

(1) In enforcing division (B) (5) of this section, the 23646  
board, on a showing of a possible violation, may compel any 23647  
individual who holds a license to practice as a genetic 23648

counselor or who has applied for a license to practice as a 23649  
genetic counselor to submit to a mental or physical examination, 23650  
or both. A physical examination may include an HIV test. The 23651  
expense of the examination is the responsibility of the 23652  
individual compelled to be examined. Failure to submit to a 23653  
mental or physical examination or consent to an HIV test ordered 23654  
by the board constitutes an admission of the allegations against 23655  
the individual unless the failure is due to circumstances beyond 23656  
the individual's control, and a default and final order may be 23657  
entered without the taking of testimony or presentation of 23658  
evidence. If the board finds a genetic counselor unable to 23659  
practice because of the reasons set forth in division (B) (5) of 23660  
this section, the board shall require the genetic counselor to 23661  
submit to care, counseling, or treatment by physicians approved 23662  
or designated by the board, as a condition for an initial, 23663  
continued, reinstated, or renewed license to practice. An 23664  
individual affected by this division shall be afforded an 23665  
opportunity to demonstrate to the board the ability to resume 23666  
practicing in compliance with acceptable and prevailing 23667  
standards of care. 23668

(2) For purposes of division (B) (6) of this section, if 23669  
the board has reason to believe that any individual who holds a 23670  
license to practice as a genetic counselor or any applicant for 23671  
a license suffers such impairment, the board may compel the 23672  
individual to submit to a mental or physical examination, or 23673  
both. The expense of the examination is the responsibility of 23674  
the individual compelled to be examined. Any mental or physical 23675  
examination required under this division shall be undertaken by 23676  
a treatment provider or physician qualified to conduct such 23677  
examination and chosen by the board. 23678

Failure to submit to a mental or physical examination 23679

ordered by the board constitutes an admission of the allegations 23680  
against the individual unless the failure is due to 23681  
circumstances beyond the individual's control, and a default and 23682  
final order may be entered without the taking of testimony or 23683  
presentation of evidence. If the board determines that the 23684  
individual's ability to practice is impaired, the board shall 23685  
suspend the individual's license or deny the individual's 23686  
application and shall require the individual, as a condition for 23687  
an initial, continued, reinstated, or renewed license, to submit 23688  
to treatment. 23689

Before being eligible to apply for reinstatement of a 23690  
license suspended under this division, the genetic counselor 23691  
shall demonstrate to the board the ability to resume practice in 23692  
compliance with acceptable and prevailing standards of care. The 23693  
demonstration shall include the following: 23694

(a) Certification from a treatment provider approved under 23695  
section 4731.25 of the Revised Code that the individual has 23696  
successfully completed any required inpatient treatment; 23697

(b) Evidence of continuing full compliance with an 23698  
aftercare contract or consent agreement; 23699

(c) Two written reports indicating that the individual's 23700  
ability to practice has been assessed and that the individual 23701  
has been found capable of practicing according to acceptable and 23702  
prevailing standards of care. The reports shall be made by 23703  
individuals or providers approved by the board for making such 23704  
assessments and shall describe the basis for their 23705  
determination. 23706

The board may reinstate a license suspended under this 23707  
division after such demonstration and after the individual has 23708

entered into a written consent agreement. 23709

When the impaired genetic counselor resumes practice, the 23710  
board shall require continued monitoring of the genetic 23711  
counselor. The monitoring shall include monitoring of compliance 23712  
with the written consent agreement entered into before 23713  
reinstatement or with conditions imposed by board order after a 23714  
hearing, and, on termination of the consent agreement, 23715  
submission to the board for at least two years of annual written 23716  
progress reports made under penalty of falsification stating 23717  
whether the genetic counselor has maintained sobriety. 23718

~~(G)~~ (H) If the secretary and supervising member determine 23719  
both of the following, they may recommend that the board suspend 23720  
an individual's license to practice without a prior hearing: 23721

(1) That there is clear and convincing evidence that a 23722  
genetic counselor has violated division (B) of this section; 23723

(2) That the individual's continued practice presents a 23724  
danger of immediate and serious harm to the public. 23725

Written allegations shall be prepared for consideration by 23726  
the board. The board, on review of the allegations and by an 23727  
affirmative vote of not fewer than six of its members, excluding 23728  
the secretary and supervising member, may suspend a license 23729  
without a prior hearing. A telephone conference call may be 23730  
utilized for reviewing the allegations and taking the vote on 23731  
the summary suspension. 23732

The board shall issue a written order of suspension by 23733  
certified mail or in person in accordance with section 119.07 of 23734  
the Revised Code. The order shall not be subject to suspension 23735  
by the court during pendency of any appeal filed under section 23736  
119.12 of the Revised Code. If the genetic counselor requests an 23737

adjudicatory hearing by the board, the date set for the hearing 23738  
shall be within fifteen days, but not earlier than seven days, 23739  
after the genetic counselor requests the hearing, unless 23740  
otherwise agreed to by both the board and the genetic counselor. 23741

A summary suspension imposed under this division shall 23742  
remain in effect, unless reversed on appeal, until a final 23743  
adjudicative order issued by the board pursuant to this section 23744  
and Chapter 119. of the Revised Code becomes effective. The 23745  
board shall issue its final adjudicative order within sixty days 23746  
after completion of its hearing. Failure to issue the order 23747  
within sixty days shall result in dissolution of the summary 23748  
suspension order, but shall not invalidate any subsequent, final 23749  
adjudicative order. 23750

