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133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 263

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

Senators Antonio, Blessing, Brenner, Coley, Craig, Eklund, Gavarone, Hackett, Hoagland, Huffman, M., Huffman, S., Johnson, Lehner, Manning, McColley, Peterson, Rulli, Sykes, Thomas, Wilson, Yuko

A BILL

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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

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| correction. | 165 |
| (E) Any predetermination form, nonconviction statement form, or other form used by a licensing authority to determine whether a conviction or adjudication record disqualifies an applicant from obtaining a particular license shall include a section requesting the applicant to provide information if they are a recipient of a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code. | 166 167 168 169 170 171 172 173 174 |
| <u>(F) (1) Each licensing authority described in division (A) (2) (a) of this section annually shall provide to the director of administrative services the following information for each license the licensing authority is authorized to issue:</u> | 175 176 177 178 |
| <u>(a) The number of applications received for the license;</u> | 179 |
| <u>(b) The number of those applications that resulted in a license being granted;</u> | 180 181 |
| <u>(c) The number of those applications that resulted in a license being denied;</u> | 182 183 |
| <u>(d) A list of criminal offenses reported by individuals who were granted a license;</u> | 184 185 |
| <u>(e) A list of criminal offenses reported by individuals who were denied a license;</u> | 186 187 |
| <u>(f) A list of all of the requests received by the licensing authority under division (B) of this section that includes the following information:</u> | 188 189 190 |
| <u>(i) The number of requests for which the licensing authority determined that an individual's criminal conviction</u> | 191 192 |

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| <u>disqualified the individual from obtaining a license issued by</u> | 193 |
| <u>the licensing authority;</u> | 194 |
| (ii) <u>The number of requests for which the licensing</u> | 195 |
| <u>authority determined that an individual's criminal conviction</u> | 196 |
| <u>did not disqualify the individual from obtaining a license</u> | 197 |
| <u>issued by the licensing authority;</u> | 198 |
| (iii) <u>A list of the offenses reported by individuals</u> | 199 |
| <u>described in division (F) (1) (f) (i) of this section;</u> | 200 |
| (iv) <u>A list of the offenses reported by individuals</u> | 201 |
| <u>described in division (F) (1) (f) (ii) of this section.</u> | 202 |
| (g) <u>For each disqualifying offense included on the list</u> | 203 |
| <u>adopted under division (B) of section 9.79 of the Revised Code,</u> | 204 |
| <u>the number of individuals who were convicted of, found guilty</u> | 205 |
| <u>pursuant to a judicial finding of, or pleaded guilty to the</u> | 206 |
| <u>disqualifying offense who were issued a license.</u> | 207 |
| (h) <u>For each disqualifying offense included on the list</u> | 208 |
| <u>adopted under division (B) of section 9.79 of the Revised Code,</u> | 209 |
| <u>the number of individuals who were convicted of, found guilty</u> | 210 |
| <u>pursuant to a judicial finding of, or pleaded guilty to the</u> | 211 |
| <u>disqualifying offense who were denied a license.</u> | 212 |
| (i) <u>Any other information the director may require.</u> | 213 |
| (2) <u>The first report of information required under</u> | 214 |
| <u>division (F) (1) of this section shall be submitted to the</u> | 215 |
| <u>director by June 30, 2021, and include the required information</u> | 216 |
| <u>from January 1, 2016, to December 31, 2020, if available. Each</u> | 217 |
| <u>year thereafter, each licensing authority shall submit the</u> | 218 |
| <u>required information from the past year by the thirtieth day of</u> | 219 |
| <u>June.</u> | 220 |

(3) The director shall compile the information submitted 221
pursuant to division (F) (1) of this section and annually publish 222
it in a searchable format on a web site created and maintained 223
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

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| <u>(c) A nonspecific qualification such as "moral turpitude"</u> | 278 |
| <u>or lack of "moral character";</u> | 279 |
| <u>(d) A disqualifying offense included on the list adopted</u> | 280 |
| <u>under division (B) of this section, if consideration of that</u> | 281 |
| <u>offense occurs after the time periods permitted in division (D)</u> | 282 |
| <u>of this section.</u> | 283 |
| <u>(2) If the individual was convicted of, found guilty</u> | 284 |
| <u>pursuant to a judicial finding of, or pleaded guilty to a</u> | 285 |
| <u>disqualifying offense included in the list adopted under</u> | 286 |
| <u>division (B) of this section for the license for which the</u> | 287 |
| <u>individual applied, the licensing authority may take the</u> | 288 |
| <u>conviction, judicial finding of guilt, or plea of guilty into</u> | 289 |
| <u>consideration in accordance with division (D) of this section.</u> | 290 |
| <u>(D)(1) A licensing authority that may, under this section,</u> | 291 |
| <u>consider a conviction of, judicial finding of guilt of, or plea</u> | 292 |
| <u>of guilty to an offense in determining whether to refuse to</u> | 293 |
| <u>issue an initial license to an individual shall consider all of</u> | 294 |
| <u>the following factors and shall use a preponderance of the</u> | 295 |
| <u>evidence standard in evaluating those factors to determine</u> | 296 |
| <u>whether the conviction, judicial finding of guilt, or plea of</u> | 297 |
| <u>guilty disqualifies the individual from receiving the license:</u> | 298 |
| <u>(a) The nature and seriousness of the offense for which</u> | 299 |
| <u>the individual was convicted, found guilty pursuant to a</u> | 300 |
| <u>judicial finding, or pleaded guilty;</u> | 301 |
| <u>(b) The passage of time since the individual committed the</u> | 302 |
| <u>offense;</u> | 303 |
| <u>(c) The relationship of the offense to the ability,</u> | 304 |
| <u>capacity, and fitness required to perform the duties and</u> | 305 |
| <u>discharge the responsibilities of the occupation;</u> | 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

(i) Ten years from the date of conviction, judicial 338
finding of guilt, or plea of guilty; 339

(ii) Ten years from the date of the release from 340
incarceration; 341

(iii) The time period specified in division (D)(4) of this 342
section. 343

(c) For a conviction of, judicial finding of guilt of, or 344
plea of guilty to a disqualifying offense that is an offense of 345
violence or a sexually oriented offense, any time. 346

(3) If an individual is subject to a community control 347
sanction, parole, or post-release control sanction based on a 348
conviction of, judicial finding of guilt of, or plea of guilty 349
to a disqualifying offense that is not an offense of violence or 350
a sexually oriented offense, a licensing authority may take the 351
offense into account during the following time periods: 352

(a) If the community control sanction, parole, or post- 353
release control sanction was for a term of less than five years, 354
the period of the community control sanction, parole, or post- 355
release control sanction plus the number of years after the date 356
of final discharge of the community control sanction, parole, or 357
post-release control sanction necessary to equal five years; 358

(b) If the community control sanction, parole, or post- 359
release control sanction was for a term of five years or more, 360
the period of the community control sanction, parole, or post- 361
release control sanction. 362

(4) If an individual is subject to a community control 363

sanction, parole, or post-release control sanction based on a 364
conviction of, judicial finding of guilt of, or plea of guilty 365
to a disqualifying offense that involved a breach of fiduciary 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

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| <u>license;</u> | 393 |
| <u>(4) Notice that evidence of rehabilitation may be considered on reapplication.</u> | 394 395 |
| <u>(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.</u> | 396 397 398 399 400 401 |
| <u>(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.</u> | 402 403 404 405 406 407 |
| <u>(H) Each licensing authority shall adopt any rules that it determines are necessary to implement this section.</u> | 408 409 |
| <u>(I) This section does not apply to any of the following:</u> | 410 |
| <u>(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;</u> | 411 412 413 414 |
| <u>(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;</u> | 415 416 417 418 |
| <u>(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants</u> | 419 420 |

| | |
|--|-----|
| <u>issued under section 173.381 of the Revised Code;</u> | 421 |
| <u>(4) Certifications of a provider to provide community-</u> | 422 |
| <u>based long-term care services under section 173.391 of the</u> | 423 |
| <u>Revised Code;</u> | 424 |
| <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 |
| Sec. 101.721. <u>(A) No personThe joint legislative ethics</u> | 447 |
| <u>committee shall be permitted to permit a person who has been</u> | 448 |

~~convicted of or pleads guilty to an offense to register as a~~ 449
~~legislative agent under division (A) or (B) of section 101.72 of~~ 450
~~the Revised Code if the person is convicted of or pleads guilty~~ 451
~~to committing on or after the effective date of this section any~~ 452
~~of the following offenses that is a felony:~~ 453

~~(1) A violation of section 2921.02, 2921.03, 2921.05,~~ 454
~~2921.41, 2921.42, or 2923.32 of the Revised Code;~~ 455

~~(2) A violation of section 2913.42, 2921.04, 2921.11,~~ 456
~~2921.12, 2921.31, or 2921.32 of the Revised Code if the person~~ 457
~~committed the violation while the person was serving in a public~~ 458
~~office and the conduct constituting the violation was related to~~ 459
~~the duties of the person's public office or to the person's~~ 460
~~actions as a public official holding that public office;~~ 461

~~(3) A violation of an existing or former municipal~~ 462
~~ordinance or law of this or any other state or the United States~~ 463
~~that is substantially equivalent to any violation listed in~~ 464
~~division (A) (1) of this section;~~ 465

~~(4) A violation of an existing or former municipal~~ 466
~~ordinance or law of this or any other state or the United States~~ 467
~~that is substantially equivalent to any violation listed in~~ 468
~~division (A) (2) of this section if the person committed the~~ 469
~~violation while the person was serving in a public office and~~ 470
~~the conduct constituting the violation was related to the duties~~ 471
~~of the person's public office or to the person's actions as a~~ 472
~~public official holding that public office;~~ 473

~~(5) A conspiracy to commit, attempt to commit, or~~ 474
~~complicity in committing any violation listed in division (A) (1)~~ 475
~~or described in division (A) (3) of this section;~~ 476

~~(6) A conspiracy to commit, attempt to commit, or~~ 477

~~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 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 in a manner consistent with section 9.79 of the Revised Code.~~

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

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

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

(b) 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 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 512
ordinance or law of this or any other state or the United States 513
that is substantially equivalent to any violation listed in 514
division (B) (2) (a) of this section; 515

(d) A violation of an existing or former municipal 516
ordinance or law of this or any other state or the United States 517
that is substantially equivalent to any violation listed in 518
division (B) (2) (b) of this section if the person committed the 519
violation while the person was serving in a public office and 520
the conduct constituting the violation was related to the duties 521
of the person's public office or to the person's actions as a 522
public official holding that public office; 523

(e) A conspiracy to commit, attempt to commit, or 524
complicity in committing any violation listed in division (B) (2) 525
(a) or described in division (B) (2) (c) of this section; 526

(f) A conspiracy to commit, attempt to commit, or 527
complicity in committing any violation listed in division (B) (2) 528
(b) or described in division (B) (2) (d) of this section if the 529
person committed the violation while the person was serving in a 530
public office and the conduct constituting the violation that 531
was the subject of the conspiracy, that would have constituted 532
the offense attempted, or constituting the violation in which 533
the person was complicit was or would have been related to the 534
duties of the person's public office or to the person's actions 535
as a public official holding that public office . 536

(C) The ban imposed under division ~~(A)~~ (B) (1) of this 537
section is a lifetime ban, and the offender is forever 538
disqualified from registering as a legislative agent under 539
section 101.72 of the Revised Code. 540

(D) For purposes of ~~divisions (A) and~~ 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 section 9.79 and division (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 section 9.79 and division (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 1175
decision-making body of a state agency, institution, or 1176
authority, and any legislative authority or board, commission, 1177
committee, council, agency, authority, or similar decision- 1178
making body of any county, township, municipal corporation, 1179
school district, or other political subdivision or local public 1180
institution; 1181

(b) Any committee or subcommittee of a body described in 1182
division (B) (1) (a) of this section; 1183

(c) A court of jurisdiction of a sanitary district 1184
organized wholly for the purpose of providing a water supply for 1185
domestic, municipal, and public use when meeting for the purpose 1186
of the appointment, removal, or reappointment of a member of the 1187
board of directors of such a district pursuant to section 1188
6115.10 of the Revised Code, if applicable, or for any other 1189
matter related to such a district other than litigation 1190
involving the district. As used in division (B) (1) (c) of this 1191
section, "court of jurisdiction" has the same meaning as "court" 1192
in section 6115.01 of the Revised Code. 1193

(2) "Meeting" means any prearranged discussion of the 1194
public business of the public body by a majority of its members. 1195

(3) "Regulated individual" means either of the following: 1196

(a) A student in a state or local public educational 1197

institution; 1198

(b) A person who is, voluntarily or involuntarily, an 1199
inmate, patient, or resident of a state or local institution 1200
because of criminal behavior, mental illness, an intellectual 1201
disability, disease, disability, age, or other condition 1202
requiring custodial care. 1203

(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 Revised Code; 1255
1256

(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof; 1257
1258
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1260

(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code; 1261
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1264

(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division ~~(D)~~(E) of section 4755.11 of the Revised Code; 1265
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1268
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(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division ~~(E)~~(F) of section 4755.47 of the Revised Code; 1270
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(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division ~~(D)~~(E) of section 4755.64 of the Revised Code; 1275
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1278
1279

(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code; 1280
1281

(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code. 1282
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 1556
section, the person has submitted a criminal records check 1557
report completed within the preceding six months in accordance 1558
with section 147.022 of the Revised Code demonstrating that the 1559
applicant has not been convicted of or pleaded guilty or no 1560
contest to a disqualifying offense, ~~or any offense under an~~ 1561
~~existing or former law of this state, any other state, or the~~ 1562
~~United States that is substantially equivalent to such a~~ 1563
~~disqualifying offense as determined in accordance with section~~ 1564
9.79 of the Revised Code. 1565
- (b) An attorney admitted to the practice of law in this 1566
state shall not be required to submit a criminal records check 1567
when applying to be appointed a notary public. 1568
- (4) (a) Except as provided in divisions (B) (4) (b) and (c) 1569
of this section, the person has successfully completed an 1570
educational program and passed a test administered by the 1571
entities authorized by the secretary of state as required under 1572
section 147.021 of the Revised Code. 1573
- (b) An attorney who is commissioned as a notary public in 1574
this state prior to ~~the effective date of this~~ 1575
~~amendment~~ September 20, 2019, shall not be required to complete 1576
an education program or pass a test as required in division (B) 1577

(4) (a) of this section. 1578

(c) Any attorney who applies to become commissioned as a 1579
notary public in this state after ~~the effective date of this~~ 1580
~~amendment~~ September 20, 2019, shall not be required to pass a 1581
test as required in division (B) (4) (a) of this section, but 1582
shall be required to complete an education program required by 1583
that division. 1584

(C) A notary public shall be appointed and commissioned as 1585
a notary public for the state. The secretary of state may revoke 1586
a commission issued to a notary public upon presentation of 1587
satisfactory evidence of official misconduct or incapacity. 1588

(D) The secretary of state shall oversee the processing of 1589
notary public applications and shall issue all notary public 1590
commissions. The secretary of state shall oversee the creation 1591
and maintenance of the online database of notaries public 1592
commissioned in this state pursuant to section 147.051 of the 1593
Revised Code. The secretary of state may perform all other 1594
duties as required by this section. The entities authorized by 1595
the secretary of state pursuant to section 147.021 or 147.63 of 1596
the Revised Code shall administer the educational program and 1597
required test or course of instruction and examination, as 1598
applicable. 1599

(E) All submissions to the secretary of state for 1600
receiving and renewing commissions, or notifications made under 1601
section 147.05 of the Revised Code, shall be done 1602
electronically. 1603

Sec. 147.011. As used in this chapter: 1604

(A) "Acknowledgment" means a notarial act in which the 1605
signer of the notarized document acknowledges all of the 1606

following: 1607

(1) That the signer has signed the document; 1608

(2) That the signer understands the document; 1609

(3) That the signer is aware of the consequences of 1610
executing the document by signing it. 1611

(B) "Criminal records check" has the same meaning as in 1612
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 Revised Code, any other applicable state laws pertaining to environmental protection, or the environmental laws of another country that indicates that the person lacks sufficient reliability, expertise, and competence to operate the concentrated animal feeding facility in substantial compliance with this chapter and rules adopted under it.

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

(E) The director shall not deny an application for or a transfer of a permit to install or a permit to operate a

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 1938
States department of agriculture for comparable examinations. 1939

The director shall deposit all fees collected under this 1940
section in the commodity handler regulatory program fund created 1941
in section 926.19 of the Revised Code. 1942

(C) The director shall approve or reject each application 1943
for a license within fifteen days after receipt thereof, 1944
provided that such application is in proper form and contains 1945
the information required under division (A) of this section. A 1946
rejection of an application shall be accompanied by a statement 1947
from the director of the additional requirements necessary for a 1948
license. The applicant may resubmit the application without 1949
payment of any additional fee. 1950

(D) A handler's license shall expire on the date 1951
prescribed by rule of the director. Whenever the director 1952
considers it advisable to cancel the unexpired portion of an 1953
outstanding license in order to renew it according to a new or 1954
existing system of expiration dates, the director shall refund 1955
to the handler the unexpired portion of the fees paid under 1956
division (B) of this section. Whenever the director issues an 1957
initial license on a date that does not conform to the existing 1958
system, the director shall issue the license for a period of 1959
time, not less than six nor more than eighteen months, that 1960
makes the date conform to the existing system. The application 1961
fee for that initial license shall be proportionate to the fee 1962

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|---|--|
| for a one-year license. | 1963 |
| (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, whichever is greater. A renewal license shall not be issued until a late fee that is due has been paid. | 1964 1965 1966 1967 1968 1969 1970 |
| (F) The director, with the approval of the commodity advisory commission, may, <u>except as provided in division (G) of this section,</u> revoke or refuse to issue or renew a handler's license if any of the following occurred within five years before the application for the license or renewal was filed: | 1971 1972 1973 1974 1975 |
| (1) The applicant, or the spouse, parent, sibling, or child of the applicant, or a manager employed by the applicant, or any other individual materially involved in the agricultural commodity handling business of the applicant was a principal in a receivership or insolvency that resulted in losses to creditors or to the agricultural commodity depositors fund established in section 926.16 of the Revised Code; | 1976 1977 1978 1979 1980 1981 1982 |
| (2) The applicant pled guilty to or was convicted of any felony or charge of embezzlement under the laws of this state, any other state, or of the United States; | 1983 1984 1985 |
| (3) The applicant made a delivery of commodities not authorized under this chapter; | 1986 1987 |
| (4) The applicant's license under the "United States Warehouse Act," 39 Stat. 486 (1916), 7 U.S.C. 241, as amended, was revoked or canceled due to a violation of that act. | 1988 1989 1990 |
| <u>(G) The director shall not refuse to issue a handler's</u> | 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 1997
permit. The director shall issue a permit to an applicant only 1998
if all of the following apply: 1999

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

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

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

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

(5) The applicant has signed an affidavit attesting that 2015
the applicant will not allow members of the public to be in 2016
physical contact with a dangerous wild animal possessed by the 2017
applicant. Division (A)(5) of this section does not apply to an 2018
employee of the applicant or a volunteer who has entered into a 2019
written agreement with the applicant to work for or volunteer 2020

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.

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

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

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

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

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

(9) The applicant has submitted a complete application that meets the requirements established in section 935.05 of the

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

~~(ii)~~ (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

| | |
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| 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 of dogs; | 2459 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 | 2483 2484 2485 2486 |

name, address, and telephone number of all breeders, brokers, 2487
and private owners that kept, housed, or maintained the puppy or 2488
adult dog prior to its coming into the possession of the 2489
retailer or proof that the puppy or adult dog was acquired 2490
through an animal rescue for dogs, animal shelter for dogs, or 2491
humane society in this state or another state. 2492

(10) A requirement that a high volume breeder or a dog 2493
broker who advertises the sale of a puppy or adult dog include 2494
with the advertisement the vendor number assigned by the tax 2495
commissioner to the high volume breeder or to the dog broker if 2496
the sale of the puppy or dog is subject to the tax levied under 2497
Chapter 5739. of the Revised Code; 2498

(11) A requirement that a licensed high volume breeder and 2499
a licensed dog broker comply with Chapter 5739. of the Revised 2500
Code. The rules shall authorize the director to suspend or 2501
revoke a license for failure to comply with that chapter. The 2502
director shall work in conjunction with the tax commissioner for 2503
the purposes of rules adopted under this division. 2504

(12) Requirements and procedures governing pet stores, 2505
including requirements and procedures governing the initial 2506
licensing of pet stores and the renewal of pet store licenses; 2507

(13) The application form for a license issued under 2508
division (A) of section 956.21 of the Revised Code and the 2509
information that is required to be submitted in the application; 2510

(14) Requirements governing permanent implanted 2511
identification microchips for dogs to be sold at a pet store and 2512
by a dog broker; 2513

(15) Any other requirements and procedures that are 2514
determined by the director to be necessary for the 2515

administration and enforcement of this chapter and rules adopted 2516
under it. However, rules adopted under this division shall not 2517
establish additional requirements and procedures governing 2518
animal rescues for dogs other than those adopted under division 2519
(A) (5) of this section. 2520

(B) The director of agriculture may adopt rules in 2521
accordance with Chapter 119. of the Revised Code establishing 2522
disease testing protocols and vaccination requirements for dogs 2523
to be sold at a pet store. 2524

Sec. 956.15. (A) The director of agriculture shall deny an 2525
application for a license that is submitted under section 956.04 2526
or 956.05 of the Revised Code for either of the following 2527
reasons: 2528

(1) The applicant for the license has violated any 2529
provision of this chapter or a rule adopted under it if the 2530
violation materially threatens the health or welfare of a dog. 2531

(2) The applicant, ~~in the past twenty years,~~ has been 2532
convicted of or pleaded guilty to ~~violating section 959.01,~~ 2533
~~959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the~~ 2534
~~Revised Code or an equivalent municipal ordinance, or, in the~~ 2535
~~past twenty years, has been convicted of or pleaded guilty to~~ 2536
~~violating more than once section 2919.25 of the Revised Code or~~ 2537
~~an equivalent municipal ordinance~~ a disqualifying offense as 2538
determined in accordance with section 9.79 of the Revised Code. 2539

(B) The director may suspend or revoke a license issued 2540
under this chapter for violation of any provision of this 2541
chapter or a rule adopted or order issued under it if the 2542
violation materially threatens the health and welfare of a dog. 2543

(C) An application or a license shall not be denied, 2544

suspended, or revoked under this section without a written order 2545
of the director stating the findings on which the denial, 2546
suspension, or revocation is based. A copy of the order shall be 2547
sent to the applicant or license holder by certified mail or may 2548
be provided to the applicant or license holder by personal 2549
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 2580
compliance with applicable laws, regulations, and orders; 2581

(f) Whether it is reasonable to believe the foreign bank 2582
will operate the representative office in compliance with 2583
applicable laws, regulations, and orders; 2584

(g) Any other reasonable criteria the superintendent may 2585
prescribe. 2586

(B) The superintendent shall issue a license to a foreign 2587
bank to operate the representative office if all of the 2588
following have occurred: 2589

(1) The superintendent has approved the foreign bank's 2590
application for preliminary approval to operate the 2591
representative office under division (A) of this section. 2592

(2) The foreign bank has met all conditions of the 2593
superintendent's preliminary approval. 2594

(3) The foreign bank has delivered to the superintendent 2595
an appointment of an agent for service of process, the agent's 2596
acknowledgment of the appointment, and the foreign bank's 2597
agreement to service of process upon the superintendent if 2598
reasonable efforts to serve the foreign bank's agent or place of 2599
business in this state are unsuccessful. 2600

Sec. 1119.08. (A) (1) For each agency or branch a foreign 2601

bank proposes to operate, the foreign bank shall first submit to 2602
the superintendent of financial institutions an application for 2603
preliminary approval of the agency or branch. The superintendent 2604
shall determine whether to approve or disapprove the application 2605
within sixty days after accepting the application. 2606

(2) In determining whether to approve or disapprove the 2607
foreign bank's application, the superintendent shall consider 2608
all of the following: 2609

(a) Whether the foreign bank is subject to comprehensive 2610
supervision and regulation on a consolidated basis by the 2611
appropriate authorities in the country that granted its banking 2612
charter; 2613

(b) Whether the management of the foreign bank and the 2614
proposed management of the agency or branch are adequate; 2615

(c) Whether any controlling person of the foreign bank, 2616
each director and executive officer of the foreign bank, and 2617
each director and executive officer of any controlling person of 2618
the foreign bank is competent and of ~~good character and~~ sound 2619
financial standing; 2620

(d) Whether the capital and financial resources of the 2621
foreign bank are adequate; 2622

(e) Whether the foreign bank is currently operating in a 2623
safe and sound manner, and is in compliance with applicable 2624
laws, regulations, and orders; 2625

(f) Whether it is reasonable to believe the foreign bank 2626
will operate the agency or branch in a safe and sound manner, 2627
and in compliance with applicable laws, regulations, and orders; 2628

(g) Any other reasonable criteria the superintendent may 2629

prescribe. 2630

(B) The superintendent shall issue a license to a foreign 2631
bank to operate the agency or branch if the following have 2632
occurred: 2633

(1) The superintendent has approved the foreign bank's 2634
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 the Revised Code, the superintendent of financial institutions shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with section 109.572 of the Revised Code.

