

**As Concurred by the House**

**133rd General Assembly**

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**Am. Sub. H. B. No. 442**

**Representatives Roemer, West**

**Cosponsors: Representatives Becker, Scherer, Cross, Seitz, Lipps, Zeltwanger, Riedel, Miranda, Miller, J., Carruthers, Richardson, Blair, Ingram, Sheehy, Jordan, Brent, Carfagna, Clites, Edwards, Fraizer, Galonski, Ginter, Green, Greenspan, Grendell, Hillyer, Holmes, A., Jones, Koehler, Lanese, McClain, O'Brien, Patterson, Patton, Perales, Plummer, Reineke, Robinson, Rogers, Russo, Smith, K., Stein, Sykes, Weinstein, Wiggam**

**Senators Antonio, Blessing, Brenner, Burke, Coley, Craig, Eklund, Gavarone, Hackett, Johnson, McColley, Obhof, Peterson, Roegner, Sykes, Thomas, Wilson**

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**A BILL**

To amend sections 127.16, 1561.07, 2925.01, 1  
3307.01, 3307.24, 3309.01, 3309.011, 3313.68, 2  
3313.7110, 3313.7113, 3313.721, 3319.22, 3  
3319.222, 3319.223, 3319.227, 3701.33, 3717.27, 4  
3717.47, 3718.011, 3718.03, 3728.04, 4104.32, 5  
4104.34, 4104.36, 4104.37, 4117.103, 4169.02, 6  
4169.03, 4169.04, 4169.05, 4169.06, 4701.06, 7  
4701.17, 4713.01, 4713.14, 4713.17, 4713.42, 8  
4713.56, 4730.11, 4731.04, 4731.15, 4731.16, 9  
4731.171, 4731.19, 4731.22, 4731.293, 4731.298, 10  
4731.36, 4731.572, 4734.211, 4734.31, 4736.01, 11  
4736.02, 4736.03, 4736.05, 4736.06, 4736.08, 12  
4736.09, 4736.10, 4736.11, 4736.12, 4736.14, 13  
4736.15, 4745.04, 5107.541, and 6111.30; to 14  
enact new section 3319.221 and sections 15  
1533.722, 4169.11, and 4762.011; and to repeal 16  
sections 3319.221, 3319.225, 3319.2210, 3745.14, 17  
4104.33, 4104.35, and 4734.281 of the Revised 18

Code to revise the state's occupational 19  
regulations. 20

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

**Section 1.** That sections 127.16, 1561.07, 2925.01, 21  
3307.01, 3307.24, 3309.01, 3309.011, 3313.68, 3313.7110, 22  
3313.7113, 3313.721, 3319.22, 3319.222, 3319.223, 3319.227, 23  
3701.33, 3717.27, 3717.47, 3718.011, 3718.03, 3728.04, 4104.32, 24  
4104.34, 4104.36, 4104.37, 4117.103, 4169.02, 4169.03, 4169.04, 25  
4169.05, 4169.06, 4701.06, 4701.17, 4713.01, 4713.14, 4713.17, 26  
4713.42, 4713.56, 4730.11, 4731.04, 4731.15, 4731.16, 4731.171, 27  
4731.19, 4731.22, 4731.293, 4731.298, 4731.36, 4731.572, 28  
4734.211, 4734.31, 4736.01, 4736.02, 4736.03, 4736.05, 4736.06, 29  
4736.08, 4736.09, 4736.10, 4736.11, 4736.12, 4736.14, 4736.15, 30  
4745.04, 5107.541, and 6111.30 be amended and new section 31  
3319.221 and sections 1533.722, 4169.11, and 4762.011 of the 32  
Revised Code be enacted to read as follows: 33

**Sec. 127.16.** (A) Upon the request of either a state agency 34  
or the director of budget and management and after the 35  
controlling board determines that an emergency or a sufficient 36  
economic reason exists, the controlling board may approve the 37  
making of a purchase without competitive selection as provided 38  
in division (B) of this section. 39

(B) Except as otherwise provided in this section, no state 40  
agency, using money that has been appropriated to it directly, 41  
shall: 42

(1) Make any purchase from a particular supplier, that 43  
would amount to fifty thousand dollars or more when combined 44

with both the amount of all disbursements to the supplier during 45  
the fiscal year for purchases made by the agency and the amount 46  
of all outstanding encumbrances for purchases made by the agency 47  
from the supplier, unless the purchase is made by competitive 48  
selection or with the approval of the controlling board; 49

(2) Lease real estate from a particular supplier, if the 50  
lease would amount to seventy-five thousand dollars or more when 51  
combined with both the amount of all disbursements to the 52  
supplier during the fiscal year for real estate leases made by 53  
the agency and the amount of all outstanding encumbrances for 54  
real estate leases made by the agency from the supplier, unless 55  
the lease is made by competitive selection or with the approval 56  
of the controlling board. 57

(C) Any person who authorizes a purchase in violation of 58  
division (B) of this section shall be liable to the state for 59  
any state funds spent on the purchase, and the attorney general 60  
shall collect the amount from the person. 61

(D) Nothing in division (B) of this section shall be 62  
construed as: 63

(1) A limitation upon the authority of the director of 64  
transportation as granted in sections 5501.17, 5517.02, and 65  
5525.14 of the Revised Code; 66

(2) Applying to medicaid provider agreements under the 67  
medicaid program; 68

(3) Applying to the purchase of examinations from a sole 69  
supplier by a state licensing board under Title XLVII of the 70  
Revised Code; 71

(4) Applying to entertainment contracts for the Ohio state 72  
fair entered into by the Ohio expositions commission, provided 73

that the controlling board has given its approval to the 74  
commission to enter into such contracts and has approved a total 75  
budget amount for such contracts as agreed upon by commission 76  
action, and that the commission causes to be kept itemized 77  
records of the amounts of money spent under each contract and 78  
annually files those records with the clerk of the house of 79  
representatives and the clerk of the senate following the close 80  
of the fair; 81

(5) Limiting the authority of the chief of the division of 82  
mineral resources management to contract for reclamation work 83  
with an operator mining adjacent land as provided in section 84  
1513.27 of the Revised Code; 85

(6) Applying to investment transactions and procedures of 86  
any state agency, except that the agency shall file with the 87  
board the name of any person with whom the agency contracts to 88  
make, broker, service, or otherwise manage its investments, as 89  
well as the commission, rate, or schedule of charges of such 90  
person with respect to any investment transactions to be 91  
undertaken on behalf of the agency. The filing shall be in a 92  
form and at such times as the board considers appropriate. 93

(7) Applying to purchases made with money for the per cent 94  
for arts program established by section 3379.10 of the Revised 95  
Code; 96

(8) Applying to purchases made by the opportunities for 97  
Ohioans with disabilities agency of services, or supplies, that 98  
are provided to persons with disabilities, or to purchases made 99  
by the agency in connection with the eligibility determinations 100  
it makes for applicants of programs administered by the social 101  
security administration; 102

(9) Applying to payments by the department of medicaid	103
under section 5164.85 of the Revised Code for group health plan	104
premiums, deductibles, coinsurance, and other cost-sharing	105
expenses;	106
(10) Applying to any agency of the legislative branch of	107
the state government;	108
(11) Applying to agreements or contracts entered into	109
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214	110
of the Revised Code;	111
(12) Applying to purchases of services by the adult parole	112
authority under section 2967.14 of the Revised Code or by the	113
department of youth services under section 5139.08 of the	114
Revised Code;	115
(13) Applying to dues or fees paid for membership in an	116
organization or association;	117
(14) Applying to purchases of utility services pursuant to	118
section 9.30 of the Revised Code;	119
(15) Applying to purchases made in accordance with rules	120
adopted by the department of administrative services of motor	121
vehicle, aviation, or watercraft fuel, or emergency repairs of	122
such vehicles;	123
(16) Applying to purchases of tickets for passenger air	124
transportation;	125
(17) Applying to purchases necessary to provide public	126
notifications required by law or to provide notifications of job	127
openings;	128
(18) Applying to the judicial branch of state government;	129

(19) Applying to purchases of liquor for resale by the	130
division of liquor control;	131
(20) Applying to purchases of motor courier and freight	132
services made in accordance with department of administrative	133
services rules;	134
(21) Applying to purchases from the United States postal	135
service and purchases of stamps and postal meter replenishment	136
from vendors at rates established by the United States postal	137
service;	138
(22) Applying to purchases of books, periodicals,	139
pamphlets, newspapers, maintenance subscriptions, and other	140
published materials;	141
(23) Applying to purchases from other state agencies,	142
including state-assisted institutions of higher education or the	143
Ohio history connection;	144
(24) <del>Limiting the authority of the director of</del>	145
<del>environmental protection to enter into contracts under division</del>	146
<del>(D) of section 3745.14 of the Revised Code to conduct compliance</del>	147
<del>reviews, as defined in division (A) of that section;</del>	148
<del>(25)</del> Applying to purchases from a qualified nonprofit	149
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to	150
4115.35 of the Revised Code;	151
<del>(26)</del> <u>(25)</u> Applying to payments by the department of job	152
and family services to the United States department of health	153
and human services for printing and mailing notices pertaining	154
to the tax refund offset program of the internal revenue service	155
of the United States department of the treasury;	156
<del>(27)</del> <u>(26)</u> Applying to contracts entered into by the	157

department of developmental disabilities under section 5123.18	158
of the Revised Code;	159
<del>(28)</del> <u>(27)</u> Applying to payments made by the department of	160
mental health and addiction services under a physician	161
recruitment program authorized by section 5119.185 of the	162
Revised Code;	163
<del>(29)</del> <u>(28)</u> Applying to contracts entered into with persons	164
by the director of commerce for unclaimed funds collection and	165
remittance efforts as provided in division (F) of section 169.03	166
of the Revised Code. The director shall keep an itemized	167
accounting of unclaimed funds collected by those persons and	168
amounts paid to them for their services.	169
<del>(30)</del> <u>(29)</u> Applying to purchases made by a state	170
institution of higher education in accordance with the terms of	171
a contract between the vendor and an inter-university purchasing	172
group comprised of purchasing officers of state institutions of	173
higher education;	174
<del>(31)</del> <u>(30)</u> Applying to the department of medicaid's	175
purchases of health assistance services under the children's	176
health insurance program;	177
<del>(32)</del> <u>(31)</u> Applying to payments by the attorney general	178
from the reparations fund to hospitals and other emergency	179
medical facilities for performing medical examinations to	180
collect physical evidence pursuant to section 2907.28 of the	181
Revised Code;	182
<del>(33)</del> <u>(32)</u> Applying to contracts with a contracting	183
authority or administrative receiver under division (B) of	184
section 5126.056 of the Revised Code;	185
<del>(34)</del> <u>(33)</u> Applying to purchases of goods and services by	186

the department of veterans services in accordance with the terms 187  
of contracts entered into by the United States department of 188  
veterans affairs; 189

~~(35)~~ (34) Applying to payments by the superintendent of 190  
the bureau of criminal identification and investigation to the 191  
federal bureau of investigation for criminal records checks 192  
pursuant to section 109.572 of the Revised Code; 193

~~(36)~~ (35) Applying to contracts entered into by the 194  
department of medicaid under section 5164.47 of the Revised 195  
Code; 196

~~(37)~~ (36) Applying to contracts entered into under section 197  
5160.12 of the Revised Code; 198

~~(38)~~ (37) Applying to payments to the Ohio history 199  
connection from other state agencies. 200

(E) When determining whether a state agency has reached 201  
the cumulative purchase thresholds established in divisions (B) 202  
(1) and (2) of this section, all of the following purchases by 203  
such agency shall not be considered: 204

(1) Purchases made through competitive selection or with 205  
controlling board approval; 206

(2) Purchases listed in division (D) of this section; 207

(3) For the purposes of the threshold of division (B) (1) 208  
of this section only, leases of real estate. 209

(F) As used in this section, "competitive selection," 210  
"purchase," "supplies," and "services" have the same meanings as 211  
in section 125.01 of the Revised Code. 212

Sec. 1533.722. The chief of the division of wildlife, by 213



rule adopted pursuant to section 1531.08 of the Revised Code, 214  
may levy an administrative penalty against any person who 215  
violates section 1533.721 of the Revised Code or any division 216  
rule regarding wild animal hunting preserves. The chief shall 217  
levy the administrative penalty in accordance with procedures 218  
and in an amount established by rule. 219

**Sec. 1561.07.** The mining laws of this state shall extend 220  
to and govern the operation of clay mines and clay stripping 221  
pits in so far as such laws are applicable thereto. The chief of 222  
the division of mineral resources management shall adopt, 223  
publish, and enforce specific rules particularly applicable to 224  
clay mining operations to safeguard life and property in the 225  
clay mining industry and to secure safe and sanitary working 226  
conditions in such clay mines and clay stripping pits. 227

Such rules adopted by the chief shall provide that: 228

(A) Distances between break-throughs in clay mines shall 229  
not exceed one hundred feet, unless permission in special cases 230  
is granted by the chief, after maps have been filed with the 231  
chief showing the method of working and ventilating the same, if 232  
such distances would add to increased safety. 233

(B) When, in the opinion of the mine foreperson or deputy 234  
mine inspector, line brattices or other approved methods of 235  
circulation are necessary to deliver sufficient air to the 236  
working face, they shall be provided by the owner, operator, or 237  
lessee. 238

(C) Not more than a two days' supply of explosives shall 239  
be stored in a clay mine at any one time, and not more than one 240  
hundred pounds of explosives shall be stored in any one place at 241  
any one time. 242

(D) Charges of explosives shall be made up at least one 243  
hundred feet away from any storage place for explosives. 244

(E) There shall be no less than two persons in each 245  
working place when shots are being lighted. 246

(F) Misfired shots in clay mines shall be posted on the 247  
bulletin board or other conspicuous place available for 248  
examination by the workers when shots are fired by other than 249  
the loaders. 250

(G) The use of electric blasting caps shall be encouraged 251  
as a safety measure. 252

The chief, in assigning deputy mine inspectors, shall 253  
designate inspectors who have had experience and are especially 254  
qualified in clay mining operations, to examine and inspect clay 255  
mining operations and enforce the law relating to such 256  
operations. 257

~~The A person does not need to be certified by the chief, 258  
in conducting as a clay mine foreperson to perform the duties 259  
of a foreperson at a clay mine or clay stripping pits. The chief 260  
shall not conduct examinations and issuing or issue certificates 261  
for clay mine forepersons, shall provide by rules adopted under 262  
section 1561.05 of the Revised Code for the examination of 263  
applicants for certificates as mine forepersons in a clay mine 264  
or clay stripping pits to test the applicant on experience and 265  
fitness on the problems and duties peculiar to the clay mining 266  
industry. An applicant for a certificate as a clay mine 267  
foreperson shall have at least three years' experience in mining 268  
operations. 269~~

**Sec. 2925.01.** As used in this chapter: 270

(A) "Administer," "controlled substance," "controlled 271

substance analog," "dispense," "distribute," "hypodermic,"	272
"manufacturer," "official written order," "person,"	273
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II,"	274
"schedule III," "schedule IV," "schedule V," and "wholesaler"	275
have the same meanings as in section 3719.01 of the Revised	276
Code.	277
(B) "Drug dependent person" and "drug of abuse" have the	278
same meanings as in section 3719.011 of the Revised Code.	279
(C) "Drug," "dangerous drug," "licensed health	280
professional authorized to prescribe drugs," and "prescription"	281
have the same meanings as in section 4729.01 of the Revised	282
Code.	283
(D) "Bulk amount" of a controlled substance means any of	284
the following:	285
(1) For any compound, mixture, preparation, or substance	286
included in schedule I, schedule II, or schedule III, with the	287
exception of any controlled substance analog, marihuana,	288
cocaine, L.S.D., heroin, any fentanyl-related compound, and	289
hashish and except as provided in division (D) (2), (5), or (6)	290
of this section, whichever of the following is applicable:	291
(a) An amount equal to or exceeding ten grams or twenty-	292
five unit doses of a compound, mixture, preparation, or	293
substance that is or contains any amount of a schedule I opiate	294
or opium derivative;	295
(b) An amount equal to or exceeding ten grams of a	296
compound, mixture, preparation, or substance that is or contains	297
any amount of raw or gum opium;	298
(c) An amount equal to or exceeding thirty grams or ten	299
unit doses of a compound, mixture, preparation, or substance	300

that is or contains any amount of a schedule I hallucinogen 301  
other than tetrahydrocannabinol or lysergic acid amide, or a 302  
schedule I stimulant or depressant; 303

(d) An amount equal to or exceeding twenty grams or five 304  
times the maximum daily dose in the usual dose range specified 305  
in a standard pharmaceutical reference manual of a compound, 306  
mixture, preparation, or substance that is or contains any 307  
amount of a schedule II opiate or opium derivative; 308

(e) An amount equal to or exceeding five grams or ten unit 309  
doses of a compound, mixture, preparation, or substance that is 310  
or contains any amount of phencyclidine; 311

(f) An amount equal to or exceeding one hundred twenty 312  
grams or thirty times the maximum daily dose in the usual dose 313  
range specified in a standard pharmaceutical reference manual of 314  
a compound, mixture, preparation, or substance that is or 315  
contains any amount of a schedule II stimulant that is in a 316  
final dosage form manufactured by a person authorized by the 317  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 318  
U.S.C.A. 301, as amended, and the federal drug abuse control 319  
laws, as defined in section 3719.01 of the Revised Code, that is 320  
or contains any amount of a schedule II depressant substance or 321  
a schedule II hallucinogenic substance; 322

(g) An amount equal to or exceeding three grams of a 323  
compound, mixture, preparation, or substance that is or contains 324  
any amount of a schedule II stimulant, or any of its salts or 325  
isomers, that is not in a final dosage form manufactured by a 326  
person authorized by the Federal Food, Drug, and Cosmetic Act 327  
and the federal drug abuse control laws. 328

(2) An amount equal to or exceeding one hundred twenty 329

grams or thirty times the maximum daily dose in the usual dose 330  
range specified in a standard pharmaceutical reference manual of 331  
a compound, mixture, preparation, or substance that is or 332  
contains any amount of a schedule III or IV substance other than 333  
an anabolic steroid or a schedule III opiate or opium 334  
derivative; 335

(3) An amount equal to or exceeding twenty grams or five 336  
times the maximum daily dose in the usual dose range specified 337  
in a standard pharmaceutical reference manual of a compound, 338  
mixture, preparation, or substance that is or contains any 339  
amount of a schedule III opiate or opium derivative; 340

(4) An amount equal to or exceeding two hundred fifty 341  
milliliters or two hundred fifty grams of a compound, mixture, 342  
preparation, or substance that is or contains any amount of a 343  
schedule V substance; 344

(5) An amount equal to or exceeding two hundred solid 345  
dosage units, sixteen grams, or sixteen milliliters of a 346  
compound, mixture, preparation, or substance that is or contains 347  
any amount of a schedule III anabolic steroid; 348

(6) For any compound, mixture, preparation, or substance 349  
that is a combination of a fentanyl-related compound and any 350  
other compound, mixture, preparation, or substance included in 351  
schedule III, schedule IV, or schedule V, if the defendant is 352  
charged with a violation of section 2925.11 of the Revised Code 353  
and the sentencing provisions set forth in divisions (C)(10)(b) 354  
and (C)(11) of that section will not apply regarding the 355  
defendant and the violation, the bulk amount of the controlled 356  
substance for purposes of the violation is the amount specified 357  
in division (D)(1), (2), (3), (4), or (5) of this section for 358  
the other schedule III, IV, or V controlled substance that is 359

combined with the fentanyl-related compound. 360

(E) "Unit dose" means an amount or unit of a compound, 361  
mixture, or preparation containing a controlled substance that 362  
is separately identifiable and in a form that indicates that it 363  
is the amount or unit by which the controlled substance is 364  
separately administered to or taken by an individual. 365

(F) "Cultivate" includes planting, watering, fertilizing, 366  
or tilling. 367

(G) "Drug abuse offense" means any of the following: 368

(1) A violation of division (A) of section 2913.02 that 369  
constitutes theft of drugs, or a violation of section 2925.02, 370  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 371  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 372  
or 2925.37 of the Revised Code; 373

(2) A violation of an existing or former law of this or 374  
any other state or of the United States that is substantially 375  
equivalent to any section listed in division (G)(1) of this 376  
section; 377

(3) An offense under an existing or former law of this or 378  
any other state, or of the United States, of which planting, 379  
cultivating, harvesting, processing, making, manufacturing, 380  
producing, shipping, transporting, delivering, acquiring, 381  
possessing, storing, distributing, dispensing, selling, inducing 382  
another to use, administering to another, using, or otherwise 383  
dealing with a controlled substance is an element; 384

(4) A conspiracy to commit, attempt to commit, or 385  
complicity in committing or attempting to commit any offense 386  
under division (G)(1), (2), or (3) of this section. 387

(H) "Felony drug abuse offense" means any drug abuse 388  
offense that would constitute a felony under the laws of this 389  
state, any other state, or the United States. 390

(I) "Harmful intoxicant" does not include beer or 391  
intoxicating liquor but means any of the following: 392

(1) Any compound, mixture, preparation, or substance the 393  
gas, fumes, or vapor of which when inhaled can induce 394  
intoxication, excitement, giddiness, irrational behavior, 395  
depression, stupefaction, paralysis, unconsciousness, 396  
asphyxiation, or other harmful physiological effects, and 397  
includes, but is not limited to, any of the following: 398

(a) Any volatile organic solvent, plastic cement, model 399  
cement, fingernail polish remover, lacquer thinner, cleaning 400  
fluid, gasoline, or other preparation containing a volatile 401  
organic solvent; 402

(b) Any aerosol propellant; 403

(c) Any fluorocarbon refrigerant; 404

(d) Any anesthetic gas. 405

(2) Gamma Butyrolactone; 406

(3) 1,4 Butanediol. 407

(J) "Manufacture" means to plant, cultivate, harvest, 408  
process, make, prepare, or otherwise engage in any part of the 409  
production of a drug, by propagation, extraction, chemical 410  
synthesis, or compounding, or any combination of the same, and 411  
includes packaging, repackaging, labeling, and other activities 412  
incident to production. 413

(K) "Possess" or "possession" means having control over a 414

thing or substance, but may not be inferred solely from mere 415  
access to the thing or substance through ownership or occupation 416  
of the premises upon which the thing or substance is found. 417

(L) "Sample drug" means a drug or pharmaceutical 418  
preparation that would be hazardous to health or safety if used 419  
without the supervision of a licensed health professional 420  
authorized to prescribe drugs, or a drug of abuse, and that, at 421  
one time, had been placed in a container plainly marked as a 422  
sample by a manufacturer. 423

(M) "Standard pharmaceutical reference manual" means the 424  
current edition, with cumulative changes if any, of references 425  
that are approved by the state board of pharmacy. 426

(N) "Juvenile" means a person under eighteen years of age. 427

(O) "Counterfeit controlled substance" means any of the 428  
following: 429

(1) Any drug that bears, or whose container or label 430  
bears, a trademark, trade name, or other identifying mark used 431  
without authorization of the owner of rights to that trademark, 432  
trade name, or identifying mark; 433

(2) Any unmarked or unlabeled substance that is 434  
represented to be a controlled substance manufactured, 435  
processed, packed, or distributed by a person other than the 436  
person that manufactured, processed, packed, or distributed it; 437

(3) Any substance that is represented to be a controlled 438  
substance but is not a controlled substance or is a different 439  
controlled substance; 440

(4) Any substance other than a controlled substance that a 441  
reasonable person would believe to be a controlled substance 442



because of its similarity in shape, size, and color, or its 443  
markings, labeling, packaging, distribution, or the price for 444  
which it is sold or offered for sale. 445

(P) An offense is "committed in the vicinity of a school" 446  
if the offender commits the offense on school premises, in a 447  
school building, or within one thousand feet of the boundaries 448  
of any school premises, regardless of whether the offender knows 449  
the offense is being committed on school premises, in a school 450  
building, or within one thousand feet of the boundaries of any 451  
school premises. 452

(Q) "School" means any school operated by a board of 453  
education, any community school established under Chapter 3314. 454  
of the Revised Code, or any nonpublic school for which the state 455  
board of education prescribes minimum standards under section 456  
3301.07 of the Revised Code, whether or not any instruction, 457  
extracurricular activities, or training provided by the school 458  
is being conducted at the time a criminal offense is committed. 459

(R) "School premises" means either of the following: 460

(1) The parcel of real property on which any school is 461  
situated, whether or not any instruction, extracurricular 462  
activities, or training provided by the school is being 463  
conducted on the premises at the time a criminal offense is 464  
committed; 465

(2) Any other parcel of real property that is owned or 466  
leased by a board of education of a school, the governing 467  
authority of a community school established under Chapter 3314. 468  
of the Revised Code, or the governing body of a nonpublic school 469  
for which the state board of education prescribes minimum 470  
standards under section 3301.07 of the Revised Code and on which 471

some of the instruction, extracurricular activities, or training 472  
of the school is conducted, whether or not any instruction, 473  
extracurricular activities, or training provided by the school 474  
is being conducted on the parcel of real property at the time a 475  
criminal offense is committed. 476

(S) "School building" means any building in which any of 477  
the instruction, extracurricular activities, or training 478  
provided by a school is conducted, whether or not any 479  
instruction, extracurricular activities, or training provided by 480  
the school is being conducted in the school building at the time 481  
a criminal offense is committed. 482

(T) "Disciplinary counsel" means the disciplinary counsel 483  
appointed by the board of commissioners on grievances and 484  
discipline of the supreme court under the Rules for the 485  
Government of the Bar of Ohio. 486

(U) "Certified grievance committee" means a duly 487  
constituted and organized committee of the Ohio state bar 488  
association or of one or more local bar associations of the 489  
state of Ohio that complies with the criteria set forth in Rule 490  
V, section 6 of the Rules for the Government of the Bar of Ohio. 491

(V) "Professional license" means any license, permit, 492  
certificate, registration, qualification, admission, temporary 493  
license, temporary permit, temporary certificate, or temporary 494  
registration that is described in divisions (W) (1) to (37) of 495  
this section and that qualifies a person as a professionally 496  
licensed person. 497

(W) "Professionally licensed person" means any of the 498  
following: 499

(1) A person who has received a certificate or temporary 500

certificate as a certified public accountant or who has 501  
registered as a public accountant under Chapter 4701. of the 502  
Revised Code and who holds an Ohio permit issued under that 503  
chapter; 504

(2) A person who holds a certificate of qualification to 505  
practice architecture issued or renewed and registered under 506  
Chapter 4703. of the Revised Code; 507

(3) A person who is registered as a landscape architect 508  
under Chapter 4703. of the Revised Code or who holds a permit as 509  
a landscape architect issued under that chapter; 510

(4) A person licensed under Chapter 4707. of the Revised 511  
Code; 512

(5) A person who has been issued a certificate of 513  
registration as a registered barber under Chapter 4709. of the 514  
Revised Code; 515

(6) A person licensed and regulated to engage in the 516  
business of a debt pooling company by a legislative authority, 517  
under authority of Chapter 4710. of the Revised Code; 518

(7) A person who has been issued a cosmetologist's 519  
license, hair designer's license, manicurist's license, 520  
esthetician's license, natural hair stylist's license, advanced 521  
cosmetologist's license, advanced hair designer's license, 522  
advanced manicurist's license, advanced esthetician's license, 523  
advanced natural hair stylist's license, cosmetology 524  
instructor's license, hair design instructor's license, 525  
manicurist instructor's license, esthetics instructor's license, 526  
natural hair style instructor's license, independent 527  
contractor's license, or tanning facility permit under Chapter 528  
4713. of the Revised Code; 529

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	530 531 532 533 534
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	535 536 537 538 539
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	540 541 542 543
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	544 545 546
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	547 548
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	549 550
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	551 552 553 554
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal	555 556 557 558

distributor of dangerous drugs;	559
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	560 561
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	562 563 564 565 566
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	567 568
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	569 570 571
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	572 573
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	574 575
(22) A person registered as a registered <del>sanitarian</del> <u>environmental health specialist</u> under Chapter 4736. of the Revised Code;	576 577 578
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	579 580
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	581 582
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	583 584
(26) A person who has been issued a license or temporary	585

permit to practice veterinary medicine or any of its branches,	586
or who is registered as a graduate animal technician under	587
Chapter 4741. of the Revised Code;	588
(27) A person who has been issued a hearing aid dealer's	589
or fitter's license or trainee permit under Chapter 4747. of the	590
Revised Code;	591
(28) A person who has been issued a class A, class B, or	592
class C license or who has been registered as an investigator or	593
security guard employee under Chapter 4749. of the Revised Code;	594
(29) A person licensed to practice as a nursing home	595
administrator under Chapter 4751. of the Revised Code;	596
(30) A person licensed to practice as a speech-language	597
pathologist or audiologist under Chapter 4753. of the Revised	598
Code;	599
(31) A person issued a license as an occupational	600
therapist or physical therapist under Chapter 4755. of the	601
Revised Code;	602
(32) A person who is licensed as a licensed professional	603
clinical counselor, licensed professional counselor, social	604
worker, independent social worker, independent marriage and	605
family therapist, or marriage and family therapist, or	606
registered as a social work assistant under Chapter 4757. of the	607
Revised Code;	608
(33) A person issued a license to practice dietetics under	609
Chapter 4759. of the Revised Code;	610
(34) A person who has been issued a license or limited	611
permit to practice respiratory therapy under Chapter 4761. of	612
the Revised Code;	613

- (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 614  
615
- (36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; 616  
617
- (37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 618  
619  
620
- (X) "Cocaine" means any of the following: 621
- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 622  
623
- (2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 624  
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- (3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 628  
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633
- (Y) "L.S.D." means lysergic acid diethylamide. 634
- (Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 635  
636  
637
- (AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 638  
639  
640

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

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

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

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

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

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

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

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

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public



accommodation, business, amusement, or resort. 669

(II) "Methamphetamine" means methamphetamine, any salt, 670  
isomer, or salt of an isomer of methamphetamine, or any 671  
compound, mixture, preparation, or substance containing 672  
methamphetamine or any salt, isomer, or salt of an isomer of 673  
methamphetamine. 674

(JJ) "Deception" has the same meaning as in section 675  
2913.01 of the Revised Code. 676

(KK) "Fentanyl-related compound" means any of the 677  
following: 678

(1) Fentanyl; 679

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 680  
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 681  
phenylethyl)-4-(N-propanilido) piperidine); 682

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 683  
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 684

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 685  
piperidinyl] -N-phenylpropanamide); 686

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 687  
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 688  
phenylpropanamide); 689

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 690  
piperidyl]-N- phenylpropanamide); 691

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 692  
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 693

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 694  
phenethyl)-4- piperidinyl]propanamide; 695

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	696
	697
(10) Alfentanil;	698
(11) Carfentanil;	699
(12) Remifentanil;	700
(13) Sufentanil;	701
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	702
	703
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	704
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(a) A chemical scaffold consisting of both of the following:	711
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(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	713
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(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	715
	716
	717
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	718
	719
	720
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	721
	722

(d) The compound has not been approved for medical use by 723  
the United States food and drug administration. 724

(LL) "First degree felony mandatory prison term" means one 725  
of the definite prison terms prescribed in division (A) (1) (b) of 726  
section 2929.14 of the Revised Code for a felony of the first 727  
degree, except that if the violation for which sentence is being 728  
imposed is committed on or after ~~the effective date of this~~ 729  
~~amendment~~ March 22, 2019, it means one of the minimum prison 730  
terms prescribed in division (A) (1) (a) of that section for a 731  
felony of the first degree. 732

(MM) "Second degree felony mandatory prison term" means 733  
one of the definite prison terms prescribed in division (A) (2) 734  
(b) of section 2929.14 of the Revised Code for a felony of the 735  
second degree, except that if the violation for which sentence 736  
is being imposed is committed on or after ~~the effective date of~~ 737  
~~this amendment~~ March 22, 2019, it means one of the minimum prison 738  
terms prescribed in division (A) (2) (a) of that section for a 739  
felony of the second degree. 740

(NN) "Maximum first degree felony mandatory prison term" 741  
means the maximum definite prison term prescribed in division 742  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 743  
the first degree, except that if the violation for which 744  
sentence is being imposed is committed on or after ~~the effective~~ 745  
~~date of this amendment~~ March 22, 2019, it means the longest 746  
minimum prison term prescribed in division (A) (1) (a) of that 747  
section for a felony of the first degree. 748

(OO) "Maximum second degree felony mandatory prison term" 749  
means the maximum definite prison term prescribed in division 750  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 751  
the second degree, except that if the violation for which 752

sentence is being imposed is committed on or after ~~the effective~~ 753  
~~date of this amendment~~ March 22, 2019, it means the longest 754  
minimum prison term prescribed in division (A) (2) (a) of that 755  
section for a felony of the second degree. 756

**Sec. 3307.01.** As used in this chapter: 757

(A) "Employer" means the board of education, school 758  
district, governing authority of any community school 759  
established under Chapter 3314. of the Revised Code, a science, 760  
technology, engineering, and mathematics school established 761  
under Chapter 3326. of the Revised Code, college, university, 762  
institution, or other agency within the state by which a teacher 763  
is employed and paid. 764

(B) (1) "Teacher" means all of the following: 765

(a) Any person paid from public funds and employed in the 766  
public schools of the state under any type of contract described 767  
in section 3311.77 or 3319.08 of the Revised Code in a position 768  
for which the person is required to have a license or 769  
registration issued pursuant to sections 3319.22 to 3319.31 of 770  
the Revised Code; 771

(b) Except as provided in division (B) (2) (b) or (c) of 772  
this section, any person employed as a teacher or faculty member 773  
in a community school or a science, technology, engineering, and 774  
mathematics school pursuant to Chapter 3314. or 3326. of the 775  
Revised Code; 776