~~(H)~~(I) If the board takes action under division (B) (10), 23751  
(12), or (13) of this section, and the judicial finding of 23752  
guilt, guilty plea, or judicial finding of eligibility for 23753  
intervention in lieu of conviction is overturned on appeal, on 23754  
exhaustion of the criminal appeal, a petition for 23755  
reconsideration of the order may be filed with the board along 23756  
with appropriate court documents. On receipt of a petition and 23757  
supporting court documents, the board shall reinstate the 23758  
license to practice as a genetic counselor. The board may then 23759  
hold an adjudication under Chapter 119. of the Revised Code to 23760  
determine whether the individual committed the act in question. 23761  
Notice of opportunity for hearing shall be given in accordance 23762  
with Chapter 119. of the Revised Code. If the board finds, 23763  
pursuant to an adjudication held under this division, that the 23764  
individual committed the act, or if no hearing is requested, it 23765  
may order any of the sanctions specified in division (B) of this 23766  
section. 23767

~~(I)~~ (J) The license to practice as a genetic counselor and the counselor's practice in this state are automatically suspended as of the date the genetic counselor pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

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

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



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

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

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

(1) The surrender of a license to practice as a genetic counselor is not effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

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

(3) Failure by an individual to renew a license in accordance with section 4778.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

**Sec. 4779.09.** An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the Ohio occupational therapy, physical therapy, and athletic trainers board in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a license to an applicant who is eighteen years of age or older, ~~of good moral character,~~ and meets either the requirements of divisions (A) and (B) of this section or the requirements of section 4779.17 of the Revised Code.

(A) The applicant must pass an examination conducted pursuant to section 4779.15 of the Revised Code;

(B) The applicant must meet the requirements of one of the following:

(1) In the case of an applicant for a license to practice orthotics, the requirements of section 4779.10 of the Revised Code;

(2) In the case of an applicant for a license to practice prosthetics, the requirements of section 4779.11 of the Revised Code;

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the requirements of section 4779.12 of the Revised Code;

(4) In the case of an applicant for a license to practice pedorthics, the requirements of section 4779.13 of the Revised

Code. 23857

**Sec. 4779.091.** (A) As used in this section, "license" and 23858  
"applicant for an initial license" have the same meanings as in 23859  
section 4776.01 of the Revised Code, except that "license" as 23860  
used in both of those terms refers to the types of 23861  
authorizations otherwise issued or conferred under this chapter. 23862

(B) In addition to any other eligibility requirement set 23863  
forth in this chapter, each applicant for an initial license 23864  
shall comply with sections 4776.01 to 4776.04 of the Revised 23865  
Code. The Ohio occupational therapy, physical therapy, and 23866  
athletic trainers board shall not grant a license to an 23867  
applicant for an initial license unless the applicant complies 23868  
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 23869  
~~board, in its discretion, decides that the results of the~~ 23870  
~~criminal records check do not make the applicant ineligible for~~ 23871  
~~a license issued pursuant to section 4779.09, 4779.17, or~~ 23872  
~~4779.18 of the Revised Code.~~ 23873

**Sec. 4779.18.** (A) The Ohio occupational therapy, physical 23874  
therapy, and athletic trainers board shall issue a temporary 23875  
license to an individual who meets all of the following 23876  
requirements: 23877

(1) Applies to the board in accordance with rules adopted 23878  
under section 4779.08 of the Revised Code and pays the 23879  
application fee specified in the rules; 23880

(2) Is eighteen years of age or older; 23881

(3) ~~Is of good moral character;~~ 23882

~~(4) One of the following applies:~~ 23883

(a) In the case of an applicant for a license to practice 23884

orthotics, the applicant meets the requirements in divisions (B) 23885  
and (C) of section 4779.10 of the Revised Code. 23886

(b) In the case of an applicant for a license to practice 23887  
prosthetics, the applicant meets the requirements in divisions 23888  
(B) and (C) of section 4779.11 of the Revised Code. 23889

(c) In the case of an applicant for a license to practice 23890  
orthotics and prosthetics, the applicant meets the requirements 23891  
in divisions (B) and (C) of section 4779.12 of the Revised Code. 23892

(d) In the case of an applicant for a license to practice 23893  
pedorthics, the applicant meets the requirements in divisions 23894  
(B) and (C) of section 4779.13 of the Revised Code. 23895

(B) A temporary license issued under this section is valid 23896  
for one year and may be renewed once in accordance with rules 23897  
adopted by the board under section 4779.08 of the Revised Code. 23898

An individual who holds a temporary license may practice 23899  
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 23900  
only under the supervision of an individual who holds a license 23901  
issued under section 4779.09 of the Revised Code in the same 23902  
area of practice. 23903

(C) All fees received by the board under this section 23904  
shall be deposited in the state treasury to the credit of the 23905  
occupational licensing and regulatory fund established in 23906  
section 4743.05 of the Revised Code. 23907