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

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

(6) If the division finds that the financial responsibility, experience, ~~character~~, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1321.51 to 1321.60 of the Revised Code and the rules adopted thereunder, and that the applicant has the applicable net worth and assets required by division (B) of this section, the division shall thereupon issue a certificate of registration to the applicant.

The superintendent shall not use a credit score as the sole basis for a registration denial. 3016
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(a) (i) Certificates of registration issued on or after July 1, 2010, shall annually expire on the thirty-first day of December, unless renewed by the filing of a renewal application and payment of a three-hundred-dollar nonrefundable annual registration fee and any assessment as determined by the superintendent pursuant to division (A) (6) (a) (ii) of this section on or before the last day of December of each year. No other fee or assessment shall be required of a registrant by the state or any political subdivision of this state. 3018
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(ii) If the renewal fees billed by the superintendent pursuant to division (A) (6) (a) (i) of this section are less than the estimated expenditures of the consumer finance section of the division of financial institutions, as determined by the superintendent, for the following fiscal year, the superintendent may assess each registrant at a rate sufficient to equal in the aggregate the difference between the renewal fees billed and the estimated expenditures. Each registrant shall pay the assessed amount to the superintendent prior to the last day of June. In no case shall the assessment exceed ten cents per each one hundred dollars of interest (excluding charge-off recoveries), points, loan origination charges, and credit line charges collected by that registrant during the previous calendar year. If such an assessment is imposed, it shall not be less than two hundred fifty dollars per registrant and shall not exceed thirty thousand dollars less the total renewal fees paid pursuant to division (A) (6) (a) (i) of this section by each registrant. 3027
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(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

Sec. 1321.64. (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

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| <u>9.79 of the Revised Code.</u> | 3459 |
| (4) The applicant completed the prelicensing instruction set forth in division (B) of section 1322.20 of the Revised Code. | 3460 3461 3462 |
| (5) The applicant's financial responsibility, character, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of this chapter. The superintendent shall not use a credit score or bankruptcy as the sole basis for a license denial. | 3463 3464 3465 3466 3467 3468 |
| (6) The applicant is in compliance with the surety bond requirements of section 1322.32 of the Revised Code. | 3469 3470 |
| (7) The applicant has not had a mortgage loan originator license, or comparable authority, revoked in any governmental jurisdiction. | 3471 3472 3473 |
| (B) The license issued under division (A) of this section may be renewed annually on or before the thirty-first day of December if the superintendent finds that all of the following conditions are met: | 3474 3475 3476 3477 |
| (1) The renewal application is accompanied by a nonrefundable renewal fee of one hundred fifty dollars and any fee required by the nationwide mortgage licensing system and registry. If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license renewed in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the | 3478 3479 3480 3481 3482 3483 3484 3485 3486 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 3494
continuing education as required under section 1322.28 of the 3495
Revised Code. 3496

(3) The applicant meets the conditions set forth in 3497
divisions (A) (2) ~~to~~, (4), (5), (6), and (7) of this section. 3498

(4) The applicant has not been convicted of or pleaded 3499
guilty or nolo contendere to any of the following in a domestic, 3500
foreign, or military court: 3501

(a) During the seven-year period immediately preceding the 3502
date of the renewal application but excluding any time before 3503
the license was issued, a misdemeanor involving theft or any 3504
felony; 3505

(b) At any time between the date of the original license 3506
and the date of the renewal application, a felony involving an 3507
act of fraud, dishonesty, a breach of trust, theft, or money 3508
laundering. 3509

(5) The applicant's license is not subject to an order of 3510
suspension or an unpaid and past due fine imposed by the 3511
superintendent. 3512

(C) (1) Subject to division (C) (2) of this section, if a 3513
license renewal application fee, including any fee required by 3514
the nationwide mortgage licensing system and registry, is 3515
received by the superintendent after the thirty-first day of 3516

December, the license shall not be considered renewed, and the 3517
applicant shall cease activity as a mortgage loan originator. 3518

(2) Division (C)(1) of this section shall not apply if the 3519
applicant, not later than forty-five days after the renewal 3520
deadline, submits the renewal application and any other required 3521
fees and a one-hundred-dollar penalty to the superintendent. 3522

(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

Sec. 1322.24. (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 accordance with this section, issue to an out-of-state mortgage loan originator a temporary mortgage loan originator license that enables the licensee to engage in the business of a mortgage loan originator while the individual completes the requirements necessary to meet the conditions set forth in section 1322.21 of the Revised Code for a mortgage loan originator license. A temporary mortgage loan originator license shall be valid for a term of not more than one hundred twenty days from the date of issuance. A temporary mortgage loan originator license may not be renewed.

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

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

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

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

(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 application, a misdemeanor involving theft or any felony;~~

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

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

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

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

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

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

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

(E) The sponsor of a temporary licensee shall have an

affirmative duty to supervise the conduct of the temporary 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) <u>(b)</u> Is conducting an illegitimate or fraudulent business; | 3930 3931 |
| (3) <u>(c)</u> Is, in the case of a dealer or investment adviser, insolvent; | 3932 3933 |
| (4) <u>(d)</u> Has knowingly violated any provision of sections 1707.01 to 1707.45 of the Revised Code, or any regulation or order made thereunder; | 3934 3935 3936 |
| (5) <u>(e)</u> Has knowingly made a false statement of a material fact or an omission of a material fact in an application for a license, in a description or application that has been filed, or in any statement made to the division under such sections; | 3937 3938 3939 3940 |
| (6) <u>(f)</u> Has refused to comply with any lawful order or requirement of the division under section 1707.23 of the Revised Code; | 3941 3942 3943 |
| (7) <u>(g)</u> Has been guilty of any fraudulent act in connection with the sale of any securities or in connection with acting as an investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, or state retirement system investment officer; | 3944 3945 3946 3947 3948 |
| (8) <u>(h)</u> Conducts business in purchasing or selling securities at such variations from the existing market as in the light of all the circumstances are unconscionable; | 3949 3950 3951 |
| (9) <u>(i)</u> Conducts business in violation of such rules and regulations as the division prescribes for the protection of investors, clients, or prospective clients; | 3952 3953 3954 |
| (10) <u>(a)</u> <u>(j)</u> Has failed to furnish to the division any information with respect to the purchases or sales of securities within this state that may be reasonably requested by the | 3955 3956 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 than three years after its completion, maintain the following records that shall be made available to the attorney general upon the attorney general's request:

(a) A record of each contribution that at any time is in the custody of the fund-raising counsel, including the name and address of each contributor and the date and amount of the contribution, provided that the attorney general shall not disclose that information except to the extent necessary for investigative or law enforcement purposes;

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

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

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

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

~~(2) A felony in this or another state a disqualifying offense as determined in accordance with section 9.79 of the~~

Revised Code. 4107

(E) The information provided under this section to the attorney general by a fund-raising counsel shall be included in the reports and files required to be compiled and maintained by the attorney general pursuant to divisions (E) and (F) of section 1716.08 of the Revised Code. 4108
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(F) If a fund-raising counsel fails to comply in a timely or complete manner with any of the requirements under this section, the fund-raising counsel is liable for and, in addition to any fee required in this section, shall pay two hundred dollars for each late filing. Each registration, renewal of registration, bond, or accounting shall be considered a separate filing for the purposes of this section. Any fees required by this section are in addition to, and not in place of, penalties prescribed in this chapter. 4113
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Sec. 1716.07. (A) No professional solicitor shall engage in any solicitation unless it has complied with the requirements of this chapter and any rules adopted under this chapter. 4122
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(B) Every professional solicitor, before engaging in any solicitation, shall register with the attorney general. Applications for registration or renewal of registration shall be in writing, under oath, and in the form prescribed by the attorney general, and shall be accompanied by a fee in the amount of two hundred dollars. Any corporation, partnership, association, or other entity that intends to act as a professional solicitor may register for and pay a single fee of two hundred dollars on behalf of all its members, officers, employees, agents, and solicitors. In that case, the names and addresses of all the officers, employees, and agents of the professional solicitor and all other persons with whom the 4125
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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 attorney general:

(a) A completed document called "Solicitation Notice" upon a form prescribed by the attorney general and containing all of the information specified in division (D)(2) of this section;

(b) A copy of the contract described in division (A) of section 1716.08 of the Revised Code;

(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.

(2) The solicitation notice shall include all of the following:

(a) The fund-raising methods to be used;

(b) The projected dates when the solicitation will commence and terminate;

(c) The location and telephone number from where the solicitation will be conducted if it will be conducted by telephone;

(d) The name and residence address of each person responsible for directing and supervising the conduct of the solicitation campaign;

(e) A statement of whether the professional solicitor will at any time have custody of any contributions;

(f) A full and fair description of the charitable program for which the solicitation campaign is being carried out;

(g) The written and signed consent of every charitable

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organization on whose behalf the professional solicitor will be 4195
soliciting contributions or whose name will be mentioned during 4196
the solicitation. 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 ~~in the last five years of~~ 4274
~~either of the following:~~ 4275

~~(1) Any violation of this chapter or any rule adopted~~ 4276
~~under this chapter, or of any charitable solicitation~~ 4277
~~legislation or regulation of a political subdivision of this~~ 4278
~~state or charitable solicitation law of any other jurisdiction~~ 4279
~~that is similar to this chapter;~~ 4280

~~(2) A felony in this or another state a disqualifying~~ 4281

offense determined in accordance with section 9.79 of the 4282
Revised Code. 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 distributor is a felony of the fifth degree.

Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies 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. 4427

~~(4)~~ (3) The person, officer, or partner has submitted any 4428
incorrect or false information relating to the application to 4429
the attorney general under this section, if the information is 4430
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 whom assigned, or the administrator of the school in the absence of the teacher to whom assigned, or when required to testify in a court or proceedings, any personal information concerning any pupil in the school district which was obtained or obtainable by the educational assistant while so employed. Violation of this provision is grounds for disciplinary action or dismissal, or both.

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

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

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

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

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

The superintendent shall ensure that an employee assigned

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 4754
this section; 4755

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

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

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

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

(3) A judicial finding of eligibility for intervention in 4767
lieu of conviction under section 2951.041 of the Revised Code, 4768
or agreeing to participate in a pre-trial diversion program 4769
under section 2935.36 of the Revised Code, or a similar 4770
diversion program under rules of a court, for any offense listed 4771
in division (B) (2) or (C) of this section; 4772

(4) Failure to comply with section 3313.536, 3314.40, 4773
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 4774

(C) Upon learning of a plea of guilty to, a finding of 4775
guilt by a jury or court of, or a conviction of any of the 4776
offenses listed in this division by a person who holds a current 4777

or expired license or is an applicant for ~~a license or renewal~~ 4778
of a license, the state board or the superintendent of public 4779
instruction, if the state board has delegated the duty pursuant 4780
to division (D) of this section, shall by a written order revoke 4781
the person's license or deny ~~issuance or renewal~~ of the license 4782
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 4965
Code as it existed prior to July 1, 1996, had the violation been 4966
committed prior to that date, a violation of section 2925.11 of 4967
the Revised Code that is not a minor drug possession offense, or 4968
felonious sexual penetration in violation of former section 4969
2907.12 of the Revised Code; 4970

(b) A violation of an existing or former law of this 4971
state, another state, or the United States that is substantially 4972
equivalent to any of the offenses or violations described in 4973
division (B) (1) (a) of this section. 4974

(2) A board, governing board of an educational service 4975
center, or a governing authority of a chartered nonpublic school 4976
may employ an applicant conditionally until the criminal records 4977
check required by this section is completed and the board or 4978
governing authority receives the results of the criminal records 4979
check. If the results of the criminal records check indicate 4980
that, pursuant to division (B) (1) of this section, the applicant 4981
does not qualify for employment, the board or governing 4982
authority shall release the applicant from employment. 4983

(3) No board and no governing authority of a chartered 4984
nonpublic school shall employ a teacher who previously has been 4985
convicted of or pleaded guilty to any of the offenses listed in 4986
section 3319.31 of the Revised Code. 4987

(C) (1) Each board and each governing authority of a 4988
chartered nonpublic school shall pay to the bureau of criminal 4989

identification and investigation the fee prescribed pursuant to 4990
division (C) (3) of section 109.572 of the Revised Code for each 4991
criminal records check conducted in accordance with that section 4992
upon the request pursuant to division (A) (1) of this section of 4993
the appointing or hiring officer of the board or governing 4994
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 5054
Revised Code and teachers in a chartered nonpublic school. 5055

(3) "Criminal records check" has the same meaning as in 5056
section 109.572 of the Revised Code. 5057

(4) "Minor drug possession offense" has the same meaning 5058
as in section 2925.01 of the Revised Code. 5059

(H) If the board of education of a local school district 5060
adopts a resolution requesting the assistance of the educational 5061
service center in which the local district has territory in 5062
conducting criminal records checks of substitute teachers and 5063
substitutes for other district employees under this section, the 5064
appointing or hiring officer of such educational service center 5065
shall serve for purposes of this section as the appointing or 5066
hiring officer of the local board in the case of hiring 5067
substitute teachers and other substitute employees for the local 5068
district. 5069

Sec. 3327.10. (A) No person shall be employed as driver of 5070
a school bus or motor van, owned and operated by any school 5071
district or educational service center or privately owned and 5072
operated under contract with any school district or service 5073
center in this state, who has not received a certificate from 5074
either the educational service center governing board that has 5075
entered into an agreement with the school district under section 5076
3313.843 or 3313.845 of the Revised Code or the superintendent 5077
of the school district, certifying that such person is at least 5078

eighteen years of age ~~and is of good moral character~~ and is 5079
qualified physically and otherwise for such position. The 5080
service center governing board or the superintendent, as the 5081
case may be, shall provide for an annual physical examination 5082
that conforms with rules adopted by the state board of education 5083
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

~~(H)~~ (8) Refusal by an agent to display the agent's permit 5409
upon demand of a prospective student or other interested person; 5410

~~(I)~~ (9) Failure to maintain financial resources adequate 5411
for the satisfactory conduct of programs as presented in the 5412
plan of operation or to retain a sufficient number and qualified 5413
staff of instruction, except that nothing in this chapter 5414
requires an instructor to be licensed by the state board of 5415
education or to hold any type of post-high school degree; 5416

~~(J)~~ (10) Offering training or programs other than those 5417
presented in the application, except that schools may offer 5418
special courses adapted to the needs of individual students when 5419
the special courses are in the subject field specified in the 5420
application; 5421

~~(K)~~ (11) Discrimination in the acceptance of students upon 5422
the basis of race, color, religion, sex, or national origin; 5423

~~(L)~~ (12) Accepting the services of an agent not holding a 5424
valid permit issued under section 3332.10 or 3332.11 of the 5425
Revised Code; 5426

~~(M)~~ (13) The use of monetary or other valuable 5427
consideration by the school's agents or representatives to 5428
induce prospective students to enroll in the school, or the 5429
practice of awarding monetary or other valuable considerations 5430

without board approval to students in exchange for procuring the 5431
enrollment of others; 5432

~~(N)~~ (14) Failure to provide at the request of the board, 5433
any information, records, or files pertaining to the operation 5434
of the school or recruitment and enrollment of students. 5435

(B) The board shall not refuse to issue a certificate of 5436
registration to an applicant because the applicant was found 5437
guilty of or pleaded guilty to an offense unless the refusal is 5438
in accordance with section 9.79 of the Revised Code. 5439

(C) If the board modifies or adopts additional minimum 5440
standards or rules pursuant to section 3332.031 of the Revised 5441
Code, all schools and agents shall have sixty days from the 5442
effective date of the modifications or additional standards or 5443
rules to comply with such modifications or additions. 5444

Sec. 3332.11. Any agent's permit applied for pursuant to 5445
section 3332.10 of the Revised Code shall be granted or denied 5446
within thirty days of the receipt of the application by the 5447
state board of career colleges and schools. If the board has not 5448
completed its determination with respect to the issuance of a 5449
permit within such thirty-day period, it shall issue a temporary 5450
permit to the applicant, which permit is sufficient to meet the 5451
requirements of section 3332.10 of the Revised Code until such 5452
time as such determination is made. 5453

~~No permit shall be issued to any person found by the board 5454
not to be of good moral character. 5455~~

Sec. 3332.12. Any agent's permit issued may be suspended 5456
or revoked by the state board of career colleges and schools if 5457
the holder of the permit solicits or enrolls students through 5458
fraud, deception, or misrepresentation, upon a finding that the 5459

permit holder has violated any provision enumerated in division 5460
(A) (1), ~~(B)~~ (2), ~~(F)~~ (6), ~~(H)~~ (8), ~~(J)~~ (10), ~~(K)~~ (11), or ~~(M)~~ (13) of 5461
section 3332.09 of the Revised Code, or upon finding that the 5462
permit holder is not of good moral character. 5463

Upon receipt of any written complaint from any person, the 5464
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

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| 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 | 5775 |
| securities; | 5776 |
| (13) Alteration of motor vehicle identification numbers; | 5777 |
| (14) Unlawful manufacture, purchase, use, or transfer of | 5778 |
| firearms; | 5779 |
| (15) Unlawful possession or use of destructive devices or | 5780 |
| explosives; | 5781 |
| (16) A violation of section 2925.03, 2925.04, 2925.05, | 5782 |
| 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the | 5783 |
| Revised Code, unless the violation is for possession of less | 5784 |

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| than one hundred grams of marihuana, less than five grams of | 5785 |
| marihuana resin or extraction or preparation of marihuana resin, | 5786 |
| or less than one gram of marihuana resin in a liquid | 5787 |
| concentrate, liquid extract, or liquid distillate form; | 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 concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with applicable environmental laws and standards or instituting an antitrust compliance auditing program to help ensure full compliance with applicable antitrust laws. The business concern shall prove by a preponderance of the evidence that the management controls are effective in preventing the violations that are the subject of concern.

(D) Unless the director or the board of health finds that the applicant has a history of compliance with environmental laws in this state and other jurisdictions and is presently in substantial compliance with, or on a legally enforceable schedule that will result in compliance with, environmental laws in this state and other jurisdictions;

(E) With respect to the approval of a permit, if the director determines that current prosecutions or pending charges in any jurisdiction for any of the offenses enumerated in division (B) of this section against any individual or business concern required to be listed in the disclosure statement or shown by the investigation to have a beneficial interest in the business of the applicant other than an equity interest or debt liability are of such magnitude that they prevent making the finding required under division (A) of this section, provided

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 a license or permit first issued under this chapter on or after June 30, 1997, if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a felony under the laws of this state, another state, or the United States.

(D) The state fire marshal may adopt rules under Chapter 119. of the Revised Code specifying the method to be used by the applicants subject to this section to provide the fingerprint or similar identifying information, fees to be assessed by the state fire marshal to conduct such background checks, and the procedures to be used by the state fire marshal to verify compliance with this section. Such rules may include provisions establishing rules for conducting background checks ~~and prohibiting licensure, permitting or registration under this chapter for persons convicted of a felony or similar offense in another country,~~ the frequency that license renewal applicants must update background check information filed by the applicant with previous license applications, provisions describing alternative forms of background check information that may be accepted by the state fire marshal to verify compliance with this section, and provisions that permit the state fire marshal to waive the applicability of this section if the applicant produces verified documentation that demonstrates that this state, another state, the United States, or another country has determined that applicant is appropriate for licensure, permitting, or registration under this chapter.

Sec. 3743.99. (A) Whoever violates division (A) or (B) of section 3743.60 or division (H) of section 3743.64 of the

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 the Revised Code is guilty of a felony of the fifth degree.

Sec. 3770.05. (A) As used in this section, "person" means any individual, association, corporation, limited liability company, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other business entity or combination of individuals meeting the requirements set forth in this section or established by rule or order of the state lottery commission.

(B) The director of the state lottery commission may license any person as a lottery sales agent.

Before issuing any license to a lottery sales agent, the director shall consider all of the following:

(1) The financial responsibility and security of the applicant and the applicant's business or activity;

(2) The accessibility of the applicant's place of business or activity to the public;

(3) The sufficiency of existing licensed agents to serve the public interest;

(4) The volume of expected sales by the applicant;

(5) Any other factors pertaining to the public interest, convenience, or trust.

(C) Except as otherwise provided in ~~division~~ divisions (F) and (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:

- (1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude; 6143
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
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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
6162
6163
6164
6165
6166
- (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 6170

than the applicant or licensee shares or will share in the 6171
profits of the applicant or licensee, other than receiving 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 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 6642
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
commits an act that would constitute grounds for disciplinary
action under Chapter 3783. of the Revised Code if committed by
an electrical safety inspector.

(E) The board shall keep a record of the names, addresses,
and such other information as it requires, of each electrical
safety inspector and each electrical safety inspector trainee
and a record of its proceedings under Chapter 3783. of the
Revised Code.

Sec. 3796.03. (A) (1) Except as provided in division (A) (2)
of this section, not later than one year after ~~the effective~~
~~date of this section~~ September 8, 2016, the department of
commerce shall adopt rules establishing standards and procedures
for the medical marijuana control program.

(2) The department shall adopt rules establishing
standards and procedures for the licensure of cultivators not
later than two hundred forty days after ~~the effective date of~~
~~this section~~ September 8, 2016.

(3) All rules adopted under this section shall be adopted
in accordance with Chapter 119. of the Revised Code.