(c) Any person having a license or registration issued 777  
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 778  
employed in a public school in this state in an educational 779  
position, as determined by the state board of education, under 780  
programs provided for by federal acts or regulations and 781

financed in whole or in part from federal funds, but for which 782  
no licensure requirements for the position can be made under the 783  
provisions of such federal acts or regulations; 784

(d) Any other teacher or faculty member employed in any 785  
school, college, university, institution, or other agency wholly 786  
controlled and managed, and supported in whole or in part, by 787  
the state or any political subdivision thereof, including 788  
Central state university, Cleveland state university, and the 789  
university of Toledo; 790

(e) The educational employees of the department of 791  
education, as determined by the state superintendent of public 792  
instruction. 793

In all cases of doubt, the state teachers retirement board 794  
shall determine whether any person is a teacher, and its 795  
decision shall be final. 796

(2) "Teacher" does not include any of the following: 797

(a) Any eligible employee of a public institution of 798  
higher education, as defined in section 3305.01 of the Revised 799  
Code, who elects to participate in an alternative retirement 800  
plan established under Chapter 3305. of the Revised Code; 801

(b) Any person employed by a community school operator, as 802  
defined in section 3314.02 of the Revised Code, if on or before 803  
February 1, 2016, the school's operator was withholding and 804  
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 805  
and 3111(a) for persons employed in the school as teachers, 806  
unless the person had contributing service in a community school 807  
in the state within one year prior to the later of February 1, 808  
2016, or the date on which the operator for the first time 809  
withholds and pays employee and employer taxes pursuant to 26 810

U.S.C. 3101(a) and 3111(a) for that person; 811

(c) Any person who would otherwise be a teacher under 812  
division (B)(2)(b) of this section who terminates employment 813  
with a community school operator and has no contributing service 814  
in a community school in the state for a period of at least one 815  
year from the date of termination of employment. 816

(C) "Member" means any person included in the membership 817  
of the state teachers retirement system, which shall consist of 818  
all teachers and contributors as defined in divisions (B) and 819  
(D) of this section and all disability benefit recipients, as 820  
defined in section 3307.50 of the Revised Code. However, for 821  
purposes of this chapter, the following persons shall not be 822  
considered members: 823

(1) A student, intern, or resident who is not a member 824  
while employed part-time by a school, college, or university at 825  
which the student, intern, or resident is regularly attending 826  
classes; 827

(2) A person denied membership pursuant to section 3307.24 828  
of the Revised Code; 829

(3) An other system retirant, as defined in section 830  
3307.35 of the Revised Code, or a superannuate; 831

(4) An individual employed in a program established 832  
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 833  
(1982), 29 U.S.C.A. 1501; 834

(5) The surviving spouse of a member or retirant if the 835  
surviving spouse's only connection to the retirement system is 836  
an account in an STRS defined contribution plan. 837

(D) "Contributor" means any person who has an account in 838

the teachers' savings fund or defined contribution fund, except 839  
that "contributor" does not mean a member or retirant's 840  
surviving spouse with an account in an STRS defined contribution 841  
plan. 842

(E) "Beneficiary" means any person eligible to receive, or 843  
in receipt of, a retirement allowance or other benefit provided 844  
by this chapter. 845

(F) "Year" means the year beginning the first day of July 846  
and ending with the thirtieth day of June next following, except 847  
that for the purpose of determining final average salary under 848  
the plan described in sections 3307.50 to 3307.79 of the Revised 849  
Code, "year" may mean the contract year. 850

(G) "Local district pension system" means any school 851  
teachers pension fund created in any school district of the 852  
state in accordance with the laws of the state prior to 853  
September 1, 1920. 854

(H) "Employer contribution" means the amount paid by an 855  
employer, as determined by the employer rate, including the 856  
normal and deficiency rates, contributions, and funds wherever 857  
used in this chapter. 858

(I) "Five years of service credit" means employment 859  
covered under this chapter and employment covered under a former 860  
retirement plan operated, recognized, or endorsed by a college, 861  
institute, university, or political subdivision of this state 862  
prior to coverage under this chapter. 863

(J) "Actuary" means an actuarial professional contracted 864  
with or employed by the state teachers retirement board, who 865  
shall be either of the following: 866

(1) A member of the American academy of actuaries; 867

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	868 869
(K) "Fiduciary" means a person who does any of the following:	870 871
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	872 873 874
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	875 876
(3) Has any discretionary authority or responsibility in the administration of the system.	877 878
(L) (1) (a) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	879 880 881 882 883 884 885 886 887 888
(b) Except as provided in division (L) (1) (c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:	889 890 891 892 893 894
(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest	895 896



compounded annually at a rate determined by the state teachers 897  
retirement board, for each year or portion of a year for which 898  
amounts are paid under the order or agreement; 899

(ii) Teacher and employer contributions under sections 900  
3307.26 and 3307.28 of the Revised Code, plus interest 901  
compounded annually at a rate determined by the board, for each 902  
year or portion of a year not subject to division (L) (1) (b) (i) 903  
of this section for which the board determines the teacher was 904  
improperly paid, regardless of the teacher's ability to recover 905  
on such amounts improperly paid. 906

(c) If any portion of an amount paid by an employer as a 907  
retroactive payment of earnings, damages, or back pay is for an 908  
amount, benefit, or payment described in division (L) (2) of this 909  
section, that portion of the amount is not compensation under 910  
this section. 911

(2) Compensation does not include any of the following: 912

(a) Payments for accrued but unused sick leave or personal 913  
leave, including payments made under a plan established pursuant 914  
to section 124.39 of the Revised Code or any other plan 915  
established by the employer; 916

(b) Payments made for accrued but unused vacation leave, 917  
including payments made pursuant to section 124.13 of the 918  
Revised Code or a plan established by the employer; 919

(c) Payments made for vacation pay covering concurrent 920  
periods for which other salary, compensation, or benefits under 921  
this chapter or Chapter 145. or 3309. of the Revised Code are 922  
paid; 923

(d) Amounts paid by the employer to provide life 924  
insurance, sickness, accident, endowment, health, medical, 925

hospital, dental, or surgical coverage, or other insurance for 926  
the teacher or the teacher's family, or amounts paid by the 927  
employer to the teacher in lieu of providing the insurance; 928

(e) Incidental benefits, including lodging, food, laundry, 929  
parking, or services furnished by the employer, use of the 930  
employer's property or equipment, and reimbursement for job- 931  
related expenses authorized by the employer, including moving 932  
and travel expenses and expenses related to professional 933  
development; 934

(f) Payments made by the employer in exchange for a 935  
member's waiver of a right to receive any payment, amount, or 936  
benefit described in division (L) (2) of this section; 937

(g) Payments by the employer for services not actually 938  
rendered; 939

(h) Any amount paid by the employer as a retroactive 940  
increase in salary, wages, or other earnings, unless the 941  
increase is one of the following: 942

(i) A retroactive increase paid to a member employed by a 943  
school district board of education in a position that requires a 944  
license designated for teaching and not designated for being an 945  
administrator issued under section 3319.22 of the Revised Code 946  
that is paid in accordance with uniform criteria applicable to 947  
all members employed by the board in positions requiring the 948  
licenses; 949

(ii) A retroactive increase paid to a member employed by a 950  
school district board of education in a position that requires a 951  
license designated for being an administrator issued under 952  
section 3319.22 of the Revised Code that is paid in accordance 953  
with uniform criteria applicable to all members employed by the 954

board in positions requiring the licenses;	955
(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L) (2) (h) (i) of this section;	956 957 958
(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.	959 960 961 962
(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a) (17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a) (17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d) (3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472.	963 964 965 966 967 968 969 970 971 972
(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;	973 974 975 976 977 978
(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire.	979 980 981
(3) The retirement board shall determine both of the following:	982 983

(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;	984 985
(b) Whether any form of earnings not enumerated in this division is to be included in compensation.	986 987
Decisions of the board made under this division shall be final.	988 989
(M) "Superannuate" means both of the following:	990
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	991 992 993
(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.	994 995 996 997 998
For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.	999 1000 1001 1002 1003
(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.	1004 1005
(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section.	1006 1007 1008
(P) "Faculty" means the teaching staff of a university, college, or school, including any academic administrators.	1009 1010

**Sec. 3307.24.** The state teachers retirement board may deny 1011  
the right to contribute or the right to become members to any 1012  
class of teachers whose compensation is partly paid by the 1013  
state, who are not serving on a per annum basis, who are on a 1014  
temporary basis, or who are not required to have an educator 1015  
license or registration, and it may also make optional with 1016  
teachers in any such class their right to contribute, or their 1017  
right to individual entrance into membership. 1018

The state teachers retirement board may at any time deny 1019  
the right to contribute or the right to membership to any 1020  
teacher whose compensation, though disbursed by an employer, is 1021  
reimbursed to the employer, in whole or in part, from other than 1022  
public funds. 1023

**Sec. 3309.01.** As used in this chapter: 1024

(A) "Employer" or "public employer" means boards of 1025  
education, school districts, joint vocational districts, 1026  
governing authorities of community schools established under 1027  
Chapter 3314. of the Revised Code, a science, technology, 1028  
engineering, and mathematics school established under Chapter 1029  
3326. of the Revised Code, educational institutions, technical 1030  
colleges, state, municipal, and community colleges, community 1031  
college branches, universities, university branches, other 1032  
educational institutions, or other agencies within the state by 1033  
which an employee is employed and paid, including any 1034  
organization using federal funds, provided the federal funds are 1035  
disbursed by an employer as determined by the above. In all 1036  
cases of doubt, the school employees retirement board shall 1037  
determine whether any employer is an employer as defined in this 1038  
chapter, and its decision shall be final. 1039

(B) "Employee" means all of the following: 1040

(1) Any person employed by a public employer in a position 1041  
for which the person is not required to have a registration, 1042  
certificate, or license issued pursuant to sections 3319.22 to 1043  
3319.31 of the Revised Code; 1044

(2) Any person who performs a service common to the normal 1045  
daily operation of an educational unit even though the person is 1046  
employed and paid by one who has contracted with an employer to 1047  
perform the service, and the contracting board or educational 1048  
unit shall be the employer for the purposes of administering the 1049  
provisions of this chapter; 1050

(3) Any person, not a faculty member, employed in any 1051  
school or college or other institution wholly controlled and 1052  
managed, and wholly or partly supported by the state or any 1053  
political subdivision thereof, the board of trustees, or other 1054  
managing body of which shall accept the requirements and 1055  
obligations of this chapter. 1056

In all cases of doubt, the school employees retirement 1057  
board shall determine whether any person is an employee, as 1058  
defined in this division, and its decision is final. 1059

(C) "Prior service" means all service rendered prior to 1060  
September 1, 1937: 1061

(1) As an employee as defined in division (B) of this 1062  
section; 1063

(2) As an employee in a capacity covered by the public 1064  
employees retirement system or the state teachers retirement 1065  
system; 1066

(3) As an employee of an institution in another state, 1067  
service credit for which was procured by a member under the 1068  
provisions of section 3309.31 of the Revised Code. 1069

Prior service, for service as an employee in a capacity 1070  
covered by the public employees retirement system or the state 1071  
teachers retirement system, shall be granted a member under 1072  
qualifications identical to the laws and rules applicable to 1073  
service credit in those systems. 1074

Prior service shall not be granted any member for service 1075  
rendered in a capacity covered by the public employees 1076  
retirement system, the state teachers retirement system, and 1077  
this system in the event the service credit has, in the 1078  
respective systems, been received, waived by exemption, or 1079  
forfeited by withdrawal of contributions, except as provided in 1080  
this chapter. 1081

If a member who has been granted prior service should, 1082  
subsequent to September 16, 1957, and before retirement, 1083  
establish three years of contributing service in the public 1084  
employees retirement system, or one year in the state teachers 1085  
retirement system, then the prior service granted shall become, 1086  
at retirement, the liability of the other system, if the prior 1087  
service or employment was in a capacity that is covered by that 1088  
system. 1089

The provisions of this division shall not cancel any prior 1090  
service granted a member by the school employees retirement 1091  
board prior to August 1, 1959. 1092

(D) "Total service," "total service credit," or "Ohio 1093  
service credit" means all contributing service of a member of 1094  
the school employees retirement system, and all prior service, 1095  
computed as provided in this chapter, and all service 1096  
established pursuant to sections 3309.31, 3309.311, and 3309.33 1097  
of the Revised Code. In addition, "total service" includes any 1098  
period, not in excess of three years, during which a member was 1099

out of service and receiving benefits from the state insurance fund, provided the injury or incapacitation was the direct result of school employment.

(E) "Member" means any employee, except an SERS retirant or other system retirant as defined in section 3309.341 of the Revised Code, who has established membership in the school employees retirement system. "Member" includes a disability benefit recipient.

(F) "Contributor" means any person who has an account in the employees' savings fund. When used in the sections listed in division (B) of section 3309.82 of the Revised Code, "contributor" includes any person participating in a plan established under section 3309.81 of the Revised Code.

(G) "Retirant" means any former member who retired and is receiving a retirement allowance under section 3309.36 or 3309.381 or former section 3309.38 of the Revised Code.

(H) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a contributor or retirant, qualifies for or is receiving some right or benefit under this chapter.

(I) "Interest," as specified in division (E) of section 3309.60 of the Revised Code, means interest at the rates for the respective funds and accounts as the school employees retirement board may determine from time to time.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's account in the employees' savings fund together with any regular interest credited thereon at the rates approved by the retirement board prior to retirement.



(K) "Final average salary" means the sum of the annual 1129  
compensation for the three highest years of compensation for 1130  
which contributions were made by the member, divided by three. 1131  
If the member has a partial year of contributing service in the 1132  
year in which the member terminates employment and the partial 1133  
year is at a rate of compensation that is higher than the rate 1134  
of compensation for any one of the highest three years of annual 1135  
earnings, the board shall substitute the compensation earned for 1136  
the partial year for the compensation earned for a similar 1137  
fractional portion in the lowest of the three high years of 1138  
annual compensation before dividing by three. If a member has 1139  
less than three years of contributing membership, the final 1140  
average salary shall be the total compensation divided by the 1141  
total number of years, including any fraction of a year, of 1142  
contributing service. 1143

(L) "Annuity" means payments for life derived from 1144  
contributions made by a contributor and paid from the annuity 1145  
and pension reserve fund as provided in this chapter. All 1146  
annuities shall be paid in twelve equal monthly installments. 1147

(M) (1) "Pension" means annual payments for life derived 1148  
from appropriations made by an employer and paid from the 1149  
employers' trust fund or the annuity and pension reserve fund. 1150  
All pensions shall be paid in twelve equal monthly installments. 1151

(2) "Disability retirement" means retirement as provided 1152  
in section 3309.40 of the Revised Code. 1153

(N) "Retirement allowance" means the pension plus the 1154  
annuity. 1155

(O) (1) "Benefit" means a payment, other than a retirement 1156  
allowance or the annuity paid under section 3309.344 of the 1157

Revised Code, payable from the accumulated contributions of the 1158  
member or the employer, or both, under this chapter and includes 1159  
a disability allowance or disability benefit. 1160

(2) "Disability allowance" means an allowance paid on 1161  
account of disability under section 3309.401 of the Revised 1162  
Code. 1163

(3) "Disability benefit" means a benefit paid as 1164  
disability retirement under section 3309.40 of the Revised Code, 1165  
as a disability allowance under section 3309.401 of the Revised 1166  
Code, or as a disability benefit under section 3309.35 of the 1167  
Revised Code. 1168

(P) "Annuity reserve" means the present value, computed 1169  
upon the basis of mortality tables adopted by the school 1170  
employees retirement board, of all payments to be made on 1171  
account of any annuity, or benefit in lieu of any annuity, 1172  
granted to a retirant. 1173

(Q) "Pension reserve" means the present value, computed 1174  
upon the basis of mortality tables adopted by the school 1175  
employees retirement board, of all payments to be made on 1176  
account of any pension, or benefit in lieu of any pension, 1177  
granted to a retirant or a beneficiary. 1178

(R) "Year" means the year beginning the first day of July 1179  
and ending with the thirtieth day of June next following. 1180

(S) "Local district pension system" means any school 1181  
employees' pension fund created in any school district of the 1182  
state prior to September 1, 1937. 1183

(T) "Employer contribution" means the amount paid by an 1184  
employer as determined under section 3309.49 of the Revised 1185  
Code. 1186

(U) "Fiduciary" means a person who does any of the	1187
following:	1188
(1) Exercises any discretionary authority or control with	1189
respect to the management of the system, or with respect to the	1190
management or disposition of its assets;	1191
(2) Renders investment advice for a fee, direct or	1192
indirect, with respect to money or property of the system;	1193
(3) Has any discretionary authority or responsibility in	1194
the administration of the system.	1195
(V) (1) Except as otherwise provided in this division,	1196
"compensation" means all salary, wages, and other earnings paid	1197
to a contributor by reason of employment. The salary, wages, and	1198
other earnings shall be determined prior to determination of the	1199
amount required to be contributed to the employees' savings fund	1200
under section 3309.47 of the Revised Code and without regard to	1201
whether any of the salary, wages, or other earnings are treated	1202
as deferred income for federal income tax purposes.	1203
(2) Compensation does not include any of the following:	1204
(a) Payments for accrued but unused sick leave or personal	1205
leave, including payments made under a plan established pursuant	1206
to section 124.39 of the Revised Code or any other plan	1207
established by the employer;	1208
(b) Payments made for accrued but unused vacation leave,	1209
including payments made pursuant to section 124.13 of the	1210
Revised Code or a plan established by the employer;	1211
(c) Payments made for vacation pay covering concurrent	1212
periods for which other salary or compensation is also paid or	1213
during which benefits are paid under this chapter;	1214

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;

(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a) (17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a) (17), as amended. For a contributor who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d) (3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472;

(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;

(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to

retire, except that payments made on or before January 1, 1989, 1245  
that are based on or attributable to an agreement to retire 1246  
shall be included in compensation if both of the following 1247  
apply: 1248

(i) The payments are made in accordance with contract 1249  
provisions that were in effect prior to January 1, 1986. 1250

(ii) The employer pays the retirement system an amount 1251  
specified by the retirement board equal to the additional 1252  
liability from the payments. 1253

(3) The retirement board shall determine by rule whether 1254  
any form of earnings not enumerated in this division is to be 1255  
included in compensation, and its decision shall be final. 1256

(W) "Disability benefit recipient" means a member who is 1257  
receiving a disability benefit. 1258

(X) "Actuary" means an individual who satisfies all of the 1259  
following requirements: 1260

(1) Is a member of the American academy of actuaries; 1261

(2) Is an associate or fellow of the society of actuaries; 1262

(3) Has a minimum of five years' experience in providing 1263  
actuarial services to public retirement plans. 1264

**Sec. 3309.011.** "Employee" as defined in division (B) of 1265  
section 3309.01 of the Revised Code, does not include any of the 1266  
following: 1267

(A) Any person having a license or registration issued 1268  
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 1269  
employed in a public school in this state in an educational 1270  
position, as determined by the state board of education, under 1271

programs provided for by federal acts or regulations and 1272  
financed in whole or in part from federal funds, but for which 1273  
no licensure requirements for the position can be made under the 1274  
provisions of such federal acts or regulations; 1275

(B) Any person who participates in an alternative 1276  
retirement plan established under Chapter 3305. of the Revised 1277  
Code; 1278

(C) Any person who elects to transfer from the school 1279  
employees retirement system to the public employees retirement 1280  
system under section 3309.312 of the Revised Code; 1281

(D) Any person whose full-time employment by the 1282  
university of Akron as a state university law enforcement 1283  
officer pursuant to section 3345.04 of the Revised Code 1284  
commences on or after September 16, 1998; 1285

(E) Any person described in division (B) of section 1286  
3309.013 of the Revised Code; 1287

(F) Any person described in division (D) of section 1288  
145.011 of the Revised Code; 1289

(G) Any person described in division (B) (1) (b) of section 1290  
3307.01 of the Revised Code. 1291

**Sec. 3313.68.** (A) The board of education of each city, 1292  
exempted village, or local school district may appoint one or 1293  
more school physicians and one or more school dentists. Two or 1294  
more school districts may unite and employ one such physician 1295  
and at least one such dentist whose duties shall be such as are 1296  
prescribed by law. Said school physician shall hold a license to 1297  
practice medicine in Ohio, and each school dentist shall be 1298  
licensed to practice in this state. School physicians and 1299  
dentists may be discharged at any time by the board of 1300

education. School physicians and dentists shall serve one year 1301  
and until their successors are appointed and shall receive such 1302  
compensation as the board of education determines. The board of 1303  
education may also employ registered nurses, as defined by 1304  
section 4723.01 ~~and licensed as school nurses under section~~ 1305  
~~3319.221~~ of the Revised Code, to aid in such inspection in such 1306  
ways as are prescribed by it, and to aid in the conduct and 1307  
coordination of the school health service program. The school 1308  
dentists shall make such examinations and diagnoses and render 1309  
such remedial or corrective treatment for the school children as 1310  
is prescribed by the board of education; provided that all such 1311  
remedial or corrective treatment shall be limited to the 1312  
children whose parents cannot otherwise provide for same, and 1313  
then only with the written consent of the parents or guardians 1314  
of such children. School dentists may also conduct such oral 1315  
hygiene educational work as is authorized by the board of 1316  
education. 1317

The board of education may delegate the duties and powers 1318  
provided for in this section to the board of health or officer 1319  
performing the functions of a board of health within the school 1320  
district, if such board or officer is willing to assume the 1321  
same. Boards of education shall co-operate with boards of health 1322  
in the prevention and control of epidemics. 1323

(B) Notwithstanding any provision of the Revised Code to 1324  
the contrary, the board of education of each city, exempted 1325  
village, or local school district may contract with an 1326  
educational service center for the services of a school nurse, ~~or~~ 1327  
~~licensed under section 3319.221 of the Revised Code,~~ or of a 1328  
registered nurse or licensed practical nurse, licensed under 1329  
Chapter 4723. of the Revised Code, to provide services to 1330  
students in the district pursuant to section 3313.7112 of the 1331

Revised Code. 1332

(C) In lieu of appointing or employing a school physician 1333  
or dentist pursuant to division (A) of this section or entering 1334  
into a contract for the services of a school nurse pursuant to 1335  
division (B) of this section, the board of education of each 1336  
city, exempted village, or local school district may enter into 1337  
a contract under section 3313.721 of the Revised Code for the 1338  
purpose of providing health care services to students. 1339

**Sec. 3313.7110.** (A) The board of education of each city, 1340  
local, exempted village, or joint vocational school district may 1341  
procure epinephrine autoinjectors for each school operated by 1342  
the district to have on the school premises for use in emergency 1343  
situations identified under division (C) (5) of this section by 1344  
doing one of the following: 1345

(1) Having a licensed health professional authorized to 1346  
prescribe drugs, acting in accordance with section 4723.483, 1347  
4730.433, or 4731.96 of the Revised Code, personally furnish the 1348  
epinephrine autoinjectors to the school or school district or 1349  
issue a prescription for them in the name of the school or 1350  
district; 1351

(2) Having the district's superintendent obtain a 1352  
prescriber-issued protocol that includes definitive orders for 1353  
epinephrine autoinjectors and the dosages of epinephrine to be 1354  
administered through them. 1355

A district board that elects to procure epinephrine 1356  
autoinjectors under this section is encouraged to maintain, at 1357  
all times, at least two epinephrine ~~injectors~~ autoinjectors at 1358  
each school operated by the district. 1359

(B) A district board that elects to procure epinephrine 1360



autoinjectors under this section shall require the district's 1361  
superintendent to adopt a policy governing their maintenance and 1362  
use. Before adopting the policy, the superintendent shall 1363  
consult with a licensed health professional authorized to 1364  
prescribe drugs. 1365

(C) The policy adopted under division (B) of this section 1366  
shall do all of the following: 1367

(1) Identify the one or more locations in each school 1368  
operated by the district in which an epinephrine autoinjector 1369  
must be stored; 1370

(2) Specify the conditions under which an epinephrine 1371  
autoinjector must be stored, replaced, and disposed; 1372

(3) Specify the individuals employed by or under contract 1373  
with the district board, in addition to a school nurse ~~licensed~~ 1374  
~~under section 3319.221 of the Revised Code~~ or an athletic 1375  
trainer, licensed under Chapter 4755. of the Revised Code, who 1376  
may access and use an epinephrine autoinjector to provide a 1377  
dosage of epinephrine to an individual in an emergency situation 1378  
identified under division (C) (5) of this section; 1379

(4) Specify any training that employees or contractors 1380  
specified under division (C) (3) of this section, other than a 1381  
school nurse or athletic trainer, must complete before being 1382  
authorized to access and use an epinephrine autoinjector; 1383

(5) Identify the emergency situations, including when an 1384  
individual exhibits signs and symptoms of anaphylaxis, in which 1385  
a school nurse, athletic trainer, or other employees or 1386  
contractors specified under division (C) (3) of this section may 1387  
access and use an epinephrine autoinjector; 1388

(6) Specify that assistance from an emergency medical 1389

service provider must be requested immediately after an 1390  
epinephrine autoinjector is used; 1391

(7) Specify the individuals, in addition to students, 1392  
school employees or contractors, and school visitors, to whom a 1393  
dosage of epinephrine may be administered through an epinephrine 1394  
autoinjector in an emergency situation specified under division 1395  
(C) (5) of this section. 1396

(D) (1) The following are not liable in damages in a civil 1397  
action for injury, death, or loss to person or property that 1398  
allegedly arises from an act or omission associated with 1399  
procuring, maintaining, accessing, or using an epinephrine 1400  
autoinjector under this section, unless the act or omission 1401  
constitutes willful or wanton misconduct: 1402

(a) A school or school district; 1403

(b) A member of a district board of education; 1404

(c) A district or school employee or contractor; 1405

(d) A licensed health professional authorized to prescribe 1406  
drugs who personally furnishes or prescribes epinephrine 1407  
autoinjectors, consults with a superintendent, or issues a 1408  
protocol pursuant to this section. 1409

(2) This section does not eliminate, limit, or reduce any 1410  
other immunity or defense that a school or school district, 1411  
member of a district board of education, district or school 1412  
employee or contractor, or licensed health professional may be 1413  
entitled to under Chapter 2744. or any other provision of the 1414  
Revised Code or under the common law of this state. 1415

(E) A school district board of education may accept 1416  
donations of epinephrine autoinjectors from a wholesale 1417

distributor of dangerous drugs or a manufacturer of dangerous 1418  
drugs, as defined in section 4729.01 of the Revised Code, and 1419  
may accept donations of money from any person to purchase 1420  
epinephrine autoinjectors. 1421

(F) A district board that elects to procure epinephrine 1422  
autoinjectors under this section shall report to the department 1423  
of education each procurement and occurrence in which an 1424  
epinephrine autoinjector is used from a school's supply of 1425  
epinephrine autoinjectors. 1426

(G) As used in this section, "licensed health professional 1427  
authorized to prescribe drugs" and "prescriber" have the same 1428  
meanings as in section 4729.01 of the Revised Code. 1429

**Sec. 3313.7113.** (A) As used in this section, "inhaler" 1430  
means a device that delivers medication to alleviate asthmatic 1431  
symptoms, is manufactured in the form of a metered dose inhaler 1432  
or dry powdered inhaler, and may include a spacer, holding 1433  
chamber, or other device that attaches to the inhaler and is 1434  
used to improve the delivery of the medication. 1435

(B) The board of education of each city, local, exempted 1436  
village, or joint vocational school district may procure 1437  
inhalers for each school operated by the district to have on the 1438  
school premises for use in emergency situations identified under 1439  
division (D) (5) of this section. A district board that elects to 1440  
procure inhalers under this section is encouraged to maintain, 1441  
at all times, at least two inhalers at each school operated by 1442  
the district. 1443

(C) A district board that elects to procure inhalers under 1444  
this section shall require the district's superintendent to 1445  
adopt a policy governing their maintenance and use. Before 1446

adopting the policy, the superintendent shall consult with a 1447  
licensed health professional authorized to prescribe drugs, as 1448  
defined in section 4729.01 of the Revised Code. 1449

(D) A component of a policy adopted by a superintendent 1450  
under division (C) of this section shall be a prescriber-issued 1451  
protocol specifying definitive orders for inhalers, including 1452  
the dosages of medication to be administered through them, the 1453  
number of times that each inhaler may be used before disposal, 1454  
and the methods of disposal. The policy also shall do all of the 1455  
following: 1456

(1) Identify the one or more locations in each school 1457  
operated by the district in which an inhaler must be stored; 1458

(2) Specify the conditions under which an inhaler must be 1459  
stored, replaced, and disposed; 1460

(3) Specify the individuals employed by or under contract 1461  
with the district board, in addition to a school nurse ~~licensed~~ 1462  
~~under section 3319.221 of the Revised Code~~ or an athletic 1463  
trainer, licensed under Chapter 4755. of the Revised Code, who 1464  
may access and use an inhaler to provide a dosage of medication 1465  
to an individual in an emergency situation identified under 1466  
division (D) (5) of this section; 1467

(4) Specify any training that employees or contractors 1468  
specified under division (D) (3) of this section, other than a 1469  
school nurse or athletic trainer, must complete before being 1470  
authorized to access and use an inhaler; 1471

(5) Identify the emergency situations, including when an 1472  
individual exhibits signs and symptoms of asthma, in which a 1473  
school nurse, athletic trainer, or other employees or 1474  
contractors specified under division (D) (3) of this section may 1475

access and use an inhaler; 1476

(6) Specify that assistance from an emergency medical 1477  
service provider must be requested immediately after an employee 1478  
or contractor, other than a school nurse, athletic trainer, or 1479  
another licensed health professional, uses an inhaler; 1480

(7) Specify the individuals, in addition to students, 1481  
school employees or contractors, and school visitors, to whom a 1482  
dosage of medication may be administered through an inhaler in 1483  
an emergency situation specified under division (D)(5) of this 1484  
section. 1485

(E) A school or school district, a member of a district 1486  
board of education, or a district or school employee or 1487  
contractor is not liable in damages in a civil action for 1488  
injury, death, or loss to person or property that allegedly 1489  
arises from an act or omission associated with procuring, 1490  
maintaining, accessing, or using an inhaler under this section, 1491  
unless the act or omission constitutes willful or wanton 1492  
misconduct. 1493

This section does not eliminate, limit, or reduce any 1494  
other immunity or defense that a school or school district, 1495  
member of a district board of education, or district or school 1496  
employee or contractor may be entitled to under Chapter 2744. or 1497  
any other provision of the Revised Code or under the common law 1498  
of this state. 1499

(F) A school district board of education may accept 1500  
donations of inhalers from a wholesale distributor of dangerous 1501  
drugs or a manufacturer of dangerous drugs, as defined in 1502  
section 4729.01 of the Revised Code, and may accept donations of 1503  
money from any person to purchase inhalers. 1504

(G) A district board that elects to procure inhalers under 1505  
this section shall report to the department of education each 1506  
procurement and occurrence in which an inhaler is used from a 1507  
school's supply of inhalers. 1508

**Sec. 3313.721.** (A) Notwithstanding anything to the 1509  
contrary in the Revised Code, the board of education of a school 1510  
district may enter into a contract with a hospital registered 1511  
under section 3701.07 of the Revised Code or an appropriately 1512  
licensed health care provider for the purpose of providing 1513  
health care services specifically authorized by the Revised Code 1514  
to students. 1515

(B) Notwithstanding anything to the contrary in the 1516  
Revised Code, the board of education of a school district may 1517  
enter into a contract with a federally qualified health center 1518  
or federally qualified health center look-alike for the purpose 1519  
of providing health care services specifically authorized by the 1520  
Revised Code to students. 1521

(C) If the board enters into a contract with a hospital or 1522  
health care provider under division (A) of this section or with 1523  
a federally qualified health center or federally qualified 1524  
health center look-alike under division (B) of this section, ~~the~~ 1525  
~~requirement to obtain a school nurse license or school nurse~~ 1526  
~~wellness coordinator license under section 3319.221 of the~~ 1527  
~~Revised Code, or any rules related to this requirement, shall~~ 1528  
~~not apply to an each~~ employee of the hospital, health care 1529  
provider, federally qualified health center, or federally 1530  
qualified health center look-alike who is providing the services 1531  
of a nurse under that contract. ~~However, at a minimum, the~~ 1532  
~~employee~~ shall hold a credential that is equivalent to being 1533  
licensed as a registered nurse or licensed practical nurse under 1534

Chapter 4723. of the Revised Code. 1535

(D) As used in this section, "federally qualified health center" and "federally qualified health center look-alike" have the same meanings as in section 3701.047 of the Revised Code. 1536  
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**Sec. 3319.22.** (A) (1) The state board of education shall issue the following educator licenses: 1539  
1540

(a) A resident educator license, which shall be valid for ~~four~~two years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A) (3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code; 1541  
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(b) A professional educator license, which shall be valid for five years and shall be renewable; 1548  
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(c) A senior professional educator license, which shall be valid for five years and shall be renewable; 1550  
1551

(d) A lead professional educator license, which shall be valid for five years and shall be renewable. 1552  
1553

Licenses issued under division (A) (1) of this section on and after ~~the effective date of this amendment~~ November 2, 2018, shall specify whether the educator is licensed to teach grades pre-kindergarten through five, grades four through nine, or grades seven through twelve. The changes to the grade band specifications under this amendment shall not apply to a person who holds a license under division (A) (1) of this section prior to ~~the effective date of this amendment~~ November 2, 2018. 1554  
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Further, the changes to the grade band specifications under this amendment shall not apply to any license issued to teach in the 1562  
1563

area of computer information science, bilingual education, 1564  
dance, drama or theater, world language, health, library or 1565  
media, music, physical education, teaching English to speakers 1566  
of other languages, career-technical education, or visual arts 1567  
or to any license issued to an intervention specialist, 1568  
including a gifted intervention specialist, or to any other 1569  
license that does not align to the grade band specifications. 1570

(2) The state board may issue any additional educator 1571  
licenses of categories, types, and levels the board elects to 1572  
provide. 1573