**Sec. 4779.28.** (A) The Ohio occupational therapy, physical 23908  
therapy, and athletic trainers board may, pursuant to an 23909  
adjudication under Chapter 119. of the Revised Code, and except 23910  
as provided in division (B) of this section, limit, revoke, or 23911  
suspend a license issued under this chapter, refuse to issue a 23912  
license to an applicant, or reprimand or place on probation a 23913

license holder for any of the following reasons:	23914
(1) Conviction of, or a plea of guilty to, a misdemeanor	23915
or felony involving moral turpitude;	23916
(2) Any violation of this chapter;	23917
(3) Committing fraud, misrepresentation, or deception in	23918
applying for or securing a license issued under this chapter;	23919
(4) Habitual use of drugs or intoxicants to the extent	23920
that it renders the person unfit to practice;	23921
(5) Violation of any rule adopted by the board under	23922
section 4779.08 of the Revised Code;	23923
(6) A departure from, or failure to conform to, minimal	23924
standards of care of similar orthotists, prosthetists,	23925
orthotists-prosthetists, or pedorthists under the same or	23926
similar circumstances, regardless of whether actual injury to a	23927
patient is established;	23928
(7) Obtaining or attempting to obtain money or anything of	23929
value by fraudulent misrepresentation in the course of practice;	23930
(8) Publishing a false, fraudulent, deceptive, or	23931
misleading statement;	23932
(9) Waiving the payment of all or part of a deductible or	23933
copayment that a patient, pursuant to a health insurance or	23934
health care policy, contract, or plan, would otherwise be	23935
required to pay, if the waiver is used as an enticement to a	23936
patient or group of patients to receive health care services	23937
from a person who holds a license issued under this chapter;	23938
(10) Advertising that a person who holds a license issued	23939
under this chapter will waive the payment of all or part of a	23940

deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay.

(B) The board shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.

**Sec. 4781.09.** (A) The division of industrial compliance may, except as provided in division (B) of this section, deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons:

(1) Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code;

(2) Violation of this chapter or any rule adopted pursuant to it;

(3) Making a material misstatement in an application for a license;

(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;

(5) Failure to appear for a hearing before the division or to comply with any final adjudication order of the division

issued pursuant to this chapter;	23969
(6) Conviction of a felony or a crime involving moral turpitude;	23970 23971
(7) Having had a license revoked, suspended, or denied by the division during the preceding two years;	23972 23973
(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;	23974 23975
(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.	23976 23977
(10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.	23978 23979 23980
<u>(B) The division shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	23981 23982 23983
<u>(C)</u> (1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.	23984 23985 23986 23987 23988 23989
(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in section 119.12 of the Revised Code.	23990 23991 23992
<del>(C)</del> <u>(D)</u> A person whose license is suspended, revoked, or not renewed may apply for a new license two years after the date on which the license was suspended, revoked, or not renewed.	23993 23994 23995

<b>Sec. 4781.18.</b> (A) The division of real estate shall deny	23996
the application of any person for a license as a manufactured	23997
housing dealer or manufactured housing broker and refuse to	23998
issue the license if the division finds that any of the	23999
following is true of the applicant:	24000
(1) The applicant has made any false statement of a	24001
material fact in the application.	24002
(2) The applicant has not complied with this chapter or	24003
the rules adopted by the division of real estate under this	24004
chapter.	24005
(3) The applicant <del>is of bad business repute or</del> has	24006
habitually defaulted on financial obligations.	24007
(4) The applicant has been guilty of a fraudulent act in	24008
connection with selling or otherwise dealing in manufactured	24009
housing or in connection with brokering manufactured housing.	24010
(5) The applicant has entered into or is about to enter	24011
into a contract or agreement with a manufacturer or distributor	24012
of manufactured homes that is contrary to the requirements of	24013
this chapter.	24014
(6) The applicant is insolvent.	24015
(7) The applicant is of insufficient responsibility to	24016
ensure the prompt payment of any final judgments that might	24017
reasonably be entered against the applicant because of the	24018
transaction of business as a manufactured housing dealer or	24019
manufactured housing broker during the period of the license	24020
applied for, or has failed to satisfy any such judgment.	24021
(8) The applicant has no established place of business	24022
that, where applicable, is used or will be used for the purpose	24023



of selling, displaying, offering for sale or dealing in 24024  
manufactured housing at the location for which application is 24025  
made. 24026

(9) Within less than twelve months prior to making 24027  
application, the applicant has been denied a manufactured 24028  
housing dealer's license or manufactured housing broker's 24029  
license, or has any such license revoked. 24030

(B) The division of real estate shall deny the application 24031  
of any person for a license as a salesperson and refuse to issue 24032  
the license if the division finds that any of the following is 24033  
true of the applicant: 24034

(1) The applicant has made any false statement of a 24035  
material fact in the application. 24036

(2) The applicant has not complied with this chapter or 24037  
the rules adopted by the division of real estate under this 24038  
chapter. 24039

(3) The applicant ~~is of bad business repute or has~~ 24040  
habitually defaulted on financial obligations. 24041

(4) The applicant has been guilty of a fraudulent act in 24042  
connection with selling or otherwise dealing in manufactured 24043  
housing. 24044

(5) The applicant has not been designated to act as 24045  
salesperson for a manufactured housing dealer or manufactured 24046  
housing broker licensed to do business in this state under this 24047  
chapter, or intends to act as salesperson for more than one 24048  
licensed manufactured housing dealer or manufactured housing 24049  
broker at the same time, unless the licensed dealership is owned 24050  
or operated by the same corporation, regardless of the county in 24051  
which the dealership's facility is located. 24052