(B) The rules shall do all of the following:

(1) Establish application procedures and fees for licenses
it issues under this chapter;

(2) Specify ~~all~~ both of the following:

(a) The conditions that must be met to be eligible for
licensure;

(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 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 licensure; 6959
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- (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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- ~~(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
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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
6981
- (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, church, public library, public playground, or public park became established within five hundred feet of the retail dispensary may remain in operation or shall relocate or have its license revoked by the board;
- (10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed;
- (11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana;
- (12) Establish procedures for the issuance of patient or caregiver identification cards;
- (13) Specify the forms of or methods of using medical marijuana that are attractive to children;
- (14) Specify both of the following:
- (a) Subject to division (B) (14) (b) of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;
- (b) Which of the criminal offenses specified pursuant to division (B) (14) (a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.
- (15) Establish a program to assist patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter.

(C) In addition to the rules described in division (B) of this section, the board may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter.

(D) When adopting rules under this section, the board shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana.

Sec. 3796.09. (A) An entity that seeks to cultivate or process medical marijuana or to conduct laboratory testing of medical marijuana shall file an application for licensure with the department of commerce. The entity shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section 3796.03 of the Revised Code.

(B) The department shall issue a license to an applicant if all of the following conditions are met:

(1) The report of the criminal records check conducted pursuant to section 3796.12 of the Revised Code with respect to the application demonstrates ~~the following:~~

~~(a) Subject to division (B) (1) (b) of this section that the person subject to the criminal records check requirement has not been convicted of or pleaded guilty to any of the disqualifying offenses specified in rules adopted under section 9.79 and division (B) (2) (b) of section 3796.03 of the Revised Code;~~

~~(b) That the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B) (2) (c) of section 3796.03 of the Revised Code and the person was convicted of or~~

~~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 7046
ownership or investment interest in or compensation arrangement 7047
with any of the following: 7048

(a) A laboratory licensed under this chapter; 7049

(b) An applicant for a license to conduct laboratory 7050
testing. 7051

(3) The applicant demonstrates that it does not share any 7052
corporate officers or employees with any of the following: 7053

(a) A laboratory licensed under this chapter; 7054

(b) An applicant for a license to conduct laboratory 7055
testing. 7056

(4) The applicant demonstrates that it will not be located 7057
within five hundred feet of a school, church, public library, 7058
public playground, or public park. 7059

(5) The information provided to the department pursuant to 7060
section 3796.11 of the Revised Code demonstrates that the 7061
applicant is in compliance with the applicable tax laws of this 7062
state. 7063

(6) The applicant meets all other licensure eligibility 7064
conditions established in rules adopted under section 3796.03 of 7065
the Revised Code. 7066

(C) The department shall issue not less than fifteen per 7067
cent of cultivator, processor, or laboratory licenses to 7068
entities that are owned and controlled by United States citizens 7069
who are residents of this state and are members of one of the 7070

following economically disadvantaged groups: Blacks or African
Americans, American Indians, Hispanics or Latinos, and Asians.
If no applications or an insufficient number of applications are
submitted by such entities that meet the conditions set forth in
division (B) of this section, the licenses shall be issued
according to usual procedures.

As used in this division, "owned and controlled" means
that at least fifty-one per cent of the business, including
corporate stock if a corporation, is owned by persons who belong
to one or more of the groups set forth in this division, and
that those owners have control over the management and day-to-
day operations of the business and an interest in the capital,
assets, and profits and losses of the business proportionate to
their percentage of ownership.

(D) A license expires according to the renewal schedule
established in rules adopted under section 3796.03 of the
Revised Code and may be renewed in accordance with the
procedures established in those rules.

Sec. 3796.10. (A) An entity that seeks to dispense at
retail medical marijuana shall file an application for licensure
with the state board of pharmacy. The entity shall file an
application for each location from which it seeks to operate.
Each application shall be submitted in accordance with rules
adopted under section 3796.04 of the Revised Code.

(B) The board shall issue a license to an applicant if all
of the following conditions are met:

(1) The report of the criminal records check conducted
pursuant to section 3796.12 of the Revised Code with respect to
the application demonstrates ~~the following:~~

~~(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 7162
ground for the denial, suspension, or revocation of a license 7163
under section 3905.14 of the Revised Code. 7164

(c) If required under section 3905.04 of the Revised Code, 7165
the applicant has completed a program of insurance education for 7166
each line of authority for which the applicant has applied. 7167

(d) If required under section 3905.04 of the Revised Code, 7168
the applicant has passed an examination for each line of 7169
authority for which the applicant has applied. 7170

(e) Any applicant applying for variable life-variable 7171
annuity line of authority is registered with the financial 7172
industry regulatory authority (FINRA) as a registered 7173
representative after having passed at least one of the following 7174
examinations administered by the FINRA: the series 6 7175
examination, the series 7 examination, the series 63 7176
examination, the series 66 examination, or any other FINRA 7177
examination approved by the superintendent. 7178

(f) If required under section 3905.051 of the Revised 7179
Code, the applicant has consented to a criminal records check 7180
and the results of the applicant's criminal records check are 7181
determined to be satisfactory by the superintendent in 7182
accordance with section 9.79 of the Revised Code. 7183

(g) The applicant is a United States citizen or has 7184
provided proof of having legal authorization to work in the 7185

United States. 7186

(h) The applicant ~~is of good reputation and character,~~ is 7187
honest and trustworthy, and is otherwise suitable to be 7188
licensed. 7189

(2) The superintendent shall issue a resident insurance 7190
agent license to a business entity applicant upon submission of 7191
a completed application and payment of any applicable fees 7192
required under this chapter if the superintendent finds all of 7193
the following: 7194

(a) Except as provided under division (C) (2) of section 7195
3905.062 or division (C) (2) of section 3905.063 of the Revised 7196
Code, the applicant either is domiciled in Ohio or maintains its 7197
principal place of business in Ohio. 7198

(b) The applicant has designated a licensed insurance 7199
agent who will be responsible for the applicant's compliance 7200
with the insurance laws of this state. 7201

(c) The applicant has not committed any act that is a 7202
ground for the denial, suspension, or revocation of a license 7203
under section 3905.14 of the Revised Code. 7204

(d) Any applicant applying for a portable electronics 7205
insurance license line of authority satisfies the requirements 7206
of division (C) (1) of section 3905.062 of the Revised Code or 7207
any applicant applying for a self-service storage insurance 7208
license line of authority satisfies the requirements of division 7209
(C) (1) of section 3905.063 of the Revised Code. 7210

(e) The applicant has submitted any other documents 7211
requested by the superintendent. 7212

(B) An insurance agent license issued pursuant to division 7213

(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, and any other information the superintendent deems necessary.

A licensee may be qualified for any of the following lines of authority:

(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;

(2) Accident and health, which is insurance coverage for sickness, bodily injury, or accidental death, and may include benefits for disability income;

(3) Property, which is insurance coverage for the direct or consequential loss or damage to property of any kind;

(4) Casualty, which is insurance coverage against legal liability, including coverage for death, injury, or disability or damage to real or personal property;

(5) Personal lines, which is property and casualty insurance coverage sold to individuals and families for noncommercial purposes;

(6) Variable life and variable annuity products, which is insurance coverage provided under variable life insurance contracts and variable annuities;

(7) Credit, which is limited line credit insurance;

(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;

| | |
|--|--|
| (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 | 7269 |

application, qualifies for renewal pursuant to divisions (C) (1) 7270
and (2) of this section, and has not committed any act that is a 7271
ground for the refusal to issue, suspension of, or revocation of 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 7361
section, no vendor or vendor's employee shall offer, sell, 7362
solicit, or place portable electronics insurance unless the 7363
vendor is licensed under section 3905.06 or 3905.07 of the 7364
Revised Code with a portable electronics insurance line of 7365
authority. 7366

(2) Any vendor offering or selling portable electronics 7367
insurance on or before ~~the effective date of this section~~ March 7368
22, 2012, that wishes to continue offering or selling that 7369
insurance shall apply for a license within ninety days after the 7370
superintendent of insurance makes the application available. 7371

(C) (1) The superintendent shall issue a resident business 7372
entity license to a vendor under section 3905.06 of the Revised 7373
Code if the vendor satisfies the requirements of sections 7374
3905.05 and 3905.06 of the Revised Code, except that the 7375
application for a portable electronics insurance license shall 7376
satisfy the following additional requirements: 7377

(a) The application shall include the location of the 7378
vendor's home office. 7379

(b) If the application requires the vendor to designate an 7380
individual or entity as a responsible insurance agent, that 7381
agent shall not be required to be an employee of the applicant 7382
and may be the supervising entity or an individual agent who is 7383
an employee of the supervising entity. 7384

(c) If the vendor derives less than fifty per cent of the 7385
vendor's revenue from the sale of portable electronics 7386

insurance, the application for a portable electronics insurance 7387
license may require the vendor to provide the name, residence 7388
address, and other information required by the superintendent 7389
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 | 7527 7528 7529 |

and collection services, if either of the following conditions 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

Sec. 3905.14. (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, except as provided in division 7754
(C) of this section, 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

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| 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 | 7765 |
| maintain a license through misrepresentation or fraud; | 7766 |
| (4) Improperly withholding, misappropriating, or | 7767 |
| converting any money or property received in the course of doing | 7768 |
| insurance business; | 7769 |
| (5) Intentionally misrepresenting the terms, benefits, | 7770 |
| value, cost, or effective dates of any actual or proposed | 7771 |
| insurance contract or application for insurance; | 7772 |
| (6) Having been convicted of or pleaded guilty or no | 7773 |
| contest to a felony regardless of whether a judgment of | 7774 |
| conviction has been entered by the court; | 7775 |
| (7) Having been convicted of or pleaded guilty or no | 7776 |
| contest to a misdemeanor that involves the misuse or theft of | 7777 |
| money or property belonging to another, fraud, forgery, | 7778 |
| dishonest acts, or breach of a fiduciary duty, that is based on | 7779 |
| any act or omission relating to the business of insurance, | 7780 |
| securities, or financial services, or that involves moral | 7781 |
| turpitude regardless of whether a judgment has been entered by | 7782 |
| the court; | 7783 |
| (8) Having admitted to committing, or having been found to | 7784 |
| have committed, any insurance unfair trade act or practice or | 7785 |
| insurance fraud; | 7786 |
| (9) Using fraudulent, coercive, or dishonest practices, or | 7787 |
| demonstrating incompetence, untrustworthiness, or financial | 7788 |
| irresponsibility, in the conduct of business in this state or | 7789 |
| elsewhere; | 7790 |

- (10) Having an insurance agent license, or its equivalent, 7791
denied, suspended, or revoked in any other state, province, 7792
district, or territory; 7793
- (11) Forging or causing the forgery of an application for 7794
insurance or any document related to or used in an insurance 7795
transaction; 7796
- (12) Improperly using notes, any other reference material, 7797
equipment, or devices of any kind to complete an examination for 7798
an insurance agent license; 7799
- (13) Knowingly accepting insurance business from an 7800
individual who is not licensed; 7801
- (14) Failing to comply with any official invoice, notice, 7802
assessment, or order directing payment of federal, state, or 7803
local income tax, state or local sales tax, or workers' 7804
compensation premiums; 7805
- (15) Failing to timely submit an application for 7806
insurance. For purposes of division (B) (15) of this section, a 7807
submission is considered timely if it occurs within the time 7808
period expressly provided for by the insurer, or within seven 7809
days after the insurance agent accepts a premium or an order to 7810
bind coverage from a policyholder or applicant for insurance, 7811
whichever is later. 7812
- (16) Failing to disclose to an applicant for insurance or 7813
policyholder upon accepting a premium or an order to bind 7814
coverage from the applicant or policyholder, that the person has 7815
not been appointed by the insurer; 7816
- (17) Having any professional license or financial industry 7817
regulatory authority registration suspended or revoked or having 7818
been barred from participation in any industry; 7819

(18) Having been subject to a cease and desist order or 7820
permanent injunction related to mishandling of funds or breach 7821
of fiduciary responsibilities or for unlicensed or unregistered 7822
activities; 7823

(19) Causing or permitting a policyholder or applicant for 7824
insurance to designate the insurance agent or the insurance 7825
agent's spouse, parent, child, or sibling as the beneficiary of 7826
a policy or annuity sold by the insurance agent or of a policy 7827
or annuity for which the agent, at any time, was designated as 7828
the agent of record, unless the insurance agent or a relative of 7829
the insurance agent is the insured or applicant; 7830

(20) Causing or permitting a policyholder or applicant for 7831
insurance to designate the insurance agent or the insurance 7832
agent's spouse, parent, child, or sibling as the owner or 7833
beneficiary of a trust funded, in whole or in part, by a policy 7834
or annuity sold by the insurance agent or by a policy or annuity 7835
for which the agent, at any time, was designated as the agent of 7836
record, unless the insurance agent or a relative of the 7837
insurance agent is the insured or applicant; 7838

(21) Failing to provide a written response to the 7839
department of insurance within twenty-one calendar days after 7840
receipt of any written inquiry from the department, unless a 7841
reasonable extension of time has been requested of, and granted 7842
by, the superintendent or the superintendent's designee; 7843

(22) Failing to appear to answer questions before the 7844
superintendent after being notified in writing by the 7845
superintendent of a scheduled interview, unless a reasonable 7846
extension of time has been requested of, and granted by, the 7847
superintendent or the superintendent's designee; 7848

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| (23) Transferring or placing insurance with an insurer | 7849 |
| other than the insurer expressly chosen by the applicant for | 7850 |
| insurance or policyholder without the consent of the applicant | 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 endorsement showing that service was refused, or that the envelope was unclaimed, the notice and all subsequent notices required by Chapter 119. of the Revised Code may be served by ordinary mail to the last known address of the licensee or applicant. The mailing shall be evidenced by a certificate of mailing. Service is deemed complete as of the date of such certificate provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery. The time period in which to request a hearing, as provided in Chapter 119. of the Revised Code, begins to run on the date of mailing.

(c) If service by ordinary mail fails, the superintendent may cause a summary of the substantive provisions of the notice to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known place of residence or business of the party is located. The notice is considered served on the date of the third publication.

(d) Any notice required to be served under Chapter 119. of the Revised Code shall also be served upon the party's attorney by ordinary mail if the attorney has entered an appearance in the matter.

(e) The superintendent may, at any time, perfect service on a party by personal delivery of the notice by an employee of the department.

(f) Notices regarding the scheduling of hearings and all other matters not described in division ~~(C)~~(D)(1)(a) of this section shall be sent by ordinary mail to the party and to the party's attorney.

(2) Any subpoena for the appearance of a witness or the production of documents or other evidence at a hearing, or for the purpose of taking testimony for use at a hearing, shall be served by certified mail, return receipt requested, by an attorney or by an employee of the department designated by the superintendent. Such subpoenas shall be enforced in the manner provided in section 119.09 of the Revised Code. Nothing in this section shall be construed as limiting the superintendent's other statutory powers to issue subpoenas.

~~(D)~~ (E) If the superintendent determines that a violation described in this section has occurred, the superintendent may take one or more of the following actions:

(1) Assess a civil penalty in an amount not exceeding twenty-five thousand dollars per violation;

(2) Assess administrative costs to cover the expenses incurred by the department in the administrative action, including costs incurred in the investigation and hearing processes. Any costs collected shall be paid into the state treasury to the credit of the department of insurance operating fund created in section 3901.021 of the Revised Code.

(3) Suspend all of the person's licenses for all lines of insurance for either a specified period of time or an indefinite period of time and under such terms and conditions as the superintendent may determine;

(4) Permanently revoke all of the person's licenses for all lines of insurance;

(5) Refuse to issue a license;

(6) Refuse to renew a license;

(7) Prohibit the person from being employed in any 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

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| vulnerability of, persons who were or could have been adversely affected by the person's actions; | 8053 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 |
| (F) <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 (D) <u>(E)</u> of this section. | 8074 8075 8076 8077 8078 8079 8080 |

(2) A violation described in division (B) (15) or (21) of 8081
this section, or a failure to comply with section 3905.061, 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 state or a business entity organized under the laws of this state a license to act as a managing general agent representing an insurer licensed to do business in this state with respect to risks located in this state or a license to act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state, and shall renew such a license, if the superintendent is satisfied that all of the following conditions are met:

(1) The applicant is a suitable person and intends to hold self out in good faith as a managing general agent.

(2) The applicant ~~is honest, trustworthy, and~~ understands the duties and obligations of a managing general agent.

(3) The applicant has filed a completed application that complies with division (B) of this section.

(4) The applicant has paid a fee in the amount of twenty dollars.

(5) The applicant maintains a bond in the amount of not less than fifty thousand dollars for the protection of the insurer.

(6) The applicant maintains an errors and omissions policy of insurance.

(7) The applicant is not, and has never been, under an order of suspension or revocation under section 3905.77 of the Revised Code or under any other law of this state, or any other state, relating to insurance, and is otherwise in compliance with sections 3905.71 to 3905.79 of the Revised Code and all other laws of this state relating to insurance.

(D) If the applicant is a resident of another state or a business entity organized under the laws of another state, the applicant shall submit a request for licensure, along with a fee of twenty dollars, to the superintendent. The superintendent shall issue a license to act as a managing general agent if the request for licensure includes proof that the applicant is licensed and in good standing as a managing general agent in the applicant's home state and either a copy of the application for licensure the applicant submitted to the applicant's home state or the application described in division (B) of this section.

If the applicant's home state does not license managing general agents under provisions similar to those in sections 3905.71 to 3905.79 of the Revised Code, or if the applicant's home state does not grant licenses to residents of this state on the same reciprocal basis, the applicant shall comply with divisions (B) and (C) of this section.

(E) Unless suspended or revoked by an order of the superintendent pursuant to section 3905.77 of the Revised Code and except as provided in division (F) of this section, any license issued or renewed pursuant to division (C) or (D) of this section shall expire on the last day of February next after its issuance or renewal.

(F) If the appointment of a managing general agent is terminated by the insurer, the license of the managing general agent shall expire on the date of the termination.

(G) A license shall be renewed in accordance with the standard renewal procedure specified in Chapter 4745. of the Revised Code.

(H) All license fees collected pursuant to this section

shall be paid into the state treasury to the credit of the 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 8396
shall complete the continuing education requirements pursuant to 8397
section 3905.88 of the Revised Code prior to the renewal date. 8398

(3) If an applicant submits a completed renewal 8399
application, qualifies for renewal pursuant to divisions (F)(1) 8400
and (2) of this section, and has not committed any act that is a 8401
ground for the refusal to issue, suspension of, or revocation of 8402
a license under section 3905.14 or sections 3905.83 to 3905.99 8403
of the Revised Code, the superintendent shall renew the 8404
applicant's surety bail bond insurance agent license. 8405

(4) If an individual or business entity does not apply for 8406
the renewal of the individual or business entity's license on or 8407
before the license renewal date specified in division (F)(1) of 8408
this section, the individual or business entity may submit a 8409
late renewal application along with all applicable fees required 8410
under this chapter prior to the last day of March following the 8411
renewal date. The superintendent shall renew the license of an 8412
applicant that submits a late renewal application if the 8413
applicant satisfies all of the following conditions: 8414

(a) The applicant submits a completed renewal application. 8415

(b) The applicant pays the one-hundred-fifty-dollar 8416
renewal fee. 8417

(c) The applicant pays the late renewal fee established by 8418
the superintendent. 8419

(d) The applicant provides proof of compliance with the 8420

continuing education requirements pursuant to section 3905.88 of 8421
the Revised Code. 8422

(e) The applicant has not committed any act that is 8423
grounds for the refusal to issue, suspension of, or revocation 8424
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, member, key management personnel, or designee of the applicant or licensee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action in another state, has been the subject of an administrative or civil action brought by the department of commerce, division of securities, or is otherwise shown to be untrustworthy or incompetent.

(3) The licensee is a viatical settlement provider that demonstrates a pattern of unreasonable payments to viators.

(4) The licensee or any officer, partner, member, key management personnel, or designee of the licensee has been convicted of or has pleaded guilty or no contest to a felony or to a misdemeanor involving fraud, moral turpitude, dishonesty, or breach of trust, regardless of whether a judgment of conviction has been entered by the court.

(5) The licensee is a viatical settlement provider that has used a viatical settlement contract form that has not been approved under this chapter.

(6) The licensee is a viatical settlement provider that has failed to honor contractual obligations set out in a viatical settlement contract.

(7) The licensee no longer meets the requirements for initial licensure.