(3) The state board shall adopt rules establishing the 1574  
standards and requirements for obtaining each educator license 1575  
issued under this section. The rules shall also include the 1576  
reasons for which a resident educator license may be renewed 1577  
under division (A) (1) (a) of this section. 1578

(B) The rules adopted under this section shall require at 1579  
least the following standards and qualifications for the 1580  
educator licenses described in division (A) (1) of this section: 1581

(1) An applicant for a resident educator license shall 1582  
hold at least a bachelor's degree from an accredited teacher 1583  
preparation program or be a participant in the teach for America 1584  
program and meet the qualifications required under section 1585  
3319.227 of the Revised Code. 1586

(2) An applicant for a professional educator license 1587  
shall: 1588

(a) Hold at least a bachelor's degree from an institution 1589  
of higher education accredited by a regional accrediting 1590  
organization; 1591

(b) Have successfully completed the Ohio teacher residency 1592



program established under section 3319.223 of the Revised Code, 1593  
if the applicant's current or most recently issued license is a 1594  
resident educator license issued under this section or an 1595  
alternative resident educator license issued under section 1596  
3319.26 of the Revised Code. 1597

(3) An applicant for a senior professional educator 1598  
license shall: 1599

(a) Hold at least a master's degree from an institution of 1600  
higher education accredited by a regional accrediting 1601  
organization; 1602

(b) Have previously held a professional educator license 1603  
issued under this section or section 3319.222 or under former 1604  
section 3319.22 of the Revised Code; 1605

(c) Meet the criteria for the accomplished or 1606  
distinguished level of performance, as described in the 1607  
standards for teachers adopted by the state board under section 1608  
3319.61 of the Revised Code. 1609

(4) An applicant for a lead professional educator license 1610  
shall: 1611

(a) Hold at least a master's degree from an institution of 1612  
higher education accredited by a regional accrediting 1613  
organization; 1614

(b) Have previously held a professional educator license 1615  
or a senior professional educator license issued under this 1616  
section or a professional educator license issued under section 1617  
3319.222 or former section 3319.22 of the Revised Code; 1618

(c) Meet the criteria for the distinguished level of 1619  
performance, as described in the standards for teachers adopted 1620

by the state board under section 3319.61 of the Revised Code; 1621

(d) Either hold a valid certificate issued by the national 1622  
board for professional teaching standards or meet the criteria 1623  
for a master teacher or other criteria for a lead teacher 1624  
adopted by the educator standards board under division (F) (4) or 1625  
(5) of section 3319.61 of the Revised Code. 1626

(C) The state board shall align the standards and 1627  
qualifications for obtaining a principal license with the 1628  
standards for principals adopted by the state board under 1629  
section 3319.61 of the Revised Code. 1630

(D) If the state board requires any examinations for 1631  
educator licensure, the department of education shall provide 1632  
the results of such examinations received by the department to 1633  
the chancellor of higher education, in the manner and to the 1634  
extent permitted by state and federal law. 1635

(E) Any rules the state board of education adopts, amends, 1636  
or rescinds for educator licenses under this section, division 1637  
(D) of section 3301.07 of the Revised Code, or any other law 1638  
shall be adopted, amended, or rescinded under Chapter 119. of 1639  
the Revised Code except as follows: 1640

(1) Notwithstanding division (E) of section 119.03 and 1641  
division (A) (1) of section 119.04 of the Revised Code, in the 1642  
case of the adoption of any rule or the amendment or rescission 1643  
of any rule that necessitates institutions' offering preparation 1644  
programs for educators and other school personnel that are 1645  
approved by the chancellor of higher education under section 1646  
3333.048 of the Revised Code to revise the curriculum of those 1647  
programs, the effective date shall not be as prescribed in 1648  
division (E) of section 119.03 and division (A) (1) of section 1649

119.04 of the Revised Code. Instead, the effective date of such 1650  
rules, or the amendment or rescission of such rules, shall be 1651  
the date prescribed by section 3333.048 of the Revised Code. 1652

(2) Notwithstanding the authority to adopt, amend, or 1653  
rescind emergency rules in division (G) of section 119.03 of the 1654  
Revised Code, this authority shall not apply to the state board 1655  
of education with regard to rules for educator licenses. 1656

(F)(1) The rules adopted under this section establishing 1657  
standards requiring additional coursework for the renewal of any 1658  
educator license shall require a school district and a chartered 1659  
nonpublic school to establish local professional development 1660  
committees. In a nonpublic school, the chief administrative 1661  
officer shall establish the committees in any manner acceptable 1662  
to such officer. The committees established under this division 1663  
shall determine whether coursework that a district or chartered 1664  
nonpublic school teacher proposes to complete meets the 1665  
requirement of the rules. The department of education shall 1666  
provide technical assistance and support to committees as the 1667  
committees incorporate the professional development standards 1668  
adopted by the state board of education pursuant to section 1669  
3319.61 of the Revised Code into their review of coursework that 1670  
is appropriate for license renewal. The rules shall establish a 1671  
procedure by which a teacher may appeal the decision of a local 1672  
professional development committee. 1673

(2) In any school district in which there is no exclusive 1674  
representative established under Chapter 4117. of the Revised 1675  
Code, the professional development committees shall be 1676  
established as described in division (F)(2) of this section. 1677

Not later than the effective date of the rules adopted 1678  
under this section, the board of education of each school 1679

district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days prior to an anniversary of the date upon which the current committee structure was established, the board provides notice to all affected district employees that the committee structure is to be modified. Professional development committees may have a district-level or building-level scope of operations, and may be established with regard to particular grade or age levels for which an educator license is designated.

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall

appoint a replacement to fill any vacancy that occurs on a 1711  
professional development committee, except in the case of 1712  
vacancies among the elected classroom teacher members, which 1713  
shall be filled by vote of the remaining members of the 1714  
committee so selected. 1715

Terms of office on professional development committees 1716  
shall be prescribed by the district board establishing the 1717  
committees. The conduct of elections for members of professional 1718  
development committees shall be prescribed by the district board 1719  
establishing the committees. A professional development 1720  
committee may include additional members, except that the 1721  
majority of members on each such committee shall be classroom 1722  
teachers employed by the district. Any member appointed to fill 1723  
a vacancy occurring prior to the expiration date of the term for 1724  
which a predecessor was appointed shall hold office as a member 1725  
for the remainder of that term. 1726

The initial meeting of any professional development 1727  
committee, upon election and appointment of all committee 1728  
members, shall be called by a member designated by the district 1729  
superintendent. At this initial meeting, the committee shall 1730  
select a chairperson and such other officers the committee deems 1731  
necessary, and shall adopt rules for the conduct of its 1732  
meetings. Thereafter, the committee shall meet at the call of 1733  
the chairperson or upon the filing of a petition with the 1734  
district superintendent signed by a majority of the committee 1735  
members calling for the committee to meet. 1736

(3) In the case of a school district in which an exclusive 1737  
representative has been established pursuant to Chapter 4117. of 1738  
the Revised Code, professional development committees shall be 1739  
established in accordance with any collective bargaining 1740

agreement in effect in the district that includes provisions for 1741  
such committees. 1742

If the collective bargaining agreement does not specify a 1743  
different method for the selection of teacher members of the 1744  
committees, the exclusive representative of the district's 1745  
teachers shall select the teacher members. 1746

If the collective bargaining agreement does not specify a 1747  
different structure for the committees, the board of education 1748  
of the school district shall establish the structure, including 1749  
the number of committees and the number of teacher and 1750  
administrative members on each committee; the specific 1751  
administrative members to be part of each committee; whether the 1752  
scope of the committees will be district levels, building 1753  
levels, or by type of grade or age levels for which educator 1754  
licenses are designated; the lengths of terms for members; the 1755  
manner of filling vacancies on the committees; and the frequency 1756  
and time and place of meetings. However, in all cases, except as 1757  
provided in division (F)(4) of this section, there shall be a 1758  
majority of teacher members of any professional development 1759  
committee, there shall be at least five total members of any 1760  
professional development committee, and the exclusive 1761  
representative shall designate replacement members in the case 1762  
of vacancies among teacher members, unless the collective 1763  
bargaining agreement specifies a different method of selecting 1764  
such replacements. 1765

(4) Whenever an administrator's coursework plan is being 1766  
discussed or voted upon, the local professional development 1767  
committee shall, at the request of one of its administrative 1768  
members, cause a majority of the committee to consist of 1769  
administrative members by reducing the number of teacher members 1770

voting on the plan. 1771

(G) (1) The department of education, educational service 1772  
centers, county boards of developmental disabilities, college 1773  
and university departments of education, head start programs, 1774  
and the Ohio education computer network may establish local 1775  
professional development committees to determine whether the 1776  
coursework proposed by their employees who are licensed or 1777  
certificated under this section or section 3319.222 of the 1778  
Revised Code, or under the former version of either section as 1779  
it existed prior to October 16, 2009, meet the requirements of 1780  
the rules adopted under this section. They may establish local 1781  
professional development committees on their own or in 1782  
collaboration with a school district or other agency having 1783  
authority to establish them. 1784

Local professional development committees established by 1785  
county boards of developmental disabilities shall be structured 1786  
in a manner comparable to the structures prescribed for school 1787  
districts in divisions (F) (2) and (3) of this section, as shall 1788  
the committees established by any other entity specified in 1789  
division (G) (1) of this section that provides educational 1790  
services by employing or contracting for services of classroom 1791  
teachers licensed or certificated under this section or section 1792  
3319.222 of the Revised Code, or under the former version of 1793  
either section as it existed prior to October 16, 2009. All 1794  
other entities specified in division (G) (1) of this section 1795  
shall structure their committees in accordance with guidelines 1796  
which shall be issued by the state board. 1797

(2) Educational service centers may establish local 1798  
professional development committees to serve educators who are 1799  
not employed in schools in this state, including pupil services 1800

personnel who are licensed under this section. Local 1801  
professional development committees shall be structured in a 1802  
manner comparable to the structures prescribed for school 1803  
districts in divisions (F) (2) and (3) of this section. 1804

These committees may agree to review the coursework, 1805  
continuing education units, or other equivalent activities 1806  
related to classroom teaching or the area of licensure that is 1807  
proposed by an individual who satisfies both of the following 1808  
conditions: 1809

(a) The individual is licensed or certificated under this 1810  
section or under the former version of this section as it 1811  
existed prior to October 16, 2009. 1812

(b) The individual is not currently employed as an 1813  
educator or is not currently employed by an entity that operates 1814  
a local professional development committee under this section. 1815

Any committee that agrees to work with such an individual 1816  
shall work to determine whether the proposed coursework, 1817  
continuing education units, or other equivalent activities meet 1818  
the requirements of the rules adopted by the state board under 1819  
this section. 1820

(3) Any public agency that is not specified in ~~divisions~~ 1821  
division (G) (1) or (2) of this section but provides educational 1822  
services and employs or contracts for services of classroom 1823  
teachers licensed or certificated under this section or section 1824  
3319.222 of the Revised Code, or under the former version of 1825  
either section as it existed prior to October 16, 2009, may 1826  
establish a local professional development committee, subject to 1827  
the approval of the department of education. The committee shall 1828  
be structured in accordance with guidelines issued by the state 1829



board. 1830

(H) Not later than July 1, 2016, the state board, in 1831  
accordance with Chapter 119. of the Revised Code, shall adopt 1832  
rules pursuant to division (A) (3) of this section that do both 1833  
of the following: 1834

(1) Exempt consistently high-performing teachers from the 1835  
requirement to complete any additional coursework for the 1836  
renewal of an educator license issued under this section or 1837  
section 3319.26 of the Revised Code. The rules also shall 1838  
specify that such teachers are exempt from any requirements 1839  
prescribed by professional development committees established 1840  
under divisions (F) and (G) of this section. 1841

(2) For purposes of division (H) (1) of this section, the 1842  
state board shall define the term "consistently high-performing 1843  
teacher." 1844

Sec. 3319.221. (A) The state board of education, the 1845  
department of education, any city, local, exempted village, and 1846  
joint vocational school district board of education, and any 1847  
other public school, as defined in section 3301.0711 of the 1848  
Revised Code, shall not require a separate pupil services 1849  
license issued by the state board as a credential for working in 1850  
a public school, on either a permanent basis or a substitute or 1851  
other temporary basis, for the following licensed professionals: 1852

(1) A speech-language pathologist who holds a currently 1853  
valid license issued under Chapter 4753. of the Revised Code; 1854

(2) An audiologist who holds a currently valid license 1855  
issued under Chapter 4753. of the Revised Code; 1856

(3) A registered nurse who holds a bachelor's degree in 1857  
nursing and a currently valid license issued under Chapter 4723. 1858

of the Revised Code; 1859

(4) A physical therapist who holds a currently valid 1860  
license issued under Chapter 4755. of the Revised Code; 1861

(5) An occupational therapist who holds a currently valid 1862  
license issued under Chapter 4755. of the Revised Code; 1863

(6) A physical therapy assistant who holds a currently 1864  
valid license issued under Chapter 4755. of the Revised Code; 1865

(7) An occupational therapy assistant who holds a 1866  
currently valid license issued under Chapter 4755. of the 1867  
Revised Code; 1868

(8) A social worker who holds a currently valid license 1869  
issued under Chapter 4757. of the Revised Code. 1870

(B) A person employed by a school district or school for 1871  
any of the occupations listed in divisions (A)(1) to (8) of this 1872  
section shall be required to apply for and receive a 1873  
registration from the department of education. The registration 1874  
shall be valid for five years. As a condition of registration 1875  
under this section, an individual shall be subject to a criminal 1876  
records check as prescribed by section 3319.391 of the Revised 1877  
Code. In the manner prescribed by the department, the individual 1878  
shall submit the criminal records check to the department. The 1879  
department shall use the information submitted to enroll the 1880  
individual in the retained applicant fingerprint database, 1881  
established under section 109.5721 of the Revised Code, in the 1882  
same manner as any teacher licensed under sections 3319.22 to 1883  
3319.31 of the Revised Code. 1884

If the department receives notification of the arrest or 1885  
conviction of an individual registered under division (B) of 1886  
this section, the department shall promptly notify the employing 1887

district and may take any action authorized under sections 1888  
3319.31 and 3319.311 of the Revised Code that it considers 1889  
appropriate. No district shall employ any individual under 1890  
division (A) of this section if the district learns that the 1891  
individual has plead guilty to, has been found guilty by a jury 1892  
or court of, or has been convicted of any of the offenses listed 1893  
in division (C) of section 3319.31 of the Revised Code. 1894

(C) The department shall charge a registration fee of one 1895  
hundred fifty dollars each for the initial registration and one 1896  
hundred fifty dollars for renewal of the registration. 1897

**Sec. 3319.222.** (A) Notwithstanding the amendments to and 1898  
repeal of statutes by the act that enacted this section, the 1899  
state board of education shall accept applications for new, and 1900  
renewal and upgrade of, temporary, associate, provisional, and 1901  
professional educator licenses, alternative educator licenses, 1902  
one-year conditional teaching permits, and school nurse licenses 1903  
through December 31, 2010, and issue them on the basis of the 1904  
applications received by that date in accordance with the former 1905  
statutes in effect immediately prior to amendment or repeal by 1906  
the act that enacted this section. 1907

(B) A permanent teacher's certificate issued under former 1908  
sections 3319.22 to 3319.31 of the Revised Code prior to October 1909  
29, 1996, or under former section 3319.222 of the Revised Code 1910  
as it existed prior to ~~the effective date of this section~~ 1911  
October 16, 2009, shall be valid for teaching in the subject 1912  
areas and grades for which the certificate was issued, except as 1913  
the certificate is limited, suspended, or revoked under section 1914  
3319.31 of the Revised Code. 1915

(C) The following certificates, permits, or licenses shall 1916  
be valid until the certificate, permit, or license expires for 1917

teaching in the subject areas and grades for which the 1918  
certificate, permit, or license was issued, except as the 1919  
certificate, permit, or license is limited, suspended, or 1920  
revoked under section 3319.31 of the Revised Code: 1921

(1) Any professional teacher's certificate issued under 1922  
former section 3319.222 of the Revised Code, as it existed prior 1923  
to ~~the effective date of this section~~ October 16, 2009; 1924

(2) Any temporary, associate, provisional, or professional 1925  
educator license issued under former section 3319.22 of the 1926  
Revised Code, as it existed prior to ~~the effective date of this~~ 1927  
~~section~~ October 16, 2009, or under division (A) of this section; 1928

(3) Any alternative educator license issued under former 1929  
section 3319.26 of the Revised Code, as it existed prior to ~~the~~ 1930  
~~effective date of this section~~ October 16, 2009, or under 1931  
division (A) of this section; 1932

(4) Any one-year conditional teaching permit issued under 1933  
former section 3319.302 or 3319.304 of the Revised Code, as it 1934  
existed prior to ~~the effective date of this section~~ October 16, 1935  
2009, or under division (A) of this section. 1936

(D) Any school nurse license issued under former section 1937  
3319.22 of the Revised Code, as it existed prior to ~~the~~ 1938  
~~effective date of this section~~ October 16, 2009, or under 1939  
division (A) of this section shall be valid until the license 1940  
expires for employment as a school nurse, except as the license 1941  
is limited, suspended, or revoked under section 3319.31 of the 1942  
Revised Code. 1943

(E) Nothing in this section shall be construed to prohibit 1944  
a person from applying to the state board for an educator 1945  
license issued under section 3319.22 of the Revised Code, a 1946

school nurse license or a school nurse wellness coordinator 1947  
license issued under former section 3319.221 of the Revised 1948  
Code, or an alternative resident educator license issued under 1949  
section 3319.26 of the Revised Code, as the section exists on 1950  
and after ~~the effective date of this section~~ October 16, 2009. 1951

(F) On and after ~~the effective date of this section~~ 1952  
October 16, 2009, any reference in the Revised Code to educator 1953  
licensing is hereby deemed to refer also to certification or 1954  
licensure under divisions (A) to (D) of this section. 1955

**Sec. 3319.223.** (A) ~~Not later than January 1, 2011, the~~ The 1956  
superintendent of public instruction and the chancellor of 1957  
higher education jointly shall establish the Ohio teacher 1958  
residency program, which shall be a ~~four-year~~ two-year, entry- 1959  
level program for classroom teachers. Except as provided in 1960  
division (B) of this section, the teacher residency program 1961  
shall include at least the following components: 1962

(1) Mentoring by teachers ~~for the first two years of the~~ 1963  
~~program;~~ 1964

(2) Counseling, as determined necessary by the school 1965  
district or school, to ensure that program participants receive 1966  
needed professional development; 1967

(3) Measures of appropriate progression through the 1968  
program, which shall include the performance-based assessment 1969  
prescribed by the state board of education for resident 1970  
educators ~~in the third year of the program.~~ 1971

(B) ~~(1) For an individual who is teaching career technical~~ 1972  
~~courses under an alternative resident educator license issued~~ 1973  
~~under section 3319.26 of the Revised Code or rule of the state~~ 1974  
~~board, the Ohio teacher residency program shall include the~~ 1975

~~following components:~~ 1976

~~(a) Conditions that, as of September 29, 2015, were necessary for a participant in the third and fourth year of the program to complete prior to applying for the professional educator license under division (A) (2) of section 3319.22 of the Revised Code, except as provided in division (B) (2) (b) of this section;~~ 1977  
1978  
1979  
1980  
1981  
1982

~~(b) Four years of successful teaching experience under the alternative resident educator license, as verified by the superintendent of the employing school district;~~ 1983  
1984  
1985

~~(c) Successful completion of a career-technical workforce-development teacher preparation program that meets the criteria described in division (C) (1) of section 3319.229 of the Revised Code.~~ 1986  
1987  
1988  
1989

~~(2) No individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code or rule of the state board shall be required to do either of the following:~~ 1990  
1991  
1992  
1993

~~(a) (1) Complete the conditions of the Ohio teacher residency program that a participant, as of September 29, 2015, would have been required to complete during the participant's first and second year of teaching under an alternative resident educator license.~~ 1994  
1995  
1996  
1997  
1998

~~(b) (2) Take the a performance-based assessment prescribed by the state board for resident educators.~~ 1999  
2000

(C) The teacher residency program shall be aligned with 2001  
the standards for teachers adopted by the state board under 2002  
section 3319.61 of the Revised Code and best practices 2003  
identified by the superintendent of public instruction. 2004

(D) Each person who holds a resident educator license 2005  
issued under section 3319.22 or 3319.227 of the Revised Code or 2006  
an alternative resident educator license issued under section 2007  
3319.26 of the Revised Code shall participate in the teacher 2008  
residency program. Successful completion of the program shall be 2009  
required to qualify any such person for a professional educator 2010  
license issued under section 3319.22 of the Revised Code. 2011

**Sec. 3319.227.** (A) Notwithstanding any other provision of 2012  
the Revised Code or any rule adopted by the state board of 2013  
education to the contrary, the state board shall issue a 2014  
resident educator license under section 3319.22 of the Revised 2015  
Code to each person who is assigned to teach in this state as a 2016  
participant in the teach for America program and who satisfies 2017  
the following conditions for the duration of the program: 2018

(1) Holds a bachelor's degree from an accredited 2019  
institution of higher education; 2020

(2) Maintained a cumulative undergraduate grade point 2021  
average of at least 2.5 out of 4.0, or its equivalent; 2022

(3) Has passed an examination prescribed by the state 2023  
board in the subject area to be taught; 2024

(4) Has successfully completed the summer training 2025  
institute operated by teach for America; 2026

(5) Remains an active member of the teach for America two- 2027  
year support program. 2028

(B) The state board shall issue a resident educator 2029  
license under this section for teaching in any grade level or 2030  
subject area for which a person may obtain a resident educator 2031  
license under section 3319.22 of the Revised Code. The state 2032  
board shall not adopt rules establishing any additional 2033

qualifications for the license beyond those specified in this section. 2034  
2035

(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at least two years of teaching in another state as a participant in the teach for America program and meets all of the conditions of divisions (A) (1) to (4) of this section. The state board shall credit an applicant under this division as having completed ~~two years of~~ the teacher residency program under section 3319.223 of the Revised Code. 2036  
2037  
2038  
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(D) In order to place teachers in this state, the teach for America program shall enter into an agreement with one or more accredited four-year public or private institutions of higher education in the state to provide optional training of teach for America participants for the purpose of enabling those participants to complete an optional master's degree or an equivalent amount of coursework. Nothing in this division shall require any teach for America participant to complete a master's degree as a condition of holding a license issued under this section. 2046  
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(E) The state board shall revoke a resident educator license issued to a participant in the teach for America program who is assigned to teach in this state if the participant resigns or is dismissed from the program prior to completion of the two-year teach for America support program. 2056  
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**Sec. 3701.33.** (A) There is hereby created the Ohio public health advisory board. The board shall consist of the following members: 2061  
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2063



- (1) The following members appointed by the director of health from among individuals who are not employed by the state and are recommended by statewide trade or professional organizations that represent interests in public health:
- (a) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;
- (b) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse;
- (c) Three members of the public, two of whom are representatives of entities licensed by the department of health or boards of health.
- (2) One representative of the association of Ohio health commissioners, appointed by the association;
- (3) One representative of the Ohio public health association, appointed by the association;
- (4) One representative of the Ohio environmental health association, appointed by the association, who is registered as ~~a sanitarian~~ an environmental health specialist under Chapter 4736. of the Revised Code;
- (5) One representative of the Ohio association of boards of health, appointed by the association;
- (6) One representative of the Ohio society for public health education, appointed by the society;
- (7) One representative of the Ohio hospital association, appointed by the association.
- The director of health or the director's designee shall

serve as an ex officio, nonvoting member of the board. 2091

(B) Not later than thirty days after ~~the effective date of~~ 2092  
~~this section~~ September 10, 2012, initial appointments shall be 2093  
made to the board. Of the initial appointments, the members 2094  
specified in divisions (A)(5), (6), and (7) and division (A)(1) 2095  
(c) of this section representing entities licensed by the 2096  
department of health or boards of health shall serve terms 2097  
ending June 30, 2014, and the members specified in divisions (A) 2098  
(1)(a) and (b), divisions (A)(2), (3), and (4), and division (A) 2099  
(1)(c) of this section not representing entities licensed by the 2100  
department or boards of health shall serve terms ending June 30, 2101  
2015. Thereafter, terms of office for all members shall be three 2102  
years, with each term ending on the same day of the same month 2103  
as the term it succeeds. Each member shall hold office from the 2104  
date of appointment until the end of the term for which the 2105  
member was appointed. Members may be reappointed, except that no 2106  
member who has served two consecutive terms may be reappointed 2107  
until three years have elapsed since the member's last term 2108  
ended. 2109

Each member shall hold office from the date of appointment 2110  
until the end of the term for which the member was appointed. 2111  
Vacancies shall be filled in the same manner as original 2112  
appointments. 2113

Any member appointed to fill a vacancy occurring prior to 2114  
the expiration of the term for which the member's predecessor 2115  
was appointed shall hold office for the remainder of that term. 2116  
A member shall continue in office subsequent to the expiration 2117  
date of the member's term until the member's successor takes 2118  
office or until a period of ninety days has elapsed, whichever 2119  
occurs first. 2120

(C) The board shall annually select from among its members 2121  
a chairperson and vice-chairperson. The director shall designate 2122  
an officer or employee of the department to act as the board's 2123  
secretary. The secretary shall be a nonvoting board member. 2124

The board may adopt by laws governing its operation. The 2125  
chairperson may appoint subcommittees as the chairperson 2126  
considers necessary. 2127

(D) The board shall meet at the call of the chairperson, 2128  
but not less than four times per year. A majority of the members 2129  
of the board constitutes a quorum. Special meetings may be 2130  
called by the chairperson and shall be called by the chairperson 2131  
at the request of the director. In a request for a special 2132  
meeting, the director shall specify the purpose of the meeting 2133  
and the date and place the meeting is to be held. No other 2134  
business shall be considered at a special meeting except by a 2135  
unanimous vote of members present at the meeting. 2136

In conducting any meeting, the board and its subcommittees 2137  
may use an interactive video teleconferencing system. If 2138  
provisions are made that allow public attendance at a designated 2139  
location with respect to a meeting using such a system, the 2140  
board members who attend the meeting by video teleconference 2141  
shall be counted for purposes of determining whether a quorum is 2142  
present and shall be permitted to vote. 2143

Members shall be expected to attend a majority of meetings 2144  
of the board. Unexcused absence from three consecutive meetings 2145  
shall be considered notice of a member's intent to resign from 2146  
the board. 2147

(E) (1) The department shall provide meeting space and 2148  
staff and other administrative support for the board to carry 2149

out its duties. 2150

(2) To facilitate the board's review of proposed rules 2151  
under division (A) (1) of section 3701.34 of the Revised Code, 2152  
the department shall establish and maintain an electronic web- 2153  
based database of board meeting agendas, board meeting minutes, 2154  
proposed rules, public comments, and other documents relevant to 2155  
the work of the board. 2156

(F) Notice of meetings shall be provided to members 2157  
through the board's mailing list, the department's web site, or 2158  
any other means available to the board. 2159

The minutes of previous meetings, the next meeting's 2160  
agenda, and information on any matters to be presented to the 2161  
board at any regular or special meeting shall be provided to the 2162  
board in an electronic format. 2163

(G) Members shall attend annual ethics training provided 2164  
by the Ohio ethics commission. 2165

(H) Members shall serve without compensation, but may be 2166  
reimbursed for actual and necessary expenses incurred in the 2167  
performance of their official duties. 2168

(I) Sections 101.82 to 101.87 of the Revised Code do not 2169  
apply to the Ohio public health advisory board. 2170

**Sec. 3717.27.** (A) All inspections of retail food 2171  
establishments conducted by a licensor under this chapter shall 2172  
be conducted according to the procedures and schedule of 2173  
frequency specified in rules adopted under section 3717.33 of 2174  
the Revised Code. An inspection may be ~~performed~~performed only 2175  
by an individual registered as ~~a sanitarian~~an environmental 2176  
health specialist or ~~sanitarian-in-training~~environmental health 2177  
specialist in training under Chapter 4736. of the Revised Code. 2178

Each inspection shall be recorded on a form prescribed and 2179  
furnished by the director of agriculture or a form approved by 2180  
the director that has been prescribed by a board of health 2181  
acting as licensor. With the assistance of the director, a board 2182  
acting as licensor, to the extent practicable, shall computerize 2183  
the inspection process and standardize the manner in which its 2184  
inspections are conducted. 2185

(B) A person or government entity holding a retail food 2186  
establishment license shall permit the licensor to inspect the 2187  
retail food establishment for purposes of determining compliance 2188  
with this chapter and the rules adopted under it or 2189  
investigating a complaint concerning the establishment. On 2190  
request of the licensor, the license holder shall permit the 2191  
licensor to examine the records of the retail food establishment 2192  
to obtain information about the purchase, receipt, or use of 2193  
food, supplies, and equipment. 2194

A licensor may inspect any mobile retail food 2195  
establishment being operated within the licensor's district. If 2196  
an inspection of a mobile retail food establishment is conducted 2197  
by a licensor other than the licensor that issued the license 2198  
for the establishment, a report of the inspection shall be sent 2199  
to the issuing licensor. The issuing licensor may use the 2200  
inspection report to suspend or revoke the license under section 2201  
3717.29 or 3717.30 of the Revised Code. 2202

(C) An inspection may include the following: 2203

(1) An investigation to determine the identity and source 2204  
of a particular food; 2205

(2) Removal from use of any equipment, utensils, hand 2206  
tools, or parts of facilities found to be maintained in a 2207

condition that presents a clear and present danger to the public health. 2208  
2209

**Sec. 3717.47.** (A) All inspections of food service 2210  
operations conducted by a licensor under this chapter shall be 2211  
conducted according to the procedures and schedule of frequency 2212  
specified in rules adopted under section 3717.51 of the Revised 2213  
Code. An inspection may be performed only by an individual 2214  
registered as ~~a sanitarian~~ an environmental health specialist or 2215  
~~sanitarian in training~~ environmental health specialist in 2216  
training under Chapter 4736. of the Revised Code. Each 2217  
inspection shall be recorded on a form prescribed and furnished 2218  
by the director of health or a form approved by the director 2219  
that has been prescribed by a board of health acting as 2220  
licensor. With the assistance of the director, a board acting as 2221  
licensor, to the extent practicable, shall computerize the 2222  
inspection process and shall standardize the manner in which its 2223  
inspections are conducted. 2224

(B) A person or government entity holding a food service 2225  
operation license shall permit the licensor to inspect the food 2226  
service operation for purposes of determining compliance with 2227  
this chapter and the rules adopted under it or investigating a 2228  
complaint regarding foodborne disease. On request of the 2229  
licensor, the license holder shall permit the licensor to 2230  
examine the records of the food service operation to obtain 2231  
information about the purchase, receipt, or use of food, 2232  
supplies, and equipment. 2233

A licensor may inspect any mobile food service operation 2234  
or catering food service operation being operated within the 2235  
licensor's district. If an inspection of a mobile or catering 2236  
food service operation is conducted by a licensor other than the 2237

licensor that issued the license for the operation, a report of 2238  
the inspection shall be sent to the issuing licensor. The 2239  
issuing licensor may use the inspection report to suspend or 2240  
revoke the license under section 3717.49 of the Revised Code. 2241

(C) An inspection may include an investigation to 2242  
determine the identity and source of a particular food. 2243

**Sec. 3718.011.** (A) For purposes of this chapter, a sewage 2244  
treatment system is causing a public health nuisance if any of 2245  
the following situations occurs and, after notice by a board of 2246  
health to the applicable property owner, timely repairs are not 2247  
made to that system to eliminate the situation: 2248

(1) The sewage treatment system is not operating properly 2249  
due to a missing component, incorrect settings, or a mechanical 2250  
or electrical failure. 2251

(2) There is a blockage in a known sewage treatment system 2252  
component or pipe that causes a backup of sewage or effluent 2253  
affecting the treatment process or inhibiting proper plumbing 2254  
drainage. 2255

(3) An inspection conducted by, or under the supervision 2256  
of, the environmental protection agency or ~~a sanitarian~~ an 2257  
environmental health specialist registered under Chapter 4736. 2258  
of the Revised Code documents that there is ponding of liquid or 2259  
bleeding of liquid onto the surface of the ground or into 2260  
surface water and the liquid has a distinct sewage odor, a black 2261  
or gray coloration, or the presence of organic matter and any of 2262  
the following: 2263

(a) The presence of sewage effluent identified through a 2264  
dye test; 2265

(b) The presence of fecal coliform at a level that is 2266

equal to or greater than five thousand colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected;

(c) Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected.

(4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit.

(B) With respect to divisions (A) (1) and (2) of this section, a property owner may request a test to be conducted by a board of health to verify that the sewage treatment system is causing a public health nuisance. The property owner is responsible for the costs of the test.

**Sec. 3718.03.** (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and thirteen members who are knowledgeable about sewage treatment systems and technologies. The director or the director's designee shall serve as committee secretary and may vote on actions taken by the committee. Of the thirteen members, five shall be appointed by the governor, four shall be appointed by the president of the senate, and four shall be appointed by the speaker of the house of representatives.