(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 24053  
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(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked. 24058  
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(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked. 24061  
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(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the division of real estate may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, or partner as an individual. The division's finding may be based upon facts contained in the application or upon any other information the division of real estate may have. 24064  
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(D) Notwithstanding division (A) (4) of this section, the division of real estate shall not deny the application of any person and refuse to issue a license if the division finds that the applicant is engaged or will engage in the business of selling at retail any new manufactured homes and demonstrates that the applicant has posted a bond, surety, or certificate of deposit with the division of real estate in an amount not less than one hundred thousand dollars for the protection and benefit of the applicant's customers. 24073  
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(E) A decision made by the division of real estate under 24082  
this section may be based upon any statement contained in the 24083  
application or upon any facts within the division's knowledge. 24084

(F) Immediately upon denying an application for any of the 24085  
reasons in this section, the division of real estate shall enter 24086  
a final order together with the division's findings. If the 24087  
application is denied by the division of real estate, the 24088  
division of real estate shall enter a final order and shall 24089  
issue to the applicant a written notice of refusal to grant a 24090  
license that shall disclose the reason for refusal. 24091

**Sec. 4783.04.** (A) An individual seeking a certificate to 24092  
practice as a certified Ohio behavior analyst shall file with 24093  
the state board of psychology a written application on a form 24094  
prescribed and supplied by the board. To be eligible for a 24095  
certificate, the individual shall do all of the following: 24096

(1) Demonstrate that the applicant ~~is of good moral~~ 24097  
~~character and~~ conducts the applicant's professional activities 24098  
in accordance with accepted professional and ethical standards; 24099

(2) Comply with sections 4776.01 to 4776.04 of the Revised 24100  
Code; 24101

(3) Demonstrate an understanding of the law regarding 24102  
behavioral health practice; 24103

(4) Demonstrate current certification as a board certified 24104  
behavior analyst by the behavior analyst certification board or 24105  
its successor organization or demonstrate completion of 24106  
equivalent requirements and passage of a psychometrically valid 24107  
examination administered by a nationally accredited 24108  
credentialing organization; 24109

(5) Pay the fee established by the state board of 24110

psychology. 24111

(B) The state board of psychology shall review all 24112  
applications received under this section. The state board of 24113  
psychology shall not grant a certificate to an applicant for an 24114  
initial certificate unless the applicant complies with sections 24115  
4776.01 to 4776.04 of the Revised Code ~~and the state board of~~ 24116  
~~psychology, in its discretion, decides that the results of the~~ 24117  
~~criminal records check do not make the applicant ineligible for~~ 24118  
~~a certificate issued pursuant to section 4783.09 of the Revised~~ 24119  
~~Code.~~ If the state board of psychology determines that an 24120  
applicant satisfies the requirements for a certificate to 24121  
practice as a certified Ohio behavior analyst, the state board 24122  
of psychology shall issue the applicant a certificate. 24123

**Sec. 4783.09.** (A) The state board of psychology may, 24124  
except as provided in division (B) of this section, refuse to 24125  
issue a certificate to any applicant, may issue a reprimand, or 24126  
suspend or revoke the certificate of any certified Ohio behavior 24127  
analyst, on any of the following grounds: 24128

(1) Conviction of a felony, or of any offense involving 24129  
moral turpitude, in a court of this or any other state or in a 24130  
federal court; 24131

(2) Using fraud or deceit in the procurement of the 24132  
certificate to practice applied behavior analysis or knowingly 24133  
assisting another in the procurement of such a certificate 24134  
through fraud or deceit; 24135

(3) Accepting commissions or rebates or other forms of 24136  
remuneration for referring persons to other professionals; 24137

(4) Willful, unauthorized communication of information 24138  
received in professional confidence; 24139

(5) Being negligent in the practice of applied behavior analysis;	24140 24141
(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform the work of a certified Ohio behavior analyst with safety to the public;	24142 24143 24144 24145
(7) Violating any rule of professional conduct promulgated by the board;	24146 24147
(8) Practicing in an area of applied behavior analysis for which the person is clearly untrained or incompetent;	24148 24149
(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the certificate;	24150 24151 24152
(10) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	24153 24154 24155 24156 24157 24158 24159
(11) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay.	24160 24161 24162 24163 24164
(B) <u>The board shall not refuse to issue a certificate to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	24165 24166 24167

(C) For purposes of division (A) (9) of this section, a person may have the person's certificate issued or restored only upon determination by a court that the person is competent for the purpose of holding the certificate and upon the decision by the board that the certificate be issued or restored. The board may require an examination prior to such issuance or restoration.

~~(C)~~ (D) Notwithstanding divisions (A) (10) and (11) of this section, sanctions shall not be imposed against any certificate holder who waives deductibles and copayments:

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

(2) For professional services rendered to any other person holding a certificate issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

~~(D)~~ (E) Except as provided in section 4783.10 of the Revised Code, before the board may deny, suspend, or revoke a certificate under this section, or otherwise discipline the holder of a certificate, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code.