(8) The licensee is a viatical settlement provider that has assigned, transferred, or pledged a viaticated policy to a person that the licensee knew or should have known was not one of the following:

(a) A viatical settlement provider licensed in this state;

| | |
|--|--|
| (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 management personnel, or designee of the licensee has violated any provision of this chapter or any rule adopted under this chapter. | 8513 8514 8515 8516 |
| (10) The licensee or any officer, partner, member, key management personnel, or designee of the licensee has committed any coercive, fraudulent, or dishonest act, or made any untrue, deceptive, or misleading statement, in connection with a viatical settlement transaction or a proposed viatical settlement transaction. | 8517 8518 8519 8520 8521 8522 |
| (B) <u>The superintendent shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty or no contest to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u> | 8523 8524 8525 8526 |
| (C) <u>Before the superintendent refuses to issue a license under this chapter, or suspends, revokes, or refuses to renew the license of a viatical settlement provider or viatical settlement broker, the superintendent shall provide the licensee or applicant with notice and an opportunity for hearing as provided in Chapter 119. of the Revised Code, except as follows:</u> | 8527 8528 8529 8530 8531 8532 |
| (1) (a) Any notice of opportunity for hearing, the hearing officer's findings and recommendations, or the superintendent's order shall be served by certified mail at the last known | 8533 8534 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 8627
engines, high pressure boilers, or low pressure boilers as 8628
applicable to the type of license being sought, or a combination 8629
of experience and education for the type of license sought as 8630
determined to be acceptable by the superintendent. 8631

(C) No applicant shall qualify to take an examination or 8632
to renew a license if the applicant has violated this chapter or 8633
if the applicant has obtained or renewed a license issued under 8634
this chapter by fraud, misrepresentation, or deception. 8635

(D) The superintendent shall issue a license to each 8636
applicant who receives a passing score on the examination, as 8637
determined by the superintendent, for the license for which the 8638
applicant applied. 8639

(E) The superintendent may select and contract with one or 8640
more persons to do all of the following relative to the 8641
examinations for a license to operate as a steam engineer, high 8642
pressure boiler operator, or low pressure boiler operator: 8643

(1) Prepare, administer, score, and maintain the 8644
confidentiality of the examination; 8645

(2) Maintain responsibility for all expenses required to 8646
fulfill division (E) (1) of this section; 8647

(3) Charge each applicant a fee for administering the 8648
examination, in an amount authorized by the superintendent; 8649

(4) Design the examination for each type of license to 8650
determine an applicant's competence to operate the equipment for 8651
which the applicant is seeking licensure. 8652

(F) Each license issued under this chapter expires one 8653
year after the date of issue. Each person holding a valid, 8654
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 information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;

(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;

(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;

(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;

(5) Attempted to influence a public employee to breach ethical conduct standards;

(6) Been convicted of a ~~criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license~~ disqualifying offense as determined under section 9.79 of the Revised Code;

(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;

(8) Accumulated repeated convictions under a law, rule, or

regulation governing the movement of traffic over the public streets and highways; 8949
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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 8964
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consider issuing, a permit under this section to any 8978
partnership, association, or corporation that is affiliated with 8979
a debarred person. After the debarment period expires, the 8980
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 9215
application; 9216

(B) Has not complied with sections 4517.01 to 4517.45 of 9217
the Revised Code; 9218

(C) Is of bad business repute or has habitually defaulted 9219
on financial obligations; 9220

(D) Is engaged or will engage in the business of 9221
distributing any new motor vehicle without having the authority 9222
of a contract with the manufacturer of the vehicle; 9223

(E) Has been ~~guilty-convicted~~ of a ~~fraudulent act-~~ 9224
disqualifying offense as determined in connection accordance 9225
with ~~selling or otherwise dealing in motor vehicles~~ section 9.79 9226
of the Revised Code; 9227

(F) Has entered into or is about to enter into a contract 9228
or agreement with a manufacturer of motor vehicles that is 9229
contrary to sections 4517.01 to 4517.45 of the Revised Code; 9230

(G) Is insolvent; 9231

(H) Is of insufficient responsibility to ensure the prompt 9232
payment of any financial judgment that might reasonably be 9233
entered against the applicant because of the transaction of 9234
business as a distributor during the period of the license 9235
applied for, or has failed to satisfy any such judgment; 9236

(I) Has no established place of business that, where 9237
applicable, is used or will be used exclusively for the purpose 9238

of distributing new motor vehicles at the location for which 9239
application is made; 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 9299
4517.16 of the Revised Code; 9300

(2) Has made any false statement of a material fact in the 9301
application; 9302

(3) Is of bad business repute or has habitually defaulted 9303
on financial obligations; 9304

(4) Has been guilty of a fraudulent act in connection with 9305
selling or otherwise dealing in auctions, vehicles, or 9306
equipment; 9307

(5) Is insolvent; 9308

(6) Is of insufficient responsibility to ensure the prompt 9309
payment of any final judgments that might reasonably be entered 9310
against the applicant because of the transaction of the 9311
construction equipment auction business during the period of the 9312
license applied for, or has failed to satisfy any such judgment. 9313

(B) The registrar shall not refuse to issue a license to 9314
an applicant because of a conviction of or plea of guilty to an 9315
offense unless the refusal is in accordance with section 9.79 of 9316
the Revised Code. 9317

(C) Any person who has been denied a license or has had a 9318
license revoked under this section may appeal from the action of 9319
the registrar to the motor vehicle dealers board in the manner 9320
provided in section 4517.33 of the Revised Code. 9321

Sec. 4701.01. As used in this chapter: 9322

(A) "Practice of public accounting" means performing or 9323

offering to perform any engagement that will result in the 9324
issuance of an attest report and, with respect to a person who 9325
holds a CPA certificate, PA registration, foreign certificate, 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
certificate. 9382
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
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(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,
9409

certificate, or registration issued to a certified public 9410
accountant under the laws of another state that authorizes the 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- 9441
a felony conviction, including any period under a community- 9442
control sanction or post release control, the board may delay- 9443
any determination of the person's good moral character until one- 9444
year has passed from the time of the completion of that- 9445
sentence. 9446~~

~~(3) In determining whether a person who has a felony- 9447
conviction has met the person's burden of proof described in- 9448
division (V) (2) of this section, the accountancy board may- 9449
consider the following factors: 9450~~

~~(a) The person's path toward professional licensing- 9451
following completion of the person's sentence; 9452~~

~~(b) The nature and degree of the person's academic- 9453
achievements; 9454~~

~~(c) The nature and degree of the person's employment- 9455
following completion of the person's sentence; 9456~~

~~(d) The person's degree of self-sufficiency following- 9457
completion of the person's sentence; 9458~~

~~(e) The nature and degree of the person's other- 9459
responsibilities following completion of the person's sentence; 9460~~

~~(f) The person's conviction for any other criminal offense- 9461
since completion of the person's sentence for the person's first- 9462
felony conviction; 9463~~

~~(g) Whether the person's application or presentation- 9464
contains any inconsistencies or misleading explanations that- 9465
convince the board that either the person or the person's- 9466~~

~~attorney is trying to keep the board from acquiring a true, 9467
though damaging, representation of the person's character; 9468~~

~~(h) The nature and circumstances of the dishonest acts or 9469
felonious acts or convictions of the person; 9470~~

~~(i) Any other specifically identifiable information that 9471
the board determines to be relevant to the person's ability to 9472
discharge the duties of the accounting profession fully and 9473
faithfully. 9474~~

Sec. 4701.06. The accountancy board shall grant the 9475
certificate of "certified public accountant" to any person who 9476
satisfies the following requirements: 9477

(A) The person is a resident of this state or has a place 9478
of business in this state or, as an employee, is regularly 9479
employed in this state. The board may determine by rule 9480
circumstances under which the residency requirement may be 9481
waived. 9482

(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 9485
education and experience: 9486~~

(1) (a) Prior to January 1, 2000, graduation with a 9487
baccalaureate degree conferred by a college or university 9488
recognized by the board, with a concentration in accounting that 9489
includes related courses in other areas of business 9490
administration, or what the board determines to be substantially 9491
the equivalent of the foregoing; 9492

(b) On and after January 1, 2000, graduation with a 9493
baccalaureate or higher degree that includes successful 9494

completion of one hundred fifty semester hours of undergraduate 9495
or graduate education. The board by rule shall specify graduate 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)~~ 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 9601
division (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 9912
Code and that is a part of a national, regional, or state 9913
convention or conference that advances or promotes the auction 9914
profession in this state when the property to be sold is donated 9915
to or is the property of the organization and the proceeds 9916
remain within the organization or are donated to a charitable 9917
organization that is tax exempt under subsection 501(c)(3) of 9918
the Internal Revenue Code. 9919

(6) A person licensed as a livestock dealer under Chapter 9920
943. of the Revised Code who exclusively sells livestock and 9921
uses an auctioneer who is licensed under this chapter to conduct 9922
the auction; 9923

(7) A person licensed as a motor vehicle auction owner 9924
under Chapter 4517. of the Revised Code who exclusively sells 9925
motor vehicles to a person licensed under Chapter 4517. of the 9926
Revised Code and who uses an auctioneer who is licensed under 9927
this chapter to conduct the auction; 9928

(8) Sales of real or personal property conducted by means 9929
of the internet, provided that they are not conducted in 9930
conjunction with a live auction; 9931

(9) A bid calling contest that is approved by the 9932
commission and that is conducted for the purposes of the 9933
advancement or promotion of the auction profession in this 9934
state; 9935

(10) An auction at which the champion of a national or 9936
international bid calling contest appears, provided that both of 9937

the following apply: 9938

(a) The champion is not paid a commission. 9939

(b) The auction is conducted under the direct supervision 9940
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 Code. 9966
9967

~~(5)~~ (3) 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

~~(6)~~ (4) 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. 9982
9983
9984
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. 9985
9986
9987
9988
9989
9990
9991
9992

(D) The department, in its discretion, may waive the 9993
schooling and apprenticeship requirements for a resident of this 9994
state, provided that the resident holds a valid ~~auctioneer~~ 9995
auctioneer's license that was issued by a state with which the 9996
department has entered into a reciprocal licensing agreement and 9997
the resident is in good standing with that state. The applicant 9998
shall provide proof that is satisfactory to the department that 9999
the applicant has had two years of experience as an auctioneer 10000
immediately preceding the date of application that includes at a 10001
minimum twelve auctions in which the applicant was a bid caller 10002
in the reciprocal state. 10003

Sec. 4707.09. The department of agriculture may grant 10004
apprentice auctioneers' licenses to those persons that are 10005
determined to be qualified by the department. Every applicant 10006
for an apprentice auctioneer's license shall pass an examination 10007
relating to the skills, knowledge, and statutes and rules 10008
governing auctioneers. Every applicant for an apprentice 10009
auctioneer's license shall furnish to the department, on forms 10010
provided by the department, satisfactory proof that the 10011
applicant: 10012

~~(A) Has a good reputation;~~ 10013

~~(B) Is of trustworthy character;~~ 10014

~~(C) Has attained the age of at least eighteen years;~~ 10015

~~(D)~~ (B) Has obtained a written promise of a licensed 10016
auctioneer to sponsor the applicant during the applicant's 10017
apprenticeship; 10018

~~(E)~~ (C) Has satisfied the financial responsibility 10019
requirements established under section 4707.11 of the Revised 10020
Code if applicable; 10021

~~(F)~~ (D) Has successfully completed a course of study in 10022
auctioneering at an institution that is approved by the state 10023
auctioneers commission. 10024

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

~~(B)~~ (2) Making any substantial misrepresentation in an 10086
application for a license; 10087

~~(C)~~ (3) A continued course of misrepresentation or for 10088
making false promises through agents, advertising, or otherwise; 10089

~~(D)~~ (4) Specifying that an auction is a reserve auction, 10090
absolute auction, multi-parcel auction, or estate auction, but 10091
not conducting the auction as specified; 10092

~~(E)~~ (5) Failing to account for or remit, within a 10093
reasonable time, any money or property belonging to others that 10094
comes into the licensee's possession, and for commingling funds 10095
of others with the licensee's own, or failing to keep funds of 10096
others in an escrow or trust account, except that in the case of 10097
a transaction involving real estate, such funds shall be 10098
maintained in accordance with division (A)(26) of section 10099
4735.18 of the Revised Code; 10100

~~(F)~~ (6) Paying valuable consideration to any person who 10101
has violated this chapter; 10102

~~(G)~~ Conviction ~~(7)~~ Except as provided in division (B) of 10103
this section, conviction in a court of competent jurisdiction of 10104
this state or any other state of a criminal offense involving 10105
fraud, forgery, embezzlement, false pretenses, extortion, 10106
conspiracy to defraud, or another similar offense or a felony; 10107

~~(H)~~ (8) Violation of this chapter or rules adopted under 10108
it; 10109

| | |
|--|----------------------------------|
| (I) <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 |
| (J) <u>(10)</u> Any conduct of a person that is licensed under this chapter that demonstrates bad faith, dishonesty, incompetency, or untruthfulness; | 10113 10114 10115 |
| (K) <u>(11)</u> <u>Any other conduct of a person that is licensed under this chapter</u> that constitutes improper, fraudulent, or dishonest dealings; | 10116 10117 10118 |
| (L) <u>(12)</u> Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee received the property for auction; | 10119 10120 10121 10122 |
| (M) <u>(13)</u> The use of any power of attorney to circumvent this chapter; | 10123 10124 |
| (N) <u>(14)</u> Failure to display either of the following: | 10125 |
| (1) <u>(a)</u> The sign required under section 4707.22 of the Revised Code; or | 10126 10127 |
| (2) <u>(b)</u> A notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction and, if applicable, an explanation of the multi-parcel auction process + . | 10128 10129 10130 10131 |
| (O) <u>(15)</u> Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction; | 10132 10133 10134 |
| (P) <u>(16)</u> Aiding an unlicensed person in the performance of services or acts that require a license under this chapter; | 10135 10136 |

~~(Q)~~ (17) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;

~~(R)~~ (18) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering;

~~(S)~~ (19) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;

~~(T)~~ (20) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;

~~(U)~~ (21) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination.

(B) The department 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.

Sec. 4707.19. (A) The director of agriculture may adopt reasonable rules necessary for the implementation of this chapter in accordance with Chapter 119. of the Revised Code. In addition, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the portion of license fees collected under this chapter that are to be deposited into the auction recovery fund under section 4707.25 of the Revised Code.

No person shall fail to comply with a rule adopted under this chapter.

(B) The director shall adopt rules that establish a

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
auction, at the place of registration for the auction, or by the 10228
cashier for the auction. The sign shall be of a size not smaller 10229
than eight and one-half inches by eleven inches. The letters and 10230
numbers on the sign shall be of adequate size to be readily seen 10231
by an individual with normal vision when viewing it. 10232

(F) An advertisement for the sale of real property at 10233
auction shall contain the name of the licensed auctioneer who is 10234
entering into the auction contract and the name of the real 10235
estate broker licensed under Chapter 4735. of the Revised Code 10236
who is involved in the sale. Compliance with this section shall 10237
not require a real estate broker licensed under Chapter 4735. of 10238
the Revised Code to obtain a license under section 4707.073 of 10239
the Revised Code. 10240

(G) If an auction to be advertised is a multi-parcel 10241
auction, all advertisements for the auction, excluding road 10242
signs, shall state that the auction will be offered in various 10243
amalgamations, including as individual parcels or lots, 10244
combinations of parcels or lots, and all parcels or lots as a 10245
whole. 10246

Sec. 4709.07. (A) Each person who desires to obtain an 10247
initial license to practice barbering shall apply to the state 10248
cosmetology and barber board, on forms provided by the board. 10249
The application form shall include the name of the person 10250
applying for the license and evidence that the applicant meets 10251
all of the requirements of division (B) of this section. The 10252

application shall be accompanied by two signed current 10253
photographs of the applicant, in the size determined by the 10254
board, that show only the head and shoulders of the applicant, 10255
and the examination application fee. 10256

(B) In order to take the required barber examination and 10257
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 10317
board determines that the person meets and will comply with all 10318
of the requirements of division (B) of this section and pays the 10319
required licensure and inspection fees. 10320

(B) In order for a person to qualify for a license to 10321
operate a barber school, the barber school to be operated by the 10322
person must meet all of the following requirements: 10323

(1) Have a training facility sufficient to meet the 10324
required educational curriculum established by the board, 10325
including enough space to accommodate all the facilities and 10326
equipment required by rule by the board; 10327

(2) Provide sufficient licensed teaching personnel to meet 10328
the minimum pupil-teacher ratio established by rule of the 10329
board; 10330

(3) Have established and provide to the board proof that 10331
it has met all of the board requirements to operate a barber 10332
school, as adopted by rule of the board; 10333

(4) File with the board a program of its curriculum, 10334
accounting for not less than one thousand eight hundred hours of 10335
instruction in the courses of theory and practical demonstration 10336
required by rule of the board; 10337

(5) File with the board a surety bond in the amount of ten 10338
thousand dollars issued by a bonding company licensed to do 10339
business in this state. The bond shall be in the form prescribed 10340
by the board and conditioned upon the barber school's continued 10341

instruction in the theory and practice of barbering. The bond 10342
shall continue in effect until notice of its termination is 10343
provided to the board. In no event, however, shall the bond be 10344
terminated while the barber school is in operation. Any student 10345
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

~~(e)~~ 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
barbering profession; 10371
10372
- (10) Offer a curriculum of study which covers all aspects
of the scientific fundamentals of barbering as specified by rule
of the board; 10373
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10375
- (11) Employ no more than two licensed assistant barber
teachers for each licensed barber teacher employed or fewer than
two licensed teachers or one licensed teacher and one licensed
assistant teacher at each facility. 10376
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- (C) Each person who desires to obtain a barber teacher or
assistant barber teacher license shall apply to the board, on
forms provided by the board. The board shall only issue a barber
teacher license to a person who meets all of the following
requirements: 10380
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- (1) Holds a current barber license issued pursuant to this
chapter and has at least eighteen months of work experience in a
licensed barber shop or has been employed as an assistant barber
teacher under the supervision of a licensed barber teacher for
at least one year, unless, for good cause, the board waives this
requirement; 10385
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- (2) Meets such other requirements as adopted by rule by
the board; 10391
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- (3) Passes the required examination; and 10393
- (4) Pays the required fees. If an applicant fails to pass
the examination, the applicant may reapply for the examination
and licensure no earlier than one year after the failure to pass
and provided that during that period, the applicant remains
employed as an assistant barber teacher. 10394
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The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications.

Sec. 4709.13. (A) The state cosmetology and barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:

(1) Advertising by means of knowingly false or deceptive statements;

(2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;

(3) ~~Immoral or unprofessional~~ Unprofessional conduct;

(4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;

(5) Employing any person who does not have a current Ohio license to perform the practice of barbering;

(6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is

done by students exclusively; 10427

(7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop; 10428
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(8) Violating any sanitary rules approved by the department of health or the board; 10432
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(9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter; 10434
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(10) Gross incompetence. 10437

(B) (1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty. 10438
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(2) A conviction or plea of guilty to a felony committed prior to being issued a license under this chapter shall not disqualify a person from being issued an initial license under this chapter. 10444
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(C) Prior to taking any action under division (A) or (B) of this section, the board shall provide the person with a statement of the charges against the person and notice of the time and place of a hearing on the charges. The board shall conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the board may appeal the board's decision to the court of common pleas in Franklin county. 10448
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(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)~~-(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

~~(2) Is of good moral character;~~ 10717

~~(3)~~ (2) Has the equivalent of an Ohio public school tenth 10718
grade education; 10719

~~(4)~~ (3) Has submitted a written application on a form 10720
prescribed by the board containing all of the following: 10721

(a) The applicant's name and home address; 10722

(b) The applicant's home telephone number and cellular 10723
telephone number, if any; 10724

(c) The applicant's electronic mail address, if any; 10725

(d) The applicant's date of birth; 10726

(e) The address and telephone number where boutique 10727
services will be performed. The address shall not contain a post 10728
office box number. 10729

(f) Whether the applicant has an occupational license, 10730
certification, or registration to provide beauty services in 10731
another state, and if so, what type of license and in what 10732
state; 10733

(g) Whether the applicant has ever had an occupational 10734
license, certification, or registration suspended, revoked, or 10735
denied in any state; 10736

(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services. 10737
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(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code. 10740
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(C) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code. 10744
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Sec. 4715.10. (A) As used in this section, "accredited dental college" means a dental college accredited by the commission on dental accreditation or a dental college that has educational standards recognized by the commission on dental accreditation and is approved by the state dental board. 10747
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(B) Each person who desires to practice dentistry in this state shall file a written application for a license with the secretary of the state dental board. The application shall be on a form prescribed by the board and verified by oath. Each applicant shall furnish satisfactory proof to the board that the applicant has met the requirements of divisions (C) and (D) of this section, and if the applicant is a graduate of an unaccredited dental college located outside the United States, division (E) of this section. 10752
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(C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements: 10761
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(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 dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code; 10765
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~~(4)~~—(3) Have passed parts I and II of the examination given by the national board of dental examiners; 10768
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~~(5)~~—(4) Have passed a written jurisprudence examination administered by the state dental board under division (E) (2) of section 4715.03 of the Revised Code; 10770
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~~(6)~~—(5) Pay the fee required by division (A) (1) of section 4715.13 of the Revised Code. 10773
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(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements: 10775
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(1) Have taken an examination administered by any of the following regional testing agencies and received a passing score on the examination as determined by the administering agency: 10777
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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 dental board and received a passing score as established by the board; 10785
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(3) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application; 10788
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(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 10797
graduate of an unaccredited dental college located outside the 10798
United States must meet both of the following requirements: 10799

(1) Have taken a basic science and laboratory examination 10800
consistent with rules adopted under section 4715.11 of the 10801
Revised Code and received a passing score as established by the 10802
board; 10803

(2) Have had sufficient clinical training in an accredited 10804
institution to reasonably assure a level of competency equal to 10805
that of graduates of accredited dental colleges, as determined 10806
by the board. 10807

Sec. 4715.101. (A) As used in this section, "license" and 10808
"applicant for an initial license" have the same meanings as in 10809
section 4776.01 of the Revised Code. 10810

(B) In addition to any other eligibility requirement set 10811
forth in this chapter, each applicant for an initial license 10812
issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 10813
of the Revised Code shall comply with sections 4776.01 to 10814
4776.04 of the Revised Code. The state dental board shall not 10815
grant a license to an applicant for an initial license issued 10816
pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the 10817
Revised Code unless the applicant complies with sections 4776.01 10818
to 4776.04 of the Revised Code ~~and the board, in its~~ 10819
~~discretion, decides that the results of the criminal records~~ 10820
~~check do not make the applicant ineligible for a license issued~~ 10821
~~pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the~~ 10822

~~Revised Code.~~ 10823

Sec. 4715.21. Each person who desires to practice as a 10824
dental hygienist shall file with the secretary of the state 10825
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) 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
of advertising; 10882
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(4) Commission of an act that constitutes a felony in this
state, regardless of the jurisdiction in which the act was
committed; 10884
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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 10905
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license holder's direct supervision, to provide dental care that 10911
departs from or fails to conform to accepted standards for the 10912
profession, whether or not injury to a patient results; 10913

(10) Inability to practice under accepted standards of the 10914
profession because of physical or mental disability, dependence 10915
on alcohol or other drugs, or excessive use of alcohol or other 10916
drugs; 10917

(11) Violation of any provision of this chapter or any 10918
rule adopted thereunder; 10919

(12) Failure to use universal blood and body fluid 10920
precautions established by rules adopted under section 4715.03 10921
of the Revised Code; 10922

(13) Except as provided in division (H) of this section, 10923
either of the following: 10924

(a) Waiving the payment of all or any part of a deductible 10925
or copayment that a patient, pursuant to a health insurance or 10926
health care policy, contract, or plan that covers dental 10927
services, would otherwise be required to pay if the waiver is 10928
used as an enticement to a patient or group of patients to 10929
receive health care services from that certificate or license 10930
holder; 10931

(b) Advertising that the certificate or license holder 10932
will waive the payment of all or any part of a deductible or 10933
copayment that a patient, pursuant to a health insurance or 10934
health care policy, contract, or plan that covers dental 10935
services, would otherwise be required to pay. 10936

(14) Failure to comply with section 4715.302 or 4729.79 of 10937
the Revised Code, unless the state board of pharmacy no longer 10938
maintains a drug database pursuant to section 4729.75 of the 10939

| | |
|---|-------|
| Revised Code; | 10940 |
| (15) Any of the following actions taken by an agency | 10941 |
| responsible for authorizing, certifying, or regulating an | 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~~ 11151
~~finding of eligibility for treatment in lieu of conviction~~ 11152
~~entered against the applicant in this state for aggravated~~ 11153
~~murder, murder, voluntary manslaughter, felonious assault,~~ 11154
~~kidnapping, rape, sexual battery, gross sexual imposition,~~ 11155
~~aggravated arson, aggravated robbery, or aggravated burglary, or~~ 11156
~~has pleaded guilty to, has been found by a judge or jury to be~~ 11157
~~guilty of, or has had a judicial finding of eligibility for~~ 11158
~~treatment in lieu of conviction entered against the applicant in~~ 11159
~~another jurisdiction for a substantially equivalent offense, at~~ 11160
~~least five years has elapsed since the applicant was released~~ 11161
~~from incarceration, a community control sanction, a post release~~ 11162
~~control sanction, parole, or treatment in connection with the~~ 11163
~~offense.~~ 11164

~~(3)~~ The applicant holds at least a bachelor's degree from 11165
a college or university authorized to confer degrees by the 11166
department of higher education or the comparable legal agency of 11167
another state in which the college or university is located and 11168
submits an official transcript from that college or university 11169
with the application. 11170

~~(4)~~ (3) The applicant has satisfactorily completed at 11171
least twelve months of instruction in a prescribed course in 11172
mortuary science as approved by the board and has presented to 11173
the board a certificate showing successful completion of the 11174
course. The course of mortuary science college training may be 11175

completed either before or after the completion of the 11176
educational standard set forth in division (A) ~~(3)~~ (2) of this 11177
section. 11178

~~(5)~~ (4) The applicant has been certified by the board 11179
prior to beginning an embalmer apprenticeship. 11180

~~(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 Code and evidence, verified under oath and satisfactory to the board, that the applicant satisfies ~~all~~ both of the following requirements:

(1) The applicant is at least eighteen years of age ~~and of good moral character.~~

(2) ~~If the applicant has pleaded guilty to, 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.~~

~~(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.

(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.