(1) Of the members appointed by the governor, one shall



represent academia and shall be active in teaching or research 2296  
in the area of on-site wastewater treatment, one shall be a 2297  
representative of the public who is not employed by the state or 2298  
any of its political subdivisions and who does not have a 2299  
pecuniary interest in sewage treatment systems, one shall be a 2300  
registered professional engineer employed by the environmental 2301  
protection agency, one shall be selected from among soil 2302  
scientists in the division of soil and water conservation in the 2303  
department of agriculture, and one shall be a representative of 2304  
a statewide organization representing townships. 2305

(2) Of the members appointed by the president of the 2306  
senate, one shall be a health commissioner who is a member of 2307  
and recommended by the association of Ohio health commissioners, 2308  
one shall represent the interests of manufacturers of sewage 2309  
treatment systems, one shall represent installers and service 2310  
providers, and one shall be a person with demonstrated 2311  
experience in the design of sewage treatment systems. 2312

(3) Of the members appointed by the speaker of the house 2313  
of representatives, one shall be a health commissioner who is a 2314  
member of and recommended by the association of Ohio health 2315  
commissioners, one shall represent the interests of 2316  
manufacturers of sewage treatment systems, one shall be a ~~2317~~  
~~sanitarian~~ an environmental health specialist who is registered 2318  
under Chapter 4736. of the Revised Code and who is a member of 2319  
the Ohio environmental health association, and one shall be a 2320  
registered professional engineer with experience in sewage 2321  
treatment systems. 2322

(B) Terms of members appointed to the committee shall be 2323  
for three years, with each term ending on the same day of the 2324  
same month as did the term that it succeeds. Each member shall 2325

serve from the date of appointment until the end of the term for 2326  
which the member was appointed. 2327

Members may be reappointed. Vacancies shall be filled in 2328  
the same manner as provided for original appointments. Any 2329  
member appointed to fill a vacancy occurring prior to the 2330  
expiration date of the term for which the member was appointed 2331  
shall hold office for the remainder of that term. A member shall 2332  
continue to serve after the expiration date of the member's term 2333  
until the member's successor is appointed or until a period of 2334  
sixty days has elapsed, whichever occurs first. The applicable 2335  
appointing authority may remove a member from the committee for 2336  
failure to attend two consecutive meetings without showing good 2337  
cause for the absences. 2338

(C) The technical advisory committee annually shall select 2339  
from among its members a chairperson and a vice-chairperson. The 2340  
secretary shall keep a record of its proceedings. A majority 2341  
vote of the members of the full committee is necessary to take 2342  
action on any matter. The committee may adopt bylaws governing 2343  
its operation, including bylaws that establish the frequency of 2344  
meetings. 2345

(D) Serving as a member of the sewage treatment system 2346  
technical advisory committee does not constitute holding a 2347  
public office or position of employment under the laws of this 2348  
state and does not constitute grounds for removal of public 2349  
officers or employees from their offices or positions of 2350  
employment. Members of the committee shall serve without 2351  
compensation for attending committee meetings. 2352

(E) A member of the committee shall not have a conflict of 2353  
interest with the position. For the purposes of this division, 2354  
"conflict of interest" means the taking of any action that 2355

violates any provision of Chapter 102. or 2921. of the Revised Code. 2356  
2357

(F) The sewage treatment system technical advisory committee shall do all of the following: 2358  
2359

(1) Develop with the department of health standards, guidelines, and protocols for approving or disapproving a sewage treatment system or components of a system under section 3718.04 of the Revised Code. Any guideline requiring the submission of scientific information or testing data shall specify, in writing, the protocol and format to be used in submitting the information or data. 2360  
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(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form; 2367  
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2369  
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(3) Make recommendations to the director regarding the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system; 2372  
2373  
2374  
2375

(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system. 2376  
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(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days 2382  
2383  
2384

after the end of the calendar year. The report shall discuss the 2385  
number of applications submitted under section 3718.04 of the 2386  
Revised Code for the approval of a new sewage treatment system 2387  
or a component of a system, the number of such systems and 2388  
components that were approved, any information that the 2389  
committee considers beneficial to the general assembly, and any 2390  
other information that the chairperson determines is beneficial 2391  
to the general assembly. If other members of the committee 2392  
determine that certain information should be included in the 2393  
report, they shall submit the information to the chairperson not 2394  
later than thirty days after the end of the calendar year. 2395

(H) The department shall provide meeting space for the 2396  
committee. The committee shall be assisted in its duties by the 2397  
staff of the department. 2398

(I) Sections 101.82 to 101.87 of the Revised Code do not 2399  
apply to the sewage treatment system technical advisory 2400  
committee. 2401

**Sec. 3728.04.** (A) The anaphylaxis training required by 2402  
section 3728.03 of the Revised Code may be any of the following: 2403

(1) Training conducted by a nationally recognized 2404  
organization that has experience in providing training in 2405  
emergency health care to individuals who are not health care 2406  
professionals; 2407

(2) Training by individuals or organizations approved by 2408  
the department of health under section 3728.11 of the Revised 2409  
Code; 2410

(3) Classes approved by the department under section 2411  
3728.11 of the Revised Code. 2412

(B) Training may be completed in person or through an 2413

online system. The training must cover all of the following and 2414  
may include any other material the organization or individual 2415  
conducting it or the department considers appropriate: 2416

(1) Ways of recognizing the signs and symptoms of severe 2417  
allergic reactions, including anaphylaxis; 2418

(2) Standards and procedures for administration of 2419  
epinephrine and storage of epinephrine autoinjectors; 2420

(3) Emergency follow-up procedures. 2421

(C) An individual must successfully complete training 2422  
before being authorized to administer epinephrine under section 2423  
3728.03 of the Revised Code ~~and every two years thereafter~~. A 2424  
qualified entity may authorize an individual to administer 2425  
epinephrine only if the individual provides the entity with a 2426  
certificate issued by the organization or individual conducting 2427  
the training attesting to successful completion. The certificate 2428  
must be on a form developed by the department of health under 2429  
section 3728.11 of the Revised Code. 2430

**Sec. 4104.32.** Except as provided pursuant to section 2431  
4104.37 of the Revised Code, no person shall operate a 2432  
historical boiler in this state in a place that is open to the 2433  
public unless ~~both of the following requirements are satisfied:~~ 2434

~~(A) The person operating the boiler is licensed under~~ 2435  
~~section 4104.35 of the Revised Code.~~ 2436

~~(B) The the owner of the boiler holds a current valid~~ 2437  
certificate of operation for the historical boiler pursuant to 2438  
section 4104.36 of the Revised Code. 2439

**Sec. 4104.34.** ~~The historical boilers licensing board~~ 2440  
division of industrial compliance in the department of commerce 2441

shall do all of the following:	2442
(A) Adopt rules concerning all of the following:	2443
(1) Criteria that inspectors of historical boilers shall utilize in determining the safe operation of historical boilers;	2444 2445
(2) Procedures for the inspection of historical boilers;	2446
(3) The standards for riveted or welded repairs or alterations made to historical boilers;	2447 2448
(4) <del>Standards and procedures for the revocation of a historical boiler operator's license, which shall include an opportunity for appeal and hearing in accordance with Chapter 119. of the Revised Code;</del>	2449 2450 2451 2452
<del>(5) Standards for requalifying for a license after revocation of a license;</del>	2453 2454
<del>(6) Standards and procedures for conducting hydrostatic tests, and requirements for reporting the results of those tests to the <del>board</del><u>division</u>, as required under division (F) of section 4104.36 of the Revised Code;</del>	2455 2456 2457 2458
<del>(7)</del> <u>(5)</u> Standards for the public display and operation of historical boilers in this state by historical boiler operators who reside outside of this state.	2459 2460 2461
(B) Issue triennial certificates of operation for historical boilers that pass the inspection required under section 4104.36 of the Revised Code;	2462 2463 2464
(C) Conduct hearings in accordance with Chapter 119. of the Revised Code for any person who appeals a decision made by an inspector regarding whether the person should be denied a certificate of operation for the person's historical boiler;	2465 2466 2467 2468

(D) Establish a fee for the inspection of historical 2469  
boilers conducted pursuant to division (B) of section 4104.36 of 2470  
the Revised Code in an amount sufficient to reimburse the 2471  
department of commerce for the cost of conducting those 2472  
inspections; 2473

~~(E) Reimburse the department of commerce for the cost of~~ 2474  
~~inspections performed by the division of boiler inspection~~ 2475  
~~pursuant to section 4104.36 of the Revised Code;~~ 2476

~~(F) Issue licenses to operate historical boilers in public~~ 2477  
~~to persons who meet the requirements of section 4104.35 of the~~ 2478  
~~Revised Code;~~ 2479

~~(G) Grant approval of historical boiler operator's courses~~ 2480  
~~as the board determines appropriate;~~ 2481

~~(H) Grant approval of written or verbal examinations that~~ 2482  
~~are developed to test competence in operating historical~~ 2483  
~~boilers;~~ 2484

~~(I)~~ For purposes of section 4104.37 of the Revised Code, 2485  
determine the smallest size of historical boilers that are 2486  
subject to sections 4104.32 to 4104.36 of the Revised Code; 2487

~~(J)~~ (F) For purposes of inspection criteria adopted by the 2488  
~~board~~ division pursuant to division (A) (1) of this section, 2489  
establish the criteria based upon the manufacturing standards 2490  
for safe operation that are established by the various 2491  
manufacturers of historical boilers; 2492

~~(K)~~ (G) Appoint safety committees to conduct the 2493  
hydrostatic tests required under division (F) of section 4104.36 2494  
of the Revised Code; 2495

~~(L)~~ (H) Establish requirements for the minimum amount of 2496

liability insurance that an owner of historical boilers shall 2497  
carry on each historical boiler operated in public that the 2498  
owner owns, if the ~~board~~division determines that a minimum 2499  
amount should be established. 2500

**Sec. 4104.36.** (A) The owner of a historical boiler that is 2501  
operated in public shall maintain a current valid certificate of 2502  
operation for the historical boiler in accordance with the 2503  
requirements of this section. 2504

(B) At least once every three years, inspectors designated 2505  
by the ~~chief of the division of boiler inspection in the~~ 2506  
~~department of commerce~~superintendent of industrial compliance 2507  
shall inspect thoroughly, internally and externally, and under 2508  
operating conditions, all historical boilers that are operated 2509  
in public and their appurtenances. Inspectors shall examine the 2510  
smoke box, barrel, wrapped sheet, dome, water column and water 2511  
glass, firebox, external plumbing, fusible plug, pressure relief 2512  
valve, and pressure ~~gag~~gauge. 2513

(C) After conducting the inspection required under 2514  
division (B) of this section, the inspector shall evaluate 2515  
whether the historical boiler is in safe operating condition 2516  
according to rules adopted by the ~~historical boiler licensing~~ 2517  
~~board~~division of industrial compliance pursuant to division (A) 2518  
(1) of section 4104.34 of the Revised Code. If the inspector 2519  
finds that the historical boiler is in safe operating condition, 2520  
the inspector shall recommend that the ~~board~~division issue a 2521  
certificate of operation for the historical boiler. If the ~~board~~ 2522  
division concurs with the recommendation of the inspector, the 2523  
~~board~~division shall issue a certificate of operation for the 2524  
historical boiler inspected by that inspector. A certificate of 2525  
operation is valid for a period of three years after the date of 2526



issuance. 2527

(D) If an inspector does not recommend the issuance of a 2528  
certificate of operation for the historical boiler or if the 2529  
~~board division~~ decides not to issue a certificate of operation, 2530  
the owner of the historical boiler may file an appeal with the 2531  
~~board division~~, and the ~~board division~~ shall conduct a hearing in 2532  
accordance with Chapter 119. of the Revised Code. 2533

(E) The owner of a historical boiler that is operated in 2534  
public shall display the certificate of operation in a prominent 2535  
place on the historical boiler during its operation. 2536

(F) At least once every three years, a safety committee 2537  
appointed by the ~~board division~~ pursuant to division ~~(K)~~ (G) of 2538  
section 4104.34 of the Revised Code shall conduct a hydrostatic 2539  
test at one and one-quarter of the maximum allowable working 2540  
pressure on all publicly operated historical boilers that are 2541  
assigned by the ~~board division~~ for testing by that safety 2542  
committee. The safety committee shall submit the results of each 2543  
hydrostatic test to the ~~board division~~ in accordance with rules 2544  
adopted by the ~~board division~~ pursuant to division ~~(A)(6)~~ (A)(4) 2545  
of section 4104.34 of the Revised Code. 2546

**Sec. 4104.37.** Sections 4104.32 to 4104.36 of the Revised 2547  
Code do not apply to historical boilers that are smaller than 2548  
the size determined by the ~~historical boilers licensing board~~ 2549  
~~division of industrial compliance~~ pursuant to division ~~(I)~~ (E) 2550  
of section 4104.34 of the Revised Code. 2551

**Sec. 4117.103.** Notwithstanding any provision of section 2552  
4117.08 or 4117.10 of the Revised Code to the contrary, no 2553  
agreement entered into under this chapter on or after ~~the~~ 2554  
~~effective date of this section~~ September 29, 2005, shall 2555

prohibit a school district board of education from utilizing 2556  
volunteers to assist the district and its schools in performing 2557  
any of their functions, other than functions for which a 2558  
license, permit, or certificate issued by the state board of 2559  
education under ~~section 3301.074~~ or Chapter 3319. of the Revised 2560  
Code or a certificate issued under division (A) or (B) of 2561  
section 3327.10 of the Revised Code is required. 2562

**Sec. 4169.02.** (A) ~~For the purposes of~~ The division of 2563  
industrial compliance in the department of commerce shall be 2564  
responsible for regulating the construction, maintenance, 2565  
mechanical operation, and inspection of passenger tramways that 2566  
are associated with ski areas and ~~of~~ for registering operators 2567  
of passenger tramways in this state, ~~there is hereby established~~ 2568  
~~in the division of industrial compliance in the department of~~ 2569  
~~commerce a ski tramway board to be appointed by the governor,~~ 2570  
~~with the advice and consent of the senate. The board shall~~ 2571  
~~consist of three members, one of whom shall be a public member~~ 2572  
~~who is an experienced skier and familiar with ski areas in this~~ 2573  
~~state, one of whom shall be a ski area operator actively engaged~~ 2574  
~~in the business of recreational skiing in this state, and one of~~ 2575  
~~whom shall be a professional engineer who is knowledgeable in~~ 2576  
~~the design or operation of passenger tramways.~~ 2577

~~Of the initial appointments, one member shall be appointed~~ 2578  
~~for a term of one year, one for a term of two years, and one for~~ 2579  
~~a term of three years. The member appointed to the term~~ 2580  
~~beginning on July 1, 1996, shall be appointed to a term ending~~ 2581  
~~on June 30, 1997; the member appointed to a term beginning on~~ 2582  
~~July 1, 1997, shall be appointed to a term ending on June 30,~~ 2583  
~~1999; and the member appointed to a term beginning on July 1,~~ 2584  
~~1998, shall be appointed to a term ending on June 30, 2001.~~ 2585  
~~Thereafter, each of the members shall be appointed for a term of~~ 2586

~~six years. Each member shall hold office from the date of~~ 2587  
~~appointment until the end of the term for which the member was~~ 2588  
~~appointed. In the event of a vacancy, the governor, with the~~ 2589  
~~advice and consent of the senate, shall appoint a successor who~~ 2590  
~~shall hold office for the remainder of the term for which the~~ 2591  
~~successor's predecessor was appointed. A member shall continue~~ 2592  
~~in office subsequent to the expiration date of the member's term~~ 2593  
~~until the member's successor takes office or until a period of~~ 2594  
~~sixty days has elapsed, whichever occurs first. The board shall~~ 2595  
~~elect a chairperson from its members.~~ 2596

~~The governor may remove any member of the board at any~~ 2597  
~~time for misfeasance, nonfeasance, or malfeasance in office~~ 2598  
~~after giving the member a copy of the charges against the member~~ 2599  
~~and an opportunity to be heard publicly in person or by counsel~~ 2600  
~~in the member's defense. Any such act of removal by the governor~~ 2601  
~~is final. A statement of the findings of the governor, the~~ 2602  
~~reason for the governor's action, and the answer, if any, of the~~ 2603  
~~member shall be filed by the governor with the secretary of~~ 2604  
~~state and shall be open to public inspection.~~ 2605

~~Members of the board shall be paid two hundred fifty~~ 2606  
~~dollars for each meeting that the member attends, except that no~~ 2607  
~~member shall be paid or receive more than seven hundred fifty~~ 2608  
~~dollars for attending meetings during any calendar year. Each~~ 2609  
~~member shall be reimbursed for the member's actual and necessary~~ 2610  
~~expenses incurred in the performance of official board duties.~~ 2611  
~~The chairperson shall be paid two hundred fifty dollars annually~~ 2612  
~~in addition to any compensation the chairperson receives under~~ 2613  
~~this division for attending meetings and any other compensation~~ 2614  
~~the chairperson receives for serving on the board.~~ 2615

~~The division shall provide the board with such offices and~~ 2616

~~such clerical, professional, and other assistance as may be~~ 2617  
~~reasonably necessary for the board to carry on its work. The~~ 2618  
~~division shall maintain accurate copies of the board's rules as~~ 2619  
~~promulgated in accordance with division (B) of this section and~~ 2620  
~~shall keep all of the board's records, including business~~ 2621  
~~records, and inspection reports as well as its own records and~~ 2622  
~~reports. The cost of administering the board and conducting~~ 2623  
~~inspections shall be included in the budget of the division~~ 2624  
~~based on revenues generated by the registration fees established~~ 2625  
~~under section 4169.03 of the Revised Code.~~ 2626

(B) In accordance with Chapter 119. of the Revised Code, 2627  
the ~~board~~ division shall adopt and may amend or rescind rules 2628  
relating to public safety in the construction, maintenance, 2629  
mechanical operation, and inspection of passenger tramways. The 2630  
rules shall be in accordance with established standards in the 2631  
business of ski area operation, if any, and shall not 2632  
discriminate in their application to ski area operators. 2633

No person shall violate the rules of the ~~board~~ division. 2634

(C) The authority of the ~~board~~ division shall not extend 2635  
to any matter relative to the operation of a ski area other than 2636  
the construction, maintenance, mechanical operation, and 2637  
inspection of passenger tramways. 2638

~~(D) A majority of the board constitutes a quorum and may~~ 2639  
~~perform and exercise all the duties and powers devolving upon~~ 2640  
~~the board.~~ 2641

**Sec. 4169.03.** (A) Before a passenger tramway operator may 2642  
operate any passenger tramway in the state, the operator shall 2643  
apply to the ski tramway board division of industrial compliance 2644  
in the department of commerce, on forms prepared by it, for 2645

registration by the ~~board~~ division. The application shall 2646  
contain an inventory of the passenger tramways that the 2647  
applicant intends to operate and other information as the ~~board~~- 2648  
division may reasonably require and shall be accompanied by the 2649  
following annual fees: 2650

- (1) Each aerial passenger tramway, five hundred dollars; 2651
- (2) Each skimobile, two hundred dollars; 2652
- (3) Each chair lift, two hundred dollars; 2653
- (4) Each J bar, T bar, or platter pull, one hundred 2654  
dollars; 2655
- (5) Each rope tow, fifty dollars; 2656
- (6) Each wire rope tow, seventy-five dollars; 2657
- (7) Each conveyor, one hundred dollars. 2658

When an operator operates an aerial passenger tramway, a 2659  
skimobile, or a chair lift during both a winter and summer 2660  
season, the annual fee shall be one and one-half the above 2661  
amount for the respective passenger tramway. 2662

(B) Upon payment of the appropriate annual fees in 2663  
accordance with division (A) of this section and successful 2664  
completion of the inspection described in section 4169.04 of the 2665  
Revised Code, the ~~board~~ division shall issue a registration 2666  
certificate to the operator. Each certificate shall remain in 2667  
force until the thirtieth day of September next ensuing. The 2668  
~~board~~ division shall renew an operator's certificate in 2669  
accordance with the standard renewal procedure in Chapter 4745. 2670  
of the Revised Code upon payment of the appropriate annual fees. 2671

(C) Money received from the registration fees and from the 2672

2673 fines collected pursuant to section 4169.99 of the Revised Code  
2674 shall be paid into the state treasury to the credit of the  
2675 industrial compliance operating fund created in section 121.084  
2676 of the Revised Code.

2677 (D) No person shall operate a passenger tramway in this  
2678 state unless the person has been registered by the ~~board~~  
2679 division.

2680 **Sec. 4169.04.** (A) The division of industrial compliance in  
2681 the department of commerce shall ~~make such require~~ inspection of  
2682 the construction, maintenance, and mechanical operation of  
2683 passenger tramways ~~as the ski tramway board annually or more~~  
2684 often as the division may reasonably require. The division may  
2685 ~~contract with other qualified engineers to make such~~ Each  
2686 ~~inspection or may accept the inspection report by any shall be~~  
2687 performed by a qualified inspector of an insurance company  
2688 authorized to insure passenger tramways in this state.

2689 (B) If, as the result of an inspection, an employee of the  
2690 division or other agent with whom the division has contracted  
2691 finds that a violation of the ~~board's~~ division's rules exists or  
2692 a condition in passenger tramway construction, maintenance, or  
2693 mechanical operation exists that endangers public safety, the  
2694 employee or agent shall make an immediate report to the ~~board~~  
2695 division for appropriate investigation and order.

2696 **Sec. 4169.05.** Any person may make a written complaint to  
2697 the ~~ski tramway board~~ division of industrial compliance in the  
2698 department of commerce setting forth an alleged violation of the  
2699 ~~board's~~ division's rules by a registered passenger tramway  
2700 operator or a condition in passenger tramway construction,  
2701 maintenance, or mechanical operation that allegedly endangers  
2702 public safety. The ~~board~~ division shall forward a copy of the

complaint to the operator named in it and may accompany it with 2703  
an order that requires the operator to answer the complaint in 2704  
writing within a specified period of time. The ~~board~~division 2705  
may investigate the complaint if it determines that there are 2706  
reasonable grounds for such an investigation. 2707

**Sec. 4169.06.** (A) When facts are presented to ~~any member~~ 2708  
~~of the ski tramway board~~division of industrial compliance in 2709  
the department of commerce that indicate that immediate danger 2710  
exists in the continued operation of a passenger tramway, ~~any~~ 2711  
~~member of the board~~the division, after such verification of the 2712  
facts as is practical under the circumstances and consistent 2713  
with immediate public safety, may by an emergency written order 2714  
require the operator of the tramway to cease using the tramway 2715  
immediately for the transportation of passengers. Any person may 2716  
serve notice on the operator or the operator's agent who is in 2717  
immediate control of the tramway by delivering a true and 2718  
attested copy of the order, and the operator or the operator's 2719  
agent shall furnish proof of receipt of such notice by signing 2720  
an affidavit on the back of the copy of the order. The emergency 2721  
order shall be effective for a period not to exceed forty-eight 2722  
hours from the time of notification. 2723

(B) Immediately after the issuance of an emergency order 2724  
pursuant to this section, the ~~board~~division shall investigate 2725  
the facts of the case. If the ~~board~~division finds that a 2726  
violation of any of its rules exists or that a condition in 2727  
passenger tramway construction, maintenance, or mechanical 2728  
operation exists that endangers public safety, it shall issue a 2729  
written order setting forth its findings and the corrective 2730  
action to be taken and fixing a reasonable time for compliance. 2731

(C) After an investigation pursuant to division (B) of 2732

this section, if the ~~board~~division determines that danger to 2733  
public safety exists in the continued operation of a passenger 2734  
tramway, it shall so state in the order, describe in detail the 2735  
basis for its findings, and in the order may require the 2736  
operator not to operate the tramway until the operator has taken 2737  
the corrective action ordered pursuant to this section. If the 2738  
operator continues to use the tramway following receipt of such 2739  
order, the ~~board~~division may request the court of common pleas 2740  
having jurisdiction in the county where the tramway is located 2741  
to issue an injunction forbidding operation of the tramway. 2742

(D) An operator of a passenger tramway may request a 2743  
hearing by the ~~board~~division on any order issued pursuant to 2744  
this chapter and may appeal the results of such a hearing in 2745  
accordance with Chapter 119. of the Revised Code. An operator 2746  
may appeal an order suspending the operation of the operator's 2747  
tramway without first requesting a hearing. 2748

(E) If an operator fails to comply with an order of the 2749  
~~board~~division issued pursuant to this chapter within the 2750  
specified time, the ~~board~~division may suspend the registration 2751  
certificate of the operator for such time as it considers 2752  
necessary to gain compliance with its order. 2753

No operator shall operate a passenger tramway while the 2754  
operator's registration certificate is under suspension by the 2755  
~~board~~division. 2756

Sec. 4169.11. A ski area operator shall maintain liability 2757  
insurance in an amount determined by the superintendent of 2758  
industrial compliance. 2759

Sec. 4701.06. (A) The accountancy board shall grant the 2760  
certificate of "certified public accountant" to any person who 2761



satisfies the following requirements: 2762

~~(A)~~ (1) The person is a resident of this state or has a 2763  
place of business in this state or, as an employee, is regularly 2764  
employed in this state. The board may determine by rule 2765  
circumstances under which the residency requirement may be 2766  
waived. 2767

~~(B)~~ (2) The person has attained the age of eighteen years. 2768

~~(C)~~ (3) The person is of good moral character. 2769

~~(D)~~ (4) The person meets the following requirements of 2770  
education and experience: 2771

~~(1) (a) Prior to January 1, 2000, graduation with a~~ 2772  
~~baccalaureate degree conferred by a college or university~~ 2773  
~~recognized by the board, with a concentration in accounting that~~ 2774  
~~includes related courses in other areas of business~~ 2775  
~~administration, or what the board determines to be substantially~~ 2776  
~~the equivalent of the foregoing;~~ 2777

~~(b) On and after January 1, 2000, graduation (a)~~ 2778  
Graduation with a baccalaureate or higher degree that includes 2779  
successful completion of one hundred fifty semester hours of 2780  
undergraduate or graduate education. The board by rule shall 2781  
specify graduate degrees that satisfy this requirement and also 2782  
by rule shall require any subjects that it considers 2783  
appropriate. The total educational program shall include an 2784  
accounting concentration with related courses in other areas of 2785  
business administration, as defined by board rule. 2786

~~(2) (a) The experience requirement for candidates meeting~~ 2787  
~~the educational requirements set forth in division (D) (1) (a) or~~ 2788  
~~(b) of this section is (b) Acquisition of one year of experience~~ 2789  
satisfactory to the board in any of the following: 2790

(i) A public accounting firm;	2791
(ii) Government;	2792
(iii) Business;	2793
(iv) Academia.	2794
<del>(b) Except as provided in division (D) (2) (c) of this</del>	2795
<del>section, the experience requirement for any candidate who, on</del>	2796
<del>and after January 1, 2000, does not meet the educational</del>	2797
<del>requirement set forth in division (D) (1) (b) of this section is</del>	2798
<del>four years of experience described in division (D) (2) (a) of this</del>	2799
<del>section. The experience requirement for any candidate who, prior</del>	2800
<del>to January 1, 2000, does not meet the educational requirement</del>	2801
<del>set forth in division (D) (1) (a) of this section is two years of</del>	2802
<del>experience described in division (D) (2) (a) of this section.</del>	2803
<del>(c) On and after January 1, 2000, the experience</del>	2804
<del>requirement for any candidate who, subsequent to obtaining a</del>	2805
<del>baccalaureate or higher degree, other than a baccalaureate or</del>	2806
<del>higher degree described in division (D) (1) (b) of this section,</del>	2807
<del>successfully completes coursework that meets the educational</del>	2808
<del>requirement set forth in division (D) (1) (b) of this section is</del>	2809
<del>two years of experience described in division (D) (2) (a) of this</del>	2810
<del>section.</del>	2811
<del>(E) (5) The person has passed an examination that is</del>	2812
<del>administered in the manner and that covers the subjects that the</del>	2813
<del>board prescribes by rule. In adopting the relevant rules, the</del>	2814
<del>board shall ensure to the extent possible that the examination,</del>	2815
<del>the examination process, and the examination's passing standard</del>	2816
<del>are uniform with the examinations, examination processes, and</del>	2817
<del>examination passing standards of all other states and may</del>	2818
<del>provide for the use of all or parts of the uniform certified</del>	2819

public accountant examination and advisory grading service of 2820  
the American institute of certified public accountants. The 2821  
board may contract with third parties to perform administrative 2822  
services that relate to the examination and that the board 2823  
determines are appropriate in order to assist the board in 2824  
performing its duties in relation to the examination. 2825

~~None of the educational requirements specified in division~~ 2826  
~~(D) of this section apply to a candidate who has a PA-~~ 2827  
~~registration, but the~~ (B) (1) The experience requirement for the a 2828  
candidate who does not meet these the educational requirements 2829  
under division (A) (4) (a) of this section because the board has 2830  
waived them under division (B) (2) of this section is four years 2831  
of the experience described in division ~~(D) (2) (a)~~ (A) (4) (b) of 2832  
this section. 2833

~~Prior to January 1, 2000, the board shall waive the~~ 2834  
~~educational requirement set forth in division (D) (1) (a) of this~~ 2835  
~~section for any candidate if it finds that the candidate has~~ 2836  
~~attained the equivalent education by attendance at a business~~ 2837  
~~school, by self study, or otherwise, and if it is satisfied from~~ 2838  
~~the results of special examinations that the board gives the~~ 2839  
~~candidate to test the candidate's educational qualifications~~ 2840  
~~that the candidate is as well equipped, educationally, as if the~~ 2841  
~~candidate met the applicable educational requirement specified~~ 2842  
~~in division (D) (1) (a) of this section.~~ 2843

~~On and after January 1, 2000, the~~ (2) The board shall 2844  
waive the educational requirement set forth in division ~~(D) (1)~~ 2845  
~~(b)~~ (A) (4) (a) of this section for any candidate if the board 2846  
finds that the candidate has obtained from an accredited college 2847  
or university approved by the board, either an associate degree 2848  
or a baccalaureate degree, other than a baccalaureate degree 2849

described in division ~~(D) (1) (b)~~ (A) (4) (a) of this section, with 2850  
a concentration in accounting that includes related courses in 2851  
other areas of business administration, and if the board is 2852  
satisfied from the results of special examinations that the 2853  
board gives the candidate to test the candidate's educational 2854  
qualification that the candidate is as well equipped, 2855  
educationally, as if the candidate met the applicable 2856  
educational requirement specified in division ~~(D) (1) (b)~~ (A) (4) 2857  
(a) of this section. 2858

The board shall provide by rule for the general scope of 2859  
any special examinations for a waiver of the educational 2860  
requirements under division ~~(D) (1) (a) or (b)~~ (A) (4) (a) of this 2861  
section and may obtain any advice and assistance that it 2862  
considers appropriate to assist it in preparing and grading 2863  
those special examinations. The board may use any existing 2864  
examinations or may prepare any number of new examinations to 2865  
assist in determining the equivalent training of a candidate. 2866  
The board by rule shall prescribe any special examinations for a 2867  
waiver of the educational requirements under division ~~(D) (1) (a)~~ 2868  
~~or (b)~~ (A) (4) (a) of this section and the passing score required 2869  
for each examination. 2870

~~The board shall hold the examination referred to in~~ 2871  
~~division (E) of this section and the special examinations for a~~ 2872  
~~waiver of the educational requirements under division (D) (1) (a)~~ 2873  
~~or (b) of this section as often as the board determines to be~~ 2874  
~~desirable, but the examination referred to in division (E) of~~ 2875  
~~this section shall be held not less frequently than once each~~ 2876  
~~year. The board by rule may provide for granting credit to a~~ 2877  
~~candidate for satisfactory completion of an examination that a~~ 2878  
~~licensing authority of another state gave in one or more of the~~ 2879  
~~subjects referred to in division (E) of this section.~~ 2880

(C) A candidate who has ~~met the educational requirements,~~ 2881  
~~or with respect to whom they either do not apply or have been~~ 2882  
~~waived,~~ graduated with a baccalaureate degree or its equivalent 2883  
or a higher degree that includes successful completion of at 2884  
least one hundred twenty semester hours of undergraduate or 2885  
graduate education is eligible to take the examination referred 2886  
to in division ~~(E)~~ (A) (5) of this section without waiting until 2887  
the candidate meets the education or experience requirements, 2888  
provided the candidate also meets the requirements of divisions 2889  
(A) (1) and ~~(C)~~ (3) of this section. The board by rule shall 2890  
specify degrees that make a candidate eligible under this 2891  
division and by rule shall require any subjects that it 2892  
considers appropriate. 2893

(D) A candidate for the certificate of certified public 2894  
accountant who has successfully completed the examination under 2895  
division ~~(E)~~ (A) (5) of this section has no status as a certified 2896  
public accountant, unless and until the candidate has the 2897  
requisite education and experience and has received a 2898  
certificate as a certified public accountant. The board shall 2899  
determine and charge a fee for issuing the certificate that is 2900  
adequate to cover the expense. 2901

(E) The board by rule may prescribe the terms and 2902  
conditions under which a candidate who passes part but not all 2903  
of the examination may retake the examination. It also may 2904  
provide by rule for a reasonable waiting period for a 2905  
candidate's reexamination. 2906

The applicable educational and experience requirements 2907  
under ~~division (D)~~ divisions (A) (4), (B), and (C) of this section 2908  
shall be those in effect on the date on which the candidate 2909  
first sits for the examination. 2910

(F) The board shall charge a candidate a reasonable fee, 2911  
to be determined by the board, that is adequate to cover all 2912  
rentals, compensation for proctors, and other administrative 2913  
expenses of the board related to examination or reexamination, 2914  
including the expenses of procuring and grading the examination 2915  
provided for in division ~~(E)~~ (A) (5) of this section and for any 2916  
special examinations for a waiver of the educational 2917  
requirements under division ~~(D) (1) (a) or (b)~~ (A) (4) (a) of this 2918  
section. Fees for reexamination under division (E) of this 2919  
section shall be charged by the board in amounts determined by 2920  
it. The applicable fees shall be paid by the candidate at the 2921  
time the candidate applies for examination or reexamination. 2922

(G) Any person who has received from the board a 2923  
certificate as a certified public accountant and who holds an 2924  
Ohio permit shall be styled and known as a "certified public 2925  
accountant" and also may use the abbreviation "CPA." The board 2926  
shall maintain a list of certified public accountants. Any 2927  
certified public accountant also may be known as a "public 2928  
accountant." 2929

(H) Persons who, on the effective date of an amendment of 2930  
this section, held certified public accountant certificates 2931  
previously issued under the laws of this state shall not be 2932  
required to obtain additional certificates under this section 2933  
but shall otherwise be subject to all provisions of this 2934  
section, and those previously issued certificates, for all 2935  
purposes, shall be considered certificates issued under this 2936  
section and subject to its provisions. 2937

(I) The board may waive the examination under division ~~(E)~~ 2938  
(A) (5) of this section and, upon payment of a fee determined by 2939  
it, may issue a certificate as a "certified public accountant" 2940

to any person who possesses the qualifications specified in 2941  
divisions (A) (1), ~~(B) (2)~~, and ~~(C) (3)~~ of this section and what 2942  
the board determines to be substantially the equivalent of the 2943  
applicable qualifications under division ~~(D)~~ (A) (4) of this 2944  
section and who is the holder of a certificate as a certified 2945  
public accountant, then in full force and effect, issued under 2946  
the laws of any state, or is the holder of a certificate, 2947  
license, or degree in a foreign country that constitutes a 2948  
recognized qualification for the practice of public accounting 2949  
in that country, that is comparable to that of a certified 2950  
public accountant of this state, and that is then in full force 2951  
and effect. 2952

**Sec. 4701.17.** Upon application in writing and after 2953  
hearing pursuant to notice, the accountancy board may reissue or 2954  
reinstate a certificate to a certified public accountant whose 2955  
certificate has been revoked or suspended or reregister anyone 2956  
whose registration has been revoked or suspended. 2957

The board may require a reasonable waiting period, 2958  
commensurate with the offense, before a certificate holder or 2959  
registrant whose certificate or registration has been revoked or 2960  
suspended may apply to have the certificate or registration 2961  
reissued or reinstated. The board may require compliance with 2962  
any or all requirements of section 4701.06 of the Revised Code, 2963  
including the taking of any examination described in division 2964  
~~(E)~~ (A) (5) of that section as a prerequisite for recertification. 2965  
The board may require compliance with any or all of the 2966  
requirements of section 4701.07 of the Revised Code, including 2967  
the taking of any examination described in division (E) of that 2968  
section as a prerequisite for reregistration. 2969

**Sec. 4713.01.** As used in this chapter: 2970

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

"Beauty salon" means a salon in which an individual is authorized to engage in all branches of cosmetology.