**Sec. 5120.55.** (A) As used in this section, "licensed health professional" means any or all of the following:

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry;

(2) A licensed practical nurse who holds a current, valid

license issued under Chapter 4723. of the Revised Code that 24197  
authorizes the practice of nursing as a licensed practical 24198  
nurse; 24199

(3) An optometrist who holds a current, valid certificate 24200  
of licensure issued under Chapter 4725. of the Revised Code that 24201  
authorizes the holder to engage in the practice of optometry; 24202

(4) A physician who is authorized under Chapter 4731. of 24203  
the Revised Code to practice medicine and surgery, osteopathic 24204  
medicine and surgery, or podiatric medicine and surgery; 24205

(5) A psychologist who holds a current, valid license 24206  
issued under Chapter 4732. of the Revised Code that authorizes 24207  
the practice of psychology as a licensed psychologist; 24208

(6) A registered nurse who holds a current, valid license 24209  
issued under Chapter 4723. of the Revised Code that authorizes 24210  
the practice of nursing as a registered nurse, including such a 24211  
nurse who is also licensed to practice as an advanced practice 24212  
registered nurse as defined in section 4723.01 of the Revised 24213  
Code. 24214

(B) (1) The department of rehabilitation and correction may 24215  
establish a recruitment program under which the department, by 24216  
means of a contract entered into under division (C) of this 24217  
section, agrees to repay all or part of the principal and 24218  
interest of a government or other educational loan incurred by a 24219  
licensed health professional who agrees to provide services to 24220  
inmates of correctional institutions under the department's 24221  
administration. 24222

(2) (a) For a physician to be eligible to participate in 24223  
the program, the physician must have attended a school that was, 24224  
during the time of attendance, a medical school or osteopathic 24225

medical school in this country accredited by the liaison 24226  
committee on medical education or the American osteopathic 24227  
association, a college of podiatry in this country in good 24228  
standing with the state medical board, or a medical school, 24229  
osteopathic medical school, or college of podiatry located 24230  
outside this country that was acknowledged by the world health 24231  
organization and verified by a member state of that organization 24232  
as operating within that state's jurisdiction. 24233

(b) For a nurse to be eligible to participate in the 24234  
program, the nurse must have attended a school that was, during 24235  
the time of attendance, a nursing school in this country 24236  
accredited by the commission on collegiate nursing education or 24237  
the national league for nursing accrediting commission or a 24238  
nursing school located outside this country that was 24239  
acknowledged by the world health organization and verified by a 24240  
member state of that organization as operating within that 24241  
state's jurisdiction. 24242

(c) For a dentist to be eligible to participate in the 24243  
program, the dentist must have attended a school that was, 24244  
during the time of attendance, a dental college that enabled the 24245  
dentist to meet the requirements specified in section 4715.10 of 24246  
the Revised Code to be granted a license to practice dentistry. 24247

(d) For an optometrist to be eligible to participate in 24248  
the program, the optometrist must have attended a school of 24249  
optometry that was, during the time of attendance, approved by 24250  
the state vision professionals board. 24251

(e) For a psychologist to be eligible to participate in 24252  
the program, the psychologist must have attended an educational 24253  
institution that, during the time of attendance, maintained a 24254  
specific degree program recognized by the state board of 24255



psychology as acceptable for fulfilling the requirement of 24256  
division (B) ~~(3)~~ (2) of section 4732.10 of the Revised Code. 24257

(C) The department shall enter into a contract with each 24258  
licensed health professional it recruits under this section. 24259  
Each contract shall include at least the following terms: 24260

(1) The licensed health professional agrees to provide a 24261  
specified scope of medical, osteopathic medical, podiatric, 24262  
optometric, psychological, nursing, or dental services to 24263  
inmates of one or more specified state correctional institutions 24264  
for a specified number of hours per week for a specified number 24265  
of years. 24266

(2) The department agrees to repay all or a specified 24267  
portion of the principal and interest of a government or other 24268  
educational loan taken by the licensed health professional for 24269  
the following expenses to attend, for up to a maximum of four 24270  
years, a school that qualifies the licensed health professional 24271  
to participate in the program: 24272

(a) Tuition; 24273

(b) Other educational expenses for specific purposes, 24274  
including fees, books, and laboratory expenses, in amounts 24275  
determined to be reasonable in accordance with rules adopted 24276  
under division (D) of this section; 24277

(c) Room and board, in an amount determined to be 24278  
reasonable in accordance with rules adopted under division (D) 24279  
of this section. 24280

(3) The licensed health professional agrees to pay the 24281  
department a specified amount, which shall be no less than the 24282  
amount already paid by the department pursuant to its agreement, 24283  
as damages if the licensed health professional fails to complete 24284

the service obligation agreed to or fails to comply with other 24285  
specified terms of the contract. The contract may vary the 24286  
amount of damages based on the portion of the service obligation 24287  
that remains uncompleted. 24288

(4) Other terms agreed upon by the parties. 24289

The licensed health professional's lending institution or 24290  
the department of higher education may be a party to the 24291  
contract. The contract may include an assignment to the 24292  
department of rehabilitation and correction of the licensed 24293  
health professional's duty to repay the principal and interest 24294  
of the loan. 24295

(D) If the department of rehabilitation and correction 24296  
elects to implement the recruitment program, it shall adopt 24297  
rules in accordance with Chapter 119. of the Revised Code that 24298  
establish all of the following: 24299

(1) Criteria for designating institutions for which 24300  
licensed health professionals will be recruited; 24301

(2) Criteria for selecting licensed health professionals 24302  
for participation in the program; 24303

(3) Criteria for determining the portion of a loan which 24304  
the department will agree to repay; 24305

(4) Criteria for determining reasonable amounts of the 24306  
expenses described in divisions (C) (2) (b) and (c) of this 24307  
section; 24308

(5) Procedures for monitoring compliance by a licensed 24309  
health professional with the terms of the contract the licensed 24310  
health professional enters into under this section; 24311