(C) The board of embalmers and funeral directors may 11292
revoke or suspend a crematory operator permit or subject a 11293
crematory operator permit holder to discipline in accordance 11294
with the laws, rules, and procedures applicable to licensees 11295
under this chapter. 11296

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 11355
public by using false or deceptive advertising. As used in this 11356
division, "false and deceptive advertising" includes, but is not 11357
limited to, any of the following: 11358

(a) Using the names of persons who are not licensed to 11359
practice funeral directing in a way that leads the public to 11360
believe that such persons are engaging in funeral directing; 11361

(b) Using any name for the funeral home other than the 11362
name under which the funeral home is licensed; 11363

(c) Using in the funeral home's name the surname of an 11364
individual who is not directly, actively, or presently 11365
associated with the funeral home, unless such surname has been 11366
previously and continuously used by the funeral home. 11367

(B) (1) The board of embalmers and funeral directors shall 11368
refuse to grant or renew, or shall suspend or revoke a license 11369
or permit only in accordance with Chapter 119. of the Revised 11370
Code. 11371

(2) The board shall send to the crematory review board 11372
written notice that it proposes to refuse to issue or renew, or 11373
proposes to suspend or revoke, a license to operate a crematory 11374
facility. If, after the conclusion of the adjudicatory hearing 11375
on the matter conducted under division (F) of section 4717.03 of 11376
the Revised Code, the board of embalmers and funeral directors 11377
finds that any of the circumstances described in divisions (A) 11378

(1) to (9) of this section apply to the person named in its 11379
proposed action, the board may issue a final order under 11380
division (F) of section 4717.03 of the Revised Code refusing to 11381
issue or renew, or suspending or revoking, the person's license 11382
to operate a crematory facility. 11383

(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 11445
assistance or advice is necessary in the receivership or 11446
liquidation and distribution of the assets of the funeral home, 11447
and, for that purpose, may retain officers or employees of the 11448
funeral home as needed. All expenses of the receivership or 11449
liquidation shall be paid from the assets of the funeral home 11450
and shall be a lien on those assets, and that lien shall be a 11451
priority to any other lien. 11452

(E) Any holder of a license or permit issued under this 11453
chapter who has pleaded guilty to, has been found by a judge or 11454
jury to be guilty of, or has had a judicial finding of 11455
eligibility for treatment in lieu of conviction entered against 11456
the individual in this state for aggravated murder, murder, 11457
voluntary manslaughter, felonious assault, kidnapping, rape, 11458
sexual battery, gross sexual imposition, aggravated arson, 11459
aggravated robbery, or aggravated burglary, or who has pleaded 11460
guilty to, has been found by a judge or jury to be guilty of, or 11461
has had a judicial finding of eligibility for treatment in lieu 11462
of conviction entered against the individual in another 11463
jurisdiction for any substantially equivalent criminal offense, 11464
is hereby suspended from practice under this chapter by 11465
operation of law, and any license or permit issued to the 11466
individual under this chapter is hereby suspended by operation 11467
of law as of the date of the guilty plea, verdict or finding of 11468
guilt, or judicial finding of eligibility for treatment in lieu 11469

of conviction, regardless of whether the proceedings are brought 11470
in this state or another jurisdiction. The board shall notify 11471
the suspended individual of the suspension of the individual's 11472
license or permit by the operation of this division by a 11473
delivery system or in person in accordance with section 119.07 11474
of the Revised Code. If an individual whose license or permit is 11475
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 practice nursing as a registered nurse or as a licensed practical nurse if the following conditions ~~of divisions (B) (2) (a) to (f) have been~~ are met:

(a) The applicant provides evidence satisfactory to the board that the applicant has met the educational requirements described in division (C) of this section.

(b) The examination, at the time it is successfully completed, is equivalent to the examination requirements in effect at that time for applicants who were licensed by examination in this state.

(c) The board determines there is sufficient evidence that the applicant completed two contact hours of continuing education directly related to this chapter or the rules adopted under it.

(d) The results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for licensure ~~as specified in accordance with~~ section 4723.092 of the Revised Code.

(e) The applicant has not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code, or the board determines that an applicant who has committed any act that is grounds for disciplinary action under either of those sections has made restitution or has been rehabilitated, or both.

~~(f) The applicant 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.~~

(C) (1) To be eligible for licensure by examination or

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 11619
another jurisdiction that is a member of the national council of 11620
state boards of nursing. 11621

(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 11707
certificate is under suspension; 11708

(3) Conviction of, a plea of guilty to, a judicial finding 11709
of guilt of, a judicial finding of guilt resulting from a plea 11710
of no contest to, or a judicial finding of eligibility for a 11711
pretrial diversion or similar program or for intervention in 11712
lieu of conviction for, a misdemeanor committed in the course of 11713
practice; 11714

(4) Conviction of, a plea of guilty to, a judicial finding 11715
of guilt of, a judicial finding of guilt resulting from a plea 11716
of no contest to, or a judicial finding of eligibility for a 11717
pretrial diversion or similar program or for intervention in 11718
lieu of conviction for, any felony or of any crime involving 11719
gross immorality or moral turpitude; 11720

(5) Selling, giving away, or administering drugs or 11721
therapeutic devices for other than legal and legitimate 11722
therapeutic purposes; or conviction of, a plea of guilty to, a 11723
judicial finding of guilt of, a judicial finding of guilt 11724
resulting from a plea of no contest to, or a judicial finding of 11725
eligibility for a pretrial diversion or similar program or for 11726
intervention in lieu of conviction for, violating any municipal, 11727
state, county, or federal drug law; 11728

(6) Conviction of, a plea of guilty to, a judicial finding 11729
of guilt of, a judicial finding of guilt resulting from a plea 11730

of no contest to, or a judicial finding of eligibility for a 11731
pretrial diversion or similar program or for intervention in 11732
lieu of conviction for, an act in another jurisdiction that 11733
would constitute a felony or a crime of moral turpitude in Ohio; 11734

(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

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| 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 |

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| (22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code; | 11787 11788 11789 |
| (23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter; | 11790 11791 11792 |
| (24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following: | 11793 11794 11795 |
| (a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; | 11796 11797 11798 11799 11800 11801 |
| (b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay. | 11802 11803 11804 11805 11806 |
| (25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code; | 11807 11808 11809 |
| (26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code; | 11810 11811 11812 |
| (27) In the case of an advanced practice registered nurse: | 11813 |
| (a) Engaging in activities that exceed those permitted for | 11814 |

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| 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 the Revised Code; 11843
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(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 11845
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(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; 11849
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(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. 11853
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(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. 11859
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(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may 11870
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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 is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B) (3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B) (3) to (7) of this section that is overturned on appeal, the registered

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 background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to provide safe nursing care. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, 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 government entity. 11994
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(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality. 11996
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(3) All adjudications and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code. 11999
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(4) Any board activity that involves continued monitoring of an individual as part of or following any disciplinary action taken under this section shall be conducted in a manner that maintains the individual's confidentiality. Information received or maintained by the board with respect to the board's monitoring activities is not subject to discovery in any civil action and is confidential, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of a licensee or certificate holder. 12002
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(J) Any action taken by the board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the person may be reinstated to practice. 12012
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(K) When the board refuses to grant a license or certificate to an applicant, revokes a license or certificate, or refuses to reinstate a license or certificate, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a license or certificate of the type that was refused or revoked and the board shall not accept from the individual an 12016
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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 12029
majority vote of the board. The board's jurisdiction to take 12030
disciplinary action under this section is not removed or limited 12031
when an individual has a license or certificate classified as 12032
inactive or fails to renew a license or certificate. 12033

(M) Sanctions shall not be imposed under division (B) (24) 12034
of this section against any licensee who waives deductibles and 12035
copayments as follows: 12036

(1) In compliance with the health benefit plan that 12037
expressly allows such a practice. Waiver of the deductibles or 12038
copayments shall be made only with the full knowledge and 12039
consent of the plan purchaser, payer, and third-party 12040
administrator. Documentation of the consent shall be made 12041
available to the board upon request. 12042

(2) For professional services rendered to any other person 12043
licensed pursuant to this chapter to the extent allowed by this 12044
chapter and the rules of the board. 12045

Sec. 4723.651. (A) To be eligible to receive a medication 12046
aide certificate, an applicant shall meet all of the following 12047
conditions: 12048

(1) Be at least eighteen years of age; 12049

(2) Have a high school diploma or a certificate of high 12050
school equivalence as defined in section 5107.40 of the Revised 12051

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| Code; | 12052 |
| (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; | 12053 12054 12055 12056 |
| (4) If the applicant is to practice as a medication aide in a residential care facility, 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 or an individual who has at least one year of direct care experience in a residential care facility; | 12057 12058 12059 12060 12061 12062 |
| (5) If the applicant is to practice as a medication aide in an ICF/IID, 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 or an individual who has at least one year of direct care experience in an ICF/IID; | 12063 12064 12065 12066 12067 |
| (6) Successfully complete the course of instruction provided by a training program approved under section 4723.66 of the Revised Code; | 12068 12069 12070 |
| (7) Not be ineligible for licensure or certification as specified in <u>accordance with</u> section 4723.092 of the Revised Code; | 12071 12072 12073 |
| (8) Have not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or be determined by the board to have made restitution, been rehabilitated, or both; | 12074 12075 12076 12077 |
| (9) 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; | 12078 12079 12080 |

~~(10)~~ Meet all other requirements for a medication aide certificate established in rules adopted under section 4723.69 of the Revised Code. 12081
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(B) If an applicant meets the requirements specified in division (A) of this section, the board of nursing shall issue a medication aide certificate to the applicant. If a medication aide certificate is issued to an individual on the basis of having at least one year of direct care experience working in a residential care facility, as provided in division (A) (4) of this section, the certificate is valid for use only in a residential care facility. If a medication aide certificate is issued to an individual on the basis of having at least one year of direct care experience working in an ICF/IID, as provided in division (A) (5) of this section, the certificate is valid for use only in an ICF/IID. The board shall state the limitation on the certificate issued to the individual. 12084
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(C) A medication aide certificate is valid for two years, unless earlier suspended or revoked. The certificate may be renewed in accordance with procedures specified by the board in rules adopted under section 4723.69 of the Revised Code. To be eligible for renewal, an applicant shall pay the renewal fee established in the rules and meet all renewal qualifications specified in the rules. 12097
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Sec. 4723.75. (A) The board of nursing shall issue a certificate to practice as a dialysis technician to an applicant if the following conditions ~~of divisions (A) (1) to (5) of this section have been~~ are met: 12104
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(1) The application is submitted to the board in accordance with rules adopted under section 4723.79 of the Revised Code and includes both of the following: 12108
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| (a) The fee established in rules adopted under section 4723.79 of the Revised Code; | 12111 12112 |
| (b) The name and address of each approved dialysis training program in which the applicant has enrolled and the dates during which the applicant was enrolled in each program. | 12113 12114 12115 |
| (2) The applicant meets the requirements established by the board's rules. | 12116 12117 |
| (3) The applicant demonstrates competency to practice as a dialysis technician, as specified in division (B) of this section. | 12118 12119 12120 |
| (4) In the case of an applicant who entered a dialysis training program on or after June 1, 2003, the results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for certification as specified in accordance with section 4723.092 of the Revised Code. | 12121 12122 12123 12124 12125 12126 |
| (5) The applicant 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. | 12127 12128 12129 |
| (B) For an applicant to demonstrate competence to practice as a dialysis technician, one of the following must apply: | 12130 12131 |
| (1) The applicant has successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code and meets both of the following requirements: | 12132 12133 12134 |
| (a) Has performed dialysis care for a dialysis provider for not less than six months immediately prior to the date of application; | 12135 12136 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 Revised Code; 12167
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(4) Demonstrating competence to perform dialysis care in accordance with division (B) of this section. 12169
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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: 12171
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(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: 12177
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(a) The fee established in rules adopted under section 4723.79 of the Revised Code; 12180
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(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. 12182
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(2) Provides documentation from the applicant's employer attesting that the applicant is competent to perform dialysis care; 12185
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(3) Has successfully completed a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code; 12188
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~~(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.~~ 12191
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(B) A dialysis technician intern certificate issued to an 12194

applicant who meets the requirements in division (A) of this 12195
section is valid for a period of time that is eighteen months 12196
from the date on which the applicant successfully completed a 12197
dialysis training program approved by the board under section 12198
4723.74 of the Revised Code, minus the time the applicant was 12199
enrolled in one or more dialysis training programs approved by 12200
the board. 12201

(C) A dialysis technician intern certificate issued under 12202
this section may not be renewed. 12203

Sec. 4723.84. (A) To be eligible to receive a community 12204
health worker certificate, an applicant shall meet all of the 12205
following conditions: 12206

(1) Be eighteen years of age or older; 12207

(2) Possess a high school diploma or the equivalent of a 12208
high school diploma, as determined by the board; 12209

(3) Except as provided in division (B) of this section, 12210
successfully complete a community health worker training program 12211
approved by the board under section 4723.87 of the Revised Code; 12212

(4) Not be ineligible for certification ~~as specified in~~ 12213
accordance with section 4723.092 of the Revised Code; 12214

(5) Not have committed any act that is grounds for 12215
disciplinary action under section 3123.47 of the Revised Code or 12216
rules adopted under division (F) of section 4723.88 of the 12217
Revised Code or, if such an act has been committed, be 12218
determined by the board to have made restitution, been 12219
rehabilitated, or both; 12220

(6) ~~Not be required to register under Chapter 2950. of the~~ 12221
~~Revised Code or a substantially similar law of another state,~~ 12222

~~the United States, or another country;~~ 12223

~~(7)~~ Meet all other requirements the board specifies in 12224
rules adopted under section 4723.88 of the Revised Code. 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

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| (2) Be of good moral character; | 12252 |
| (3) Complete satisfactorily a course of study of at least six college years; | 12253 12254 |
| (4) <u>(3)</u> Graduate from a school of optometry approved by the board under section 4725.10 of the Revised Code; | 12255 12256 |
| (5) <u>(4)</u> Pass the licensing examination accepted by the board under section 4725.11 of the Revised Code. | 12257 12258 |
| Sec. 4725.121. (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. | 12259 12260 12261 12262 12263 |
| (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 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 4725.13 or 4725.18 of the Revised Code. | 12264 12265 12266 12267 12268 12269 12270 12271 12272 12273 |
| Sec. 4725.18. (A) The state vision professionals board may issue a certificate of licensure and therapeutic pharmaceutical agents certificate by endorsement to an individual licensed as an optometrist by another state or a Canadian province if the board determines that the other state or province has standards for the practice of optometry that are at least as stringent as the standards established under sections 4725.01 to 4725.34 of | 12274 12275 12276 12277 12278 12279 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 optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section;

(6) Pay the nonrefundable application fees established under section 4725.34 of the Revised Code for a certificate of licensure and therapeutic pharmaceutical agents certificate;

(7) Submit all transcripts, reports, or other information the board requires;

(8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state or pass an Ohio optometry jurisprudence test administered by the board;

(9) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a certificate of licensure and therapeutic pharmaceutical agents certificate under this section;

(10) Not have been previously denied issuance of a certificate by the board.

Sec. 4725.19. (A) In accordance with Chapter 119. of the Revised Code and by an affirmative vote of a majority of its members, the state vision professionals board, for any of the reasons specified in division (B) of this section, shall refuse to grant a certificate of licensure to practice optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following:

(1) Suspend the operation of any certificate of licensure,

topical ocular pharmaceutical agents certificate, or therapeutic
pharmaceutical agents certificate, or all certificates granted
by it to the optometrist;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of
the certificates;

(4) Reprimand the optometrist;

(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.

(6) Require the optometrist to take corrective action
courses.

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.

(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:

(1) Committing fraud in passing the licensing examination
or making false or purposely misleading statements in an
application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of
the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct

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| in the practice of optometry; | 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 the course of practice, regardless of the jurisdiction in which the act was committed; | 12369 12370 12371 |
| (6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board; | 12372 12373 12374 |
| (7) Engaging in the practice of optometry as provided in division (A) (1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate; | 12375 12376 12377 12378 12379 |
| (8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees; | 12380 12381 12382 12383 12384 |
| (9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established; | 12385 12386 12387 12388 12389 |
| (10) Failing to maintain comprehensive patient records; | 12390 |
| (11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public; | 12391 12392 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 as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(D) (1) Subject to divisions (D) ~~(2)~~, (3), and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from ~~receiving or renewing~~ a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code.

If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

~~(2) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the~~ The board may use its discretion in ~~granting or denying the individual~~ refuse to issue 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 board may use its discretion in granting or
denying the individual a license. The provisions in this
paragraph do not apply with respect to any offense unless the
board, prior to September 28, 2012, was required or authorized
to deny the application based on that offense.~~

~~In all other circumstances, the board shall follow the
procedures it adopts by rule that conform to division (D) (1) 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.~~

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

(4) The board 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.

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

Sec. 4725.501. (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 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 12576
Code. The state vision professionals board shall not grant a 12577
license to an applicant for an initial license unless the 12578
applicant complies with sections 4776.01 to 4776.04 of the 12579
Revised Code ~~and the board, in its discretion, decides that the~~ 12580
~~results of the criminal records check do not make the applicant~~ 12581
~~ineligible for a license issued pursuant to section 4725.50 or~~ 12582
~~4725.57 of the Revised Code.~~ 12583

Sec. 4725.52. Any licensed dispensing optician may 12584
supervise a maximum of three apprentices who shall be permitted 12585
to engage in optical dispensing only under the supervision of 12586
the licensed dispensing optician. 12587

To serve as an apprentice, a person shall register with 12588
the state vision professionals board on a form provided by the 12589
board and in the form of a statement giving the name and address 12590
of the supervising licensed dispensing optician, the location at 12591
which the apprentice will be employed, and any other information 12592
required by the board. For the duration of the apprenticeship, 12593
the apprentice shall register annually on the form provided by 12594
the board and in the form of a statement. 12595

Each apprentice shall pay an initial registration fee of 12596
twenty dollars. For each registration renewal thereafter, each 12597
apprentice shall pay a registration renewal fee of twenty 12598
dollars. 12599

The board shall not deny registration as an apprentice 12600
under this section to any individual based on the individual's 12601
past criminal history or an interpretation of moral character 12602
unless the ~~individual has committed~~ denial is for a 12603
~~disqualifying offense or crime of moral turpitude as those terms~~ 12604
~~are defined in accordance with~~ section ~~4776.10~~ 9.79 of the 12605
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 12637
Revised Code to take the examination for optical dispensing is 12638
not required to register with the board. 12639

Sec. 4725.53. (A) ~~The~~ Except as provided in division (D) 12640
of this section, the state vision professionals board, by a 12641
majority vote of its members, may refuse to grant a license and, 12642
in accordance with Chapter 119. of the Revised Code, may suspend 12643
or revoke the license of a licensed dispensing optician or 12644
impose a fine or order restitution pursuant to division (B) of 12645
this section on any of the following grounds: 12646

(1) Conviction of a crime involving moral turpitude or a 12647
disqualifying offense as those terms are defined in section 12648
4776.10 of the Revised Code; 12649

(2) Obtaining or attempting to obtain a license by fraud 12650
or deception; 12651

(3) Obtaining any fee or making any sale of an optical aid 12652
by means of fraud or misrepresentation; 12653

(4) Habitual indulgence in the use of controlled 12654
substances or other habit-forming drugs, or in the use of 12655
alcoholic liquors to an extent that affects professional 12656
competency; 12657

(5) Finding by a court of competent jurisdiction that the 12658
applicant or licensee is incompetent by reason of mental illness 12659

| | |
|--|-------|
| and no subsequent finding by the court of competency; | 12660 |
| (6) Finding by a court of law that the licensee is guilty | 12661 |
| of incompetence or negligence in the dispensing of optical aids; | 12662 |
| (7) Knowingly permitting or employing a person whose | 12663 |
| license has been suspended or revoked or an unlicensed person to | 12664 |
| 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 12813
notice, directed to the applicant may be served. In case of the 12814
death, removal from the state, or any legal disability or any 12815
disqualification of any such agent, service of such process or 12816
notice may be made upon the superintendent. 12817

The superintendent may, upon notice to the licensee and 12818
reasonable opportunity to be heard, suspend or revoke any 12819
license or assess a penalty against the licensee if the 12820
licensee, or the licensee's officers, agents, or employees, has 12821
violated this chapter. Any penalty shall be appropriate to the 12822
violation but in no case shall the penalty be less than two 12823
hundred nor more than two thousand dollars. Whenever, for any 12824
cause, a license is suspended or revoked, the superintendent 12825
shall not issue another license to the licensee nor to the legal 12826
spouse of the licensee, nor to any business entity of which the 12827
licensee is an officer or member or partner, nor to any person 12828
employed by the licensee, until the expiration of at least two 12829
years from the date of revocation or suspension of the license. 12830
The superintendent shall deposit all penalties allocated 12831
pursuant to this section into the state treasury to the credit 12832
of the consumer finance fund. 12833

Any proceedings for the revocation or suspension of a 12834
license or to assess a penalty against a licensee are subject to 12835

Chapter 119. of the Revised Code. 12836

(H) If a licensee surrenders or chooses not to renew the 12837
pawnbroker's license, the licensee shall notify the 12838
superintendent thirty days prior to the date on which the 12839
licensee intends to close the licensee's business as a 12840
pawnbroker. Prior to the date, the licensee shall do either of 12841
the following with respect to all active loans: 12842

(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 12902
form, to be first approved by and filed with the division, 12903
appoint an agent, a resident of the state, and city or county 12904
where the office is to be located, upon whom all judicial and 12905
other process, or legal notice, directed to the applicant may be 12906
served; and in case of the death, removal from the state, or any 12907
legal disability or any disqualification of any agent, service 12908
of process or notice may be made upon the superintendent. 12909

(E) The division may, pursuant to Chapter 119. of the 12910
Revised Code, upon notice to the licensee and after giving the 12911
licensee reasonable opportunity to be heard, revoke or suspend 12912
any license, if the licensee or the licensee's officers, agents, 12913
or employees violate this chapter. Whenever, for any cause, the 12914
license is revoked or suspended, the division shall not issue 12915
another license to the licensee nor to the husband or wife of 12916
the licensee, nor to any copartnership or corporation of which 12917
the licensee is an officer, nor to any person employed by the 12918
licensee, until the expiration of at least one year from the 12919
date of revocation of the license. 12920

(F) In conducting an investigation to determine whether an 12921
applicant satisfies the requirements for licensure under this 12922
section, the superintendent may request that the superintendent 12923

of the bureau of criminal identification and investigation 12924
investigate and determine whether the bureau has procured any 12925
information pursuant to section 109.57 of the Revised Code 12926
pertaining to the applicant. 12927

If the superintendent of financial institutions determines 12928
that conducting an investigation to determine whether an 12929
applicant satisfies the requirements for licensure under this 12930
section will require procuring information outside the state, 12931
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 12962
Code. The state board of pharmacy shall not grant a license to 12963
an applicant for an initial license unless the applicant 12964
complies with sections 4776.01 to 4776.04 of the Revised Code 12965
~~and the board, in its discretion, decides that the results of~~ 12966
~~the criminal records check do not make the applicant ineligible~~ 12967
~~for a license issued pursuant to section 4729.08, 4729.09,~~ 12968
~~4729.11, 4729.552, or 4729.553 of the Revised Code.~~ 12969

Sec. 4729.08. Every applicant for examination and 12970
licensure as a pharmacist shall: 12971

(A) Be at least eighteen years of age; 12972

(B) ~~Be of good moral character, as defined in rules~~ 12973
~~adopted by the state board of pharmacy under section 4729.26 of~~ 12974
~~the Revised Code;~~ 12975

~~(C)~~ Have obtained a degree in pharmacy from a program that 12976
has been recognized and approved by the state board of pharmacy, 12977
except that graduates of schools or colleges of pharmacy that 12978
are located outside the United States and have not demonstrated 12979
that the standards of their programs are at least equivalent to 12980
programs recognized and approved by the board shall be required 12981
to pass an equivalency examination recognized and approved by 12982

the board and to establish written and oral proficiency in 12983
English. 12984

~~(D)~~ (C) Have satisfactorily completed at least the minimum 12985
requirements for pharmacy internship as outlined by the board. 12986

If the board is satisfied that the applicant meets the 12987
foregoing requirements and if the applicant passes the 12988
examination required under section 4729.07 of the Revised Code, 12989
the board shall issue to the applicant a license authorizing the 12990
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) ~~The~~ Except as provided in division (I) of this 13027
section, the 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 13047
name to an illegal practitioner of pharmacy or had a 13048
professional connection with an illegal practitioner of 13049
pharmacy; 13050
- (h) Divided or agreed to divide remuneration made in the 13051
practice of pharmacy with any other individual, including, but 13052
not limited to, any licensed health professional authorized to 13053
prescribe drugs or any owner, manager, or employee of a health 13054
care facility, residential care facility, or nursing home; 13055
- (i) Violated the terms of a consult agreement entered into 13056
pursuant to section 4729.39 of the Revised Code; 13057
- (j) Committed fraud, misrepresentation, or deception in 13058
applying for or securing a license issued by the board under 13059
this chapter or under Chapter 3715. or 3719. of the Revised 13060
Code; 13061
- (k) Failed to comply with an order of the board or a 13062
settlement agreement; 13063
- (l) Engaged in any other conduct for which the board may 13064
impose discipline as set forth in rules adopted under section 13065
4729.26 of the Revised Code. 13066
- (B) Any individual whose license is revoked, suspended, or 13067

refused, shall return the license to the offices of the state 13068
board of pharmacy within ten days after receipt of notice of 13069
such action. 13070

(C) As used in this section: 13071

"Unprofessional conduct in the practice of pharmacy" 13072
includes any of the following: 13073

(1) Advertising or displaying signs that promote dangerous 13074
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
engage in any conduct described in divisions (A) (2) (b) or (A) (2)
(e) to (l) of this section.