"Biennial licensing period" means the two-year period beginning on the first day of February of an odd-numbered year and ending on the last day of January of the next odd-numbered year.

"Boutique salon" means a salon in which an individual engages in boutique services and no other branch of cosmetology.

"Boutique services" means braiding, threading, shampooing, and makeup artistry.

"Braiding" means intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

"Branch of cosmetology" means the practice of cosmetology, practice of esthetics, practice of hair design, practice of manicuring, practice of natural hair styling, or practice of boutique services.

"Cosmetic therapy" ~~has the same meaning as in section 4731.15 of the Revised Code~~ means the permanent removal of hair from the human body through the use of electric modalities and may include the systematic friction, stroking, slapping, and



<u>kneading or tapping of the face, neck, scalp, or shoulders.</u>	3000
"Cosmetologist" means an individual authorized to engage	3001
in all branches of cosmetology in a licensed facility.	3002
"Cosmetology" means the art or practice of embellishment,	3003
cleansing, beautification, and styling of hair, wigs, postiches,	3004
face, body, or nails.	3005
"Cosmetology instructor" means an individual authorized to	3006
teach the theory and practice of all branches of cosmetology at	3007
a school of cosmetology.	3008
"Esthetician" means an individual who engages in the	3009
practice of esthetics but no other branch of cosmetology in a	3010
licensed facility.	3011
"Esthetics instructor" means an individual who teaches the	3012
theory and practice of esthetics, but no other branch of	3013
cosmetology, at a school of cosmetology.	3014
"Esthetics salon" means a salon in which an individual	3015
engages in the practice of esthetics but no other branch of	3016
cosmetology.	3017
"Eye lash extensions" include temporary and semi-permanent	3018
enhancements designed to add length, thickness, and fullness to	3019
natural eyelashes.	3020
"Hair designer" means an individual who engages in the	3021
practice of hair design but no other branch of cosmetology in a	3022
licensed facility.	3023
"Hair design instructor" means an individual who teaches	3024
the theory and practice of hair design, but no other branch of	3025
cosmetology, at a school of cosmetology.	3026

"Hair design salon" means a salon in which an individual 3027  
engages in the practice of hair design but no other branch of 3028  
cosmetology. 3029

"Hair removal" includes tweezing, waxing, sugaring, and 3030  
threading. "Hair removal" does not include electrolysis. 3031

"Independent contractor" means an individual who is not an 3032  
employee of a salon but practices a branch of cosmetology within 3033  
a salon in a licensed facility. 3034

"Instructor license" means a license to teach the theory 3035  
and practice of a branch of cosmetology at a school of 3036  
cosmetology. 3037

"Licensed facility" means any premises, building, or part 3038  
of a building licensed under section 4713.41 of the Revised Code 3039  
in which cosmetology services are authorized by the state 3040  
cosmetology and barber board to be performed. 3041

"Advanced cosmetologist" means an individual authorized to 3042  
work in a beauty salon and engage in all branches of 3043  
cosmetology. 3044

"Advanced esthetician" means an individual authorized to 3045  
work in an esthetics salon, but no other type of salon, and 3046  
engage in the practice of esthetics, but no other branch of 3047  
cosmetology. 3048

"Advanced hair designer" means an individual authorized to 3049  
work in a hair design salon, but no other type of salon, and 3050  
engage in the practice of hair design, but no other branch of 3051  
cosmetology. 3052

"Advanced license" means a license to work in a salon and 3053  
practice the branch of cosmetology practiced at the salon. 3054

"Advanced manicurist" means an individual authorized to 3055  
work in a nail salon, but no other type of salon, and engage in 3056  
the practice of manicuring, but no other branch of cosmetology. 3057

"Advanced natural hair stylist" means an individual 3058  
authorized to work in a natural hair style salon, but no other 3059  
type of salon, and engage in the practice of natural hair 3060  
styling, but no other branch of cosmetology. 3061

"Makeup artistry" means the application of cosmetics for 3062  
the purpose of skin beautification. "Makeup artistry" does not 3063  
include any other services described in the practice of any 3064  
other branch of cosmetology. 3065

"Manicurist" means an individual who engages in the 3066  
practice of manicuring but no other branch of cosmetology in a 3067  
licensed facility. 3068

"Manicurist instructor" means an individual who teaches 3069  
the theory and practice of manicuring, but no other branch of 3070  
cosmetology, at a school of cosmetology. 3071

"Nail salon" means a salon in which an individual engages 3072  
in the practice of manicuring but no other branch of 3073  
cosmetology. 3074

"Natural hair stylist" means an individual who engages in 3075  
the practice of natural hair styling but no other branch of 3076  
cosmetology in a licensed facility. 3077

"Natural hair style instructor" means an individual who 3078  
teaches the theory and practice of natural hair styling, but no 3079  
other branch of cosmetology, at a school of cosmetology. 3080

"Natural hair style salon" means a salon in which an 3081  
individual engages in the practice of natural hair styling but 3082

no other branch of cosmetology. 3083

"Practice of braiding" means utilizing the technique of 3084  
intertwining hair in a systematic motion to create patterns in a 3085  
three-dimensional form, including patterns that are inverted, 3086  
upright, or singled against the scalp that follow along straight 3087  
or curved partings. It may include twisting or locking the hair 3088  
while adding bulk or length with human hair, synthetic hair, or 3089  
both and using simple devices such as clips, combs, and 3090  
hairpins. "Practice of braiding" does not include application of 3091  
weaving, bonding, and fusion of individual strands or wefts; 3092  
application of dyes, reactive chemicals, or other preparations 3093  
to alter the color or straighten, curl, or alter the structure 3094  
of hair; embellishing or beautifying hair by cutting or 3095  
singeing, except as needed to finish the ends of synthetic 3096  
fibers used to add bulk to or lengthen hair. 3097

"Practice of cosmetology" means the practice of all 3098  
branches of cosmetology. 3099

"Practice of esthetics" means the application of 3100  
cosmetics, tonics, antiseptics, creams, lotions, or other 3101  
preparations for the purpose of skin beautification and includes 3102  
preparation of the skin by manual massage techniques or by use 3103  
of electrical, mechanical, or other apparatus; enhancement of 3104  
the skin by skin care, facials, body treatments, hair removal, 3105  
and other treatments; and eye lash extension services. 3106

"Practice of hair design" means embellishing or 3107  
beautifying hair, wigs, or hairpieces by arranging, dressing, 3108  
pressing, curling, waving, permanent waving, cleansing, cutting, 3109  
singeing, bleaching, coloring, braiding, weaving, or similar 3110  
work. "Practice of hair design" includes utilizing techniques 3111  
performed by hand that result in tension on hair roots such as 3112

twisting, wrapping, weaving, extending, locking, or braiding of 3113  
the hair. 3114

"Practice of manicuring" means cleaning, trimming, shaping 3115  
the free edge of, or applying polish to the nails of any 3116  
individual; applying nail enhancements and embellishments to any 3117  
individual; massaging the hands and lower arms up to the elbow 3118  
of any individual; massaging the feet and lower legs up to the 3119  
knee of any individual; using lotions or softeners on the hands 3120  
and feet of any individual; or any combination of these types of 3121  
services. 3122

"Practice of natural hair styling" means utilizing 3123  
techniques performed by hand that result in tension on hair 3124  
roots such as twisting, wrapping, weaving, extending, locking, 3125  
or braiding of the hair. "Practice of natural hair styling" does 3126  
not include the application of dyes, reactive chemicals, or 3127  
other preparations to alter the color or to straighten, curl, or 3128  
alter the structure of the hair. "Practice of natural hair 3129  
styling" also does not include embellishing or beautifying hair 3130  
by cutting or singeing, except as needed to finish off the end 3131  
of a braid, or by dressing, pressing, curling, waving, permanent 3132  
waving, or similar work. 3133

"Practicing license" means a license to practice a branch 3134  
of cosmetology in a licensed facility. 3135

"Salon" means a licensed facility on any premises, 3136  
building, or part of a building in which an individual engages 3137  
in the practice of one or more branches of cosmetology. "Salon" 3138  
does not include a barber shop licensed under Chapter 4709. of 3139  
the Revised Code. "Salon" does not mean a tanning facility, 3140  
although a tanning facility may be located in a salon. 3141

"School of cosmetology" means any premises, building, or 3142  
part of a building in which students are instructed in the 3143  
theories and practices of one or more branches of cosmetology. 3144

"Shampooing" means the act of cleansing and conditioning 3145  
an individual's hair under the supervision of an individual 3146  
licensed under this chapter and in preparation to immediately 3147  
receive a service from a licensee. 3148

"Student" means an individual, other than an apprentice 3149  
instructor, who is engaged in learning or acquiring knowledge of 3150  
the practice of a branch of cosmetology at a school of 3151  
cosmetology. 3152

"Tanning facility" means any premises, building, or part 3153  
of a building that contains one or more rooms or booths with any 3154  
of the following: 3155

(A) Equipment or beds used for tanning human skin by the 3156  
use of fluorescent sun lamps using ultraviolet or other 3157  
artificial radiation; 3158

(B) Equipment or booths that use chemicals applied to 3159  
human skin, including chemical applications commonly referred to 3160  
as spray-on, mist-on, or sunless tans; 3161

(C) Equipment or beds that use visible light for cosmetic 3162  
purposes. 3163

"Threading" includes a service that results in the removal 3164  
of hair from its follicle from around the eyebrows and from 3165  
other parts of the face with the use of a single strand of 3166  
thread and an astringent, if the service does not use chemicals 3167  
of any kind, wax, or any implements, instruments, or tools to 3168  
remove hair. 3169

<b>Sec. 4713.14.</b> No individual shall do any of the following:	3170
(A) Use fraud or deceit in making application for a license, permit, or registration;	3171 3172
(B) Aid or abet any individual or entity in any of the following:	3173 3174
(1) Violating this chapter or a rule adopted under it;	3175
(2) Obtaining a license, permit, or registration fraudulently;	3176 3177
(3) Falsely pretending to hold a current, valid license or permit.	3178 3179
(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	3180 3181 3182
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	3183 3184
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	3185 3186
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	3187 3188
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	3189 3190 3191
(5) A current, valid registration under section 4713.69 of the Revised Code.	3192 3193
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	3194 3195 3196

(1) A current, valid license under section 4713.28,	3197
4713.30, or 4713.34 of the Revised Code;	3198
(2) A current, valid temporary pre-examination work permit	3199
issued under section 4713.22 of the Revised Code;	3200
(3) A current, valid temporary special occasion work	3201
permit issued under section 4713.37 of the Revised Code;	3202
(4) A current, valid temporary work permit issued under	3203
rules adopted by the board pursuant to section 4713.08 of the	3204
Revised Code;	3205
(5) A current, valid registration under section 4713.69 of	3206
the Revised Code.	3207
(E) Except for apprentice instructors and as provided in	3208
section 4713.45 of the Revised Code, teach the theory or	3209
practice of a branch of cosmetology at a school of cosmetology	3210
without either of the following authorizing the teaching of that	3211
branch of cosmetology:	3212
(1) A current, valid license under section 4713.31 or	3213
4713.34 of the Revised Code;	3214
(2) A current, valid temporary special occasion work	3215
permit issued under section 4713.37 of the Revised Code.	3216
(F) Advertise or operate a glamour photography service in	3217
which a branch of cosmetology is practiced unless the individual	3218
practicing the branch of cosmetology holds either of the	3219
following authorizing the practice of that branch of	3220
cosmetology:	3221
(1) A current, valid license under section 4713.28,	3222
4713.30, or 4713.34 of the Revised Code;	3223



(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	3224 3225
(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code;	3226 3227 3228 3229
(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code;	3230 3231 3232 3233
(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code;	3234 3235
(J) Provide <del>cosmetic therapy or massage therapy</del> <u>any of the following</u> at a salon for pay, free, or otherwise <del>without</del> ;	3236 3237
<u>(1) Massage therapy, unless the individual has a</u> current, valid license issued by the state medical board under section 4731.15 of the Revised Code <del>or provide any</del> ;	3238 3239 3240
<u>(2) Any other professional service at a salon for pay,</u> <del>free, or otherwise without,</del> <u>unless the individual has a</u> current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession;	3241 3242 3243 3244
<u>(3) Cosmetic therapy, unless the individual is authorized</u> by rules adopted under section 4713.08 of the Revised Code.	3245 3246
(K) Teach a branch of cosmetology at a salon, unless the individual receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology:	3247 3248 3249 3250
(1) A current, valid license under section 4713.28,	3251

4713.30, or 4713.34 of the Revised Code;	3252
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code.	3253 3254
(L) Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code;	3255 3256
(M) At a salon or school of cosmetology, do any of the following:	3257 3258
(1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation;	3259 3260 3261
(2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation;	3262 3263 3264
(3) Use or possess a liquid nail monomer containing any trace of methyl methacrylate (MMA).	3265 3266
(N) While in charge of a salon or school of cosmetology, permit any individual to sleep in, or use for residential purposes, any room used wholly or in part as the salon or school of cosmetology;	3267 3268 3269 3270
(O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes;	3271 3272 3273
(P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code;	3274 3275 3276
(Q) Practice a branch of cosmetology in a location other than a licensed facility unless otherwise exempted under section	3277 3278

4713.16 or 4713.17 of the Revised Code;	3279
(R) Use any of the services or arts that are part of	3280
cosmetology to treat or attempt to cure a physical or mental	3281
disease or ailment.	3282
<b>Sec. 4713.17.</b> (A) The following persons are exempt from	3283
the provisions of this chapter, except, as applicable, section	3284
4713.42 of the Revised Code:	3285
(1) All individuals authorized to practice medicine,	3286
surgery, dentistry, and nursing or any of its branches in this	3287
state;	3288
(2) Commissioned surgical and medical officers of the	3289
United States army, navy, air force, or marine hospital service	3290
when engaged in the actual performance of their official duties,	3291
and attendants attached to same;	3292
(3) Funeral directors, embalmers, and apprentices licensed	3293
or registered under Chapter 4717. of the Revised Code;	3294
(4) Persons who are engaged in the retail sale, cleaning,	3295
or beautification of wigs and hairpieces but who do not engage	3296
in any other act constituting the practice of a branch of	3297
cosmetology;	3298
(5) Volunteers of hospitals, and homes as defined in	3299
section 3721.01 of the Revised Code, who render service to	3300
registered patients and inpatients who reside in such hospitals	3301
or homes. Such volunteers shall not use or work with any	3302
chemical products such as permanent wave, hair dye, or chemical	3303
hair relaxer, which without proper training would pose a health	3304
or safety problem to the patient.	3305
(6) Nurse aides and other employees of hospitals and homes	3306

as defined in section 3721.01 of the Revised Code, who practice 3307  
a branch of cosmetology on registered patients only as part of 3308  
general patient care services and who do not charge patients 3309  
directly on a fee for service basis; 3310

(7) ~~Cosmetic therapists and massage~~ Massage therapists who 3311  
hold current, valid licenses to practice ~~cosmetic or massage~~ 3312  
therapy issued by the state medical board under section 4731.15 3313  
of the Revised Code, to the extent their actions are authorized 3314  
by their licenses; 3315

(8) Inmates who provide services related to a branch of 3316  
cosmetology to other inmates, except when those services are 3317  
provided in a licensed school of cosmetology within a state 3318  
correctional institution for females. 3319

(B) The director of rehabilitation and correction shall 3320  
oversee the services described in division (A) (8) of this 3321  
section with respect to sanitation and adopt rules governing 3322  
those types of services provided by inmates. 3323

**Sec. 4713.42.** An individual holding a current, valid 3324  
license issued under section 4731.15 of the Revised Code to 3325  
provide ~~cosmetic therapy or massage~~ therapy may provide ~~cosmetic~~ 3326  
~~therapy or massage~~ therapy, ~~as appropriate,~~ in a salon. An 3327  
individual holding a current, valid license or certificate 3328  
issued by a professional regulatory board of this state may 3329  
practice the individual's profession in a salon if the 3330  
individual's profession is authorized by rules adopted under 3331  
section 4713.08 of the Revised Code to practice in a salon. An 3332  
individual may provide cosmetic therapy in a salon if authorized 3333  
by rules adopted under section 4713.08 of the Revised Code to 3334  
practice in a salon. 3335

An individual providing cosmetic therapy, massage therapy, 3336  
or other professional service in a salon pursuant to this 3337  
section shall satisfy the standards established by rules adopted 3338  
under section 4713.08 of the Revised Code. 3339

**Sec. 4713.56.** Every holder of a practicing license, 3340  
instructor license, independent contractor license, or boutique 3341  
service registration issued by the state cosmetology and barber 3342  
board shall maintain the board-issued, wallet-sized license or 3343  
electronically generated license certification or registration 3344  
and a current government-issued photo identification that can be 3345  
produced upon inspection or request. 3346

Every holder of a license to operate a salon issued by the 3347  
board shall display the license in a public and conspicuous 3348  
place in the salon. 3349

Every holder of a license to operate a school of 3350  
cosmetology issued by the board shall display the license in a 3351  
public and conspicuous place in the school. 3352

Every individual who provides ~~cosmetic therapy,~~ massage 3353  
therapy, or other professional service in a salon under section 3354  
4713.42 of the Revised Code shall maintain the individual's 3355  
professional license or certificate or electronically generated 3356  
license certification or registration and a state of Ohio issued 3357  
photo identification that can be produced upon inspection or 3358  
request. 3359

**Sec. 4730.11.** (A) To be eligible to receive a license to 3360  
practice as a physician assistant, all of the following apply to 3361  
an applicant: 3362

(1) The applicant shall be at least eighteen years of age. 3363

(2) The applicant shall be of good moral character. 3364

(3) The applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board.

(4) The applicant shall meet either of the following requirements:

(a) The educational requirements specified in division (B) (1) or (2) of this section;

(b) The educational or other applicable requirements specified in division (C) (1), (2), or (3) of this section.

(B) For purposes of division (A) (4) (a) of this section, an applicant shall meet either of the following educational requirements:

(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~~ an organization recognized by the board.

(2) The applicant shall hold both of the following degrees:

(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~~ an organization recognized by the board;

(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~~ 3393  
~~for higher education accreditation~~board. 3394

(C) For purposes of division (A) (4) (b) of this section, an 3395  
applicant shall present evidence satisfactory to the board of 3396  
meeting one of the following requirements in lieu of meeting the 3397  
educational requirements specified in division (B) (1) or (2) of 3398  
this section: 3399

(1) The applicant shall hold a current, valid license or 3400  
other form of authority to practice as a physician assistant 3401  
issued by another jurisdiction and either have been in active 3402  
practice in any jurisdiction throughout the two-year period 3403  
immediately preceding the date of application or have met one or 3404  
more of the following requirements as specified by the board: 3405

(a) Passed an oral or written examination or assessment, 3406  
or both types of examination or assessment, that determined the 3407  
applicant's present fitness to resume practice; 3408

(b) Obtained additional training and passed an examination 3409  
or assessment on completion of the training; 3410

(c) Agreed to limitations on the applicant's extent, 3411  
scope, or type of practice. 3412

(2) The applicant shall hold a degree obtained as a result 3413  
of being enrolled on January 1, 2008, in a program in this state 3414  
that was accredited by the accreditation review commission on 3415  
education for the physician assistant but did not grant a 3416  
master's or higher degree to individuals enrolled in the program 3417  
on that date, and completing the program on or before December 3418  
31, 2009. 3419

(3) The applicant shall hold a degree obtained from a ~~a~~ 3420  
~~program accredited by the accreditation review commission on~~ 3421

~~education for the physician assistant~~ an organization recognized 3422  
by the board and meet either of the following experience 3423  
requirements: 3424

(a) Either have experience practicing as a physician 3425  
assistant for at least two consecutive years immediately 3426  
preceding the date of application while on active duty, with 3427  
evidence of service under honorable conditions, in any of the 3428  
armed forces of the United States or the national guard of any 3429  
state, including any experience attained while practicing as a 3430  
physician assistant at a health care facility or clinic operated 3431  
by the United States department of veterans affairs or have met 3432  
one or more of the following requirements as specified by the 3433  
board: 3434

(i) Passed an oral or written examination or assessment, 3435  
or both types of examination or assessment, that determined the 3436  
applicant's present fitness to resume practice; 3437

(ii) Obtained additional training and passed an 3438  
examination or assessment on completion of the training; 3439

(iii) Agreed to limitations on the applicant's extent, 3440  
scope, or type of practice; 3441

(b) Either have experience practicing as a physician 3442  
assistant for at least two consecutive years immediately 3443  
preceding the date of application while on active duty in the 3444  
United States public health service commissioned corps or have 3445  
met one or more of the following requirements as specified by 3446  
the board: 3447

(i) Passed an oral or written examination or assessment, 3448  
or both types of examination or assessment, that determined the 3449  
applicant's present fitness to resume practice; 3450



(ii) Obtained additional training and passed an examination or assessment on completion of the training;  
(iii) Agreed to limitations on the applicant's extent, scope, or type of practice.

(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. 4731.04.** As used in this chapter:

~~(A) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the state medical board for use in cosmetic therapy and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.~~

~~(B)~~ "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.

~~(C)~~ (B) "Graduate medical education" means education received through any of the following:

(1) An internship, residency, or clinical fellowship

program conducted in the United States and accredited by either 3479  
the accreditation council for graduate medical education of the 3480  
American medical association or the American osteopathic 3481  
association; 3482

(2) A clinical fellowship program that is not accredited 3483  
as described in division ~~(C) (1)~~ (B) (1) of this section, but is 3484  
conducted in the United States at an institution with a 3485  
residency program that is accredited as described in that 3486  
division and is in a clinical field the same as or related to 3487  
the clinical field of the fellowship program; 3488

(3) An internship program conducted in Canada and 3489  
accredited by the committee on accreditation of preregistration 3490  
physician training programs of the federation of provincial 3491  
medical licensing authorities of Canada; 3492

(4) A residency program conducted in Canada and accredited 3493  
by either the royal college of physicians and surgeons of Canada 3494  
or the college of family physicians of Canada. 3495

~~(D)~~ (C) "Massage therapy" means the treatment of disorders 3496  
of the human body by the manipulation of soft tissue through the 3497  
systematic external application of massage techniques including 3498  
touch, stroking, friction, vibration, percussion, kneading, 3499  
stretching, compression, and joint movements within the normal 3500  
physiologic range of motion; and adjunctive thereto, the 3501  
external application of water, heat, cold, topical preparations, 3502  
and mechanical devices. 3503

**Sec. 4731.15.** (A) The state medical board also shall 3504  
regulate the following limited branches of medicine: massage 3505  
therapy ~~and cosmetic therapy~~, and to the extent specified in 3506  
section 4731.151 of the Revised Code, naprapathy and 3507

mechanotherapy. The board shall adopt rules governing the 3508  
limited branches of medicine under its jurisdiction. The rules 3509  
shall be adopted in accordance with Chapter 119. of the Revised 3510  
Code. 3511

(B) A license to practice a limited branch of medicine 3512  
issued by the state medical board is valid for a two-year period 3513  
unless revoked or suspended and expires on the date that is two 3514  
years after the date of issuance. The license may be renewed for 3515  
additional two-year periods in accordance with division (C) of 3516  
this section. 3517

(C) Both of the following apply with respect to the 3518  
renewal of licenses to practice a limited branch of medicine: 3519

(1) Each person seeking to renew a license to practice a 3520  
limited branch of medicine shall apply for biennial renewal with 3521  
the state medical board in a manner prescribed by the board. An 3522  
applicant for renewal shall pay a biennial renewal fee of one 3523  
hundred dollars. 3524

(2) At least one month before a license expires, the board 3525  
shall provide a renewal notice to the license holder. 3526

(D) All persons who hold a license to practice a limited 3527  
branch of medicine issued by the state medical board shall 3528  
provide the board notice of any change of address. The notice 3529  
shall be submitted to the board not later than thirty days after 3530  
the change of address. 3531

(E) A license to practice a limited branch of medicine 3532  
shall be automatically suspended if the license holder fails to 3533  
renew the license in accordance with division (C) of this 3534  
section. Continued practice after the suspension of the license 3535  
to practice shall be considered as practicing in violation of 3536

sections 4731.34 and 4731.41 of the Revised Code. 3537

If a license has been suspended pursuant to this division 3538  
for two years or less, it may be reinstated. The board shall 3539  
reinstate the license upon an applicant's submission of a 3540  
renewal application and payment of a reinstatement fee of one 3541  
hundred twenty-five dollars. ~~With regard to reinstatement of a~~ 3542  
~~license to practice cosmetic therapy, the applicant also shall~~ 3543  
~~submit with the application a certification that the number of~~ 3544  
~~hours of continuing education necessary to have a suspended~~ 3545  
~~license reinstated have been completed, as specified in rules~~ 3546  
~~the board shall adopt in accordance with Chapter 119. of the~~ 3547  
~~Revised Code.~~ 3548

If a license has been suspended pursuant to this division 3549  
for more than two years, it may be restored. Subject to section 3550  
4731.222 of the Revised Code, the board may restore the license 3551  
upon an applicant's submission of a restoration application and 3552  
a restoration fee of one hundred fifty dollars and compliance 3553  
with sections 4776.01 to 4776.04 of the Revised Code. The board 3554  
shall not restore to an applicant a license to practice unless 3555  
the board, in its discretion, decides that the results of the 3556  
criminal records check do not make the applicant ineligible for 3557  
a license issued pursuant to section 4731.17 of the Revised 3558  
Code. 3559

**Sec. 4731.16.** (A) The state medical board shall determine 3560  
the standing of the schools, colleges, or institutions giving 3561  
instruction in the limited ~~branches~~ branch of medicine of 3562  
massage therapy ~~and cosmetic therapy.~~ 3563

(B) The board may administer an examination of competency 3564  
to practice a limited branch of medicine. If it administers an 3565  
examination, the board shall establish by rule a fee to cover 3566

the cost of administering the examination. 3567

If it does not administer an examination, the board shall 3568  
adopt rules under section 4731.05 of the Revised Code that 3569  
specify both of the following: 3570

(1) An examination acceptable to the board as an 3571  
examination of competency to practice a limited branch of 3572  
medicine; 3573

(2) The score that constitutes evidence of passing the 3574  
examination. 3575

**Sec. 4731.171.** In addition to any other eligibility 3576  
requirement set forth in this chapter, each applicant for a 3577  
license to practice massage therapy ~~or cosmetic therapy~~ shall 3578  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 3579  
state medical board shall not grant to an applicant a license to 3580  
practice massage therapy ~~or cosmetic therapy~~ unless the board, 3581  
in its discretion, decides that the results of the criminal 3582  
records check do not make the applicant ineligible for a license 3583  
issued pursuant to section 4731.17 of the Revised Code. 3584

**Sec. 4731.19.** (A) A person seeking a license to practice a 3585  
limited branch of medicine shall file with the state medical 3586  
board an application in a manner prescribed by the board. The 3587  
application shall include or be accompanied by all of the 3588  
following: 3589

(1) Evidence that the applicant is at least eighteen years 3590  
of age and of good moral character; 3591

(2) Evidence that the applicant has attained high school 3592  
graduation or its equivalent; 3593

(3) Evidence that the applicant holds one of the 3594

following: 3595

(a) A diploma or certificate from a school, college, or 3596  
institution in good standing as determined by the board, showing 3597  
the completion of the following required courses of instruction: 3598

(i) Two hundred seventy-five hours in anatomy and 3599  
physiology and pathology; 3600

(ii) Two hundred seventy-five hours in massage theory and 3601  
practical, including hygiene; 3602

(iii) Twenty-five hours in ethics; 3603

(iv) Twenty-five hours in business and law. 3604

(b) A diploma or certificate from a school, college, or 3605  
institution in another state or jurisdiction showing completion 3606  
of a course of instruction that meets the requirements of 3607  
division (A) (3) (a) of this section and any other course 3608  
requirements determined by the board through rules adopted under 3609  
section 4731.05 of the Revised Code; 3610

(c) During the five-year period immediately preceding the 3611  
date of application, a current license, registration, or 3612  
certificate in good standing in another state for massage 3613  
therapy ~~or cosmetic therapy.~~ 3614

(4) Evidence that the applicant has successfully passed an 3615  
examination, prescribed in rules described in section 4731.16 of 3616  
the Revised Code, to determine competency to practice the 3617  
applicable limited branch of medicine; 3618

(5) An attestation that the information submitted under 3619  
this section is accurate and truthful and that the applicant 3620  
consents to release of information; 3621

(6) Any other information the board requires. 3622

(B) An applicant for a license to practice a limited 3623  
branch of medicine shall comply with the requirements of section 3624  
4731.171 of the Revised Code. 3625

(C) At the time of making application for a license to 3626  
practice a limited branch of medicine, the applicant shall pay 3627  
to the board a fee of one hundred fifty dollars, no part of 3628  
which shall be returned. No application shall be considered 3629  
filed until the board receives the appropriate fee. 3630

(D) The board may investigate the application materials 3631  
received under this section and contact any agency or 3632  
organization for recommendations or other information about the 3633  
applicant. 3634

**Sec. 4731.22.** (A) The state medical board, by an 3635  
affirmative vote of not fewer than six of its members, may 3636  
limit, revoke, or suspend a license or certificate to practice 3637  
or certificate to recommend, refuse to grant a license or 3638  
certificate, refuse to renew a license or certificate, refuse to 3639  
reinstate a license or certificate, or reprimand or place on 3640  
probation the holder of a license or certificate if the 3641  
individual applying for or holding the license or certificate is 3642  
found by the board to have committed fraud during the 3643  
administration of the examination for a license or certificate 3644  
to practice or to have committed fraud, misrepresentation, or 3645  
deception in applying for, renewing, or securing any license or 3646  
certificate to practice or certificate to recommend issued by 3647  
the board. 3648

(B) The board, by an affirmative vote of not fewer than 3649  
six members, shall, to the extent permitted by law, limit, 3650

revoke, or suspend a license or certificate to practice or 3651  
certificate to recommend, refuse to issue a license or 3652  
certificate, refuse to renew a license or certificate, refuse to 3653  
reinstate a license or certificate, or reprimand or place on 3654  
probation the holder of a license or certificate for one or more 3655  
of the following reasons: 3656

(1) Permitting one's name or one's license or certificate 3657  
to practice to be used by a person, group, or corporation when 3658  
the individual concerned is not actually directing the treatment 3659  
given; 3660

(2) Failure to maintain minimal standards applicable to 3661  
the selection or administration of drugs, or failure to employ 3662  
acceptable scientific methods in the selection of drugs or other 3663  
modalities for treatment of disease; 3664

(3) Except as provided in section 4731.97 of the Revised 3665  
Code, selling, giving away, personally furnishing, prescribing, 3666  
or administering drugs for other than legal and legitimate 3667  
therapeutic purposes or a plea of guilty to, a judicial finding 3668  
of guilt of, or a judicial finding of eligibility for 3669  
intervention in lieu of conviction of, a violation of any 3670  
federal or state law regulating the possession, distribution, or 3671  
use of any drug; 3672

(4) Willfully betraying a professional confidence. 3673

For purposes of this division, "willfully betraying a 3674  
professional confidence" does not include providing any 3675  
information, documents, or reports under sections 307.621 to 3676  
307.629 of the Revised Code to a child fatality review board; 3677  
does not include providing any information, documents, or 3678  
reports to the director of health pursuant to guidelines 3679



established under section 3701.70 of the Revised Code; does not 3680  
include written notice to a mental health professional under 3681  
section 4731.62 of the Revised Code; and does not include the 3682  
making of a report of an employee's use of a drug of abuse, or a 3683  
report of a condition of an employee other than one involving 3684  
the use of a drug of abuse, to the employer of the employee as 3685  
described in division (B) of section 2305.33 of the Revised 3686  
Code. Nothing in this division affects the immunity from civil 3687  
liability conferred by section 2305.33 or 4731.62 of the Revised 3688  
Code upon a physician who makes a report in accordance with 3689  
section 2305.33 or notifies a mental health professional in 3690  
accordance with section 4731.62 of the Revised Code. As used in 3691  
this division, "employee," "employer," and "physician" have the 3692  
same meanings as in section 2305.33 of the Revised Code. 3693