(6) Any other criteria or procedures necessary to 24312

implement the program. 24313

**Sec. 5123.169.** (A) (1) The director of developmental 24314  
disabilities shall not refuse to issue a supported living 24315  
certificate to an applicant unless either of the following 24316  
applies: 24317

(a) The applicant fails to comply with division (C)(2) of 24318  
this section; 24319

(b) The applicant is found by a criminal records check 24320  
required by this section to have been convicted of, pleaded 24321  
guilty to, or been found eligible for intervention in lieu of 24322  
conviction for a disqualifying offense and the director complies 24323  
with section 9.79 of the Revised Code. 24324

~~(2) The director of developmental disabilities shall not~~ 24325  
~~issue a supported living certificate to an applicant or renew an~~ 24326  
~~applicant's supported living certificate if either of the~~ 24327  
~~following applies:~~ 24328

~~(1)(a) The applicant for renewal fails to comply with~~ 24329  
~~division (C)(2) of this section;~~ 24330

~~(2)(b) Except as provided in rules adopted under section~~ 24331  
~~5123.1611 of the Revised Code, the applicant for renewal is~~ 24332  
~~found by a criminal records check required by this section to~~ 24333  
~~have been convicted of, pleaded guilty to, or been found~~ 24334  
~~eligible for intervention in lieu of conviction for a~~ 24335  
~~disqualifying offense.~~ 24336

(B) Before issuing a supported living certificate to an 24337  
applicant or renewing an applicant's supported living 24338  
certificate, the director shall require the applicant to submit 24339  
a statement with the applicant's signature attesting ~~that as to~~ 24340  
whether the applicant has ~~not~~ been convicted of, pleaded guilty 24341

to, or been found eligible for intervention in lieu of 24342  
conviction for a disqualifying offense. The director also shall 24343  
require the applicant to sign an agreement under which the 24344  
applicant agrees to notify the director within fourteen calendar 24345  
days if, while holding a supported living certificate, the 24346  
applicant is formally charged with, is convicted of, pleads 24347  
guilty to, or is found eligible for intervention in lieu of 24348  
conviction for a disqualifying offense. The agreement shall 24349  
provide that the applicant's failure to provide the notification 24350  
may result in action being taken by the director against the 24351  
applicant under section 5123.166 of the Revised Code. 24352

(C) (1) As a condition of receiving a supported living 24353  
certificate or having a supported living certificate renewed, an 24354  
applicant shall request the superintendent of the bureau of 24355  
criminal identification and investigation to conduct a criminal 24356  
records check of the applicant. If an applicant does not present 24357  
proof to the director that the applicant has been a resident of 24358  
this state for the five-year period immediately prior to the 24359  
date that the applicant applies for issuance or renewal of the 24360  
supported living certificate, the director shall require the 24361  
applicant to request that the superintendent obtain information 24362  
from the federal bureau of investigation as a part of the 24363  
criminal records check. If the applicant presents proof to the 24364  
director that the applicant has been a resident of this state 24365  
for that five-year period, the director may require the 24366  
applicant to request that the superintendent include information 24367  
from the federal bureau of investigation in the criminal records 24368  
check. For purposes of this division, an applicant may provide 24369  
proof of residency in this state by presenting, with a notarized 24370  
statement asserting that the applicant has been a resident of 24371  
this state for that five-year period, a valid driver's license, 24372

notification of registration as an elector, a copy of an 24373  
officially filed federal or state tax form identifying the 24374  
applicant's permanent residence, or any other document the 24375  
director considers acceptable. 24376

(2) Each applicant shall do all of the following: 24377

(a) Obtain a copy of the form prescribed pursuant to 24378  
division (C) (1) of section 109.572 of the Revised Code and a 24379  
standard impression sheet prescribed pursuant to division (C) (2) 24380  
of section 109.572 of the Revised Code; 24381

(b) Complete the form and provide the applicant's 24382  
fingerprint impressions on the standard impression sheet; 24383

(c) Forward the completed form and standard impression 24384  
sheet to the superintendent at the time the criminal records 24385  
check is requested; 24386

(d) Instruct the superintendent to submit the completed 24387  
report of the criminal records check directly to the director; 24388

(e) Pay to the bureau of criminal identification and 24389  
investigation the fee prescribed pursuant to division (C) (3) of 24390  
section 109.572 of the Revised Code for each criminal records 24391  
check of the applicant requested and conducted pursuant to this 24392  
section. 24393

(D) The director may request any other state or federal 24394  
agency to supply the director with a written report regarding 24395  
the criminal record of an applicant. The director may consider 24396  
the reports when determining whether to issue a supported living 24397  
certificate to the applicant or to renew an applicant's 24398  
supported living certificate. 24399

(E) An applicant who seeks to be an independent provider 24400

or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate.

(F) (1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant who is the subject of the report or the applicant's representative;

(b) The director or the director's representative;

(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of a supported living certificate or refusal to renew a supported living certificate;

(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program.