(I) The board shall not refuse to issue a license to an
applicant for a conviction of an offense unless the refusal is
in accordance with section 9.79 of the Revised Code.

Sec. 4729.90. (A) ~~As used in this section, "responsible
person" has the same meaning as in rules adopted by the state
board of pharmacy under section 4729.26 of the Revised Code.~~

~~(B)~~ (1) An applicant for registration as a registered
pharmacy technician shall:

(a) Be at least eighteen years of age;

(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;

~~(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;~~

~~(d) Except as provided in division (D) of this section,
comply~~ Comply with sections 4776.01 to 4776.04 of the Revised
Code;

~~(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.

(2) An applicant for registration as a certified pharmacy
technician shall:

- (a) Comply with divisions ~~(B)~~ (A) (1) (a) and (c) ~~and (d)~~ of this section; 13183
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- (b) Possess a high school diploma or a certificate of high school equivalence; 13185
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- (c) ~~Except as provided in division (E) (2) of this section,~~ Have successfully completed education and training that 13187
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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 an organization that has been recognized by the board. 13191
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- ~~(C)~~ (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 registered pharmacy technician or certified pharmacy technician. 13193
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- ~~(D) Until the date that is two years after April 6, 2017, an applicant for registration as a registered pharmacy technician or 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) (1) (d) of this section, authorize the superintendent of the bureau of criminal identification and investigation to make the results of a criminal records check of the applicant available to the state board of pharmacy. The criminal records check must have been conducted not earlier than twenty four months before the date of the application for registration.~~ 13197
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- ~~(E) (1) Until the date that is two years after April 6, 2017, an applicant for registration as a registered pharmacy~~ 13210
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~~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) (c) 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- 13219~~
~~technician to safely and effectively work in that particular- 13220~~
~~setting and includes instruction in all of the following: 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- 13227~~
~~regarding pharmacy technician duties, pharmacist duties,- 13228~~
~~pharmacy intern duties, prescription or drug order processing- 13229~~
~~procedures, non-sterile drug compounding, drug record keeping- 13230~~
~~requirements, patient confidentiality, security requirements,- 13231~~
~~and storage requirements. 13232~~

~~(2) Until the date that is two years after April 6, 2017,- 13233~~
~~an applicant for registration as a certified pharmacy technician- 13234~~
~~who meets the requirements to be a qualified pharmacy technician- 13235~~
~~under section 4729.42 of the Revised Code, as it existed- 13236~~
~~immediately prior to the effective date of section 4729.95 of- 13237~~
~~the Revised Code, may, instead of complying with division (B) (2)- 13238~~
~~(c) of this section, submit an attestation from a pharmacy's- 13239~~
~~responsible person that the applicant has completed a pharmacy- 13240~~

~~technician training program that is of appropriate breadth and 13241
depth to clearly address the competencies for a technician to 13242
safely and effectively work in that particular setting and 13243
includes instruction in all of the following: 13244~~

~~(a) The topics listed in divisions (E) (1) (a) to (f) of 13245
this section; 13246~~

~~(b) Sterile drug compounding; 13247~~

~~(c) Preparing and mixing intravenous drugs to be injected 13248
into a human being. 13249~~

Sec. 4729.92. (A) An applicant for registration as a 13250
pharmacy technician trainee shall: 13251

(1) Comply with divisions ~~(B)~~ (A) (1) (a) ~~to (e)~~ and (b) of 13252
section 4729.90 of the Revised Code; 13253

(2) Be enrolled in or plan to enroll in education and 13254
training that will allow the applicant to meet the requirements 13255
established by the state board of pharmacy in rules adopted 13256
under section 4729.94 of the Revised Code; 13257

(3) Comply with sections 4776.01 to 4776.04 of the Revised 13258
Code. 13259

(B) A pharmacist or pharmacy intern whose license has been 13260
denied, revoked, suspended, or otherwise restricted by the board 13261
shall not be registered as a pharmacy technician trainee. 13262

Sec. 4729.96. (A) (1) The state board of pharmacy, after 13263
notice and hearing in accordance with Chapter 119. of the 13264
Revised Code, may impose one or more of the following sanctions 13265
on a pharmacy technician trainee, registered pharmacy 13266
technician, or certified pharmacy technician if the board finds 13267
the individual engaged in any of the conduct set forth in 13268

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| division (A) (2) of this section: | 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 in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars. | 13274 13275 13276 13277 13278 |
| (2) The <u>Except as provided in division (G) of this</u> <u>section, the</u> board may impose the sanctions listed in division (A) (1) of this section if the board finds a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician: | 13279 13280 13281 13282 13283 |
| (a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code; | 13284 13285 |
| (b) Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code; | 13286 13287 13288 |
| (c) Is addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render the individual unable to perform the individual's duties; | 13289 13290 13291 |
| (d) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions; | 13292 13293 13294 13295 13296 |

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| (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

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| Revised Code; | 13385 |
| (3) Satisfactory proof that the applicant meets either the educational requirements specified in division (B) (1) or (2) of section 4730.11 of the Revised Code or the educational or other applicable requirements specified in division (C) (1), (2), or (3) of that section; | 13386 13387 13388 13389 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 |
| Sec. 4730.101. 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. 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. | 13397 13398 13399 13400 13401 13402 13403 13404 13405 |
| Sec. 4730.11. (A) To be eligible to receive a license to practice as a physician assistant, all of the following apply to an applicant: | 13406 13407 13408 |
| (1) The applicant shall be at least eighteen years of age. | 13409 |
| (2) The applicant shall be of good moral character. | 13410 |
| (3) The applicant shall hold current certification by the national commission on certification of physician assistants or | 13411 13412 |

a successor organization that is recognized by the state medical board. 13413
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~~(4)~~(3) The applicant shall meet either of the following requirements: 13415
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(a) The educational requirements specified in division (B) (1) or (2) of this section; 13417
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(b) The educational or other applicable requirements specified in division (C) (1), (2), or (3) of this section. 13419
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(B) For purposes of division (A) ~~(4)~~(3) (a) of this section, an applicant shall meet either of the following educational requirements: 13421
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(1) The applicant shall hold a master's or higher degree obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board. 13424
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(2) The applicant shall hold both of the following degrees: 13428
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(a) A degree other than a master's or higher degree obtained from a program accredited by the accreditation review commission on education for the physician assistant or a predecessor or successor organization recognized by the board; 13430
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(b) A master's or higher degree in a course of study with clinical relevance to the practice of physician assistants and obtained from a program accredited by a regional or specialized and professional accrediting agency recognized by the council for higher education accreditation. 13434
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(C) For purposes of division (A) ~~(4)~~(3) (b) of this section, an applicant shall present evidence satisfactory to the board of 13439
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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 a master's or higher degree as a condition of retaining or renewing a license to practice as a physician assistant if the individual received the license without holding a master's or higher degree as provided in either of the following:

(1) Before the educational requirements specified in division (B)(1) or (2) of this section became effective January 1, 2008;

(2) By meeting the educational or other applicable requirements specified in division (C)(1), (2), or (3) of this section.

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a physician assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) ~~The~~ Except as provided in division (N) of this section, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility in which the supervising physician and physician

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| assistant are practicing; | 13527 |
| (2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; | 13528 13529 13530 |
| (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; | 13531 13532 13533 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 | 13553 13554 |

misrepresentation of fact, is likely to mislead or deceive 13555
because of a failure to disclose material facts, is intended or 13556
is likely to create false or unjustified expectations of 13557
favorable results, or includes representations or implications 13558
that in reasonable probability will cause an ordinarily prudent 13559
person to misunderstand or be deceived. 13560

(9) Representing, with the purpose of obtaining 13561
compensation or other advantage personally or for any other 13562
person, that an incurable disease or injury, or other incurable 13563
condition, can be permanently cured; 13564

(10) The obtaining of, or attempting to obtain, money or 13565
anything of value by fraudulent misrepresentations in the course 13566
of practice; 13567

(11) A plea of guilty to, a judicial finding of guilt of, 13568
or a judicial finding of eligibility for intervention in lieu of 13569
conviction for, a felony; 13570

(12) Commission of an act that constitutes a felony in 13571
this state, regardless of the jurisdiction in which the act was 13572
committed; 13573

(13) A plea of guilty to, a judicial finding of guilt of, 13574
or a judicial finding of eligibility for intervention in lieu of 13575
conviction for, a misdemeanor committed in the course of 13576
practice; 13577

(14) A plea of guilty to, a judicial finding of guilt of, 13578
or a judicial finding of eligibility for intervention in lieu of 13579
conviction for, a misdemeanor involving moral turpitude; 13580

(15) Commission of an act in the course of practice that 13581
constitutes a misdemeanor in this state, regardless of the 13582
jurisdiction in which the act was committed; 13583

(16) Commission of an act involving moral turpitude that 13584
constitutes a misdemeanor in this state, regardless of the 13585
jurisdiction in which the act was committed; 13586

(17) A plea of guilty to, a judicial finding of guilt of, 13587
or a judicial finding of eligibility for intervention in lieu of 13588
conviction for violating any state or federal law regulating the 13589
possession, distribution, or use of any drug, including 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 consent agreement with a physician 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) For purposes of divisions (B) (12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or 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 upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, 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) For purposes of this division, any individual who holds a license issued under this chapter, or applies for a license issued under this chapter, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(4) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a license issued under this chapter or who has applied for a license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a physician assistant unable to practice because of the reasons set forth in division (B)(4) of this section, the board shall require the physician assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(5) of this section, if the board has reason to believe that any individual who holds a

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 ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include 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 falsification stating whether the physician assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. 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

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 affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(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; 13883
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- (3) Have completed two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board; 13886
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- (4) Meet one of the following medical education and graduate medical education requirements: 13889
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- (a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association and have successfully completed not less than twelve months of graduate medical education through the first-year level of graduate medical education or its equivalent as determined by the board; 13891
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- (b) Hold certification from the educational commission for foreign medical graduates and have successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the board; 13899
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- (c) Be a qualified graduate of a fifth pathway training program as recognized by the board under section 4731.091 of the Revised Code and have successfully completed, subsequent to completing fifth pathway training, not less than twelve months of graduate medical education or its equivalent as determined by the board. 13904
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- (5) Have successfully passed an examination prescribed in rules adopted by the board to determine competency to practice 13910
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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 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. 4731.171. In addition to any other eligibility requirement set forth in this chapter, each applicant for a license to practice massage therapy or cosmetic therapy 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 massage therapy or cosmetic therapy 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 4731.17 of the Revised Code.~~

Sec. 4731.19. (A) A person seeking a license to practice a limited branch of medicine shall file with the state medical board an application in a manner prescribed by the board. The application shall include or be accompanied by all of the following:

(1) Evidence that the applicant is at least eighteen years of age ~~and of good moral character;~~

(2) Evidence that the applicant has attained high school graduation or its equivalent;

- (3) Evidence that the applicant holds one of the following: 13969
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- (a) A diploma or certificate from a school, college, or institution in good standing as determined by the board, showing the completion of the required courses of instruction; 13971
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- (b) A diploma or certificate from a school, college, or institution in another state or jurisdiction showing completion of a course of instruction that meets course requirements determined by the board through rules adopted under section 4731.05 of the Revised Code; 13974
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- (c) During the five-year period immediately preceding the date of application, a current license, registration, or certificate in good standing in another state for massage therapy or cosmetic therapy. 13979
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- (4) Evidence that the applicant has successfully passed an examination, prescribed in rules described in section 4731.16 of the Revised Code, to determine competency to practice the applicable limited branch of medicine; 13983
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- (5) An attestation that the information submitted under this section is accurate and truthful and that the applicant consents to release of information; 13987
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- (6) Any other information the board requires. 13990
- (B) An applicant for a license to practice a limited branch of medicine shall comply with the requirements of section 4731.171 of the Revised Code. 13991
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- (C) At the time of making application for a license to practice a limited branch of medicine, the applicant shall pay to the board a fee of one hundred fifty dollars, no part of 13994
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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 Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

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.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) 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;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 14086
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(9) 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; 14089
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(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 14092
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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 misdemeanor committed in the course of practice; 14095
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(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 14099
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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 involving moral turpitude; 14102
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(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
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(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice; 14108
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(16) Failure to pay license renewal fees specified in this chapter; 14110
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(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of 14112
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patients, or the receiving of a thing of value in return for a 14114
specific referral of a patient to utilize a particular service 14115
or business; 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

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| (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 14326
agreement entered into with a pharmacist pursuant to section 14327
4729.39 of the Revised Code; 14328

(34) Failure to cooperate in an investigation conducted by 14329
the board under division (F) of this section, including failure 14330
to comply with a subpoena or order issued by the board or 14331
failure to answer truthfully a question presented by the board 14332
in an investigative interview, an investigative office 14333
conference, at a deposition, or in written interrogatories, 14334
except that failure to cooperate with an investigation shall not 14335
constitute grounds for discipline under this section if a court 14336
of competent jurisdiction has issued an order that either 14337
quashes a subpoena or permits the individual to withhold the 14338
testimony or evidence in issue; 14339

(35) Failure to supervise an oriental medicine 14340
practitioner or acupuncturist in accordance with Chapter 4762. 14341
of the Revised Code and the board's rules for providing that 14342
supervision; 14343

(36) Failure to supervise an anesthesiologist assistant in 14344
accordance with Chapter 4760. of the Revised Code and the 14345
board's rules for supervision of an anesthesiologist assistant; 14346

(37) Assisting suicide, as defined in section 3795.01 of 14347
the Revised Code; 14348

(38) Failure to comply with the requirements of section 14349
2317.561 of the Revised Code; 14350

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| (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 |

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| (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 with the classification; | 14380 14381 14382 14383 |
| (47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code; | 14384 14385 14386 14387 14388 |
| (48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; | 14389 14390 14391 14392 |
| (49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana; | 14393 14394 14395 14396 |
| (50) Practicing at 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 unless the person operating that place has obtained and maintains the license with the classification; | 14397 14398 14399 14400 14401 |
| (51) Owning 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 unless that place is licensed with the classification; | 14402 14403 14404 14405 14406 |
| (52) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code. | 14407 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 board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B) (10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity 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) (1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who

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 14474
board. 14475

(2) Investigations of alleged violations of this chapter 14476
or any rule adopted under it shall be supervised by the 14477
supervising member elected by the board in accordance with 14478
section 4731.02 of the Revised Code and by the secretary as 14479
provided in section 4731.39 of the Revised Code. The president 14480
may designate another member of the board to supervise the 14481
investigation in place of the supervising member. No member of 14482
the board who supervises the investigation of a case shall 14483
participate in further adjudication of the case. 14484

(3) In investigating a possible violation of this chapter 14485
or any rule adopted under this chapter, or in conducting an 14486
inspection under division (E) of section 4731.054 of the Revised 14487
Code, the board may question witnesses, conduct interviews, 14488
administer oaths, order the taking of depositions, inspect and 14489
copy any books, accounts, papers, records, or documents, issue 14490
subpoenas, and compel the attendance of witnesses and production 14491
of books, accounts, papers, records, documents, and testimony, 14492
except that a subpoena for patient record information shall not 14493
be issued without consultation with the attorney general's 14494
office and approval of the secretary and supervising member of 14495
the board. 14496

(a) Before issuance of a subpoena for patient record 14497
information, the secretary and supervising member shall 14498
determine whether there is probable cause to believe that the 14499

complaint filed alleges a violation of this chapter or any rule 14500
adopted under it and that the records sought are relevant to the 14501
alleged violation and material to the investigation. The 14502
subpoena may apply only to records that cover a reasonable 14503
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 Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate

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 endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall do both of the following:

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(a) Has passed one of the following:

(i) Steps one, two, and three of the United States medical licensing examination;

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;

(iii) Any other medical licensing examination recognized by the board.

(b) During the five-year period immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;

(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.

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| (2) Certify to the board that all of the following are the case: | 14881 14882 |
| (a) Not more than two malpractice claims, which resulted in a finding of liability or in payment, have been filed against the applicant during the ten-year period immediately preceding the date of application and no malpractice claim against the applicant during that ten-year period has resulted in total payment of more than five hundred thousand dollars. | 14883 14884 14885 14886 14887 14888 |
| (b) The applicant does not have a criminal record according to the criminal records check required by section 4731.08 of the Revised Code. | 14889 14890 14891 |
| (e) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care. | 14892 14893 14894 |
| (d) <u>(c)</u> No adverse action has been taken against the applicant by a health care institution. | 14895 14896 |
| (e) <u>(d)</u> To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. | 14897 14898 14899 14900 |
| (f) <u>(e)</u> No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application. | 14901 14902 14903 14904 |
| (g) <u>(f)</u> The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. | 14905 14906 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

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| character; | 14937 |
| (b) Possesses a high school diploma or a certificate of high school equivalence or has obtained the equivalent of such education as determined by the board; | 14938 14939 14940 |
| (c) Has completed at least two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board; | 14941 14942 14943 |
| (d) Holds a degree from a college of podiatric medicine and surgery that was in good standing with the board at the time the degree was granted, as determined by the board; | 14944 14945 14946 |
| (e) Has completed one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the council on podiatric medicine or the American podiatric medical association or its equivalent as determined by the board; | 14947 14948 14949 14950 14951 |
| (f) Has successfully passed an examination prescribed in rules adopted by the board to determine competency to practice podiatric medicine and surgery; | 14952 14953 14954 |
| (g) Has complied with section 4731.531 of the Revised Code. | 14955 14956 |
| (2) An attestation that the information submitted under this section is accurate and truthful; | 14957 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 medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An | 14961 14962 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 14970
applicant conducted under section 4731.22 of the Revised Code 14971
not later than ninety days after receipt of a complete 14972
application unless the applicant agrees in writing to an 14973
extension or the board determines that there is a substantial 14974
question of a violation of this chapter or the rules adopted 14975
under it and notifies the applicant in writing of the reasons 14976
for continuation of the investigation. If the board determines 14977
that the applicant is not in violation of this chapter or the 14978
rules adopted under it, the board shall issue a license not 14979
later than forty-five days after making that determination. 14980

Sec. 4731.531. In addition to any other eligibility 14981
requirement set forth in this chapter, each applicant for a 14982
license to practice podiatric medicine and surgery shall comply 14983
with sections 4776.01 to 4776.04 of the Revised Code. ~~The state~~ 14984
~~medical board shall not grant to an applicant a license to~~ 14985
~~practice podiatric medicine and surgery unless the board, in its~~ 14986
~~discretion, decides that the results of the criminal records~~ 14987
~~check do not make the applicant ineligible for a license issued~~ 14988
~~pursuant to section 4731.56 of the Revised Code.~~ 14989

Sec. 4731.573. (A) An individual seeking to pursue an 14990
internship, residency, or clinical fellowship program in 14991
podiatric medicine and surgery in this state, who does not hold 14992
a license to practice podiatric medicine and surgery issued 14993

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 is at least eighteen years of age ~~and is of good moral character;~~

(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following:

(a) An internship, residency, or clinical fellowship program accredited by either the council on podiatric medical education or the American podiatric medical association;

(b) A clinical fellowship program that is not accredited as described in division (A) (2) (a) of this section, but is conducted at an institution with a residency program that is accredited as described in that division and is in a clinical field the same as or related to the clinical field of the fellowship program.

(3) Information identifying the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program;

(4) Any other information that the board requires.