(5) Making a false, fraudulent, deceptive, or misleading 3694  
statement in the solicitation of or advertising for patients; in 3695  
relation to the practice of medicine and surgery, osteopathic 3696  
medicine and surgery, podiatric medicine and surgery, or a 3697  
limited branch of medicine; or in securing or attempting to 3698  
secure any license or certificate to practice issued by the 3699  
board. 3700

As used in this division, "false, fraudulent, deceptive, 3701  
or misleading statement" means a statement that includes a 3702  
misrepresentation of fact, is likely to mislead or deceive 3703  
because of a failure to disclose material facts, is intended or 3704  
is likely to create false or unjustified expectations of 3705  
favorable results, or includes representations or implications 3706  
that in reasonable probability will cause an ordinarily prudent 3707  
person to misunderstand or be deceived. 3708

(6) A departure from, or the failure to conform to, 3709

minimal standards of care of similar practitioners under the 3710  
same or similar circumstances, whether or not actual injury to a 3711  
patient is established; 3712

(7) Representing, with the purpose of obtaining 3713  
compensation or other advantage as personal gain or for any 3714  
other person, that an incurable disease or injury, or other 3715  
incurable condition, can be permanently cured; 3716

(8) The obtaining of, or attempting to obtain, money or 3717  
anything of value by fraudulent misrepresentations in the course 3718  
of practice; 3719

(9) A plea of guilty to, a judicial finding of guilt of, 3720  
or a judicial finding of eligibility for intervention in lieu of 3721  
conviction for, a felony; 3722

(10) Commission of an act that constitutes a felony in 3723  
this state, regardless of the jurisdiction in which the act was 3724  
committed; 3725

(11) A plea of guilty to, a judicial finding of guilt of, 3726  
or a judicial finding of eligibility for intervention in lieu of 3727  
conviction for, a misdemeanor committed in the course of 3728  
practice; 3729

(12) Commission of an act in the course of practice that 3730  
constitutes a misdemeanor in this state, regardless of the 3731  
jurisdiction in which the act was committed; 3732

(13) A plea of guilty to, a judicial finding of guilt of, 3733  
or a judicial finding of eligibility for intervention in lieu of 3734  
conviction for, a misdemeanor involving moral turpitude; 3735

(14) Commission of an act involving moral turpitude that 3736  
constitutes a misdemeanor in this state, regardless of the 3737

jurisdiction in which the act was committed; 3738

(15) Violation of the conditions of limitation placed by 3739  
the board upon a license or certificate to practice; 3740

(16) Failure to pay license renewal fees specified in this 3741  
chapter; 3742

(17) Except as authorized in section 4731.31 of the 3743  
Revised Code, engaging in the division of fees for referral of 3744  
patients, or the receiving of a thing of value in return for a 3745  
specific referral of a patient to utilize a particular service 3746  
or business; 3747

(18) Subject to section 4731.226 of the Revised Code, 3748  
violation of any provision of a code of ethics of the American 3749  
medical association, the American osteopathic association, the 3750  
American podiatric medical association, or any other national 3751  
professional organizations that the board specifies by rule. The 3752  
state medical board shall obtain and keep on file current copies 3753  
of the codes of ethics of the various national professional 3754  
organizations. The individual whose license or certificate is 3755  
being suspended or revoked shall not be found to have violated 3756  
any provision of a code of ethics of an organization not 3757  
appropriate to the individual's profession. 3758

For purposes of this division, a "provision of a code of 3759  
ethics of a national professional organization" does not include 3760  
any provision that would preclude the making of a report by a 3761  
physician of an employee's use of a drug of abuse, or of a 3762  
condition of an employee other than one involving the use of a 3763  
drug of abuse, to the employer of the employee as described in 3764  
division (B) of section 2305.33 of the Revised Code. Nothing in 3765  
this division affects the immunity from civil liability 3766

conferred by that section upon a physician who makes either type 3767  
of report in accordance with division (B) of that section. As 3768  
used in this division, "employee," "employer," and "physician" 3769  
have the same meanings as in section 2305.33 of the Revised 3770  
Code. 3771

(19) Inability to practice according to acceptable and 3772  
prevailing standards of care by reason of mental illness or 3773  
physical illness, including, but not limited to, physical 3774  
deterioration that adversely affects cognitive, motor, or 3775  
perceptive skills. 3776

In enforcing this division, the board, upon a showing of a 3777  
possible violation, may compel any individual authorized to 3778  
practice by this chapter or who has submitted an application 3779  
pursuant to this chapter to submit to a mental examination, 3780  
physical examination, including an HIV test, or both a mental 3781  
and a physical examination. The expense of the examination is 3782  
the responsibility of the individual compelled to be examined. 3783  
Failure to submit to a mental or physical examination or consent 3784  
to an HIV test ordered by the board constitutes an admission of 3785  
the allegations against the individual unless the failure is due 3786  
to circumstances beyond the individual's control, and a default 3787  
and final order may be entered without the taking of testimony 3788  
or presentation of evidence. If the board finds an individual 3789  
unable to practice because of the reasons set forth in this 3790  
division, the board shall require the individual to submit to 3791  
care, counseling, or treatment by physicians approved or 3792  
designated by the board, as a condition for initial, continued, 3793  
reinstated, or renewed authority to practice. An individual 3794  
affected under this division shall be afforded an opportunity to 3795  
demonstrate to the board the ability to resume practice in 3796  
compliance with acceptable and prevailing standards under the 3797

provisions of the individual's license or certificate. For the 3798  
purpose of this division, any individual who applies for or 3799  
receives a license or certificate to practice under this chapter 3800  
accepts the privilege of practicing in this state and, by so 3801  
doing, shall be deemed to have given consent to submit to a 3802  
mental or physical examination when directed to do so in writing 3803  
by the board, and to have waived all objections to the 3804  
admissibility of testimony or examination reports that 3805  
constitute a privileged communication. 3806

(20) Except as provided in division (F) (1) (b) of section 3807  
4731.282 of the Revised Code or when civil penalties are imposed 3808  
under section 4731.225 of the Revised Code, and subject to 3809  
section 4731.226 of the Revised Code, violating or attempting to 3810  
violate, directly or indirectly, or assisting in or abetting the 3811  
violation of, or conspiring to violate, any provisions of this 3812  
chapter or any rule promulgated by the board. 3813

This division does not apply to a violation or attempted 3814  
violation of, assisting in or abetting the violation of, or a 3815  
conspiracy to violate, any provision of this chapter or any rule 3816  
adopted by the board that would preclude the making of a report 3817  
by a physician of an employee's use of a drug of abuse, or of a 3818  
condition of an employee other than one involving the use of a 3819  
drug of abuse, to the employer of the employee as described in 3820  
division (B) of section 2305.33 of the Revised Code. Nothing in 3821  
this division affects the immunity from civil liability 3822  
conferred by that section upon a physician who makes either type 3823  
of report in accordance with division (B) of that section. As 3824  
used in this division, "employee," "employer," and "physician" 3825  
have the same meanings as in section 2305.33 of the Revised 3826  
Code. 3827

(21) The violation of section 3701.79 of the Revised Code 3828  
or of any abortion rule adopted by the director of health 3829  
pursuant to section 3701.341 of the Revised Code; 3830

(22) Any of the following actions taken by an agency 3831  
responsible for authorizing, certifying, or regulating an 3832  
individual to practice a health care occupation or provide 3833  
health care services in this state or another jurisdiction, for 3834  
any reason other than the nonpayment of fees: the limitation, 3835  
revocation, or suspension of an individual's license to 3836  
practice; acceptance of an individual's license surrender; 3837  
denial of a license; refusal to renew or reinstate a license; 3838  
imposition of probation; or issuance of an order of censure or 3839  
other reprimand; 3840

(23) The violation of section 2919.12 of the Revised Code 3841  
or the performance or inducement of an abortion upon a pregnant 3842  
woman with actual knowledge that the conditions specified in 3843  
division (B) of section 2317.56 of the Revised Code have not 3844  
been satisfied or with a heedless indifference as to whether 3845  
those conditions have been satisfied, unless an affirmative 3846  
defense as specified in division (H)(2) of that section would 3847  
apply in a civil action authorized by division (H)(1) of that 3848  
section; 3849

(24) The revocation, suspension, restriction, reduction, 3850  
or termination of clinical privileges by the United States 3851  
department of defense or department of veterans affairs or the 3852  
termination or suspension of a certificate of registration to 3853  
prescribe drugs by the drug enforcement administration of the 3854  
United States department of justice; 3855

(25) Termination or suspension from participation in the 3856  
medicare or medicaid programs by the department of health and 3857

human services or other responsible agency; 3858

(26) Impairment of ability to practice according to 3859  
acceptable and prevailing standards of care because of habitual 3860  
or excessive use or abuse of drugs, alcohol, or other substances 3861  
that impair ability to practice. 3862

For the purposes of this division, any individual 3863  
authorized to practice by this chapter accepts the privilege of 3864  
practicing in this state subject to supervision by the board. By 3865  
filing an application for or holding a license or certificate to 3866  
practice under this chapter, an individual shall be deemed to 3867  
have given consent to submit to a mental or physical examination 3868  
when ordered to do so by the board in writing, and to have 3869  
waived all objections to the admissibility of testimony or 3870  
examination reports that constitute privileged communications. 3871

If it has reason to believe that any individual authorized 3872  
to practice by this chapter or any applicant for licensure or 3873  
certification to practice suffers such impairment, the board may 3874  
compel the individual to submit to a mental or physical 3875  
examination, or both. The expense of the examination is the 3876  
responsibility of the individual compelled to be examined. Any 3877  
mental or physical examination required under this division 3878  
shall be undertaken by a treatment provider or physician who is 3879  
qualified to conduct the examination and who is chosen by the 3880  
board. 3881

Failure to submit to a mental or physical examination 3882  
ordered by the board constitutes an admission of the allegations 3883  
against the individual unless the failure is due to 3884  
circumstances beyond the individual's control, and a default and 3885  
final order may be entered without the taking of testimony or 3886  
presentation of evidence. If the board determines that the 3887

individual's ability to practice is impaired, the board shall 3888  
suspend the individual's license or certificate or deny the 3889  
individual's application and shall require the individual, as a 3890  
condition for initial, continued, reinstated, or renewed 3891  
licensure or certification to practice, to submit to treatment. 3892

Before being eligible to apply for reinstatement of a 3893  
license or certificate suspended under this division, the 3894  
impaired practitioner shall demonstrate to the board the ability 3895  
to resume practice in compliance with acceptable and prevailing 3896  
standards of care under the provisions of the practitioner's 3897  
license or certificate. The demonstration shall include, but 3898  
shall not be limited to, the following: 3899

(a) Certification from a treatment provider approved under 3900  
section 4731.25 of the Revised Code that the individual has 3901  
successfully completed any required inpatient treatment; 3902

(b) Evidence of continuing full compliance with an 3903  
aftercare contract or consent agreement; 3904

(c) Two written reports indicating that the individual's 3905  
ability to practice has been assessed and that the individual 3906  
has been found capable of practicing according to acceptable and 3907  
prevailing standards of care. The reports shall be made by 3908  
individuals or providers approved by the board for making the 3909  
assessments and shall describe the basis for their 3910  
determination. 3911

The board may reinstate a license or certificate suspended 3912  
under this division after that demonstration and after the 3913  
individual has entered into a written consent agreement. 3914

When the impaired practitioner resumes practice, the board 3915  
shall require continued monitoring of the individual. The 3916



monitoring shall include, but not be limited to, compliance with 3917  
the written consent agreement entered into before reinstatement 3918  
or with conditions imposed by board order after a hearing, and, 3919  
upon termination of the consent agreement, submission to the 3920  
board for at least two years of annual written progress reports 3921  
made under penalty of perjury stating whether the individual has 3922  
maintained sobriety. 3923

(27) A second or subsequent violation of section 4731.66 3924  
or 4731.69 of the Revised Code; 3925

(28) Except as provided in division (N) of this section: 3926

(a) Waiving the payment of all or any part of a deductible 3927  
or copayment that a patient, pursuant to a health insurance or 3928  
health care policy, contract, or plan that covers the 3929  
individual's services, otherwise would be required to pay if the 3930  
waiver is used as an enticement to a patient or group of 3931  
patients to receive health care services from that individual; 3932

(b) Advertising that the individual will waive the payment 3933  
of all or any part of a deductible or copayment that a patient, 3934  
pursuant to a health insurance or health care policy, contract, 3935  
or plan that covers the individual's services, otherwise would 3936  
be required to pay. 3937

(29) Failure to use universal blood and body fluid 3938  
precautions established by rules adopted under section 4731.051 3939  
of the Revised Code; 3940

(30) Failure to provide notice to, and receive 3941  
acknowledgment of the notice from, a patient when required by 3942  
section 4731.143 of the Revised Code prior to providing 3943  
nonemergency professional services, or failure to maintain that 3944  
notice in the patient's medical record; 3945

(31) Failure of a physician supervising a physician 3946  
assistant to maintain supervision in accordance with the 3947  
requirements of Chapter 4730. of the Revised Code and the rules 3948  
adopted under that chapter; 3949

(32) Failure of a physician or podiatrist to enter into a 3950  
standard care arrangement with a clinical nurse specialist, 3951  
certified nurse-midwife, or certified nurse practitioner with 3952  
whom the physician or podiatrist is in collaboration pursuant to 3953  
section 4731.27 of the Revised Code or failure to fulfill the 3954  
responsibilities of collaboration after entering into a standard 3955  
care arrangement; 3956

(33) Failure to comply with the terms of a consult 3957  
agreement entered into with a pharmacist pursuant to section 3958  
4729.39 of the Revised Code; 3959

(34) Failure to cooperate in an investigation conducted by 3960  
the board under division (F) of this section, including failure 3961  
to comply with a subpoena or order issued by the board or 3962  
failure to answer truthfully a question presented by the board 3963  
in an investigative interview, an investigative office 3964  
conference, at a deposition, or in written interrogatories, 3965  
except that failure to cooperate with an investigation shall not 3966  
constitute grounds for discipline under this section if a court 3967  
of competent jurisdiction has issued an order that either 3968  
quashes a subpoena or permits the individual to withhold the 3969  
testimony or evidence in issue; 3970

(35) Failure to supervise an ~~oriental medicine~~ 3971  
~~practitioner or~~ acupuncturist in accordance with Chapter 4762. 3972  
of the Revised Code and the board's rules for providing that 3973  
supervision; 3974

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	3975 3976 3977
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	3978 3979
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	3980 3981
(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;	3982 3983 3984
(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;	3985 3986 3987 3988
(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;	3989 3990 3991 3992
(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;	3993 3994 3995 3996
(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;	3997 3998 3999 4000
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure	4001 4002

to submit to the department of health in accordance with a court 4003  
order a complete report as described in section 2919.171 or 4004  
2919.202 of the Revised Code; 4005

(45) Practicing at a facility that is subject to licensure 4006  
as a category III terminal distributor of dangerous drugs with a 4007  
pain management clinic classification unless the person 4008  
operating the facility has obtained and maintains the license 4009  
with the classification; 4010

(46) Owning a facility that is subject to licensure as a 4011  
category III terminal distributor of dangerous drugs with a pain 4012  
management clinic classification unless the facility is licensed 4013  
with the classification; 4014

(47) Failure to comply with any of the requirements 4015  
regarding making or maintaining medical records or documents 4016  
described in division (A) of section 2919.192, division (C) of 4017  
section 2919.193, division (B) of section 2919.195, or division 4018  
(A) of section 2919.196 of the Revised Code; 4019

(48) Failure to comply with the requirements in section 4020  
3719.061 of the Revised Code before issuing for a minor a 4021  
prescription for an opioid analgesic, as defined in section 4022  
3719.01 of the Revised Code; 4023

(49) Failure to comply with the requirements of section 4024  
4731.30 of the Revised Code or rules adopted under section 4025  
4731.301 of the Revised Code when recommending treatment with 4026  
medical marijuana; 4027

(50) Practicing at a facility, clinic, or other location 4028  
that is subject to licensure as a category III terminal 4029  
distributor of dangerous drugs with an office-based opioid 4030  
treatment classification unless the person operating that place 4031

has obtained and maintains the license with the classification; 4032

(51) Owning a facility, clinic, or other location that is 4033  
subject to licensure as a category III terminal distributor of 4034  
dangerous drugs with an office-based opioid treatment 4035  
classification unless that place is licensed with the 4036  
classification; 4037

(52) A pattern of continuous or repeated violations of 4038  
division (E) (2) or (3) of section 3963.02 of the Revised Code. 4039

(C) Disciplinary actions taken by the board under 4040  
divisions (A) and (B) of this section shall be taken pursuant to 4041  
an adjudication under Chapter 119. of the Revised Code, except 4042  
that in lieu of an adjudication, the board may enter into a 4043  
consent agreement with an individual to resolve an allegation of 4044  
a violation of this chapter or any rule adopted under it. A 4045  
consent agreement, when ratified by an affirmative vote of not 4046  
fewer than six members of the board, shall constitute the 4047  
findings and order of the board with respect to the matter 4048  
addressed in the agreement. If the board refuses to ratify a 4049  
consent agreement, the admissions and findings contained in the 4050  
consent agreement shall be of no force or effect. 4051

A telephone conference call may be utilized for 4052  
ratification of a consent agreement that revokes or suspends an 4053  
individual's license or certificate to practice or certificate 4054  
to recommend. The telephone conference call shall be considered 4055  
a special meeting under division (F) of section 121.22 of the 4056  
Revised Code. 4057

If the board takes disciplinary action against an 4058  
individual under division (B) of this section for a second or 4059  
subsequent plea of guilty to, or judicial finding of guilt of, a 4060

violation of section 2919.123 of the Revised Code, the 4061  
disciplinary action shall consist of a suspension of the 4062  
individual's license or certificate to practice for a period of 4063  
at least one year or, if determined appropriate by the board, a 4064  
more serious sanction involving the individual's license or 4065  
certificate to practice. Any consent agreement entered into 4066  
under this division with an individual that pertains to a second 4067  
or subsequent plea of guilty to, or judicial finding of guilt 4068  
of, a violation of that section shall provide for a suspension 4069  
of the individual's license or certificate to practice for a 4070  
period of at least one year or, if determined appropriate by the 4071  
board, a more serious sanction involving the individual's 4072  
license or certificate to practice. 4073

(D) For purposes of divisions (B) (10), (12), and (14) of 4074  
this section, the commission of the act may be established by a 4075  
finding by the board, pursuant to an adjudication under Chapter 4076  
119. of the Revised Code, that the individual committed the act. 4077  
The board does not have jurisdiction under those divisions if 4078  
the trial court renders a final judgment in the individual's 4079  
favor and that judgment is based upon an adjudication on the 4080  
merits. The board has jurisdiction under those divisions if the 4081  
trial court issues an order of dismissal upon technical or 4082  
procedural grounds. 4083

(E) The sealing of conviction records by any court shall 4084  
have no effect upon a prior board order entered under this 4085  
section or upon the board's jurisdiction to take action under 4086  
this section if, based upon a plea of guilty, a judicial finding 4087  
of guilt, or a judicial finding of eligibility for intervention 4088  
in lieu of conviction, the board issued a notice of opportunity 4089  
for a hearing prior to the court's order to seal the records. 4090  
The board shall not be required to seal, destroy, redact, or 4091

otherwise modify its records to reflect the court's sealing of 4092  
conviction records. 4093

(F) (1) The board shall investigate evidence that appears 4094  
to show that a person has violated any provision of this chapter 4095  
or any rule adopted under it. Any person may report to the board 4096  
in a signed writing any information that the person may have 4097  
that appears to show a violation of any provision of this 4098  
chapter or any rule adopted under it. In the absence of bad 4099  
faith, any person who reports information of that nature or who 4100  
testifies before the board in any adjudication conducted under 4101  
Chapter 119. of the Revised Code shall not be liable in damages 4102  
in a civil action as a result of the report or testimony. Each 4103  
complaint or allegation of a violation received by the board 4104  
shall be assigned a case number and shall be recorded by the 4105  
board. 4106

(2) Investigations of alleged violations of this chapter 4107  
or any rule adopted under it shall be supervised by the 4108  
supervising member elected by the board in accordance with 4109  
section 4731.02 of the Revised Code and by the secretary as 4110  
provided in section 4731.39 of the Revised Code. The president 4111  
may designate another member of the board to supervise the 4112  
investigation in place of the supervising member. No member of 4113  
the board who supervises the investigation of a case shall 4114  
participate in further adjudication of the case. 4115

(3) In investigating a possible violation of this chapter 4116  
or any rule adopted under this chapter, or in conducting an 4117  
inspection under division (E) of section 4731.054 of the Revised 4118  
Code, the board may question witnesses, conduct interviews, 4119  
administer oaths, order the taking of depositions, inspect and 4120  
copy any books, accounts, papers, records, or documents, issue 4121

subpoenas, and compel the attendance of witnesses and production 4122  
of books, accounts, papers, records, documents, and testimony, 4123  
except that a subpoena for patient record information shall not 4124  
be issued without consultation with the attorney general's 4125  
office and approval of the secretary and supervising member of 4126  
the board. 4127

(a) Before issuance of a subpoena for patient record 4128  
information, the secretary and supervising member shall 4129  
determine whether there is probable cause to believe that the 4130  
complaint filed alleges a violation of this chapter or any rule 4131  
adopted under it and that the records sought are relevant to the 4132  
alleged violation and material to the investigation. The 4133  
subpoena may apply only to records that cover a reasonable 4134  
period of time surrounding the alleged violation. 4135

(b) On failure to comply with any subpoena issued by the 4136  
board and after reasonable notice to the person being 4137  
subpoenaed, the board may move for an order compelling the 4138  
production of persons or records pursuant to the Rules of Civil 4139  
Procedure. 4140

(c) A subpoena issued by the board may be served by a 4141  
sheriff, the sheriff's deputy, or a board employee or agent 4142  
designated by the board. Service of a subpoena issued by the 4143  
board may be made by delivering a copy of the subpoena to the 4144  
person named therein, reading it to the person, or leaving it at 4145  
the person's usual place of residence, usual place of business, 4146  
or address on file with the board. When serving a subpoena to an 4147  
applicant for or the holder of a license or certificate issued 4148  
under this chapter, service of the subpoena may be made by 4149  
certified mail, return receipt requested, and the subpoena shall 4150  
be deemed served on the date delivery is made or the date the 4151



person refuses to accept delivery. If the person being served 4152  
refuses to accept the subpoena or is not located, service may be 4153  
made to an attorney who notifies the board that the attorney is 4154  
representing the person. 4155

(d) A sheriff's deputy who serves a subpoena shall receive 4156  
the same fees as a sheriff. Each witness who appears before the 4157  
board in obedience to a subpoena shall receive the fees and 4158  
mileage provided for under section 119.094 of the Revised Code. 4159

(4) All hearings, investigations, and inspections of the 4160  
board shall be considered civil actions for the purposes of 4161  
section 2305.252 of the Revised Code. 4162

(5) A report required to be submitted to the board under 4163  
this chapter, a complaint, or information received by the board 4164  
pursuant to an investigation or pursuant to an inspection under 4165  
division (E) of section 4731.054 of the Revised Code is 4166  
confidential and not subject to discovery in any civil action. 4167

The board shall conduct all investigations or inspections 4168  
and proceedings in a manner that protects the confidentiality of 4169  
patients and persons who file complaints with the board. The 4170  
board shall not make public the names or any other identifying 4171  
information about patients or complainants unless proper consent 4172  
is given or, in the case of a patient, a waiver of the patient 4173  
privilege exists under division (B) of section 2317.02 of the 4174  
Revised Code, except that consent or a waiver of that nature is 4175  
not required if the board possesses reliable and substantial 4176  
evidence that no bona fide physician-patient relationship 4177  
exists. 4178

The board may share any information it receives pursuant 4179  
to an investigation or inspection, including patient records and 4180

patient record information, with law enforcement agencies, other 4181  
licensing boards, and other governmental agencies that are 4182  
prosecuting, adjudicating, or investigating alleged violations 4183  
of statutes or administrative rules. An agency or board that 4184  
receives the information shall comply with the same requirements 4185  
regarding confidentiality as those with which the state medical 4186  
board must comply, notwithstanding any conflicting provision of 4187  
the Revised Code or procedure of the agency or board that 4188  
applies when it is dealing with other information in its 4189  
possession. In a judicial proceeding, the information may be 4190  
admitted into evidence only in accordance with the Rules of 4191  
Evidence, but the court shall require that appropriate measures 4192  
are taken to ensure that confidentiality is maintained with 4193  
respect to any part of the information that contains names or 4194  
other identifying information about patients or complainants 4195  
whose confidentiality was protected by the state medical board 4196  
when the information was in the board's possession. Measures to 4197  
ensure confidentiality that may be taken by the court include 4198  
sealing its records or deleting specific information from its 4199  
records. 4200

(6) On a quarterly basis, the board shall prepare a report 4201  
that documents the disposition of all cases during the preceding 4202  
three months. The report shall contain the following information 4203  
for each case with which the board has completed its activities: 4204

(a) The case number assigned to the complaint or alleged 4205  
violation; 4206

(b) The type of license or certificate to practice, if 4207  
any, held by the individual against whom the complaint is 4208  
directed; 4209

(c) A description of the allegations contained in the 4210

complaint; 4211

(d) The disposition of the case. 4212

The report shall state how many cases are still pending 4213  
and shall be prepared in a manner that protects the identity of 4214  
each person involved in each case. The report shall be a public 4215  
record under section 149.43 of the Revised Code. 4216

(G) If the secretary and supervising member determine both 4217  
of the following, they may recommend that the board suspend an 4218  
individual's license or certificate to practice or certificate 4219  
to recommend without a prior hearing: 4220

(1) That there is clear and convincing evidence that an 4221  
individual has violated division (B) of this section; 4222

(2) That the individual's continued practice presents a 4223  
danger of immediate and serious harm to the public. 4224

Written allegations shall be prepared for consideration by 4225  
the board. The board, upon review of those allegations and by an 4226  
affirmative vote of not fewer than six of its members, excluding 4227  
the secretary and supervising member, may suspend a license or 4228  
certificate without a prior hearing. A telephone conference call 4229  
may be utilized for reviewing the allegations and taking the 4230  
vote on the summary suspension. 4231

The board shall issue a written order of suspension by 4232  
certified mail or in person in accordance with section 119.07 of 4233  
the Revised Code. The order shall not be subject to suspension 4234  
by the court during pendency of any appeal filed under section 4235  
119.12 of the Revised Code. If the individual subject to the 4236  
summary suspension requests an adjudicatory hearing by the 4237  
board, the date set for the hearing shall be within fifteen 4238  
days, but not earlier than seven days, after the individual 4239

requests the hearing, unless otherwise agreed to by both the 4240  
board and the individual. 4241

Any summary suspension imposed under this division shall 4242  
remain in effect, unless reversed on appeal, until a final 4243  
adjudicative order issued by the board pursuant to this section 4244  
and Chapter 119. of the Revised Code becomes effective. The 4245  
board shall issue its final adjudicative order within seventy- 4246  
five days after completion of its hearing. A failure to issue 4247  
the order within seventy-five days shall result in dissolution 4248  
of the summary suspension order but shall not invalidate any 4249  
subsequent, final adjudicative order. 4250

(H) If the board takes action under division (B) (9), (11), 4251  
or (13) of this section and the judicial finding of guilt, 4252  
guilty plea, or judicial finding of eligibility for intervention 4253  
in lieu of conviction is overturned on appeal, upon exhaustion 4254  
of the criminal appeal, a petition for reconsideration of the 4255  
order may be filed with the board along with appropriate court 4256  
documents. Upon receipt of a petition of that nature and 4257  
supporting court documents, the board shall reinstate the 4258  
individual's license or certificate to practice. The board may 4259  
then hold an adjudication under Chapter 119. of the Revised Code 4260  
to determine whether the individual committed the act in 4261  
question. Notice of an opportunity for a hearing shall be given 4262  
in accordance with Chapter 119. of the Revised Code. If the 4263  
board finds, pursuant to an adjudication held under this 4264  
division, that the individual committed the act or if no hearing 4265  
is requested, the board may order any of the sanctions 4266  
identified under division (B) of this section. 4267

(I) The license or certificate to practice issued to an 4268  
individual under this chapter and the individual's practice in 4269

this state are automatically suspended as of the date of the 4270  
individual's second or subsequent plea of guilty to, or judicial 4271  
finding of guilt of, a violation of section 2919.123 of the 4272  
Revised Code. In addition, the license or certificate to 4273  
practice or certificate to recommend issued to an individual 4274  
under this chapter and the individual's practice in this state 4275  
are automatically suspended as of the date the individual pleads 4276  
guilty to, is found by a judge or jury to be guilty of, or is 4277  
subject to a judicial finding of eligibility for intervention in 4278  
lieu of conviction in this state or treatment or intervention in 4279  
lieu of conviction in another jurisdiction for any of the 4280  
following criminal offenses in this state or a substantially 4281  
equivalent criminal offense in another jurisdiction: aggravated 4282  
murder, murder, voluntary manslaughter, felonious assault, 4283  
kidnapping, rape, sexual battery, gross sexual imposition, 4284  
aggravated arson, aggravated robbery, or aggravated burglary. 4285  
Continued practice after suspension shall be considered 4286  
practicing without a license or certificate. 4287

The board shall notify the individual subject to the 4288  
suspension by certified mail or in person in accordance with 4289  
section 119.07 of the Revised Code. If an individual whose 4290  
license or certificate is automatically suspended under this 4291  
division fails to make a timely request for an adjudication 4292  
under Chapter 119. of the Revised Code, the board shall do 4293  
whichever of the following is applicable: 4294

(1) If the automatic suspension under this division is for 4295  
a second or subsequent plea of guilty to, or judicial finding of 4296  
guilt of, a violation of section 2919.123 of the Revised Code, 4297  
the board shall enter an order suspending the individual's 4298  
license or certificate to practice for a period of at least one 4299  
year or, if determined appropriate by the board, imposing a more 4300

serious sanction involving the individual's license or 4301  
certificate to practice. 4302

(2) In all circumstances in which division (I)(1) of this 4303  
section does not apply, enter a final order permanently revoking 4304  
the individual's license or certificate to practice. 4305

(J) If the board is required by Chapter 119. of the 4306  
Revised Code to give notice of an opportunity for a hearing and 4307  
if the individual subject to the notice does not timely request 4308  
a hearing in accordance with section 119.07 of the Revised Code, 4309  
the board is not required to hold a hearing, but may adopt, by 4310  
an affirmative vote of not fewer than six of its members, a 4311  
final order that contains the board's findings. In that final 4312  
order, the board may order any of the sanctions identified under 4313  
division (A) or (B) of this section. 4314

(K) Any action taken by the board under division (B) of 4315  
this section resulting in a suspension from practice shall be 4316  
accompanied by a written statement of the conditions under which 4317  
the individual's license or certificate to practice may be 4318  
reinstated. The board shall adopt rules governing conditions to 4319  
be imposed for reinstatement. Reinstatement of a license or 4320  
certificate suspended pursuant to division (B) of this section 4321  
requires an affirmative vote of not fewer than six members of 4322  
the board. 4323

(L) When the board refuses to grant or issue a license or 4324  
certificate to practice to an applicant, revokes an individual's 4325  
license or certificate to practice, refuses to renew an 4326  
individual's license or certificate to practice, or refuses to 4327  
reinstatement an individual's license or certificate to practice, 4328  
the board may specify that its action is permanent. An 4329  
individual subject to a permanent action taken by the board is 4330

forever thereafter ineligible to hold a license or certificate 4331  
to practice and the board shall not accept an application for 4332  
reinstatement of the license or certificate or for issuance of a 4333  
new license or certificate. 4334

(M) Notwithstanding any other provision of the Revised 4335  
Code, all of the following apply: 4336

(1) The surrender of a license or certificate issued under 4337  
this chapter shall not be effective unless or until accepted by 4338  
the board. A telephone conference call may be utilized for 4339  
acceptance of the surrender of an individual's license or 4340  
certificate to practice. The telephone conference call shall be 4341  
considered a special meeting under division (F) of section 4342  
121.22 of the Revised Code. Reinstatement of a license or 4343  
certificate surrendered to the board requires an affirmative 4344  
vote of not fewer than six members of the board. 4345

(2) An application for a license or certificate made under 4346  
the provisions of this chapter may not be withdrawn without 4347  
approval of the board. 4348

(3) Failure by an individual to renew a license or 4349  
certificate to practice in accordance with this chapter or a 4350  
certificate to recommend in accordance with rules adopted under 4351  
section 4731.301 of the Revised Code shall not remove or limit 4352  
the board's jurisdiction to take any disciplinary action under 4353  
this section against the individual. 4354

(4) At the request of the board, a license or certificate 4355  
holder shall immediately surrender to the board a license or 4356  
certificate that the board has suspended, revoked, or 4357  
permanently revoked. 4358

(N) Sanctions shall not be imposed under division (B) (28) 4359

of this section against any person who waives deductibles and 4360  
copayments as follows: 4361

(1) In compliance with the health benefit plan that 4362  
expressly allows such a practice. Waiver of the deductibles or 4363  
copayments shall be made only with the full knowledge and 4364  
consent of the plan purchaser, payer, and third-party 4365  
administrator. Documentation of the consent shall be made 4366  
available to the board upon request. 4367

(2) For professional services rendered to any other person 4368  
authorized to practice pursuant to this chapter, to the extent 4369  
allowed by this chapter and rules adopted by the board. 4370