(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in

the request the person or entities to which the copies are to be 24429  
sent. On receiving the request, the director shall send copies 24430  
of the reports to the persons or entities specified. 24431

(3) The director may request that a person or state or 24432  
local government entity send copies to the director of any 24433  
report regarding a records check or criminal records check that 24434  
the person or entity possesses, if the director obtains the 24435  
written consent of the individual who is the subject of the 24436  
report. 24437

(4) The director shall provide each applicant with a copy 24438  
of any report obtained about the applicant under this section. 24439

**Sec. 5123.1611.** The director of developmental disabilities 24440  
shall adopt rules under Chapter 119. of the Revised Code 24441  
establishing all of the following: 24442

(A) The extent to which a county board of developmental 24443  
disabilities may provide supported living; 24444

(B) The application process for obtaining a supported 24445  
living certificate under section 5123.161 of the Revised Code; 24446

(C) The certification standards a person or government 24447  
entity must meet to obtain a supported living certificate to 24448  
provide supported living; 24449

(D) The certification fee for a supported living 24450  
certificate, which shall be deposited into the program fee fund 24451  
created under section 5123.033 of the Revised Code; 24452

(E) The period of time a supported living certificate is 24453  
valid; 24454

(F) The process for renewing a supported living 24455  
certificate under section 5123.164 of the Revised Code; 24456

(G) The renewal fee for a supported living certificate, 24457  
which shall be deposited into the program fee fund created under 24458  
section 5123.033 of the Revised Code; 24459

(H) Procedures for conducting surveys under section 24460  
5123.162 of the Revised Code; 24461

(I) Procedures for determining whether there is good cause 24462  
to take action under section 5123.166 of the Revised Code 24463  
against a person or government entity seeking or holding a 24464  
supported living certificate; 24465

(J) Circumstances under which the director may ~~issue a~~ 24466  
~~supported living certificate to an applicant or~~ 24467  
applicant's supported living certificate if the applicant is 24468  
found by a criminal records check required by section 5123.169 24469  
of the Revised Code to have been convicted of, pleaded guilty 24470  
to, or been found eligible for intervention in lieu of 24471  
conviction for a disqualifying offense but meets standards in 24472  
regard to rehabilitation set by the director. 24473

**Sec. 5123.452.** (A) If good cause exists as specified in 24474  
division (B) of this section and determined in accordance with 24475  
procedures established in rules adopted under section 5123.46 of 24476  
the Revised Code, the director of developmental disabilities may 24477  
issue an adjudication order requiring that one of the following 24478  
actions be taken against a person seeking or holding a 24479  
certificate issued under section 5123.45 of the Revised Code: 24480

(1) Refusal to issue or renew a certificate; 24481

(2) Revocation of a certificate; 24482

(3) Suspension of a certificate. 24483

(B) The following constitute good cause for taking action 24484



under division (A) of this section against a certificate holder:	24485
(1) The certificate holder violates sections 5123.41 to	24486
5123.45 of the Revised Code or rules adopted under those	24487
sections;	24488
(2) Confirmed abuse or neglect;	24489
(3) The certificate holder has been convicted of or	24490
pleaded guilty to a disqualifying offense, as defined in section	24491
5123.081 of the Revised Code;	24492
(4) Misfeasance;	24493
(5) Malfeasance;	24494
(6) Nonfeasance;	24495
(7) In the case of a certificate holder who is a	24496
registered nurse, the board of nursing has taken disciplinary	24497
action against the certificate holder under Chapter 4723. of the	24498
Revised Code;	24499
(8) Other conduct the director determines is or would be	24500
injurious to individuals.	24501
(C) The director shall issue an adjudication order under	24502
division (A) of this section in accordance with Chapter 119. of	24503
the Revised Code.	24504
<u>(D) Notwithstanding any provision of divisions (A) and (B)</u>	24505
<u>of this section to the contrary, the director shall not refuse</u>	24506
<u>to issue a certificate to an applicant because of a conviction</u>	24507
<u>of or plea of guilty to an offense unless the refusal is in</u>	24508
<u>accordance with section 9.79 of the Revised Code.</u>	24509
<b>Sec. 5502.011.</b> (A) As used in this section, "department of	24510
public safety" and "department" include all divisions within the	24511

department of public safety. 24512

(B) The director of public safety is the chief executive 24513  
and administrative officer of the department. The director may 24514  
establish policies governing the department, the performance of 24515  
its employees and officers, the conduct of its business, and the 24516  
custody, use, and preservation of departmental records, papers, 24517  
books, documents, and property. The director also may authorize 24518  
and approve investigations to be conducted by any of the 24519  
department's divisions. Whenever the Revised Code imposes a duty 24520  
upon or requires an action of the department, the director may 24521  
perform the action or duty in the name of the department or 24522  
direct such performance to be performed by the director's 24523  
designee. 24524

(C) In addition to any other duties enumerated in the 24525  
Revised Code, the director or the director's designee shall do 24526  
all of the following: 24527

(1) Administer and direct the performance of the duties of 24528  
the department; 24529

(2) Pursuant to Chapter 119. of the Revised Code, approve, 24530  
adopt, and prescribe such forms and rules as are necessary to 24531  
carry out the duties of the department; 24532

(3) On behalf of the department and in addition to any 24533  
authority the Revised Code otherwise grants to the department, 24534  
have the authority and responsibility for approving and entering 24535  
into contracts, agreements, and other business arrangements; 24536

(4) Make appointments for the department as needed to 24537  
comply with requirements of the Revised Code; 24538