(B) If no grounds for denying a license or certificate under section 4731.22 of the Revised Code apply and the

applicant meets the requirements of division (A) of this 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

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| (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 | 15087 |
| psychological association; | 15088 |
| (iii) A program listed by the association of state and | 15089 |
| provincial psychology boards/national register designation | 15090 |
| committee; | 15091 |
| (iv) The national association of school psychologists. | 15092 |
| (b) Received an earned doctoral degree in psychology or | 15093 |
| school psychology from an institution accredited or recognized | 15094 |
| by a national or regional accrediting agency but the program | 15095 |
| does not meet the program accreditation requirements of division | 15096 |
| (B) (3) <u>(2)</u> (a) of this section; | 15097 |
| (c) Received from an academic institution outside of the | 15098 |
| United States or Canada a degree determined, under rules adopted | 15099 |
| by the board under division (E) of this section, to be | 15100 |
| equivalent to a doctoral degree in psychology from a program | 15101 |
| described in division (B) (3) <u>(2)</u> (a) of this section; | 15102 |
| (d) Held a psychologist license, certificate, or | 15103 |
| registration required for practice in another United States or | 15104 |
| Canadian jurisdiction for a minimum of ten years and meets | 15105 |
| educational, experience, and professional requirements | 15106 |
| established under rules adopted by the board. | 15107 |
| (4) <u>(3)</u> Has had at least two years of supervised | 15108 |

professional experience in psychological work of a type 15109
satisfactory to the board, at least one year of which must be a 15110
predoctoral internship. The board shall adopt guidelines for the 15111
kind of supervised professional experience that fulfill this 15112
requirement. 15113

~~(5)~~ (4) If applying under division (B) ~~(3)~~ (2) (b) or (c) of 15114
this section, has had at least two years of supervised 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

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| 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 | 15174 |
| school psychology; | 15175 |
| (7) Inability to practice according to acceptable and | 15176 |
| prevailing standards of care by reason of a mental, emotional, | 15177 |
| physiological, or pharmacological condition or substance abuse; | 15178 |
| (8) Subject to section 4732.28 of the Revised Code, | 15179 |
| violating any rule of professional conduct promulgated by the | 15180 |
| board; | 15181 |
| (9) Practicing in an area of psychology for which the | 15182 |
| person is clearly untrained or incompetent; | 15183 |
| (10) An adjudication by a court, as provided in section | 15184 |
| 5122.301 of the Revised Code, that the person is incompetent for | 15185 |
| the purpose of holding the license. Such person may have the | 15186 |
| person's license issued or restored only upon determination by a | 15187 |
| court that the person is competent for the purpose of holding | 15188 |
| the license and upon the decision by the board that such license | 15189 |
| be issued or restored. The board may require an examination | 15190 |
| prior to such issuance or restoration. | 15191 |
| (11) Waiving the payment of all or any part of a | 15192 |
| deductible or copayment that a patient, pursuant to a health | 15193 |
| insurance or health care policy, contract, or plan that covers | 15194 |

psychological services, would otherwise be required to pay if 15195
the waiver is used as an enticement to a patient or group of 15196
patients to receive health care services from that provider; 15197

(12) Advertising that the person will waive the payment of 15198
all or any part of a deductible or copayment that a patient, 15199
pursuant to a health insurance or health care policy, contract, 15200
or plan that covers psychological services, would otherwise be 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

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| 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 |

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| (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. | 15250 15251 15252 |
| (C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following: | 15253 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 | 15272 15273 15274 15275 15276 |

submit to mental, cognitive, substance abuse, or medical 15277
evaluations, or a combination of these evaluations, by a person 15278
or persons selected by the board. Notice shall be given to the 15279
applicant or license holder in writing signed by the supervising 15280
member, the executive director, and the board's legal counsel. 15281
The applicant or license holder is deemed to have given consent 15282
to submit to these evaluations and to have waived all objections 15283
to the admissibility of testimony or evaluation reports that 15284
constitute a privileged communication. The expense of the 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 15315
witnesses and the exchange of written reports; 15316

(d) The deadline for submitting a request for the issuance 15317
of a subpoena for the hearing as provided under Chapter 119. of 15318
the Revised Code and division (F) (4) of this section. 15319

(3) Either party to the hearing may submit a written 15320
request to the other party for a list of witnesses and copies of 15321
documents intended to be introduced at the hearing. The request 15322
shall be in writing and shall be served not less than thirty- 15323
seven days prior to the hearing, unless the hearing officer or 15324
presiding board member grants an extension of time to make the 15325
request. Not later than thirty days before the hearing, the 15326
responding party shall provide the requested list of witnesses, 15327
summary of their testimony, and copies of documents to the 15328
requesting party, unless the hearing officer or presiding board 15329
member grants an extension. Failure to timely provide a list or 15330
copies requested in accordance with this section may, at the 15331
discretion of the hearing officer or presiding board member, 15332
result in exclusion from the hearing of the witnesses, 15333
testimony, or documents. 15334

(4) In addition to subpoenas for the production of books, 15335

records, and papers requested under Chapter 119. of the Revised 15336
Code, either party may ask the board to issue a subpoena for the 15337
production of other tangible items. 15338

The person subject to a subpoena for the production of 15339
books, records, papers, or other tangible items shall respond to 15340
the subpoena at least twenty days prior to the date of the 15341
hearing. If a person fails to respond to a subpoena issued by 15342
the board, after providing reasonable notice to the person, the 15343
board, the hearing officer, or both may proceed with enforcement 15344
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

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| 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

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| 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) <u>(F)</u> 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 15461
fundamentals examination, may be taken by the applicant at any 15462
time after the applicant has completed the required education 15463
under division (A) or (B) of this section, or, at the discretion 15464
of the board, an applicant may be permitted to take the first 15465
examination during the applicant's concluding term of an 15466
approved curriculum in engineering or surveying of four years or 15467
more. 15468

~~(I)~~ (H) The board shall give an applicant an appropriate 15469
certificate showing the applicant's status as an engineer intern 15470
or surveyor intern upon the occurrence of all of the following: 15471

(1) The applicant provides proof to the board that the 15472
applicant has passed the fundamentals examination as described 15473
in division (A) of section 4733.13 of the Revised Code. 15474

(2) The board believes the applicant meets the 15475
requirements of this chapter based on verified evidence. 15476

(3) The applicant applies for registration in accordance 15477
with the requirements of this chapter. 15478

(4) The applicant pays the fee required pursuant to 15479
section 4733.12 of the Revised Code. 15480

Each applicant applying for registration as a professional 15481

engineer or professional surveyor shall first be certified as an 15482
engineer intern or surveyor intern in this state. 15483

~~(J)~~ (I) The applicant is not eligible to take the second 15484
examination, known as the principles and practice examination, 15485
until the applicant has passed the fundamentals examination. 15486

~~(K)~~ (J) Any person having the necessary qualifications to 15487
entitle the person to registration is eligible for registration 15488
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

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| (5) Violation of this chapter or any rule adopted by the board; | 15511 15512 |
| (6) Violation of any condition of limitation placed by the board upon the registration of any professional engineer or professional surveyor; | 15513 15514 15515 |
| (7) Failure to abide by or comply with examination instructions. | 15516 15517 |
| (B) The board shall cause to have prepared and shall adopt a code of ethics, which it shall make known to every registrant. The board may revise and amend this code of ethics from time to time in accordance with Chapter 119. of the Revised Code. | 15518 15519 15520 15521 |
| (C) Any person may file with the board a complaint alleging fraud, deceit, gross negligence, incompetency, misconduct, or violation of this chapter or any rule adopted by the board pursuant to section 4733.07 of the Revised Code. Complaints shall be in writing. | 15522 15523 15524 15525 15526 |
| (D) The board may investigate any registrant or holder of a certificate of authorization to determine whether the registrant or certificate holder is or has been engaged in any one or more of the acts or practices listed in division (A) of this section. The board, by subpoena, may compel witnesses to appear and testify in relation to any investigation under this chapter and may require, by subpoena duces tecum, the production and copying of any book, paper, or document pertaining to an investigation. If a person fails to comply with the subpoena or subpoena duces tecum, the board may apply to the Franklin county court of common pleas for an order compelling the person to comply or, for the failure to do so, to be held in contempt of court. | 15527 15528 15529 15530 15531 15532 15533 15534 15535 15536 15537 15538 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 15693
internship, residency, preceptorship, or clinical fellowship in 15694
this state in preparation for the practice of chiropractic; 15695

(2) To a person who plans to provide chiropractic services 15696
in connection with a special activity, program, or event 15697
conducted in this state, if the person holds a current, valid, 15698
and unrestricted license to practice chiropractic in another 15699
state or country; 15700

(3) To a person who previously held an unrestricted 15701
license to practice chiropractic in this state who plans to 15702
offer gratuitous chiropractic services as a voluntary public 15703
service; 15704

(4) To any other person for any other reason specified as 15705
good cause by the board in rules adopted under this section. 15706

(B) An applicant for a special limited license shall 15707
submit to the board a complete application on a form prescribed 15708
by the board, pay an application fee of seventy-five dollars, 15709
and furnish proof satisfactory to the board of being at least 15710
twenty-one years of age, ~~of good moral character,~~ and of either 15711
holding the degree of doctor of chiropractic or being enrolled 15712
in a program leading to the degree. The institution from which 15713
the applicant received the degree or in which the applicant is 15714
enrolled must be a school or college that is approved by the 15715
board under section 4734.21 of the Revised Code. 15716

(C) The provisions of this chapter that apply to 15717
applicants for and holders of licenses to practice chiropractic 15718
shall apply to applicants for and holders of special limited 15719
licenses to the extent the board considers appropriate, 15720
including the board's authority to conduct any investigation it 15721
considers appropriate to verify an applicant's credentials, ~~15722
moral character,~~ and fitness to receive a license and the 15723
board's authority to take actions under section 4734.31 of the 15724
Revised Code. 15725

(D) The board shall adopt any rules it considers necessary 15726
to implement this section. All rules adopted under this section 15727
shall be adopted in accordance with Chapter 119. of the Revised 15728
Code. 15729

Sec. 4734.31. (A) The state chiropractic board may take 15730
any of the actions specified in division (B) of this section 15731
against an individual who has applied for or holds a license to 15732
practice chiropractic in this state if any of the reasons 15733
specified in division (C) of this section for taking action 15734
against an individual are applicable. Except as provided in 15735
division (D) of this section, actions taken against an 15736
individual shall be taken in accordance with Chapter 119. of the 15737
Revised Code. The board may specify that any action it takes is 15738
a permanent action. The board's authority to take action against 15739
an individual is not removed or limited by the individual's 15740
failure to renew a license. 15741

(B) In its imposition of sanctions against an individual, 15742
the board may do any of the following: 15743

(1) ~~Refuse~~ Except as provided in division (H) of this 15744
section, refuse to issue, renew, restore, or reinstate a license 15745
to practice chiropractic or a certificate to practice 15746

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| acupuncture; | 15747 |
| (2) Reprimand or censure a license holder; | 15748 |
| (3) Place limits, restrictions, or probationary conditions on a license holder's practice; | 15749 15750 |
| (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 15775
constitutes a misdemeanor in this state, regardless of the 15776
jurisdiction in which the act was committed; 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

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| 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 |

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| 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 | 15866 |
| perform or negligent performance of the act; | 15867 |
| (24) Engaging in any conduct or practice that impairs or | 15868 |
| may impair the ability to practice chiropractic or acupuncture | 15869 |
| safely and skillfully; | 15870 |
| (25) Practicing, or claiming to be capable of practicing, | 15871 |
| beyond the scope of the practice of chiropractic or acupuncture | 15872 |
| as established under this chapter and the rules adopted under | 15873 |
| this chapter; | 15874 |
| (26) Accepting and performing professional | 15875 |
| responsibilities as a chiropractor or chiropractor with a | 15876 |
| certificate to practice acupuncture when not qualified to | 15877 |
| perform those responsibilities, if the person knew or had reason | 15878 |
| to know that the person was not qualified to perform them; | 15879 |
| (27) Delegating any of the professional responsibilities | 15880 |
| of a chiropractor or chiropractor with a certificate to practice | 15881 |
| acupuncture to an employee or other individual when the | 15882 |
| delegating chiropractor knows or had reason to know that the | 15883 |
| employee or other individual is not qualified by training, | 15884 |
| experience, or professional licensure to perform the | 15885 |
| responsibilities; | 15886 |
| (28) Delegating any of the professional responsibilities | 15887 |
| of a chiropractor or chiropractor with a certificate to practice | 15888 |
| acupuncture to an employee or other individual in a negligent | 15889 |
| manner or failing to provide proper supervision of the employee | 15890 |

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| or other individual to whom the responsibilities are delegated; | 15891 |
| (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 interest of the patient; | 15892 15893 15894 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 | 15917 |

or copayment that a patient, pursuant to a health insurance or 15918
health care policy, contract, or plan that covers the 15919
chiropractor's services, otherwise would be required to pay if 15920
the waiver is used as an enticement to a patient or group of 15921
patients to receive health care services from that chiropractor; 15922

(b) Advertising that the chiropractor will waive the 15923
payment of all or any part of a deductible or copayment that a 15924
patient, pursuant to a health insurance or health care policy, 15925
contract, or plan that covers the chiropractor's services, 15926
otherwise would be required to pay. 15927

(38) Failure to supervise an oriental medicine 15928
practitioner performing acupuncture or an acupuncturist in 15929
accordance with the provisions of section 4762.11 of the Revised 15930
Code that are applicable to a supervising chiropractor. 15931

(D) The adjudication requirements of Chapter 119. of the 15932
Revised Code apply to the board when taking actions against an 15933
individual under this section, except as follows: 15934

(1) An applicant is not entitled to an adjudication for 15935
failing to meet the conditions specified under section 4734.20 15936
of the Revised Code for receipt of a license that involve the 15937
board's examination on jurisprudence or the examinations of the 15938
national board of chiropractic examiners. 15939

(2) A person is not entitled to an adjudication if the 15940
person fails to make a timely request for a hearing, in 15941
accordance with Chapter 119. of the Revised Code. 15942

(3) In lieu of an adjudication, the board may accept the 15943
surrender of a license to practice chiropractic or certificate 15944
to practice acupuncture from a chiropractor. 15945

(4) In lieu of an adjudication, the board may enter into a 15946

consent agreement with an individual to resolve an allegation of 15947
a violation of this chapter or any rule adopted under it. A 15948
consent agreement, when ratified by the board, shall constitute 15949
the findings and order of the board with respect to the matter 15950
addressed in the agreement. If the board refuses to ratify a 15951
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

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| (v) Three quarter hours, or its equivalent in semester hours, in financial management; | 16065 16066 |
| (vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management; | 16067 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 |

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| (iv) Twenty hours of instruction in real estate finance; | 16094 |
| (v) The training in the amount of hours specified under divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. | 16095 16096 |
| (c) Division (B) (6) (a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) of this section do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984. | 16097 16098 16099 16100 16101 16102 16103 |
| (d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license. | 16104 16105 16106 16107 |
| (e) Successful completion of the instruction required by division (B) (6) (a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed. | 16108 16109 16110 |
| (7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B) (6) (a) or (b) of this section. The requirements of division (B) (6) (a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this | 16111 16112 16113 16114 16115 16116 16117 16118 16119 16120 16121 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 broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the superintendent. The broker's license shall not be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent if the licensee fails to submit proof of completion of the education requirements specified under division (G) (1) of this section within twelve months of the date the license is suspended.

(2) If the license of a real estate broker is suspended pursuant to division (G) (1) of this section, the license of a real estate salesperson associated with that broker correspondingly is suspended pursuant to division (H) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate salesperson shall be reactivated and

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 application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. One dollar of each application fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code.

(E) The superintendent shall issue a real estate salesperson's license when satisfied that the applicant has

received a passing score on each portion of the salesperson's 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 16275
licensed under this chapter, violated any provision of, or any 16276
rule adopted pursuant to this chapter, or, if the applicant has 16277
violated such provision or rule, has established to the 16278
satisfaction of the superintendent that the applicant will not 16279
again violate such provision or rule; 16280

(4) Is at least eighteen years of age; 16281

(5) If born after the year 1950, has a high school diploma 16282
or a certificate of high school equivalence issued by the 16283
department of education; 16284

(6) Has successfully completed at an institution of higher 16285
education all of the following credit-eligible courses by either 16286
classroom instruction or distance education: 16287

(a) Forty hours of instruction in real estate practice; 16288

(b) Forty hours of instruction that includes the subjects 16289
of Ohio real estate law, municipal, state, and federal civil 16290
rights law, new case law on housing discrimination, 16291
desegregation issues, and methods of eliminating the effects of 16292
prior discrimination. If feasible, the instruction in Ohio real 16293
estate law shall be taught by a member of the faculty of an 16294
accredited law school. If feasible, the instruction in 16295
municipal, state, and federal civil rights law, new case law on 16296
housing discrimination, desegregation issues, and methods of 16297
eliminating the effects of prior discrimination shall be taught 16298
by a staff member of the Ohio civil rights commission who is 16299
knowledgeable with respect to those subjects. The requirements 16300
of this division do not apply to an applicant who is admitted to 16301

practice before the supreme court. 16302

(c) Twenty hours of instruction in real estate appraisal; 16303

(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

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|--|--|
| (f) Clarification of the activities that require a license under this chapter; | 16390 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 | 16417 |

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 property owner. The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code.

(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract.

(f) Notice of renewal forms and filing deadlines;

(g) Special assessments under division (A) of section 4735.12 of the Revised Code.

(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:

(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;

(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (B) of section 4735.06 of the Revised Code, including procedures for the application and approval of more than one trade name for a brokerage;

(3) Acceptance and rejection of applications to take the broker and salesperson examinations and licensure, with appropriate waivers pursuant to division (E) of section 4735.07 and section 4735.09 of the Revised Code;

(4) Approval of applications of brokers to place their licenses in an inactive status and to become salespersons under section 4735.13 of the Revised Code;

(5) Appointment of hearing examiners under section 119.09 of the Revised Code;

(6) Acceptance and rejection of applications to take the foreign real estate dealer and salesperson examinations and licensure, with waiver of examination, under sections 4735.27 and 4735.28 of the Revised Code;

(7) Qualification of foreign real estate under section 4735.25 of the Revised Code.

If at any time there is no rule in effect establishing a guideline or standard required by this division, the superintendent may adopt a rule in accordance with Chapter 119. of the Revised Code for such purpose.

(C) The commission or superintendent may hear testimony in matters relating to the duties imposed upon them, and the president of the commission and superintendent may administer oaths. The commission or superintendent may require other proof of the honesty, and truthfulness, ~~and good reputation~~ of any person named in an application for a real estate broker's or real estate salesperson's license before admitting the applicant to the examination or issuing a license.

Sec. 4735.13. (A) Every real estate broker licensed under this chapter shall have and maintain a definite place of business in this state. A post office box address is not a definite place of business for purposes of this section. The license of a real estate broker shall be prominently displayed in the office or place of business of the broker, and no license

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
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- (3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing. 16509
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- (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
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- (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
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- (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
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- If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee. 16524
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- 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
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- (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 16531
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location, whereupon the superintendent shall issue new licenses 16534
for the unexpired period without charge. If a broker changes a 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 16715
examination who has not established to the satisfaction of the 16716
superintendent that the person: 16717

(1) Has not been convicted of a ~~felony or a crime of moral~~ 16718
~~turpitude or, if the applicant has been so convicted, the~~ 16719
~~superintendent has disregarded the conviction because the~~ 16720
~~applicant has proven to the superintendent, by a preponderance~~ 16721
~~of the evidence, that the applicant's activities and employment~~ 16722
~~record since the conviction show that the applicant is honest,~~ 16723
~~truthful, and of good reputation, and there is no basis in fact~~ 16724
~~for believing that the applicant again will violate the laws~~ 16725
~~involved disqualifying offense as determined in accordance with~~ 16726
section 9.79 of the Revised Code; 16727

(2) Has not been finally adjudged by a court to have 16728
violated any municipal, state, or federal civil rights laws 16729
relevant to the protection of purchasers or sellers of real 16730
estate or, if the applicant has been so adjudged, at least two 16731
years have passed since the court decision and the 16732
superintendent has disregarded the adjudication because the 16733
applicant has proven, by a preponderance of the evidence, that 16734
the applicant's activities and employment record since the 16735
adjudication show that the applicant is honest, and truthful, ~~and~~ 16736
~~and of good reputation,~~ and there is no basis in fact for 16737
believing that the applicant again will violate the laws 16738
involved; 16739

(3) Has not, during any period for which the applicant was 16740
licensed under this chapter or any former section of the Revised 16741
Code applicable to licensed foreign real estate dealers or 16742

salespersons, violated any provision of, or any rule adopted 16743
pursuant to, this chapter or that section, or, if the applicant 16744
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 16804
salesperson's examination who has not established to the 16805
satisfaction of the superintendent that the person: 16806

(1) Has not been convicted of a ~~felony or a crime of moral~~ 16807
~~turpitude or, if the applicant has been so convicted, the~~ 16808
~~superintendent has disregarded the conviction because the~~ 16809
~~applicant has proven to the superintendent, by a preponderance~~ 16810
~~of the evidence, that the applicant's activities and employment~~ 16811
~~record since the conviction show that the applicant is honest,~~ 16812
~~truthful, and of good reputation, and there is no basis in fact~~ 16813
~~for believing that the applicant again will violate the laws~~ 16814
~~involved disqualifying offense as determined in accordance with~~ 16815
section 9.79 of the Revised Code; 16816

(2) Has not been finally adjudged by a court to have 16817
violated any municipal, state, or federal civil rights laws 16818
relevant to the protection of purchasers or sellers of real 16819
estate or, if the applicant has been so adjudged, at least two 16820
years have passed since the court decision and the 16821
superintendent has disregarded the adjudication because the 16822
applicant has proven, by a preponderance of the evidence, that 16823
the applicant's activities and employment record since the 16824
adjudication show that the applicant is honest, and truthful, ~~and~~ 16825
~~and of good reputation,~~ and there is no basis in fact for 16826
believing that the applicant will again violate the laws; 16827

(3) Has not, during any period for which the applicant was 16828
licensed under this chapter or any former section of the Revised 16829
Code applicable to licensed foreign real estate dealers or 16830
salespersons, violated any provision of, or any rule adopted 16831

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
again violate the provision or rule.

(D) Every salesperson of foreign real estate shall be
licensed by the superintendent of real estate and shall be
employed only by the licensed foreign real estate dealer
specified on the salesperson's license.

(E) If the superintendent finds that the applicant ~~is of
good business repute,~~ appears to be qualified to act as a
foreign real estate salesperson, and has fully complied with the
provisions of this chapter, and that the dealer in the
application is a licensed foreign real estate dealer, the
superintendent, upon payment of the fees prescribed by section
4735.15 of the Revised Code, shall issue a license to the
applicant authorizing the applicant to act as a salesperson for
the dealer named in the application.

Sec. 4736.08. An application for registration as a
sanitarian shall be made to the director of health on a form
prescribed by the director and accompanied by the application
fee prescribed in section 4736.12 of the Revised Code. The
director shall register an applicant if the applicant ~~is of good
moral character,~~ passes an examination conducted by the director
in accordance with section 4736.09 of the Revised Code, and
meets the education and experience requirements of division (A),
(B), or (C) of this section:

(A) Graduated from an accredited college or university
with at least a baccalaureate degree, including at least forty-
five quarter units or thirty semester units of science courses
approved by the director; and completed at least two years of

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 individual's application; 16920
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- (2) Has not complied with sections 4738.01 to 4738.15 of the Revised Code; 16922
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- (3) ~~Is of bad business repute or has~~ Has habitually defaulted on financial obligations; 16924
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- (4) Has been convicted of or pleaded guilty to a ~~crime of moral turpitude or a disqualifying offense as defined in,~~ provided the registrar complies with section 4776.10-9.79 of the Revised Code; 16926
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- (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
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- (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
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- (8) Has no established place of business; or 16940
- (9) Has less than twelve months prior to said application, been denied a license under this chapter. 16941
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- ~~(B)(1) Except as otherwise provided in this division, the registrar of motor vehicles may grant, but is not required to grant, the application of any person for a license under this chapter if the registrar finds that the applicant has been convicted of or pleaded guilty to either of the following:~~ 16943
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~~(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
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(4) Criteria for continuing education courses conducted pursuant to this chapter; 17008
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(5) A requirement that any training agency seeking approval to provide continuing education courses submit the required information to the appropriate specialty section of the board at least thirty days, but not more than one year, prior to the date on which the course is proposed to be offered; 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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(7) A list of disqualifying offenses pursuant to sections 9.79, 4740.06, 4740.10, and 4776.10 of the Revised Code. 17019
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(B) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the specialty section and determine by rule a procedure to conduct investigations and hearings on these allegations; 17021
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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
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(E) As required, do all things necessary to carry out this chapter; 17028
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(F) Establish or approve a continuing education curriculum for license renewal for each class of contractors for which the section has primary responsibility. No curriculum may require more than five hours per year in specific course requirements. 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 section, if an applicant does not pass the required examination, the applicant may retake the examination not less than sixty days after the applicant's most recent examination.