(O) Under the board's investigative duties described in 4371  
this section and subject to division (F) of this section, the 4372  
board shall develop and implement a quality intervention program 4373  
designed to improve through remedial education the clinical and 4374  
communication skills of individuals authorized under this 4375  
chapter to practice medicine and surgery, osteopathic medicine 4376  
and surgery, and podiatric medicine and surgery. In developing 4377  
and implementing the quality intervention program, the board may 4378  
do all of the following: 4379

(1) Offer in appropriate cases as determined by the board 4380  
an educational and assessment program pursuant to an 4381  
investigation the board conducts under this section; 4382

(2) Select providers of educational and assessment 4383  
services, including a quality intervention program panel of case 4384  
reviewers; 4385

(3) Make referrals to educational and assessment service 4386  
providers and approve individual educational programs 4387  
recommended by those providers. The board shall monitor the 4388



progress of each individual undertaking a recommended individual 4389  
educational program. 4390

(4) Determine what constitutes successful completion of an 4391  
individual educational program and require further monitoring of 4392  
the individual who completed the program or other action that 4393  
the board determines to be appropriate; 4394

(5) Adopt rules in accordance with Chapter 119. of the 4395  
Revised Code to further implement the quality intervention 4396  
program. 4397

An individual who participates in an individual 4398  
educational program pursuant to this division shall pay the 4399  
financial obligations arising from that educational program. 4400

**Sec. 4731.293.** (A) The state medical board ~~may~~ shall 4401  
issue, without examination, a clinical research faculty 4402  
certificate to practice medicine and surgery, osteopathic 4403  
medicine and surgery, or podiatric medicine and surgery to any 4404  
person who applies for the certificate and provides to the board 4405  
~~all satisfactory evidence of both~~ of the following: 4406

(1) ~~Evidence satisfactory to the board of all of the~~ 4407  
~~following:~~ 4408

~~(a)~~ That the applicant holds a current, unrestricted 4409  
license to practice medicine and surgery, osteopathic medicine 4410  
and surgery, or podiatric medicine and surgery issued by another 4411  
state or country; 4412

~~(b)~~ (2) That the applicant has been appointed to serve in 4413  
this state on the academic staff of a medical school accredited 4414  
by the liaison committee on medical education, an osteopathic 4415  
medical school accredited by the American osteopathic 4416  
association, or a college of podiatric medicine and surgery in 4417

good standing with the board;— 4418

~~(c) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory. 4419  
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~~(2) An affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is qualified to perform teaching and research activities and will be permitted to work only under the authority of the department director or chairperson of a teaching hospital affiliated with the school or college where the applicant's teaching and research activities will occur;— 4423  
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~~(3) A description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;— 4431  
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4434~~

~~(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.— 4435  
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4438~~

~~(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy five dollars.— 4439  
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4441~~

~~(C) The holder of a clinical research faculty certificate may do one of the following, as applicable: 4442  
4443~~

~~(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching 4444  
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4446~~

hospital affiliated with the school; 4447

(2) Practice podiatric medicine and surgery only as is 4448  
incidental to the certificate holder's teaching or research 4449  
duties at the college of podiatric medicine and surgery or a 4450  
teaching hospital affiliated with the college. 4451

~~(D)~~ (C) The board may revoke a certificate on receiving 4452  
proof satisfactory to the board that the certificate holder has 4453  
engaged in practice in this state outside the scope of the 4454  
certificate or that there are grounds for action against the 4455  
certificate holder under section 4731.22 of the Revised Code. 4456

~~(E)~~ (D) A clinical research faculty certificate is valid 4457  
for three years, except that the certificate ceases to be valid 4458  
if the holder's academic staff appointment described in division 4459  
~~(A) (1) (b)~~ (A) (2) of this section is no longer valid or the 4460  
certificate is revoked pursuant to division ~~(D)~~ (C) of this 4461  
section. 4462

~~(F) (1)~~ (E) (1) The board shall provide a renewal notice to 4463  
the certificate holder at least one month before the certificate 4464  
expires. Failure of a certificate holder to receive a notice of 4465  
renewal from the board shall not excuse the certificate holder 4466  
from the requirements contained in this section. The notice 4467  
shall inform the certificate holder of the renewal procedure. 4468  
The notice also shall inform the certificate holder of the 4469  
reporting requirement established by division (H) of section 4470  
3701.79 of the Revised Code. At the discretion of the board, the 4471  
information may be included on the application for renewal or on 4472  
an accompanying page. 4473

(2) A clinical research faculty certificate may be renewed 4474  
for an additional three-year period. There is no limit on the 4475

number of times a certificate may be renewed. A person seeking 4476  
renewal of a certificate shall apply to the board. The board 4477  
shall provide the application for renewal in a form determined 4478  
by the board. 4479

(3) An applicant is eligible for renewal if the applicant 4480  
does all of the following: 4481

~~(a) Pays a renewal fee of three hundred seventy five-~~ 4482  
~~dollars;—~~ 4483

~~(b) Reports any criminal offense to which the applicant~~ 4484  
~~has pleaded guilty, of which the applicant has been found~~ 4485  
~~guilty, or for which the applicant has been found eligible for~~ 4486  
~~intervention in lieu of conviction, since last filing an~~ 4487  
~~application for a clinical research faculty certificate;~~ 4488

~~(c) Provides to the board an affidavit and supporting~~ 4489  
~~documentation from the dean of the school or college, or the~~ 4490  
~~department director or chairperson of a teaching hospital~~ 4491  
~~affiliated with the school or college, that the applicant is in~~ 4492  
~~compliance with the applicant's current clinical research~~ 4493  
~~faculty certificate;—~~ 4494

~~(d)~~ (b) Provides evidence satisfactory to the board of all— 4495  
both of the following: 4496

(i) That the applicant continues to maintain a current, 4497  
unrestricted license to practice medicine and surgery, 4498  
osteopathic medicine and surgery, or podiatric medicine and 4499  
surgery issued by another state or country; 4500

(ii) That the applicant's initial appointment to serve in 4501  
this state on the academic staff of a school or college is still 4502  
valid or has been renewed;— 4503

~~(iii) That the applicant has completed seventy five hours of continuing medical education that meet the requirements set forth in section 4731.282 of the Revised Code.~~ 4504  
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(4) Regardless of whether the certificate has expired, a person who was granted a visiting medical faculty certificate under this section as it existed immediately prior to June 6, 2012, may apply for a clinical research faculty certificate as a renewal. The board may issue the clinical research faculty certificate if the applicant meets the requirements of division ~~(F)(3)~~ (E)(3) of this section. The board may not issue a clinical research faculty certificate if the visiting medical faculty certificate was revoked. 4507  
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~~(G)~~ (F) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 4516  
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**Sec. 4731.298.** (A) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a visiting clinical professional development certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's participation in a clinical professional development program. 4519  
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(B) To be eligible for a visiting clinical professional development certificate, an applicant shall provide to the board ~~both of the following:~~ 4525  
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~~(1) Documentation satisfactory to the board of all of the following:~~ 4528  
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~~(a) Verification from the school or hospital conducting the program that the applicant has sufficient financial resources to support the applicant and any dependents based on~~ 4530  
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~~the cost of living in the geographic area of the school or  
hospital conducting the program, including room, board,  
transportation, and related living expenses;~~

~~(b) Valid health and evacuation insurance for the duration  
of the applicant's stay in the United States;~~

~~(c) Professional liability insurance provided by the  
program or the school or hospital conducting the program for the  
duration of the applicant's participation in the program;~~

~~(d) Proficiency in spoken English as demonstrated by  
passing the examination described in section 4731.142 of the  
Revised Code;~~

~~(e) A description from the school or hospital conducting  
the program of the scope of medical or surgical activities  
permitted during the applicant's participation in the program  
that includes all of the following:~~

~~(i) The type of practice in which the applicant will be  
involved;~~

~~(ii) The type of patient contact that will occur;~~

~~(iii) The type of supervision the applicant will  
experience;~~

~~(iv) A list of procedures the applicant will learn;~~

~~(v) A list of any patient-based research projects in which  
the applicant will be involved;~~

~~(vi) Whether the applicant will act as a consultant to a  
person who holds a license to practice medicine and surgery or  
osteopathic medicine and surgery issued under this chapter;~~

~~(vii) Any other details of the applicant's participation~~

~~in the program.~~ 4560

~~(f) A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training.~~ 4561  
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~~(2) Evidence satisfactory to the board evidence that the applicant meets all both of the following requirements:~~ 4565  
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~~(a) (1) Has been accepted for participation in a clinical professional development program of a medical school or osteopathic medical school in this state that is accredited by the liaison committee on medical education or the American osteopathic association or of a teaching hospital affiliated with such a medical school;~~ 4567  
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~~(b) Is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory;~~ 4573  
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~~(c) Has practiced medicine and surgery or osteopathic medicine and surgery for at least five years after completing graduate medical education, including postgraduate residency and advanced training;~~ 4576  
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~~(d) Has credentials that are primary source verified by the educational commission for foreign medical graduates or the federation credentials verification service;~~ 4580  
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~~(e) (2) Holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued in another country;~~ 4583  
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~~(f) Agrees to comply with all state and federal laws regarding health, health care, and patient privacy;~~ 4586  
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~~(g) Agrees to return to the applicant's home state or  
country at the conclusion of the clinical professional  
development program.~~ 4588  
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~~(C) The applicant shall pay a fee of three hundred  
seventy five dollars.~~ 4591  
The board shall maintain a register of all 4592  
persons who hold visiting clinical professional development 4593  
certificates. 4594

(D) The holder of a visiting clinical professional 4595  
development certificate may practice medicine and surgery or 4596  
osteopathic medicine and surgery only as part of the clinical 4597  
professional development program in which the certificate holder 4598  
participates. The certificate holder's practice must be under 4599  
the direct supervision of a qualified faculty member of the 4600  
medical school, osteopathic medical school, or teaching hospital 4601  
conducting the program who holds a license to practice medicine 4602  
and surgery or osteopathic medicine and surgery issued under 4603  
this chapter. 4604

The program in which the certificate holder participates 4605  
shall ensure that the certificate holder does not do any of the 4606  
following: 4607

(1) Write orders or prescribe medication; 4608

(2) Bill for services performed; 4609

(3) Occupy a residency or fellowship position approved by 4610  
the accreditation council for graduate medical education; 4611

(4) Attempt to have participation in a clinical 4612  
professional development program pursuant to this section 4613  
counted toward meeting the graduate medical education 4614  
requirements specified in section 4731.09 of the Revised Code. 4615



(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(F) A visiting clinical professional development certificate is valid for the shorter of one year or the duration of the program in which the holder is participating. The certificate ceases to be valid if the holder resigns or is otherwise terminated from the program. The certificate may not be extended.

(G) The program in which a certificate holder participates shall obtain from each patient or patient's parent or legal guardian written consent to any medical or surgical procedure or course of procedures in which the certificate holder participates.

(H) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 4731.36.** (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs.

Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following:

(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration

of the United States or the United States public health service 4645  
in the discharge of the officer's or employee's professional 4646  
duties; 4647

(2) A dentist authorized under Chapter 4715. of the 4648  
Revised Code to practice dentistry when engaged exclusively in 4649  
the practice of dentistry or when administering anesthetics in 4650  
the practice of dentistry; 4651

(3) A physician or surgeon in another state or territory 4652  
who is a legal practitioner of medicine or surgery therein when 4653  
providing consultation to an individual holding a license to 4654  
practice issued under this chapter who is responsible for the 4655  
examination, diagnosis, and treatment of the patient who is the 4656  
subject of the consultation, if one of the following applies: 4657

(a) The physician or surgeon does not provide consultation 4658  
in this state on a regular or frequent basis. 4659

(b) The physician or surgeon provides the consultation 4660  
without compensation of any kind, direct or indirect, for the 4661  
consultation. 4662

(c) The consultation is part of the curriculum of a 4663  
medical school or osteopathic medical school of this state or a 4664  
program described in division (A) (2) of section 4731.291 of the 4665  
Revised Code. 4666

(4) A physician or surgeon in another state or territory 4667  
who is a legal practitioner of medicine or surgery therein and 4668  
provided services to a patient in that state or territory, when 4669  
providing, not later than one year after the last date services 4670  
were provided in another state or territory, follow-up services 4671  
in person or through the use of any communication, including 4672  
oral, written, or electronic communication, in this state to the 4673

patient for the same condition; 4674

(5) A physician or surgeon residing on the border of a 4675  
contiguous state and authorized under the laws thereof to 4676  
practice medicine and surgery therein, whose practice extends 4677  
within the limits of this state. Such practitioner shall not 4678  
either in person or through the use of any communication, 4679  
including oral, written, or electronic communication, open an 4680  
office or appoint a place to see patients or receive calls 4681  
within the limits of this state. 4682

(6) A board, committee, or corporation engaged in the 4683  
conduct described in division (A) of section 2305.251 of the 4684  
Revised Code when acting within the scope of the functions of 4685  
the board, committee, or corporation; 4686

(7) The conduct of an independent review organization 4687  
accredited by the superintendent of insurance under section 4688  
3922.13 of the Revised Code for the purpose of external reviews 4689  
conducted under Chapter 3922. of the Revised Code. 4690

As used in division (A) (1) of this section, "armed forces 4691  
of the United States" means the army, air force, navy, marine 4692  
corps, coast guard, and any other military service branch that 4693  
is designated by congress as a part of the armed forces of the 4694  
United States. 4695

(B) (1) Subject to division (B) (2) of this section, this 4696  
chapter does not apply to a person who holds a current, 4697  
unrestricted license to practice medicine and surgery or 4698  
osteopathic medicine and surgery in another state when the 4699  
person, pursuant to a written agreement with an athletic team 4700  
located in the state in which the person holds the license, 4701  
provides medical services to any of the following while the team 4702

is traveling to or from or participating in a sporting event in 4703  
this state: 4704

(a) A member of the athletic team; 4705

(b) A member of the athletic team's coaching, 4706  
communications, equipment, or sports medicine staff; 4707

(c) A member of a band or cheerleading squad accompanying 4708  
the athletic team; 4709

(d) The athletic team's mascot. 4710

(2) In providing medical services pursuant to division (B) 4711  
(1) of this section, the person shall not provide medical 4712  
services at a health care facility, including a hospital, an 4713  
ambulatory surgical facility, or any other facility in which 4714  
medical care, diagnosis, or treatment is provided on an 4715  
inpatient or outpatient basis. 4716

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 4717  
apply to any graduate of a podiatric school or college while 4718  
performing those acts that may be prescribed by or incidental to 4719  
participation in an accredited podiatric internship, residency, 4720  
or fellowship program situated in this state approved by the 4721  
state medical board. 4722

(D) This chapter does not apply to an individual engaged 4723  
in the practice of oriental medicine practitioner, or to an 4724  
acupuncturist who complies with Chapter 4762. of the Revised 4725  
Code. 4726

(E) This chapter does not prohibit the administration of 4727  
drugs by any of the following: 4728

(1) An individual who is licensed or otherwise 4729  
specifically authorized by the Revised Code to administer drugs; 4730

(2) An individual who is not licensed or otherwise 4731  
specifically authorized by the Revised Code to administer drugs, 4732  
but is acting pursuant to the rules for delegation of medical 4733  
tasks adopted under section 4731.053 of the Revised Code; 4734

(3) An individual specifically authorized to administer 4735  
drugs pursuant to a rule adopted under the Revised Code that is 4736  
in effect on April 10, 2001, as long as the rule remains in 4737  
effect, specifically authorizing an individual to administer 4738  
drugs. 4739

(F) The exemptions described in divisions (A) (3), (4), and 4740  
(5) of this section do not apply to a physician or surgeon whose 4741  
license to practice issued under this chapter is under 4742  
suspension or has been revoked or permanently revoked by action 4743  
of the state medical board. 4744

**Sec. 4731.572.** (A) The state medical board ~~may~~ shall 4745  
issue, without examination, a visiting podiatric faculty 4746  
certificate to any person who holds a current, unrestricted 4747  
license to practice podiatric medicine and surgery issued by 4748  
another state or country and has been appointed to serve in this 4749  
state on the academic staff of an approved college of podiatric 4750  
medicine and surgery in good standing, as determined by the 4751  
board. 4752

(B) An applicant for a visiting podiatric faculty 4753  
certificate shall submit evidence satisfactory to the board that 4754  
the applicant meets the requirements of division (A) of this 4755  
section. ~~The applicant shall pay a fee of one hundred twenty-~~ 4756  
~~five dollars.~~ 4757

(C) The holder of a visiting podiatric faculty certificate 4758  
may practice podiatric medicine and surgery only as is 4759

incidental to the certificate holder's teaching duties at the 4760  
college or the teaching hospitals affiliated with the college. 4761  
The board may revoke a certificate on receiving proof 4762  
satisfactory to the board that the holder of the certificate has 4763  
engaged in practice in this state outside the scope of the 4764  
certificate or that there are grounds for action against the 4765  
certificate holder under section 4731.22 of the Revised Code. 4766

(D) A visiting podiatric faculty certificate is valid for 4767  
the shorter of one year or the duration of the holder's 4768  
appointment to the academic staff of the college. The 4769  
certificate may not be renewed. 4770

**Sec. 4734.211.** (A) In consultation with the state medical 4771  
board, the state chiropractic board shall approve courses of 4772  
study in acupuncture that prepare a chiropractor licensed under 4773  
this chapter to receive a certificate to practice acupuncture 4774  
issued under section ~~4732.283~~4734.283 of the Revised Code. 4775

(B) To be approved, a course of study must require the 4776  
successful completion of at least three hundred hours of 4777  
instruction. Of the three hundred hours of instruction, at least 4778  
two hundred hours must consist of direct clinical instruction 4779  
that covers all of the following: 4780

- (1) Application of acupuncture techniques; 4781
- (2) An introduction to traditional Chinese acupuncture; 4782
- (3) Acupuncture points; 4783
- (4) Applications of acupuncture in modern western 4784  
medicine; 4785
- (5) Guidelines on safety in acupuncture; 4786
- (6) Treatment techniques. 4787

(C) In determining whether to approve a course of study, 4788  
the state chiropractic board shall take into consideration the 4789  
qualifications of the entity that administers the course of 4790  
study. The board may approve a course of study that is 4791  
administered by any of the following: 4792

(1) A school or college of chiropractic that has been 4793  
approved by a national entity acceptable to the board; 4794

(2) An institution with an acupuncture program that is 4795  
accredited by the accreditation commission for acupuncture and 4796  
oriental medicine; 4797

(3) A school or college of medicine and surgery, 4798  
osteopathic medicine and surgery, or podiatric medicine and 4799  
surgery; 4800

(4) A hospital; 4801

(5) An institution that holds a certificate of 4802  
authorization from the board of regents; 4803

(6) An institution that holds program authorization from 4804  
the state board of career colleges and schools under section 4805  
3332.05 of the Revised Code. 4806

**Sec. 4734.31.** (A) The state chiropractic board may take 4807  
any of the actions specified in division (B) of this section 4808  
against an individual who has applied for or holds a license to 4809  
practice chiropractic in this state if any of the reasons 4810  
specified in division (C) of this section for taking action 4811  
against an individual are applicable. Except as provided in 4812  
division (D) of this section, actions taken against an 4813  
individual shall be taken in accordance with Chapter 119. of the 4814  
Revised Code. The board may specify that any action it takes is 4815  
a permanent action. The board's authority to take action against 4816

an individual is not removed or limited by the individual's 4817  
failure to renew a license. 4818

(B) In its imposition of sanctions against an individual, 4819  
the board may do any of the following: 4820

(1) Refuse to issue, renew, restore, or reinstate a 4821  
license to practice chiropractic or a certificate to practice 4822  
acupuncture; 4823

(2) Reprimand or censure a license holder; 4824

(3) Place limits, restrictions, or probationary conditions 4825  
on a license holder's practice; 4826

(4) Impose a civil fine of not more than five thousand 4827  
dollars according to a schedule of fines specified in rules that 4828  
the board shall adopt in accordance with Chapter 119. of the 4829  
Revised Code. 4830

(5) Suspend a license to practice chiropractic or a 4831  
certificate to practice acupuncture for a limited or indefinite 4832  
period; 4833

(6) Revoke a license to practice chiropractic or a 4834  
certificate to practice acupuncture. 4835

(C) The board may take the actions specified in division 4836  
(B) of this section for any of the following reasons: 4837

(1) A plea of guilty to, a judicial finding of guilt of, 4838  
or a judicial finding of eligibility for intervention in lieu of 4839  
conviction for, a felony in any jurisdiction, in which case a 4840  
certified copy of the court record shall be conclusive evidence 4841  
of the conviction; 4842

(2) Commission of an act that constitutes a felony in this 4843



state, regardless of the jurisdiction in which the act was 4844  
committed; 4845

(3) A plea of guilty to, a judicial finding of guilt of, 4846  
or a judicial finding of eligibility for intervention in lieu of 4847  
conviction for, a misdemeanor involving moral turpitude, as 4848  
determined by the board, in which case a certified copy of the 4849  
court record shall be conclusive evidence of the matter; 4850

(4) Commission of an act involving moral turpitude that 4851  
constitutes a misdemeanor in this state, regardless of the 4852  
jurisdiction in which the act was committed; 4853

(5) A plea of guilty to, a judicial finding of guilt of, 4854  
or a judicial finding of eligibility for intervention in lieu of 4855  
conviction for, a misdemeanor committed in the course of 4856  
practice, in which case a certified copy of the court record 4857  
shall be conclusive evidence of the matter; 4858

(6) Commission of an act in the course of practice that 4859  
constitutes a misdemeanor in this state, regardless of the 4860  
jurisdiction in which the act was committed; 4861

(7) A violation or attempted violation of this chapter or 4862  
the rules adopted under it governing the practice of 4863  
chiropractic and the practice of acupuncture by a chiropractor 4864  
licensed under this chapter; 4865

(8) Failure to cooperate in an investigation conducted by 4866  
the board, including failure to comply with a subpoena or order 4867  
issued by the board or failure to answer truthfully a question 4868  
presented by the board at a deposition or in written 4869  
interrogatories, except that failure to cooperate with an 4870  
investigation shall not constitute grounds for discipline under 4871  
this section if the board or a court of competent jurisdiction 4872

has issued an order that either quashes a subpoena or permits 4873  
the individual to withhold the testimony or evidence in issue; 4874

(9) Engaging in an ongoing professional relationship with 4875  
a person or entity that violates any provision of this chapter 4876  
or the rules adopted under it, unless the chiropractor makes a 4877  
good faith effort to have the person or entity comply with the 4878  
provisions; 4879

(10) Retaliating against a chiropractor for the 4880  
chiropractor's reporting to the board or any other agency with 4881  
jurisdiction any violation of the law or for cooperating with 4882  
the board of another agency in the investigation of any 4883  
violation of the law; 4884

(11) Aiding, abetting, assisting, counseling, or 4885  
conspiring with any person in that person's violation of any 4886  
provision of this chapter or the rules adopted under it, 4887  
including the practice of chiropractic without a license, the 4888  
practice of acupuncture without a certificate, or aiding, 4889  
abetting, assisting, counseling, or conspiring with any person 4890  
in that person's unlicensed practice of any other health care 4891  
profession that has licensing requirements; 4892

(12) With respect to a report or record that is made, 4893  
filed, or signed in connection with the practice of chiropractic 4894  
or acupuncture, knowingly making or filing a report or record 4895  
that is false, intentionally or negligently failing to file a 4896  
report or record required by federal, state, or local law or 4897  
willfully impeding or obstructing the required filing, or 4898  
inducing another person to engage in any such acts; 4899

(13) Making a false, fraudulent, or deceitful statement to 4900  
the board or any agent of the board during any investigation or 4901

other official proceeding conducted by the board under this 4902  
chapter or in any filing that must be submitted to the board; 4903

(14) Attempting to secure a license to practice 4904  
chiropractic or certificate to practice acupuncture or to 4905  
corrupt the outcome of an official board proceeding through 4906  
bribery or any other improper means; 4907

(15) Willfully obstructing or hindering the board or any 4908  
agent of the board in the discharge of the board's duties; 4909

(16) Habitually using drugs or intoxicants to the extent 4910  
that the person is rendered unfit for the practice of 4911  
chiropractic or acupuncture; 4912

(17) Inability to practice chiropractic or acupuncture 4913  
according to acceptable and prevailing standards of care by 4914  
reason of chemical dependency, mental illness, or physical 4915  
illness, including conditions in which physical deterioration 4916  
has adversely affected the person's cognitive, motor, or 4917  
perceptive skills and conditions in which a chiropractor's 4918  
continued practice may pose a danger to the chiropractor or the 4919  
public; 4920

(18) Any act constituting gross immorality relative to the 4921  
person's practice of chiropractic or acupuncture, including acts 4922  
involving sexual abuse, sexual misconduct, or sexual 4923  
exploitation; 4924

(19) Exploiting a patient for personal or financial gain; 4925

(20) Failing to maintain proper, accurate, and legible 4926  
records in the English language documenting each patient's care, 4927  
including, as appropriate, records of the following: dates of 4928  
treatment, services rendered, examinations, tests, x-ray 4929  
reports, referrals, and the diagnosis or clinical impression and 4930

clinical treatment plan provided to the patient; 4931

(21) Except as otherwise required by the board or by law, 4932  
disclosing patient information gained during the chiropractor's 4933  
professional relationship with a patient without obtaining the 4934  
patient's authorization for the disclosure; 4935

(22) Commission of willful or gross malpractice, or 4936  
willful or gross neglect, in the practice of chiropractic or 4937  
acupuncture; 4938

(23) Failing to perform or negligently performing an act 4939  
recognized by the board as a general duty or the exercise of due 4940  
care in the practice of chiropractic or acupuncture, regardless 4941  
of whether injury results to a patient from the failure to 4942  
perform or negligent performance of the act; 4943

(24) Engaging in any conduct or practice that impairs or 4944  
may impair the ability to practice chiropractic or acupuncture 4945  
safely and skillfully; 4946

(25) Practicing, or claiming to be capable of practicing, 4947  
beyond the scope of the practice of chiropractic or acupuncture 4948  
as established under this chapter and the rules adopted under 4949  
this chapter; 4950

(26) Accepting and performing professional 4951  
responsibilities as a chiropractor or chiropractor with a 4952  
certificate to practice acupuncture when not qualified to 4953  
perform those responsibilities, if the person knew or had reason 4954  
to know that the person was not qualified to perform them; 4955

(27) Delegating any of the professional responsibilities 4956  
of a chiropractor or chiropractor with a certificate to practice 4957  
acupuncture to an employee or other individual when the 4958  
delegating chiropractor knows or had reason to know that the 4959

employee or other individual is not qualified by training, 4960  
experience, or professional licensure to perform the 4961  
responsibilities; 4962

(28) Delegating any of the professional responsibilities 4963  
of a chiropractor or chiropractor with a certificate to practice 4964  
acupuncture to an employee or other individual in a negligent 4965  
manner or failing to provide proper supervision of the employee 4966  
or other individual to whom the responsibilities are delegated; 4967

(29) Failing to refer a patient to another health care 4968  
practitioner for consultation or treatment when the chiropractor 4969  
knows or has reason to know that the referral is in the best 4970  
interest of the patient; 4971

(30) Obtaining or attempting to obtain any fee or other 4972  
advantage by fraud or misrepresentation; 4973

(31) Making misleading, deceptive, false, or fraudulent 4974  
representations in the practice of chiropractic or acupuncture; 4975

(32) Being guilty of false, fraudulent, deceptive, or 4976  
misleading advertising or other solicitations for patients or 4977  
knowingly having professional connection with any person that 4978  
advertises or solicits for patients in such a manner; 4979

(33) Violation of a provision of any code of ethics 4980  
established or adopted by the board under section 4734.16 of the 4981  
Revised Code; 4982

(34) Failing to meet the examination requirements for 4983  
receipt of a license specified under section 4734.20 of the 4984  
Revised Code; 4985

(35) Actions taken for any reason, other than nonpayment 4986  
of fees, by the chiropractic or acupuncture licensing authority 4987

of another state or country;	4988
(36) Failing to maintain clean and sanitary conditions at	4989
the clinic, office, or other place in which chiropractic	4990
services or acupuncture services are provided;	4991
(37) Except as provided in division (G) of this section:	4992
(a) Waiving the payment of all or any part of a deductible	4993
or copayment that a patient, pursuant to a health insurance or	4994
health care policy, contract, or plan that covers the	4995
chiropractor's services, otherwise would be required to pay if	4996
the waiver is used as an enticement to a patient or group of	4997
patients to receive health care services from that chiropractor;	4998
(b) Advertising that the chiropractor will waive the	4999
payment of all or any part of a deductible or copayment that a	5000
patient, pursuant to a health insurance or health care policy,	5001
contract, or plan that covers the chiropractor's services,	5002
otherwise would be required to pay.	5003
(38) Failure to supervise <del>an oriental medicine</del>	5004
<del>practitioner performing acupuncture or an acupuncturist in</del>	5005
accordance with the provisions of section 4762.11 of the Revised	5006
Code that are applicable to a supervising chiropractor.	5007
(D) The adjudication requirements of Chapter 119. of the	5008
Revised Code apply to the board when taking actions against an	5009
individual under this section, except as follows:	5010
(1) An applicant is not entitled to an adjudication for	5011
failing to meet the conditions specified under section 4734.20	5012
of the Revised Code for receipt of a license that involve the	5013
board's examination on jurisprudence or the examinations of the	5014
national board of chiropractic examiners.	5015

(2) A person is not entitled to an adjudication if the 5016  
person fails to make a timely request for a hearing, in 5017  
accordance with Chapter 119. of the Revised Code. 5018

(3) In lieu of an adjudication, the board may accept the 5019  
surrender of a license to practice chiropractic or certificate 5020  
to practice acupuncture from a chiropractor. 5021

(4) In lieu of an adjudication, the board may enter into a 5022  
consent agreement with an individual to resolve an allegation of 5023  
a violation of this chapter or any rule adopted under it. A 5024  
consent agreement, when ratified by the board, shall constitute 5025  
the findings and order of the board with respect to the matter 5026  
addressed in the agreement. If the board refuses to ratify a 5027  
consent agreement, the admissions and findings contained in the 5028  
consent agreement shall be of no force or effect. 5029

(E) This section does not require the board to hire, 5030  
contract with, or retain the services of an expert witness when 5031  
the board takes action against a chiropractor concerning 5032  
compliance with acceptable and prevailing standards of care in 5033  
the practice of chiropractic or acupuncture. As part of an 5034  
action taken concerning compliance with acceptable and 5035  
prevailing standards of care, the board may rely on the 5036  
knowledge of its members for purposes of making a determination 5037  
of compliance, notwithstanding any expert testimony presented by 5038  
the chiropractor that contradicts the knowledge and opinions of 5039  
the members of the board. 5040

(F) The sealing of conviction records by a court shall 5041  
have no effect on a prior board order entered under this section 5042  
or on the board's jurisdiction to take action under this section 5043  
if, based on a plea of guilty, a judicial finding of guilt, or a 5044  
judicial finding of eligibility for intervention in lieu of 5045

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.

(G) Actions shall not be taken pursuant to division (C) (37) of this section against any chiropractor who waives deductibles and copayments as follows:

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

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

**Sec. 4736.01.** As used in this chapter:

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.

(B) ~~"Sanitarian"~~ "Environmental health specialist" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring



specialized knowledge and skills in the field of environmental health science. 5075  
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(C) ~~"Registered sanitarian"~~ "Registered environmental health specialist" means a person who is registered as a ~~sanitarian~~ an environmental health specialist in accordance with this chapter. 5077  
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(D) ~~"Sanitarian in training"~~ "Environmental health specialist in training" means a person who is registered as a ~~sanitarian in training~~ an environmental health specialist in training in accordance with this chapter. 5081  
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(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following: 5085  
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(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 3733. of the Revised Code; 5094  
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(2) Chapter 3734. of the Revised Code as it pertains to solid waste; 5096  
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(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, or section 3715.21 of the Revised Code; 5098  
5099  
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(4) Rules adopted under former section 3701.34 of the Revised Code pertaining to rabies control or swimming pools; 5101  
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(5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary inspections.

"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered ~~sanitarian~~environmental health specialist.

The director of health may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the director under Chapter 119. of the Revised Code.