(5) Approve employment actions of the department, 24539  
including appointments, promotions, discipline, investigations, 24540

and terminations;	24541
(6) Accept, hold, and use, for the benefit of the	24542
department, any gift, donation, bequest, or devise, and may	24543
agree to and perform all conditions of the gift, donation,	24544
bequest, or devise, that are not contrary to law;	24545
(7) Apply for, allocate, disburse, and account for grants	24546
made available under federal law or from other federal, state,	24547
or private sources;	24548
(8) Develop a list of disqualifying offenses for licensure	24549
as a private investigator or a security guard provider pursuant	24550
to sections <u>9.79</u> , 4749.03, 4749.04, 4749.10, and 4776.10 of the	24551
Revised Code;	24552
(9) Do all other acts necessary or desirable to carry out	24553
this chapter.	24554
(D) (1) The director of public safety may assess a	24555
reasonable fee, plus the amount of any charge or fee passed on	24556
from a financial institution, on a drawer or indorser for each	24557
of the following:	24558
(a) A check, draft, or money order that is returned or	24559
dishonored;	24560
(b) An automatic bank transfer that is declined, due to	24561
insufficient funds or for any other reason;	24562
(c) Any financial transaction device that is returned or	24563
dishonored for any reason.	24564
(2) The director shall deposit any fee collected under	24565
this division in an appropriate fund as determined by the	24566
director based on the tax, fee, or fine being paid.	24567

(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code. 24568  
24569  
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(E)(1) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts. 24571  
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24573

(2) The advisory council shall consist of the following members, who shall serve without compensation: 24574  
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(a) The secretary of state; 24576

(b) State and local government officials, appointed by the director, who have homeland security or emergency management responsibilities and who represent first responders; 24577  
24578  
24579

(c) Any other members appointed by the director. 24580

**Section 2.** That existing sections 9.78, 101.721, 101.921, 24581  
109.572, 121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 24582  
169.17, 903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 24583  
956.03, 956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 24584  
1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 24585  
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4715.21, 4715.27, 4715.30, 4717.05, 4717.051, 4717.061, 4717.14, 24599  
4719.03, 4723.09, 4723.092, 4723.28, 4723.651, 4723.75, 4723.76, 24600  
4723.84, 4725.12, 4725.121, 4725.18, 4725.19, 4725.44, 4725.48, 24601  
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4730.11, 4730.25, 4731.08, 4731.09, 4731.171, 4731.19, 4731.22, 24604  
4731.291, 4731.299, 4731.52, 4731.531, 4731.573, 4732.091, 24605  
4732.10, 4732.17, 4733.11, 4733.20, 4734.20, 4734.202, 4734.23, 24606  
4734.27, 4734.31, 4735.07, 4735.09, 4735.10, 4735.13, 4735.27, 24607  
4735.28, 4736.08, 4738.04, 4738.07, 4740.05, 4740.06, 4740.061, 24608  
4740.10, 4741.10, 4741.12, 4741.22, 4747.04, 4747.05, 4747.051, 24609  
4747.10, 4747.12, 4749.03, 4751.20, 4751.202, 4751.21, 4751.32, 24610  
4752.09, 4753.061, 4753.10, 4755.06, 4755.07, 4755.08, 4755.11, 24611  
4755.47, 4755.62, 4755.64, 4755.70, 4757.10, 4757.101, 4757.22, 24612  
4757.23, 4757.27, 4757.28, 4757.29, 4757.36, 4758.20, 4758.24, 24613  
4758.30, 4759.02, 4759.051, 4759.06, 4759.061, 4759.07, 4760.03, 24614  
4760.032, 4760.13, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 24615  
4761.09, 4762.03, 4762.031, 4762.13, 4763.05, 4764.05, 4764.06, 24616  
4764.13, 4764.14, 4765.11, 4765.17, 4765.301, 4765.55, 4771.18, 24617  
4773.03, 4774.03, 4774.031, 4774.13, 4776.04, 4778.02, 4778.03, 24618  
4778.04, 4778.14, 4779.09, 4779.091, 4779.18, 4779.28, 4781.09, 24619  
4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 24620  
5123.452, and 5502.011 of the Revised Code are hereby repealed. 24621

**Section 3.** That section 4743.06 of the Revised Code is 24622  
hereby repealed. 24623

**Section 4.** Sections 1, 2, and 3 of this act, except for 24624  
the enactment of section 9.79 of the Revised Code in Section 1 24625  
of this act, take effect one hundred eighty days after the 24626  
effective date of this act. 24627

<b>Section 5.</b> This act shall be known as the "Fresh Start Act."	24628 24629
<b>Section 6.</b> The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	24630 24631 24632 24633 24634 24635 24636 24637
Section 109.572 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.	24638 24639
Section 1321.53 of the Revised Code as amended by both Sub. H.B. 199 and Sub. S.B. 24 of the 132nd General Assembly.	24640 24641
Section 4707.02 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. H.B. 131 of the 131st General Assembly.	24642 24643 24644
Section 4723.651 of the Revised Code as amended by both Sub. H.B. 113 and Am. Sub. H.B. 483 of the 131st General Assembly.	24645 24646 24647
Section 4730.25 of the Revised Code as amended by Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am. Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	24648 24649 24650 24651
Section 4731.22 of the Revised Code as amended by both Am. Sub. H.B. 111 and Sub. H.B. 156 of the 132nd General Assembly.	24652 24653
Section 4735.09 of the Revised Code as amended by both Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	24654 24655

Section 4740.06 of the Revised Code as amended by both Am.	24656
Sub. H.B. 486 and Sub. S.B. 78 of the 130th General Assembly.	24657