(2) An applicant who does not pass the required examination after taking the examination five times under this section shall reapply for a license under division (A) of this section before retaking the required examination any subsequent time.

(E) All licenses a contractor holds pursuant to this chapter shall expire annually on the same date, which shall be the expiration date of the original license the contractor holds. An individual holding a valid, unexpired license may renew the license, without reexamination, by submitting an application to the appropriate specialty section of the board not more than ninety calendar days before the expiration of the license, along with the renewal fee the specialty section requires and proof of compliance with the applicable continuing education requirements. The applicant shall provide information in the renewal application satisfactory to demonstrate to the appropriate specialty section that the applicant continues to meet the requirements of division (B) of this section.

Upon application and within one calendar year after a license has expired, a section may waive any of the requirements for renewal of a license upon finding that an applicant substantially meets the renewal requirements or that failure to timely apply for renewal is due to excusable neglect. A section that waives requirements for renewal of a license may impose conditions upon the licensee and assess a late filing fee of not more than double the usual renewal fee. An applicant shall

satisfy any condition the section imposes before a license is 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

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|---|-------------------------|
| 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. 17621
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~~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.~~ 17627
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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

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| 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

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| 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 |

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| 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

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| 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 18285
any person a fee, commission, rebate, or other form of 18286
compensation for services not rendered; 18287

(11) Knowingly making or filing false records, reports, or 18288
billings in the course of providing home medical equipment 18289
services, including false records, reports, or billings prepared 18290
for or submitted to state and federal agencies or departments; 18291

(12) Failing to comply with federal rules issued pursuant 18292
to the medicare program established under Title XVIII of the 18293
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 18294
amended, relating to operations, financial transactions, and 18295
general business practices of home medical services providers; 18296

(13) Any other cause for which the board may impose 18297
sanctions as set forth in rules adopted under section 4752.17 of 18298
the Revised Code. 18299

(C) Notwithstanding any provision of divisions (A) and (B) 18300
of this section to the contrary, the board shall not refuse to 18301
issue a license or certificate of registration to an applicant 18302
because of a plea of guilty to or a judicial finding of guilt of 18303
an offense unless the refusal is in accordance with section 9.79 18304
of the Revised Code. 18305

(D) The state board of pharmacy immediately may suspend a 18306
license without a hearing if it determines that there is 18307
evidence that the license holder is subject to actions under 18308
this section and that there is clear and convincing evidence 18309
that continued operation by the license holder presents an 18310
immediate and serious harm to the public. The board shall follow 18311
the procedure for suspension without a prior hearing in section 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

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| (C) <u>(3)</u> Altering a license; | 18372 |
| (D) <u>(4)</u> Aiding or abetting unlicensed practice; | 18373 |
| (E) <u>(5)</u> Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including: | 18374 18375 18376 |
| (1) <u>(a)</u> Making or filing a false report or record in the practice of speech-language pathology or audiology; | 18377 18378 |
| (2) <u>(b)</u> Submitting a false statement to collect a fee; | 18379 |
| (3) <u>(c)</u> Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others. | 18380 18381 18382 |
| (F) <u>(6)</u> Using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation; | 18383 18384 18385 18386 |
| (G) <u>(7)</u> Falsely representing the use or availability of services or advice of a physician; | 18387 18388 |
| (H) <u>(8)</u> Misrepresenting the applicant, licensee, or holder by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution; | 18389 18390 18391 18392 |
| (I) <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 |
| (J) <u>(10)</u> Engaging in illegal, incompetent, or habitually negligent practice; | 18396 18397 |
| (K) <u>(11)</u> Providing professional services while: | 18398 |

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| (1) <u>(a)</u> Mentally incompetent; | 18399 |
| (2) <u>(b)</u> Under the influence of alcohol; | 18400 |
| (3) <u>(c)</u> Using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication. | 18401 18402 18403 |
| (E) <u>(12)</u> Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances, or products in accordance with results obtained utilizing appropriate assessment procedures and instruments; | 18404 18405 18406 18407 18408 |
| (M) <u>(13)</u> Violating this chapter or any lawful order given or rule adopted by the board; | 18409 18410 |
| (N) <u>(14)</u> Being convicted of or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; | 18411 18412 18413 18414 |
| (O) <u>(15)</u> Being disciplined by a licensing or disciplinary authority of this or any other state or country or convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section. | 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

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| (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, and <u>and</u> truthfulness, and good reputation of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license. | 18475 18476 18477 18478 18479 18480 18481 |
| Sec. 4755.07. 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

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| 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 statements <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 |

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| (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 (B) (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~~t~~. 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 18922
licensure in accordance with rules adopted by the athletic 18923
trainers section of the Ohio occupational therapy, physical 18924
therapy, and athletic trainers board under section 4755.61 of 18925
the Revised Code; 18926

(2) Have paid the examination fee required under this 18927
section; 18928

(3) ~~Be of good moral character;~~ 18929

~~(4)~~ Have shown, to the satisfaction of the athletic 18930
trainers section, that the applicant has received a 18931
baccalaureate or higher degree from an institution of higher 18932
education, approved by the athletic trainers section of the 18933
board and the federal regional accreditation agency and 18934
recognized by the council on postsecondary accreditation, and 18935
has satisfactorily completed the educational course work 18936
requirements established by rule of the athletic trainers 18937
section under section 4755.61 of the Revised Code. 18938

~~(5)~~ (4) In addition to educational course work 18939
requirements, have obtained supervised clinical experience that 18940
meets the requirements established in rules adopted by the 18941
athletic trainers section under section 4755.61 of the Revised 18942
Code; 18943

~~(6)~~ (5) Have passed an examination adopted by the athletic 18944
trainers section under division (A) (8) of section 4755.61 of the 18945
Revised Code. Each applicant for licensure shall pay, at the 18946
time of application, the nonrefundable examination fee set by 18947
the athletic trainers section. 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

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| 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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(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
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(2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code; 19078
19079
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~~(3) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;~~ 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
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~~(6)~~ (5) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code; 19092
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~~(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
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(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships; 19099
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(c) Master's level marriage and family therapist trainees enrolled in practice and internships. 19101
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~~(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 |
| (d) <u>(c)</u> The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts: | 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 |
| (e) <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 |
| (f) <u>(e)</u> The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor. | 19176 19177 19178 |
| (2) To meet the requirement of division (B) (1) (b) <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

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| (2) —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 |
| (3) — <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

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| (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; 19521
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(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; 19527
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(8) Practicing outside the scope of practice applicable to that person; 19533
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(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; 19535
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(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; 19538
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(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. 19541
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(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 19546
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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 counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training. | 19692 19693 19694 19695 |
| (17) For the purpose of division (A) (1) of section 4758.44 of the Revised Code, the number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services; | 19696 19697 19698 19699 19700 |
| (18) For the purpose of division (A) (2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree; | 19701 19702 19703 |
| (19) For the purpose of division (A) (3) of section 4758.44, division (A) (3) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following: | 19704 19705 19706 |
| (a) The number of hours of prevention-related education that an individual must have; | 19707 19708 |
| (b) Requirements for prevention-related education. | 19709 |
| (20) For the purpose of division (A) (4) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have; | 19710 19711 19712 |
| (21) For the purpose of division (A) (1) of section 4758.45 of the Revised Code, the number of hours of compensated or volunteer work, field placement, intern, or practicum experience in prevention services that an individual must have and the number of those hours that must be in planning or delivering the services; | 19713 19714 19715 19716 19717 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
19749
19750
19751
19752

(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
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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
19760
19761
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(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
19769
19770
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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
19775

(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
19779
19780
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
19784
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
19787
19788
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19790

~~(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
19792
19793
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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
19797

(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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19800
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
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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 Revised Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or a dietitian registered by the commission on dietetic registration, as part of the academic program;

(2) A person participating in the pre-professional experience required by division (A) ~~(5)~~ (4) of section 4759.06 of the Revised Code;

(3) A person holding a limited permit under division (G) of section 4759.06 of the Revised Code.

(E) The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person who either directly or by complicity is in violation of this section, may, in accordance with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in the unlawful activity by applying for an injunction in the Franklin county court of common pleas or any other court of competent jurisdiction.

Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that the person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney

general, the prosecuting attorney of the county in which the 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 |
| Sec. 4759.06. (A) The state medical board shall issue a license to practice dietetics to an applicant who meets all of the following requirements: | 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) Is of good moral character; | 19998 |
| (4) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics; | 19999 20000 20001 20002 20003 20004 |
| (5) (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 20065
section 4759.07 of the Revised Code, impose a civil penalty, or 20066
both; 20067

(b) Permit the individual to agree in writing to complete 20068
the continuing education and pay a civil penalty. 20069

~~(4)~~(2) The board's finding in any disciplinary action 20070
taken under division (F) (1) (a) of this section shall be made 20071
pursuant to an adjudication under Chapter 119. of the Revised 20072
Code and by an affirmative vote of not fewer than six of its 20073
members. 20074

~~(5)~~(3) A civil penalty imposed under division (F) (1) (a) of 20075
this section or paid under division (F) (1) (b) of this section 20076
shall be in an amount specified by the board of not more than 20077
five thousand dollars. The board shall deposit civil penalties 20078
in accordance with section 4731.24 of the Revised Code. 20079

(G) (1) The board may grant a limited permit to a person 20080
who has completed the education and pre-professional 20081
requirements of divisions (A) ~~(4)~~(3) and ~~(5)~~(4) of this section 20082
and who presents evidence to the board of having applied to take 20083
the examination approved by the board under division (A) (1) of 20084
section 4759.05 of the Revised Code. An application for a 20085
limited permit shall be made on forms that the board shall 20086
furnish and shall be accompanied by the limited permit fee 20087
specified in section 4759.08 of the Revised Code. 20088

(2) If no grounds apply under section 4759.07 of the 20089
Revised Code for denying a license to the applicant and the 20090
applicant meets the requirements of division (G) (1) of this 20091
section, the board shall issue a limited permit to the 20092

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 20565
practice; 20566

(10) A plea of guilty to, a judicial finding of guilt of, 20567
or a judicial finding of eligibility for intervention in lieu of 20568
conviction for, a felony; 20569

(11) Commission of an act that constitutes a felony in 20570
this state, regardless of the jurisdiction in which the act was 20571
committed; 20572

(12) A plea of guilty to, a judicial finding of guilt of, 20573
or a judicial finding of eligibility for intervention in lieu of 20574
conviction for, a misdemeanor committed in the course of 20575
practice; 20576

(13) A plea of guilty to, a judicial finding of guilt of, 20577
or a judicial finding of eligibility for intervention in lieu of 20578
conviction for, a misdemeanor involving moral turpitude; 20579

(14) Commission of an act in the course of practice that 20580
constitutes a misdemeanor in this state, regardless of the 20581
jurisdiction in which the act was committed; 20582

(15) Commission of an act involving moral turpitude that 20583
constitutes a misdemeanor in this state, regardless of the 20584
jurisdiction in which the act was committed; 20585

(16) A plea of guilty to, a judicial finding of guilt of, 20586
or a judicial finding of eligibility for intervention in lieu of 20587
conviction for violating any state or federal law regulating the 20588
possession, distribution, or use of any drug, including 20589
trafficking in drugs; 20590

(17) Any of the following actions taken by the state 20591
agency responsible for regulating the practice of 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

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| 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;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

~~(H)~~(I) For purposes of divisions (A) (2), (4), and (6) of 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.

~~(I)~~ (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

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| (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 |

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| 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 |

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| 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 (B) <u>(A) (2)</u> to (E) <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 |

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| 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 this section <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

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| (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 (F) <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 |
| Sec. 4764.13. (A) If, upon examining the results of an investigation, the superintendent of real estate and professional licensing determines that reasonable evidence exists that a licensed home inspector has violated this chapter or engaged in an activity described in divisions (A) <u>(1)</u> to (G) <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 |

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| (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 the superintendent as required by section 4764.11 of the Revised Code or failed to cooperate with an investigation conducted by the superintendent under section 4764.12 of the Revised Code. Failure of a licensee to comply with a subpoena issued under division (D) of section 4764.12 of the Revised Code is prima facie evidence of a violation of division (B) of section 4764.11 of the Revised Code.

~~(H)~~ (8) Failed to maintain, be covered by, or submit proof of a comprehensive general liability insurance policy or a commercial general liability insurance policy as required under division (A) of section 4764.11 of the Revised Code at any point during the term of a prior license;

~~(I)~~ (9) Violated rules adopted under section 4764.05 of the Revised Code or is otherwise not in compliance with this chapter;

~~(J)~~ (10) Failed to submit proof of satisfying the continuing education requirements specified in section 4764.08 of the Revised Code.

(B) The superintendent 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.

Sec. 4765.11. (A) The state board of emergency medical, fire, and transportation services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish all of the following:

(1) Procedures for its governance and the control of its

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| 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 |

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| (9) Standards for certificates of accreditation and certificates of approval; | 22447 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 training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs; | 22451 22452 22453 22454 22455 |
| (13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions; | 22456 22457 22458 22459 22460 |
| (14) Examinations for certificates to practice; | 22461 |
| (15) Procedures for administering examinations for certificates to practice; | 22462 22463 |
| (16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program; | 22464 22465 22466 22467 |
| (17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements; | 22468 22469 |
| (18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B) (5) of | 22470 22471 22472 22473 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 22768
fines, not to exceed one thousand dollars, in relation to 22769
actions taken under division (B) (4) of this section against 22770
persons holding certificates and charters regulated by this 22771
section, the fines to be deposited into the trauma and emergency 22772
medical services fund established under section 4513.263 of the 22773
Revised Code; 22774

(6) Continuing education requirements for certificate 22775
holders, including a requirement that credit shall be granted 22776
for in-service training programs conducted by local entities; 22777

(7) Procedures for considering the granting of an 22778
extension or exemption of fire service continuing education 22779
requirements; 22780

(8) Certification cycles for which the certificates and 22781
charters regulated by this section are valid. 22782

(C) The executive director, with the advice and counsel of 22783
the firefighter and fire safety inspector training committee of 22784
the state board of emergency medical, fire, and transportation 22785
services, shall issue or renew an instructor certificate to 22786
teach the training programs and continuing education classes 22787
regulated by this section to any applicant that the executive 22788
director determines meets the qualifications established in 22789
rules adopted under division (B) of this section, and may take 22790
disciplinary action against an instructor certificate holder or 22791
applicant in accordance with rules adopted under division (B) of 22792
this section. The executive director, with the advice and 22793
counsel of the committee, shall charter or renew the charter of 22794
any training program that the executive director determines 22795
meets the qualifications established in rules adopted under 22796
division (B) of this section, and may take disciplinary action 22797

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

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| 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
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 23090
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 23093
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 23096
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 23101
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(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant; 23109
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 23111
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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 23389
submitted by a person seeking to satisfy the requirements to be 23390
an employee of a pain management clinic as specified in section 23391
4729.552 of the Revised Code or a person seeking to satisfy the 23392
requirements to be an employee of a facility, clinic, or other 23393
location that is subject to licensure as a category III terminal 23394
distributor of dangerous drugs with an office-based opioid 23395
treatment classification, the superintendent of the bureau of 23396
criminal identification and investigation shall make the results 23397
available in accordance with the following: 23398

(1) The superintendent shall make the results of the 23399
criminal records check, including any information the federal 23400
bureau of investigation provides, available to the person who 23401
submitted the request and is the subject of the criminal records 23402
check. 23403

(2) The superintendent shall make the results of the 23404
portion of the criminal records check performed by the bureau of 23405
criminal identification and investigation under division (B) (1) 23406
of section 109.572 of the Revised Code available to the employer 23407
or potential employer specified in the request of the person who 23408
submitted the request and shall send a letter of the type 23409
described in division (B) (2) of section 4776.02 of the Revised 23410
Code to that employer or potential employer regarding the 23411
information provided by the federal bureau of investigation that 23412
contains one of the types of statements described in that 23413
division. 23414

(C) If the request for the criminal records check was 23415
submitted by an applicant for a trainee license under section 23416

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~~
~~moral character;~~ 23462
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.~~

(C) The board shall review all applications received under
this section. Not later than sixty days after receiving an
application it considers complete, the board shall determine
whether the applicant meets the requirements for a license to
practice as a genetic counselor.

Sec. 4778.04. In addition to any other eligibility
requirement set forth in this chapter, each applicant for a
license to practice as a genetic counselor shall comply with
sections 4776.01 to 4776.04 of the Revised Code. ~~The state
medical board shall not grant to an applicant a license to
practice as a genetic counselor unless the board, in its
discretion, decides that the results of the criminal records
check do not make the applicant ineligible for a license issued
pursuant to section 4778.05 of the Revised Code.~~

Sec. 4778.14. (A) The state medical board, by an
affirmative vote of not fewer than six members, may revoke or
may refuse to grant a license to practice as a genetic counselor
to an individual found by the board to have committed fraud,
misrepresentation, or deception in applying for or securing the
license.

(B) The board, by an affirmative vote of not fewer than
six members, shall, except as provided in division (C) of this
section, and to the extent permitted by law, limit, revoke, or
suspend an individual's license to practice as a genetic

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| 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
23591

(21) Failure to comply with the code of ethics established by the national society of genetic counselors. 23592
23593

(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 23768
the counselor's practice in this state are automatically 23769
suspended as of the date the genetic counselor pleads guilty to, 23770
is found by a judge or jury to be guilty of, or is subject to a 23771
judicial finding of eligibility for intervention in lieu of 23772
conviction in this state or treatment of intervention in lieu of 23773
conviction in another jurisdiction for any of the following 23774
criminal offenses in this state or a substantially equivalent 23775
criminal offense in another jurisdiction: aggravated murder, 23776
murder, voluntary manslaughter, felonious assault, kidnapping, 23777
rape, sexual battery, gross sexual imposition, aggravated arson, 23778
aggravated robbery, or aggravated burglary. Continued practice 23779
after the suspension shall be considered practicing without a 23780
license. 23781

The board shall notify the individual subject to the 23782
suspension by certified mail or in person in accordance with 23783
section 119.07 of the Revised Code. If an individual whose 23784
license is suspended under this division fails to make a timely 23785
request for an adjudication under Chapter 119. of the Revised 23786
Code, the board shall enter a final order permanently revoking 23787
the individual's license to practice. 23788

~~(J)~~ (K) In any instance in which the board is required by 23789
Chapter 119. of the Revised Code to give notice of opportunity 23790
for hearing and the individual subject to the notice does not 23791
timely request a hearing in accordance with section 119.07 of 23792
the Revised Code, the board is not required to hold a hearing, 23793
but may adopt, by an affirmative vote of not fewer than six of 23794
its members, a final order that contains the board's findings. 23795
In the final order, the board may order any of the sanctions 23796
identified under division (A) or (B) of this section. 23797

~~(K)~~(L) Any action taken by the board under division (B) of 23798
this section resulting in a suspension shall be accompanied by a 23799
written statement of the conditions under which the license of 23800
the genetic counselor may be reinstated. The board shall adopt 23801
rules in accordance with Chapter 119. of the Revised Code 23802
governing conditions to be imposed for reinstatement. 23803
Reinstatement of a license suspended pursuant to division (B) of 23804
this section requires an affirmative vote of not fewer than six 23805
members of the board. 23806

~~(L)~~(M) When the board refuses to grant or issue a license 23807
to practice as a genetic counselor to an applicant, revokes an 23808
individual's license, refuses to renew an individual's license, 23809
or refuses to reinstate an individual's license, the board may 23810
specify that its action is permanent. An individual subject to a 23811
permanent action taken by the board is forever thereafter 23812
ineligible to hold a license to practice as a genetic counselor 23813
and the board shall not accept an application for reinstatement 23814
of the license or for issuance of a new license. 23815

~~(M)~~(N) Notwithstanding any other provision of the Revised 23816
Code, all of the following apply: 23817

(1) The surrender of a license to practice as a genetic 23818
counselor is not effective unless or until accepted by the 23819
board. A telephone conference call may be utilized for 23820
acceptance of the surrender of an individual's license. The 23821
telephone conference call shall be considered a special meeting 23822
under division (F) of section 121.22 of the Revised Code. 23823
Reinstatement of a license surrendered to the board requires an 23824
affirmative vote of not fewer than six members of the board. 23825

(2) An application made under this chapter for a license 23826
to practice may not be withdrawn without approval of the board. 23827

(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

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| 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 23941
insurance or health care policy, contract, or plan, that covers 23942
the person's services, would otherwise be required to pay. 23943

(B) The board shall not refuse to issue a license to an 23944
applicant because of a conviction of or plea of guilty to an 23945
offense unless the refusal is in accordance with section 9.79 of 23946
the Revised Code. 23947

(C) For the purpose of investigating whether a person is 23948
engaging or has engaged in conduct described in division (A) of 23949
this section, the board may administer oaths, order the taking 23950
of depositions, issue subpoenas, examine witnesses, and compel 23951
the attendance of witnesses and production of books, accounts, 23952
papers, records, documents, and testimony. 23953

Sec. 4781.09. (A) The division of industrial compliance 23954
may, except as provided in division (B) of this section, deny, 23955
suspend, revoke, or refuse to renew the license of any 23956
manufactured home installer for any of the following reasons: 23957

(1) Failure to satisfy the requirements of section 4781.08 23958
or 4781.10 of the Revised Code; 23959

(2) Violation of this chapter or any rule adopted pursuant 23960
to it; 23961

(3) Making a material misstatement in an application for a 23962
license; 23963

(4) Installing manufactured housing without a license or 23964
without being under the supervision of a licensed manufactured 23965
housing installer; 23966

(5) Failure to appear for a hearing before the division or 23967
to comply with any final adjudication order of the division 23968

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| 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 |
| (C) <u>(D)</u> A person whose license is suspended, revoked, or not renewed may apply for a new license two years after the date on which the license was suspended, revoked, or not renewed. | 23993 23994 23995 |

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| Sec. 4781.18. (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 is of bad business repute or 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

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| (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

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| 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) Mifeasance; | 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 |
| Sec. 5502.011. (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

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| 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
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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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(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
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(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
1322.24, 1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 24586
1571.012, 1707.19, 1716.05, 1716.07, 2915.081, 2915.082, 24587
3304.31, 3310.43, 3319.088, 3319.225, 3319.30, 3319.31, 3319.39, 24588
3327.10, 3332.05, 3332.09, 3332.11, 3332.12, 3710.06, 3734.42, 24589
3734.44, 3743.03, 3743.16, 3743.70, 3743.99, 3770.05, 3770.073, 24590
3772.01, 3772.07, 3772.10, 3773.42, 3783.03, 3796.03, 3796.04, 24591
3796.09, 3796.10, 3905.06, 3905.062, 3905.07, 3905.14, 3905.15, 24592
3905.72, 3905.85, 3916.15, 3951.04, 4104.09, 4104.19, 4508.03, 24593
4508.04, 4511.76, 4513.34, 4517.04, 4517.09, 4517.12, 4517.13, 24594
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4707.15, 4707.19, 4707.22, 4709.07, 4709.08, 4709.10, 4709.13, 24597
4713.28, 4713.30, 4713.31, 4713.34, 4713.69, 4715.10, 4715.101, 24598
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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4729.09, 4729.16, 4729.90, 4729.92, 4729.96, 4730.10, 4730.101, 24603
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

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| Section 5. This act shall be known as the "Fresh Start Act." | 24628 24629 |
| Section 6. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: | 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 |

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| 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 |