**Sec. 4736.02.** There is hereby created the ~~sanitarian~~environmental health specialist advisory board consisting of seven members appointed by the director of health with the advice and consent of the senate for terms established in accordance with rules adopted by the director under section 4736.03 of the Revised Code. The advisory board shall advise the director regarding the registration of ~~sanitarians-in-training~~environmental health specialists in training and ~~sanitarians~~environmental health specialists, continuing education requirements for ~~sanitarians~~environmental health specialists, the ~~administration of examinations prescribed~~manner in which the passage of an examination required by section 4736.09 of the Revised Code is verified, the education criteria required under section 4736.08 of the Revised Code, and any other matters as may be of assistance to the director in the regulation of ~~sanitarians~~environmental health specialists and

~~sanitarians in training~~environmental health specialists in 5133  
training. 5134

Each member appointed by the director shall be a 5135  
registered ~~sanitarian~~environmental health specialist who meets 5136  
the education and experience requirements of section 4736.08 of 5137  
the Revised Code for registration as a ~~sanitarian~~an 5138  
environmental health specialist. At least one and not more than 5139  
two of the members shall be employees of a general health 5140  
district; at least one and not more than two shall be employees 5141  
of a city health district; and at least one and not more than 5142  
two shall be employed in private industry. Not more than one 5143  
member may be employed by a university and not more than one 5144  
member may be employed by an agency or department of the state. 5145

Within ninety days of ~~the effective date of this amendment~~ 5146  
September 29, 2017, the director shall make initial appointments 5147  
to the advisory board. 5148

**Sec. 4736.03.** The director of health shall adopt and may 5149  
amend or rescind rules in accordance with Chapter 119. of the 5150  
Revised Code governing the ~~administration of the examinations~~ 5151  
~~prescribed manner in which the passage of an examination~~ 5152  
required by section 4736.09 of the Revised Code is verified, 5153  
prescribing the form for application, establishing criteria for 5154  
determining what courses may be included toward fulfillment of 5155  
the science course requirements of section 4736.08 of the 5156  
Revised Code, determining the continuing education program 5157  
requirements of section 4736.11 of the Revised Code, and for the 5158  
administration and enforcement of this chapter. 5159

The director shall adopt, in accordance with Chapter 119. 5160  
of the Revised Code, rules establishing terms of office for 5161  
members of the ~~sanitarian~~environmental health specialist 5162

advisory board created in section 4736.02 of the Revised Code. 5163

**Sec. 4736.05.** The director of health shall review and 5164  
evaluate ~~applications~~ each application for ~~registration as~~ 5165  
~~sanitarians~~ an environmental health specialist registration and 5166  
~~sanitarians in training, conduct examinations, environmental~~ 5167  
health specialists in training registration. The director also 5168  
shall review and approve expenses, prepare and approve reports, 5169  
and transact all other business as may be necessary to 5170  
administer and enforce Chapter 4736. of the Revised Code. 5171

**Sec. 4736.06.** All receipts of the department of health 5172  
that are associated with ~~sanitarian~~ environmental health 5173  
specialist and ~~sanitarian in training~~ environmental health 5174  
specialist in training registration and renewal fees shall be 5175  
deposited in the state treasury to the credit of the general 5176  
operations fund created in section 3701.83 of the Revised Code. 5177

**Sec. 4736.08.** ~~An application for registration~~ A person 5178  
seeking to register as a ~~sanitarian~~ an environmental health 5179  
specialist shall ~~be made~~ submit an application to the director 5180  
of health on a form prescribed by the director ~~and accompanied~~ 5181  
~~by the~~. Along with the application, the person shall submit the 5182  
application fee prescribed in section 4736.12 of the Revised 5183  
Code. The director shall register an applicant if the applicant 5184  
~~is of good moral character, passes an examination conducted by~~ 5185  
~~the director in accordance with~~ complies with the examination 5186  
requirements specified under section 4736.09 of the Revised 5187  
Code, and meets the education and experience requirements of 5188  
division (A), (B), or (C) of this section: 5189

(A) Graduated from an accredited college or university 5190  
with at least a baccalaureate degree, including at least forty- 5191  
five quarter units or thirty semester units of science courses 5192

approved by the director; and completed at least two years of 5193  
full-time employment as a ~~sanitarian~~an environmental health 5194  
specialist; 5195

(B) Graduated from an accredited college or university 5196  
with at least a baccalaureate degree, completed a major in 5197  
environmental health science which included an internship 5198  
program approved by the director; and completed at least one 5199  
year of full-time employment as a ~~sanitarian~~an environmental 5200  
health specialist; 5201

(C) Graduated from an accredited college or university 5202  
with a degree higher than a baccalaureate degree, including at 5203  
least forty-five quarter units or thirty semester units of 5204  
science courses approved by the director; and completed at least 5205  
one year of full-time employment as a ~~sanitarian~~an environmental 5206  
health specialist. 5207

~~Sec. 4736.09. Examinations required by section 4736.08 of~~ 5208  
~~the Revised Code shall be conducted not less than once each~~ 5209  
~~calendar year at such times and places as the director of health~~ 5210  
~~prescribes. Such examinations shall be written and shall include~~ 5211  
~~applicable subjects in the field of environmental health science~~ 5212  
~~and such other subjects as the director may prescribe. The~~ 5213  
~~examination shall be objective and practical. Any examination~~ 5214  
~~papers shall not disclose the name of the applicant, but shall~~ 5215  
~~be identified by a number assigned by the director. The~~ 5216  
~~preparation of the examination shall be the responsibility of~~ 5217  
~~the director; however, the director may use material prepared by~~ 5218  
~~recognized examination agencies~~Prior to applying for an initial 5219  
environmental health specialist registration, a person shall 5220  
take the credentialed national environmental health association 5221  
examination administered by the department of health. 5222

~~No person shall be registered. The director of health shall~~ 5223  
~~not register the person~~ if the person fails to meet the minimum 5224  
~~grade requirements~~ requirement for the examination specified by 5225  
~~the director~~ national environmental health association. An 5226  
~~applicant who fails to meet such minimum grade requirements in~~ 5227  
~~the applicant's first examination may be reexamined at any time~~ 5228  
~~and place specified by the director, upon resubmission of an~~ 5229  
~~application and payment of the fee prescribed in section 4736.12~~ 5230  
~~of the Revised Code. An applicant for registration who meets the~~ 5231  
minimum grade requirement shall verify the grade with the 5232  
director on a form and in a manner prescribed by the director. 5233

**Sec. 4736.10.** Any person who meets the educational 5234  
qualifications of division (A), (B), or (C) of section 4736.08 5235  
of the Revised Code, but does not meet the experience 5236  
requirement of such division may make application to the 5237  
director of health on a form prescribed by the director for 5238  
registration as a ~~sanitarian in training~~ an environmental health 5239  
specialist in training. The director shall register ~~such the~~ 5240  
person as a ~~sanitarian in training~~ an environmental health 5241  
specialist in training upon payment of the fee required by 5242  
section 4736.12 of the Revised Code, ~~if the person passes any~~ 5243  
~~examination which the director may require for registration as a~~ 5244  
~~sanitarian in training. Any such examination shall be conducted~~ 5245  
~~in the same manner as the examination required for registration~~ 5246  
~~as a sanitarian under section 4736.09 of the Revised Code.~~ 5247

~~A sanitarian in training~~ An environmental health 5248  
specialist in training shall apply for registration as a 5249  
~~sanitarian~~ an environmental health specialist within three years 5250  
after registration as a ~~sanitarian in training~~ an environmental 5251  
health specialist in training. The director may extend the 5252  
registration of any ~~sanitarian in training~~ environmental health 5253

specialist in training who furnishes, in writing, sufficient 5254  
cause for not applying for registration as ~~a sanitarian~~an 5255  
environmental health specialist within the three-year period. 5256  
However, the director shall not extend the registration more 5257  
than an additional two years beyond the three-year period. 5258

**Sec. 4736.11.** (A) The director of health shall issue a 5259  
certificate of registration to any applicant whom it registers 5260  
as ~~a sanitarian~~an environmental health specialist or ~~a~~ 5261  
~~sanitarian in training~~an environmental health specialist in 5262  
training. Such certificate shall bear: 5263

~~(A)~~ (1) The name of the person; 5264

~~(B)~~ (2) The date of issue; 5265

~~(C)~~ (3) A serial number, designated by the director; 5266

~~(D)~~ (4) The signature of the director; 5267

~~(E)~~ (5) The designation "~~registered sanitarian~~" 5268  
"registered environmental health specialist" or "~~sanitarian in~~ 5269  
~~training.~~""environmental health specialist in training." 5270

(B) Certificates of registration ~~shall expire annually~~ 5271  
biennially on the date fixed by the director and become invalid 5272  
on that date unless renewed pursuant to this section. All 5273  
registered ~~sanitarians shall be~~ environmental health specialists 5274  
are required annually biennially to complete a continuing 5275  
education program in subjects relating to practices of the 5276  
profession as ~~a sanitarian to the end~~ an environmental health 5277  
specialist. The purpose of the program is that the utilization 5278  
and application of new techniques, scientific advancements, and 5279  
research findings will assure comprehensive service to the 5280  
public. ~~The~~ 5281

(C) The director shall prescribe by rule a continuing 5282  
education program for registered ~~sanitarians~~ environmental 5283  
~~health specialists~~ to meet this requirement. ~~The length of study~~ 5284  
~~for this program~~ Under the program, an environmental health 5285  
~~specialist shall be determined by the director but shall be not~~ 5286  
~~less than six nor more than twenty five~~ complete twenty-four 5287  
~~hours of continuing education during the ~~calendar year~~ biennial~~ 5288  
~~period~~. At least once annually the director shall provide to 5289  
each registered ~~sanitarian~~ environmental health specialist a 5290  
list of courses approved by the director as satisfying the 5291  
program prescribed by rule. Upon the request of a registered 5292  
~~sanitarian~~ environmental health specialist, the director shall 5293  
supply a list of applicable courses that the director has 5294  
approved. ~~A~~ 5295

(D) A certificate may be renewed for a period of ~~one year~~ 5296  
~~two years~~ at any time prior to the date of expiration upon 5297  
payment of the renewal fee prescribed by section 4736.12 of the 5298  
Revised Code and upon showing proof of having complied with the 5299  
continuing education requirements of this section. The director 5300  
may waive the continuing education requirement in cases of 5301  
certified illness or disability which prevents the attendance at 5302  
any qualified educational seminars during the ~~twelve~~ twenty-four 5303  
months immediately preceding the ~~annual~~ biennial certificate of 5304  
registration renewal date. Certificates ~~which~~ that expire may be 5305  
reinstated under rules adopted by the director. 5306

(E) An environmental health specialist shall not be 5307  
required to pass an examination for purposes of renewal. 5308

**Sec. 4736.12.** (A) The director of health shall charge the 5309  
following fees: 5310

(1) To apply as a ~~sanitarian in training~~ an environmental 5311



health specialist in training, eighty-five dollars; 5312

(2) For ~~sanitarians in training~~ an environmental health specialist in training to apply for registration as ~~sanitarians~~ an environmental health specialist, eighty-five 5313  
dollars. The applicant shall pay this fee only once regardless 5314  
of the number of times the applicant takes an examination 5315  
required under section 4736.08 of the Revised Code. 5316  
5317  
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(3) For persons other than ~~sanitarians in training~~ environmental health specialists in training to apply for 5319  
registration as ~~sanitarians~~ environmental health specialists, one 5320  
hundred sixty dollars. The applicant shall pay this fee only 5321  
once regardless of the number of times the applicant takes an 5322  
examination required under section 4736.08 of the Revised Code. 5323  
5324

(4) The renewal fee for a registered ~~sanitarians~~ environmental health specialist is seventy-five 5325  
dollars. 5326

(5) The renewal fee for ~~sanitarians in training~~ shall be 5327  
seventy-five dollars. a registered environmental health specialist in training 5328  
is thirty-five dollars. 5329

(6) For late application for renewal, an additional 5330  
seventy-five dollars. 5331

The director, with the approval of the controlling board, 5332  
may establish fees in excess of the amounts provided in this 5333  
section, provided that such fees do not exceed the amounts 5334  
permitted by this section by more than fifty per cent. 5335

(B) The director shall charge ~~separate fees~~ a fee for 5336  
~~examinations as the examination~~ required by section 4736.08 of 5337  
the Revised Code, provided that the ~~fees are~~ fee is not in 5338  
excess of the actual cost to the department of health of 5339  
conducting the examinations. 5340

(C) The director may adopt rules establishing fees for all 5341  
of the following: 5342

(1) Application for the registration of a training agency 5343  
approved under rules adopted by the director pursuant to section 5344  
4736.11 of the Revised Code and for the annual registration 5345  
renewal of an approved training agency; 5346

(2) Application for the review of continuing education 5347  
hours submitted for the director's approval by approved training 5348  
agencies or by registered ~~sanitarians~~environmental health 5349  
specialists or ~~sanitarians-in-training~~environmental health 5350  
specialists in training; 5351

(3) Additional copies of pocket identification cards and 5352  
wall certificates. 5353

**Sec. 4736.14.** The director of health may, upon application 5354  
and proof of valid registration, issue a certificate of 5355  
registration to any person who is or has been registered as a ~~sanitarian~~ 5356  
~~an environmental health specialist~~ by any other 5357  
state, if the requirements of that state at the time of such 5358  
registration are determined by the director to be at least 5359  
equivalent to the requirements of this chapter. 5360

**Sec. 4736.15.** No person shall engage in, or offer to 5361  
engage in, the practice of environmental health without being 5362  
registered in accordance with sections 4736.01 to 4736.15 of the 5363  
Revised Code. ~~A sanitarian-in-training~~An environmental health 5364  
specialist in training may engage in the practice of 5365  
environmental health for a period not to exceed five years, 5366  
provided the ~~sanitarian-in-training~~environmental health 5367  
specialist in training is supervised by a registered 5368  
~~sanitarian~~environmental health specialist. No person except a 5369

registered ~~sanitarian~~environmental health specialist shall use 5370  
the title "~~registered sanitarian~~" "registered environmental 5371  
health specialist" or the abbreviation "~~R.S.~~" "R.E.H.S." after 5372  
the person's name, or represent self as a registered 5373  
~~sanitarian~~environmental health specialist. Whoever violates this 5374  
section is guilty of a misdemeanor of the fourth degree. 5375

**Sec. 4745.04.** (A) As used in this section: 5376

(1) "Indigent and uninsured person" and "volunteer" have 5377  
the same meanings as in section 2305.234 of the Revised Code. 5378

(2) "Licensing agency that licenses health care 5379  
professionals" means all of the following: 5380

(a) The state dental board established under Chapter 4715. 5381  
of the Revised Code; 5382

(b) The board of nursing established under Chapter 4723. 5383  
of the Revised Code; 5384

(c) The state vision professionals board established under 5385  
Chapter 4725. of the Revised Code; 5386

(d) The state board of pharmacy established under Chapter 5387  
4729. of the Revised Code; 5388

(e) The state medical board established under Chapter 5389  
4731. of the Revised Code; 5390

(f) The state board of psychology established under 5391  
Chapter 4732. of the Revised Code; 5392

(g) The state chiropractic board established under Chapter 5393  
4734. of the Revised Code; 5394

(h) The Ohio occupational therapy, physical therapy, and 5395  
athletic trainers board established under Chapter 4755. of the 5396

Revised Code;	5397
(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised Code;	5398 5399 5400
(j) The chemical dependency professionals board established under Chapter 4758. of the Revised Code;	5401 5402
(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code;	5403 5404
(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;	5405 5406
(m) Any other licensing agency that considers its licensees to be health care professionals.	5407 5408
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:	5409 5410 5411 5412 5413
(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.	5414 5415 5416 5417
(2) The licensee provides the health care services to an indigent and uninsured person.	5418 5419
(3) The licensee provides the health care services as a volunteer.	5420 5421
(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from	5422 5423

liability granted under that section. 5424

(5) The health care services provided are within the scope 5425  
of authority of the licensee renewing the license. 5426

(C) (1) Except as provided in division (C) (2) of this 5427  
section, a licensing agency that licenses health care 5428  
professionals shall permit a licensee to satisfy up to one-third 5429  
of the licensee's continuing education requirement by providing 5430  
health care services as a volunteer. A licensing agency that 5431  
licenses health care professionals shall permit a licensee to 5432  
earn continuing education credits at the rate of one credit hour 5433  
for each sixty minutes spent providing health care services as a 5434  
volunteer. 5435

(2) In the case of a person holding a license to practice 5436  
medicine and surgery, osteopathic medicine and surgery, or 5437  
podiatric medicine and surgery, the state medical board shall 5438  
permit the person to satisfy not more than ~~three-ten~~ hours of 5439  
the person's continuing education requirement by providing 5440  
health care services as a volunteer. The board shall permit a 5441  
licensee to earn continuing education credits at the rate of one 5442  
credit hour for every five hours spent providing health care 5443  
services as a volunteer. 5444

(D) A licensing agency that licenses health care 5445  
professionals shall adopt rules as necessary to implement this 5446  
section. The rules shall be adopted in accordance with Chapter 5447  
119. of the Revised Code. 5448

(E) Continuing education credit received under this 5449  
section for providing health care services is not compensation 5450  
or any other form of remuneration for purposes of section 5451  
2305.234 of the Revised Code and does not make the provider of 5452

those services ineligible for the immunity from liability 5453  
granted under that section. 5454

Sec. 4762.011. On and after the effective date of this 5455  
section, this chapter no longer applies to oriental medicine 5456  
practitioners. 5457

**Sec. 5107.541.** A county department of job and family 5458  
services may contract with the chief administrator of a 5459  
nonpublic school or with any school district board of education 5460  
that has adopted a resolution under section 3319.089 of the 5461  
Revised Code to provide for a participant of the work experience 5462  
program who has a minor child enrolled in the nonpublic school 5463  
or a public school in the district to be assigned under the work 5464  
experience program to volunteer or work for compensation at the 5465  
school in which the child is enrolled. Unless it is not possible 5466  
or practical, a contract shall provide for a participant to 5467  
volunteer or work at the school as a classroom aide. If that is 5468  
impossible or impractical, the contract may provide for the 5469  
participant to volunteer to work in another position at the 5470  
school. A contract may provide for the nonpublic school or board 5471  
of education to receive funding to pay for coordinating, 5472  
training, and supervising participants volunteering or working 5473  
in schools. 5474

~~Notwithstanding section 3319.088 of the Revised Code, a A~~ 5475  
participant volunteering or working as a classroom aide under 5476  
this section is not required to obtain an educational aide- 5477  
~~permit or paraprofessional license. The participant shall not be~~ 5478  
considered an employee of a political subdivision for purposes 5479  
of Chapter 2744. of the Revised Code and is not entitled to any 5480  
immunity or defense available under that chapter, the common law 5481  
of this state, or section 9.86 of the Revised Code. 5482

An assignment under this section shall include attending 5483  
academic home enrichment classes that provide instruction for 5484  
parents in creating a home environment that prepares and enables 5485  
children to learn at school. 5486

**Sec. 6111.30.** (A) Applications for a section 401 water 5487  
quality certification required under division (O) of section 5488  
6111.03 of the Revised Code shall be submitted on forms provided 5489  
by the director of environmental protection and shall include 5490  
all information required on those forms as well as all of the 5491  
following: 5492

(1) A copy of a letter from the United States army corps 5493  
of engineers documenting its jurisdiction over the wetlands, 5494  
streams, or other waters of the state that are the subject of 5495  
the section 401 water quality certification application; 5496

(2) If the project involves impacts to a wetland, a 5497  
wetland characterization analysis consistent with the Ohio rapid 5498  
assessment method; 5499

(3) If the project involves a stream for which a specific 5500  
aquatic life use designation has not been made, data sufficient 5501  
to determine the existing aquatic life use; 5502

(4) A specific and detailed mitigation proposal, including 5503  
the location and proposed real estate instrument or other 5504  
available mechanism for protecting the property long term; 5505

(5) Applicable fees; 5506

(6) Site photographs; 5507

(7) Adequate documentation confirming that the applicant 5508  
has requested comments from the department of natural resources 5509  
and the United States fish and wildlife service regarding 5510

threatened and endangered species, including the presence or 5511  
absence of critical habitat; 5512

(8) Descriptions, schematics, and appropriate economic 5513  
information concerning the applicant's preferred alternative, 5514  
nondegradation alternatives, and minimum degradation 5515  
alternatives for the design and operation of the project; 5516

(9) The applicant's investigation report of the waters of 5517  
the United States in support of a section 404 permit application 5518  
concerning the project; 5519

(10) A copy of the United States army corps of engineers' 5520  
public notice regarding the section 404 permit application 5521  
concerning the project. 5522

(B) Not later than fifteen business days after the receipt 5523  
of an application for a section 401 water quality certification, 5524  
the director shall review the application to determine if it is 5525  
complete and shall notify the applicant in writing as to whether 5526  
the application is complete. If the director fails to notify the 5527  
applicant within fifteen business days regarding the 5528  
completeness of the application, the application is considered 5529  
complete. If the director determines that the application is not 5530  
complete, the director shall include with the written 5531  
notification an itemized list of the information or materials 5532  
that are necessary to complete the application. If the applicant 5533  
fails to provide the information or materials within sixty days 5534  
after the director's receipt of the application, the director 5535  
may return the incomplete application to the applicant and take 5536  
no further action on the application. If the application is 5537  
returned to the applicant because it is incomplete, the director 5538  
shall return the review fee levied under division (A) (1), (2), 5539  
or (3) of section 3745.114 of the Revised Code to the applicant, 5540



but shall retain the application fee levied under that section. 5541

(C) Not later than twenty-one days after a determination 5542  
that an application is complete under division (B) of this 5543  
section, the applicant shall publish public notice of the 5544  
director's receipt of the complete application in a newspaper of 5545  
general circulation in the county in which the project that is 5546  
the subject of the application is located. The public notice 5547  
shall be in a form acceptable to the director. The applicant 5548  
shall promptly provide the director with proof of publication. 5549  
The applicant may choose, subject to review by and approval of 5550  
the director, to include in the public notice an advertisement 5551  
for an antidegradation public hearing on the application 5552  
pursuant to section 6111.12 of the Revised Code. There shall be 5553  
a public comment period of thirty days following the publication 5554  
of the public notice. 5555

(D) If the director determines that there is significant 5556  
public interest in a public hearing as evidenced by the public 5557  
comments received concerning the application and by other 5558  
requests for a public hearing on the application, the director 5559  
or the director's representative shall conduct a public hearing 5560  
concerning the application. Notice of the public hearing shall 5561  
be published by the applicant, subject to review and approval by 5562  
the director, at least thirty days prior to the date of the 5563  
hearing in a newspaper of general circulation in the county in 5564  
which the project that is the subject of the application is to 5565  
take place. If a public hearing is requested concerning an 5566  
application, the director shall accept comments concerning the 5567  
application until five business days after the public hearing. A 5568  
public hearing conducted under this division shall take place 5569  
not later than one hundred days after the application is 5570  
determined to be complete. 5571

(E) The director shall forward all public comments 5572  
concerning an application submitted under this section that are 5573  
received through the public involvement process required by 5574  
rules adopted under this chapter to the applicant not later than 5575  
five business days after receipt of the comments by the 5576  
director. 5577

(F) The applicant shall respond in writing to written 5578  
comments or to deficiencies identified by the director during 5579  
the course of reviewing the application not later than fifteen 5580  
days after receiving or being notified of them. 5581

(G) The director shall issue or deny a section 401 water 5582  
quality certification not later than one hundred eighty days 5583  
after the complete application for the certification is 5584  
received. The director shall provide an applicant for a section 5585  
401 water quality certification with an opportunity to review 5586  
the certification prior to its issuance. ~~However, when a~~ 5587  
~~certified water quality professional conducts a stream or~~ 5588  
~~wetland assessment to support an application and the application~~ 5589  
~~does not require or necessitate a public hearing, the director~~ 5590  
~~shall issue or deny a section 401 water quality certification~~ 5591  
~~not later than ninety days after the complete application for~~ 5592  
~~the certification is received.~~ 5593

(H) The director shall maintain an accessible database 5594  
that includes environmentally beneficial water restoration and 5595  
protection projects that may serve as potential mitigation 5596  
projects for projects in the state for which a section 401 water 5597  
quality certification is required. A project's inclusion in the 5598  
database does not constitute an approval of the project. 5599

(I) Mitigation required by a section 401 water quality 5600  
certification may be accomplished by any of the following: 5601

(1) Purchasing credits at a mitigation bank approved in 5602  
accordance with 33 C.F.R. 332.8; 5603

(2) Participating in an in-lieu fee mitigation program 5604  
approved in accordance with 33 C.F.R. 332.8; 5605

(3) Constructing individual mitigation projects. 5606

Notwithstanding the mitigation hierarchy specified in 5607  
section 3745-1-54 of the Administrative Code, mitigation 5608  
projects shall be approved in accordance with the hierarchy 5609  
specified in 33 C.F.R. 332.3 unless the director determines that 5610  
the size or quality of the impacted resource necessitates 5611  
reasonably identifiable, available, and practicable mitigation 5612  
conducted by the applicant. The director shall adopt rules in 5613  
accordance with Chapter 119. of the Revised Code consistent with 5614  
the mitigation hierarchy specified in 33 C.F.R. 332.3. 5615

~~(J) The director shall establish a program and adopt rules 5616  
in accordance with Chapter 119. of the Revised Code for the 5617  
purpose of certifying water quality professionals to assess 5618  
streams to determine existing aquatic life use and to categorize 5619  
wetlands in support of applications for section 401 water 5620  
quality certification under divisions (A) (2) and (3) of this 5621  
section and isolated wetland permits under sections 6111.022 to 5622  
6111.024 of the Revised Code. The director shall establish a 5623  
multi-sector work group to assist in the development of rules 5624  
adopted under this division. The director shall use information 5625  
submitted by certified water quality professionals in the review 5626  
of those applications. 5627~~

~~Rules adopted under this division shall do all of the 5628  
following: 5629~~

~~(1) Provide for the certification of water quality 5630~~

~~professionals to conduct activities in support of applications for section 401 water quality certification and isolated wetland permits, including work necessary to determine existing aquatic life use of streams and categorize wetlands. Rules adopted under division (J) (1) of this section shall do at least all of the following:~~ 5631  
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~~(a) Authorize the director to require an applicant for water quality professional certification to submit information considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations;~~ 5637  
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~~(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification;~~ 5642  
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~~(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements;~~ 5645  
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~~(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials;~~ 5649  
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~~(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.~~ 5654  
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~~(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J) (1) of this section in an amount calculated to defray the costs~~ 5657  
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~~incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications;~~ 5660  
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~~(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J) (7) of this section;~~ 5663  
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~~(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J) (7) of this section;~~ 5669  
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~~(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director;~~ 5673  
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~~(6) Authorize audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J) (7) of this section;~~ 5677  
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~~(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations;~~ 5681  
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~~(8) Authorize the director to require public disclosure, including publication on the environmental protection agency's web site, of all of the following information for each certified water quality professional:~~ 5684  
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~~(a) Name;~~ 5688

<del>(b) Qualifications and credentials;</del>	5689
<del>(c) Status of the professional's certifications;</del>	5690
<del>(d) Documents and reports submitted by the certified water quality professional;</del>	5691 5692
<del>(e) Documentation and results of agency audits of the certified water quality professional's work;</del>	5693 5694
<del>(f) Any final disciplinary action related to the certified water quality professional's performance.</del>	5695 5696
<del>(K) Nothing in this section requires an applicant for a section 401 water quality certification or a permit for impacts to an isolated wetland under this chapter to use the services of a certified water quality professional.</del>	5697 5698 5699 5700
<del>(L)</del> -(J) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.	5701 5702 5703 5704 5705 5706 5707
<b>Section 2.</b> That existing sections 127.16, 1561.07, 2925.01, 3307.01, 3307.24, 3309.01, 3309.011, 3313.68, 3313.7110, 3313.7113, 3313.721, 3319.22, 3319.222, 3319.223, 3319.227, 3701.33, 3717.27, 3717.47, 3718.011, 3718.03, 3728.04, 4104.32, 4104.34, 4104.36, 4104.37, 4117.103, 4169.02, 4169.03, 4169.04, 4169.05, 4169.06, 4701.06, 4701.17, 4713.01, 4713.14, 4713.17, 4713.42, 4713.56, 4730.11, 4731.04, 4731.15, 4731.16, 4731.171, 4731.19, 4731.22, 4731.293, 4731.298, 4731.36, 4731.572, 4734.211, 4734.31, 4736.01, 4736.02, 4736.03, 4736.05, 4736.06, 4736.08, 4736.09, 4736.10, 4736.11, 4736.12, 4736.14,	5708 5709 5710 5711 5712 5713 5714 5715 5716 5717

4736.15, 4745.04, 5107.541, and 6111.30 of the Revised Code are 5718  
hereby repealed. 5719

**Section 3.** That sections 3319.221, 3319.225, 3319.2210, 5720  
3745.14, 4104.33, 4104.35, and 4734.281 of the Revised Code are 5721  
hereby repealed. 5722

**Section 4.** Sections 3319.22, 3319.223, and 3319.227 of the 5723  
Revised Code take effect two years after the effective date of 5724  
this section. During that two-year period, the State Board of 5725  
Education shall determine a method to condense the four-year 5726  
Teacher Residency program under section 3319.223 of the Revised 5727  
Code into a two-year program, including a timeframe by which 5728  
individuals enrolled in the program before the effective date of 5729  
section 3319.223 of the Revised Code, as amended by this act, 5730  
shall complete the program. 5731

**Section 5.** A sanitarian or sanitarian-in-training 5732  
registration that is valid on the effective date of this section 5733  
remains valid as a biennial environmental health specialist or 5734  
environmental health specialist in training registration, as 5735  
applicable, until the date that is two calendar years from the 5736  
date the registration was issued. 5737

**Section 6.** Notwithstanding any provision of law to the 5738  
contrary, on the effective date of this section, the Ski Tramway 5739  
Board in the Division of Industrial Compliance in the Department 5740  
of Commerce is hereby abolished. All of the authority, 5741  
functions, assets, and liabilities of the Ski Tramway Board are 5742  
transferred to the Division of Industrial Compliance. The 5743  
Division is thereupon and thereafter successor to, and assumes 5744  
the obligations, duties, authorities, and responsibilities of, 5745  
the Board. Any registration that was issued by the Board that is 5746  
current and valid on the effective date of this section is 5747

deemed to be a registration issued by the Division. 5748

Any business commenced but not completed by the effective 5749  
date of this section shall be completed by the Division in the 5750  
same manner, and with the same effect, as if completed by the 5751  
Board. 5752

No validation, cure, right, privilege, remedy, obligation, 5753  
or liability is lost or impaired by reason of this act's 5754  
transfer of responsibility from the Board to the Division. 5755

All rules, orders, and determinations made or undertaken 5756  
pursuant to the authority and responsibilities of the Board 5757  
shall continue in effect as rules, orders, and determinations of 5758  
the Division until modified or rescinded by the Division. If 5759  
necessary to ensure the integrity of the numbering system of the 5760  
Administrative Code, the Director of the Legislative Service 5761  
Commission shall renumber the rules to reflect the transfer. 5762

Any action or proceeding that is related to the functions 5763  
or duties of the Board pending on the effective date of this 5764  
section is not affected by the transfer and shall be prosecuted 5765  
or defended in the name of the Division. In all such actions and 5766  
proceedings, the Division, on application to the court, shall be 5767  
substituted as a party. 5768

All employees of the Board shall be employees of the 5769  
Division and shall serve in the positions previously held within 5770  
their respective agencies unless the Division determines 5771  
otherwise. The transfer of responsibility from the Board to the 5772  
Division shall not be deemed a transfer of employees pursuant to 5773  
division (D) (3) (b) of section 124.11 of the Revised Code. 5774

**Section 7.** Notwithstanding any provision of law to the 5775  
contrary, on the effective date of this section, the Historical 5776



Boilers Licensing Board in the Division of Industrial Compliance 5777  
in the Department of Commerce is hereby abolished. All of the 5778  
authority, functions, assets, and liabilities of the Historical 5779  
Boilers Licensing Board are transferred to the Division of 5780  
Industrial Compliance. The Division is thereupon and thereafter 5781  
successor to, and assumes the obligations, duties, authorities, 5782  
and responsibilities of, the Board. Any certificate that was 5783  
issued by the Board that is current and valid on the effective 5784  
date of this section is deemed to be a certificate issued by the 5785  
Division. 5786

Any business commenced but not completed by the effective 5787  
date of this section shall be completed by the Division in the 5788  
same manner, and with the same effect, as if completed by the 5789  
Board. 5790

No validation, cure, right, privilege, remedy, obligation, 5791  
or liability is lost or impaired by reason of this act's 5792  
transfer of responsibility from the Board to the Division. 5793

All rules, orders, and determinations made or undertaken 5794  
pursuant to the authority and responsibilities of the Board 5795  
shall continue in effect as rules, orders, and determinations of 5796  
the Division until modified or rescinded by the Division. If 5797  
necessary to ensure the integrity of the numbering system of the 5798  
Administrative Code, the Director of the Legislative Service 5799  
Commission shall renumber the rules to reflect the transfer. 5800

Any action or proceeding that is related to the functions 5801  
or duties of the Board pending on the effective date of this 5802  
section is not affected by the transfer and shall be prosecuted 5803  
or defended in the name of the Division. In all such actions and 5804  
proceedings, the Division, on application to the court, shall be 5805  
substituted as a party. 5806

All employees of the Board shall be employees of the 5807  
Division and shall serve in the positions previously held within 5808  
their respective agencies unless the Division determines 5809  
otherwise. The transfer of responsibility from the Board to the 5810  
Division shall not be deemed a transfer of employees pursuant to 5811  
division (D) (3) (b) of section 124.11 of the Revised Code. 5812

**Section 8.** (A) For the purposes of this section, 5813  
"occupational licensing board" has the same meaning as in 5814  
section 4798.01 of the Revised Code. 5815

(B) Pursuant to division (E) of section 101.62 of the 5816  
Revised Code, the following occupational licensing boards are 5817  
hereby renewed and, subject to the revisions prescribed by this 5818  
act, the statutes creating, empowering, governing, and 5819  
regulating those boards are continued: 5820

(1) The State Board of Education created under section 5821  
3301.01 of the Revised Code; 5822

(2) The Ohio Athletic Commission created under section 5823  
3773.33 of the Revised Code; 5824

(3) The Environmental Protection Agency created under 5825  
section 3745.01 of the Revised Code; 5826

(4) The Department of Natural Resources described in 5827  
Chapter 1501. of the Revised Code; 5828

(5) The Department of Health described in Chapter 3701. of 5829  
the Revised Code; 5830

(6) The State Medical Board created under section 4731.01 5831  
of the Revised Code; 5832

(7) The Ohio Home Inspector Board within the Department of 5833  
Commerce created under section 4764.04 of the Revised Code; 5834

(8) The Division of Securities within the Department of  
Commerce described in Chapter 1707. of the Revised Code; and

(9) The Ohio Construction Industry Licensing Board within  
the Department of Commerce created under section 4740.02 of the  
Revised Code.

(C) The occupational licensing boards listed in this  
section shall be triggered to expire under division (B) of  
section 101.62 of the Revised Code at the end of the thirty-  
first day of December of the sixth year following enactment of  
this section.

**Section 9.** 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:

Section 3319.22 of the Revised Code as amended by both  
H.B. 438 and S.B. 216 of the 132nd General Assembly.

Section 6111.30 of the Revised Code is presented in this  
act as a composite of the section as amended by both S.B. 2 and  
H.B. 49 of the 132nd General Assembly.